III
The Tejano Community

As the conditions of the frontera imposed their influence on Tejano government, they manifested themselves on Tejano social structure. Lulled by tradition, constantly threatened by attack, the Tejanos retained many vestiges of communal life in their municipality. These were the peculiar characteristics which Anglo visitors often failed to appreciate in the Tejano. These characteristics, anachronistic as they were, represented a concession to the rugged environment of the Texas frontier. As such, they were practical adaptations. Many of them survived as unique characteristics of the Mexican culture in Texas; others became distinguishing characteristics of the Anglos in Texas as well.

The single most distinctive characteristic of Tejano culture was the strong sense of community. The early Spaniards had brought with them a strong neighborhood concept of the barrio. When this was superimposed over the Mexican Indian's traditional concept, the calpulli, the result was a reinforced sense of social unity. Then as the early expeditions came in to settle Texas, the people came as whole families or communities. Some of these families grouped themselves around the early missions where they remained for decades. Others huddled around the presidio or in distant communities like Nacogdoches, where even the different races tended to be drawn together.¹

To the nineteenth-century Tejano the barrio was home, and the vecindario, or neighboring populace, was family. It was not enough for municipal government to provide an alcalde as the leader of the town. Each barrio had to have its own resident comisario or “judge of the barrio.” The comisarios, who saw to the social welfare and administrative matters in their respective barrios, were seen officially as the heads of these extended families. One Béjar ordinance described the comisarios as “the true Fathers of the vecindario in their respective territories.”²

An element of this concept of community was imposed on the Anglo Americans who first colonized under Tejano management. Just as the Tejano land commissioner was instructed to introduce settlers to the municipality and ayuntamiento, so was the empresario to function as a transitional introduction to the community and alcalde. The settlers would encounter formidable hardships on the Texas frontier, but the empresario should mold them into a community much as the comisarios and alcaldes had done for over a century in the Tejano barrios.

The empresario par excellence was, of course, Stephen F. Austin. In a graphic description of Austin's function as empresario, Guy M. Bryan stated: “Nobly did they perform their mission under the direction of their leader, empresario, lawgiver, judge, and military commander, whose wisdom and forecast, justice and prudence, patience and forbearance, tempered with firmness and decision, united to great tact and fidelity to obligations, enabled them and him to succeed in their objects, where so many other similar enterprises had failed in this and other countries, even when supported by the strong arm of government and wealthy corporations and capitalists.” Indeed, Austin conscientiously shoudered these many responsibilities. When Governor José Félix Trespalacios granted him civil, judicial, and military authority as empresario, Austin accepted and added, “in fact, I look upon them as one great family who are under my care.” The good empresario was, indeed, a true father of his vecindario.³

Another important aspect of Tejano community life lay in the common lands and propios which were a part of the municipality. As mentioned above, all municipalities, including San Felipe, had title to this type of land. This communal ownership enhanced the sense of unity within the vecindario. It offered a common source of timber, communal or pueblo water rights, and common pasture or woodlands. The revenue from the propios made the community a fiscal entity as well. Thus, the programs supported by ayuntamiento expenditures were, in effect, community ventures which demanded the concern and contribution of all of the citizenry.⁴ And the management of the town's social functions—whether in recreation, in social services, or in crisis—lay almost exclusively in the hands of the vecindario.

Standard procedure in the management of a municipality's social functions called for the appointment of quasiofficial committees, or municipal...
commissions. These commissions were composed of local government officials, professionals in the respective endeavor, and ordinary citizens. They were responsible for collecting funds, making necessary arrangements, and conducting the operations of the social function. One such municipal commission was the junta patriótica, or patriotic committee, responsible for conducting patriotic or civic endeavors. Patriotic committees, for example, held a fund-raising drive among citizens and soldiers of Texas to contribute to a national collection for repairs on the warship Guerrero in 1828. Their most common activities involved official celebrations, however, of such events as Constitution Day, the Feast of Corpus Christi, Christmas, Easter Thursday and Good Friday, the Feast of San Felipe de Jesús, the Feast of the Virgin of Guadalupe, and Independence Day. Preparations for these events sent the city officials busily buying refreshments, renting a dance hall, and contracting for musicians.

Mexican Independence Day was one of the major themes of the year. By 1825, it had been officially ordered that the sixteenth of September would be a national feast of “the first grito [proclamation] of independence.” This celebration was a highlight of the year in Béxar. The junta patriótica membership included the most distinguished men in Téjano society, each heading a different subcommittee. Festivities involved a three-day celebration starting on September 15 with a torchlight parade, a cannonade, and the ringing of church bells. The next day began with a solemn Te Deum mass, a day parade, speeches, and the official reenactment of the grito. Prisoners were released, troops paraded, and señoritas were officially invited to the gran baile or grand ball, sometimes called a fandango. At the fandango, a señorita Téjana could dance and display her fine dress. The Téjana wore one of the most distinctive, though seldom recognized, of Mexico’s regional costumes (trajes típicos). The formal announcement to the fandango was a colorful affair, much like a parade, called a convite or invitation. The young men of the city rode through the streets in a group on gaily decorated horses, playing the guitar and singing as they went. The third day terminated the activities with all the citizens dressed in mourning to attend a “mass for the departed.” Throughout all of these events, the junta patriótica was responsible for refreshments, music, and official speeches.

Another commission, the junta de sanitad, ordinarily supervised sanitation ordinances, and served as a vital coordinating committee in times of epidemic. In the smallpox epidemic of 1831, for example, the Béxar Junta de Sanidad played such a rôle. The state government of Coahuila y Texas had decreed in May of 1830 that immunization procedures should begin at once for the spreading epidemic. Jefe Político Ramón Múquiz of Béxar relayed the order to Goliad, Nacogdoches, and to the Anglo colonies, setting forth the time and place for vaccination of the public. By the end of the year, the disease had reached Béxar. On January 22, 1831, the town fathers met to discuss measures to combat the epidemic. They decided that the junta de sanitad should be fully activated and authorized to direct such measures in accordance with the law.

The Béxar Junta de Sanidad met on January 23 to develop a plan of action. As jefe político, Múquiz was the president of the junta. Official members included Juan Martín de Veramendi as vice president, Alcalde José María Salinas, and parish priests Refugio de la Garza and Francisco Maynes. Other members were appointed from among the citizenry. The first act of the junta was to assign cuarteles (headquarters) for each barrio of the municipality with a leader in each cuartel. They drew up a set of instructions for public procedures during the crisis, and administered med-
icine free to indigents and at a reasonable price to others. As the community of Béxar weathered the epidemic, the junta continued to meet regularly, to administer aid, and to keep official count of the cases.6

The cholera epidemic that struck Texas in 1834 illustrates the effects epidemics had on Tejano communities. This particular scourge struck most heavily in the Goliad region, killing ninety-one in Goliad and twenty-five in Victoria. Its effects cast an aura of xenophobia on the bewildered communities. Townspeople evacuated the barrios and camped in the countryside. Goliad was said to have looked as if it had been “wiped out.” Béxar declared a general quarantine and posted guards to intercept and bar travelers from the direction of Goliad.

Authorities issued instructions for combating the epidemics, but ignorance of the nature of diseases resulted in speculative reasoning and desperate measures. The Laredo authorities prohibited dances, and had the streets watered down regularly. The Goliad ayuntamiento took pork and fruit off the market as suspected bearers of the disease. They filtered the cistern water before using it for drinking purposes. They buried immediately any victims of the disease in a new cemetery located downwind from the town. With the evacuation of towns and prohibitions against intercity travel, Tejano society went into a state of suspended animation until the disease slowly died out on its own. If these procedures seem futile to the modern reader, they were no less justifiable to the nineteenth-century Tejanos, for if they survived such a scourge on the frontier, it was through one of the many desperate actions of their families and the vecindario. Therein, they saw the means and their only hope for survival.7

Tejano water law also amply illustrates the Tejanos’ development of local self-government. Their Hispanic background had given the Tejanos a highly developed philosophy on water management. Drawing on this tradition, the Tejanos created local water systems which they governed by basic principles of ancient law. In so doing, the Tejanos instituted the first adaptation of European civilization to the semiarid environment of Texas. More than a century later, Anglos would add the advantages of technology to the acquisition and control of water. The result was a combination that would become one of the many distinctive traits of Texas. Few institutions demonstrate as vividly as water law the historical genius of Texas for combining Mexican traditional culture with Anglo technology.

In the Hispanic mind, the consideration of water was a natural function in the valuation of land. Betty Eakle Dobkins states in her classic study The

Spanish Element in Texas Water Law that the Spaniards of Texas “recognized, as Anglo Americans have not always done, that water is the life blood of the land, a precious commodity to be carefully and wisely husbanded.” As knowledgeable a person as Manuel de Mier y Terán had made a similar comparison in the early nineteenth century. In a letter to Lucas Alamán, Mier y Terán recommended colonizing central Mexicanians in Texas, for they could use their knowledge of irrigation to make semiarid land produce while Anglos who had technology let it go to waste.8

The Hispanic land-water concept was introduced into Texas on the earliest Spanish explorations. In their reconnaissance of a region for new settlement, Spanish officials always mentioned the potential for irrigation, which they called reino, and the possibility of drawing water from stream beds, a process they called saca de agua. This concept is also reflected in nineteenth-century statistical reports in which Tejano officials regularly listed saca de agua and the number of natural springs or ojos de agua in the municipality.

The Spanish land unit was one of the most visible examples of this land-water concept. The land unit revealed, in its size and shape, the philosophy embodied in the Hispanic land grant. As a concession to aridity and sparse vegetation, land grants allowed for large, often vast, expanses; hence the characteristic size of the rancho. The shape of land units was a function of their size and number, based on the principle that all units should share a porción or portion of the available stream. The land unit, then, represented the right of each landowner to an equal share of the area’s water. In order to optimize the number of such beneficiaries, the porción took its characteristic shape which has been called a “prolonged quadrangle” with an extended depth and a narrow river front. One has but to look at a map of Tejano land grants to appreciate the influence of the porción principle on the Mexican mind (see map 2 showing porción grants in Webb County).9

The public nature of water ownership is probably the most pervasive of the Hispanic traditions in Texas water law. The ancient codes of the Spanish Recopilación stated unequivocally that all waters in New Spain would belong to all inhabitants thereof; that such waters should be governed and used by local bodies such as ayuntamientos; and that the preexisting native water systems and practices should enjoy the same privileges. The Recopilación allowed for common law to prevail in all cases or situations not covered by the standard Spanish codes. In such cases, the alcalde was to ascertain the traditional common practices of a region, and to avoid insti-
which had never experienced substantial neophyte populations, the eighteenth-century Tejano citizens had to provide for the construction and management of water works. Organizing themselves as shareholders in a communal enterprise, the participating vecinos (local citizens) contributed tools, materials, and labor. They jointly secured the services of an experienced canal builder, and petitioned the government for permission with respect to the prior rights of earlier users of the stream's flow. They were then authorized to proceed in the construction of the several components of the system in accordance with the standard specifications of width, depth, and proportion.¹⁰

The actual construction of the system components was done by vecinos under the supervision of the hired professional. Some wealthier shareholders like the Seguin of Béxar hired peons to do their share of the labor. They constructed the dams by placing large, flat "flag stones laid one on the other," according to one study of such irrigation sites. The acequia they dug, leading from the dam along the contours of the land toward their fields or labores. Where the acequia traversed an arroyo, they constructed aqueducts with arches of classic Roman proportions. These structures consisted of stone masonry and a mortar which, according to tradition, was made of "the whites of thousands of eggs and much goat milk."

Acequia systems were scattered across the Spanish frontier of Texas. Some of the early efforts were at Missions Espiritu Santo, Rosario, San Sabá, Candelaria, San Lorenzo, and San Xavier—all of which formed a wide semicircle around the northern and western quadrants of Béxar. The acequias which served Tejanos most were those built in and near Béxar. The San Pedro Acequia, tapping the waters of the San Pedro Creek, served the villa and labores of San Fernando. The Alamo Madre or Acequia Madre was six miles long, and watered nine hundred acres in and around the Alamo barrio. The four missions down the river from Béxar also had highly useful acequias. Those of Concepción and San José flowed until the 1860s, and those of San Juan and Espada were used until the twentieth century.¹¹

The local nature of water systems management was reflected in laws from the Recopilación to the state decrees and, of course, to the city ordinance level. As mentioned above, the Recopilación delegated such authority to the ayuntamiento. The state of Coahuila y Texas issued Decree No. 190 on April 28, 1832 placing shareholders under the authority of the ayuntamiento as well. Article 6 of that decree stated the following: "In towns
which admit of irrigation canals, said canals shall be made at the expense of the person interested. The commissioner shall divide them into channels or drains, procuring to have them made half a vara in width at least, and the same in depth, assigning one for the use of the town, and the rest for that of the fields in cultivation.\textsuperscript{12} This authority was fully accepted and detailed in municipal ordinances.

Sanitation was one of the most important principles of acequia management. By municipal ordinance, the ayuntamiento was responsible for the cleanliness of acequias. The ayuntamiento then delegated the authority on to the junta de sanidad for annual inspection. The junta, acting unilaterally or through the syndico procurador, could fine anyone for putting dead animals or refuse into the water. The junta also meted out fines for persons washing clothes in the water or otherwise polluting it. The actual cleaning was done, of course, by the vecinos. Even so, the alcaldes was required by law to arrange for military escort for this exercise, which they called the\textit{limpia de acequias}.

Sharing the life-giving waters of the acequia represented a noteworthy tradition in itself. This process was, by law, the duty of the comisario; but by practice, implicit in the very design of the project. The basic unit of an equal share was determined by the volume of water flow of a particular acequia. Each shareholder was entitled to one day’s flow of the acequia's water. The shareholders drew straws to determine the order in which they would partake of the acequia’s flow; thus, the term\textit{suerte}, meaning “luck,” was used as the generic designation for the size of land unit which the acequia could water in one full day. So fully developed was this concept that special terms existed for different types of\textit{suertes} depending on their size, soil fertility, topography, or crop assignment. A certain field might be a\textit{surco de agua},\textit{buey de agua},\textit{naranja de agua}, or\textit{manzana de agua}. Many of these terms derived from Moorish words; most remained as common expressions to later nineteenth-century Tejanos.

Decree No. 37 of June 15, 1827, included a section which provides a most illustrative example of the complete integration of land and water concepts in the Tejano mind. The provisions of the section allowed for secularized mission lands to be divided among the families of the mission\textit{vecindario}. Each family that had lived on such lands was to receive absolute property rights in one\textit{porción} per family. The decree added that each\textit{porción} should have “as absolute dominion and property, the days or hours of water which belong to the aforementioned pueblo and likewise the water.” It thereby preserved the individual property rights as well as those of the pueblo or community.\textsuperscript{13}

The influence of Hispanic water philosophy is ubiquitous in Texas. Common vocabulary as well as law books include such words as\textit{suerte, porción, acequia, surco} (row),\textit{agostadero} (pasture),\textit{labor, arroyo, and canoa} (watering trough). Some of the first companies to utilize Texas land and water legislation were the irrigation and ditch (acequia) companies. The presence of such companies is most evident in the Texas counties where Tejanos had previously laid their acequia systems. The very landscape of many modern Texas cities also testifies to their Hispanic background. Although crossed and crisscrossed by more recent subdivisions, the old\textit{porción} pattern has predetermined the major contours of many such cities. As one historian has indicated, “The Tomas de la Vega Eleven League Grant on the Brazos” has played a significant rôle in the historic development of modern Waco, Texas (see map of Waco). In the south of Texas, whole counties magnify the same effect.\textsuperscript{14} These are only the most obvious effects, though certainly not the most important.

The most important influence of Tejano water systems is in Texas water law. As previous Hispanic principles held that the water belonged to all the inhabitants even though\textit{porciones} owned use of the water, Texas retained such ownership of water in all perennial streams and beds. According to modern law, the state “has reserved title to it in trust for the whole people.” Early Texas law moreover preserved control over water at the local level by, in effect, transferring ayuntamiento authority to county courts.

Wording in the 1852 Act Concerning Irrigated Property left little doubt as to its origin. It stated as follows: “That the County Courts be . . . authorized to order, regulate and control the time, mode, and erecting, repairing, cleaning, guarding and protecting the dams, ditches, roads and bridges belonging to any irrigation farms and property . . . owned jointly by two or more different persons.” The act recognized the “ancient usage” of equal daily assignment of waters by the commissioner, and authorized the courts to fine, as the procurador had done, “any owner of a suerte or subdivision lot” for using water excessively or out of turn.

Authorship of this 1852 law further illustrated the transition from Mexican to Anglo. The major supporters were Robert S. Neighbors of Medina County and Samuel A. Maverick of Béjar. The rôle of such men in this transition was acknowledged in a detailed study of the law: “This law was authored and sponsored by legislators familiar with such early Texas sys-
tems and was passed by a legislature consisting of a substantial number of men, all of whom, who were as much as forty years of age, could have had first hand knowledge of irrigation practices throughout the most active period of Texas colonization . . .”

Indeed, Samuel A. Maverick had been mayor of San Antonio in 1840 when his Tejano city council members revalidated the provisions of Decree No. 190 in a new ordinance entitled “Ordinance for the Better Regulation of the Water Devoted to the Irrigation of the City of San Antonio and Its Vicinity.” Even the Texas Supreme Court in 1868 reaffirmed in Tolle v. Corruth that in the Irrigation Act of 1852, the Texas Legislature had “intended to carry out the principles of the Mexican laws.” By transferring the water law administration to the county courts, of course, the Anglo government also handed the control over the Tejano communal system to Anglo business interests such as those of Neighbors and Maverick.

In 1872, the Texas Supreme Court recommended that the state officially adopt the doctrine of prior appropriation embodying the Hispanic philosophy which was better suited to the arid and semiarid parts of the state. The legislature responded in 1889 and in 1895 by making unappropriated waters the property of the public and adopting the arid-region doctrine. Later laws modified Texas water codes to create a state-level Board of Water Engineers and to adopt elements of the Riparian Doctrine from Anglo-Saxon common law. As a result, Texas has acquired a dual set of codes. As mentioned, even the Recopilación had allowed for necessary elements of common law. The only significant disadvantage for Texas has been the loss of pueblo rights by cities. While cities in California and New Mexico still enjoy the full Mexican pueblo rights to waters flowing through their city limits (the municipality), Texas cities forfeited all rights to water except for private use such as gardening, sewage, and fire fighting.16

With regard to water rights, the Hispanic heritage of Texas lies in the remaining local authority over water and in her smooth transition to workable water codes. Dobkins explains that the transition was not so natural for other Anglo Americans coming into the Mexican borderlands: “In the arid West the riparian system, with its emphasis on land, proved unworkable. It cut off all but a few persons from the life-giving water.” Some groups such as the California miners in 1849 found it natural to employ the doctrine of prior appropriation. Nine of the western states, however, were forced by the arid environment to abrogate the common law of riparian rights “entirely” and to adopt the prior appropriation system. Referring to such
adoptions, a former water commissioner of Texas stated that “the early American legislators in the Southwest did little more than crystallize and adopt an amalgamation of long-established Moorish, Spanish, and Indian customs.” The United States Congress eventually passed a statute that recognized the doctrine of prior appropriation in those states where it was already instituted by local law or custom. But while other state laws borrowed and experimented, Texas water law rested on the firm foundation of her Mexican systems. And the benefits of those laws were the legacy of the local Tejano community, at which level the systems and principles were conserved and ultimately transmitted to the incoming order.

Education was another major area of concern to the Tejano community. No other facet of life was so exclusively dependent on local support. Nor does any other illustrate so vividly as education the sacrifice and unaltering dedication of the vecindario. Through a local public education commission or the comisión de escuelas, Tejanos continually strove to erect a viable education system. Too often their efforts were frustrated, however, by the insecurity of a foundling political system: too many resources had to be spent resisting enemy attack. Ultimately, their efforts were overshadowed by a revolution which shattered many of their hard-earned achievements. Nevertheless, their objectives guided the educational efforts of later Tejano generations; and their ideals created a prototype for the system that Texas uses today.

A basic premise in education at the beginning of the Mexican federal period was that the ayuntamiento had sole responsibility for education in its vecindario. All government levels—from federal to municipal—cast responsibility onto the local body. Article 215 of the Coahuila y Texas Constitution and Articles 128 through 131 of the Reglamento (regulations for economic and political government of the state) placed all responsibility and management in the hands of the ayuntamiento. Municipal ordinances simply reiterated these clauses. The ordinances of the Béjar Junta de Instrucción Pública accepted and proudly claimed the responsibilities of management, inspection, and reporting of education exclusively for the ayuntamiento. “The Illustrious Ayuntamiento,” it said, “shall always be the immediate administrator of the funds destined and collected for this object.” Little was mentioned about the source of school funding, but as to their management, there was no question.

Funding, indeed, was the major obstacle to Tejano education. This heavy burden fell exclusively on the shoulders of the vecindario. People employed different local funding techniques, but ultimately the support came from their own pockets. According to State Decree No. 37, funding was to come from ayuntamiento revenues. This source was hardly enough for defense against the Indians. José Antonio Saucedo discovered this in 1825 when he became jefe politico. The ayuntamiento wrote congratulating him on his appointment to the office and promised faithful cooperation. It added that it could not comply with his order to establish a new school, however, because of the total lack of funds. Occasionally, the school fund received money from a local tax on slaughtered cattle, but such appropriations were of dubious legality and even less regularity. There were provisions for aid from state government as a last resort, but Tejanos learned that the state had even less money for their schools.

The major source of funds for schools in Texas during these years was from fund-raising drives among the vecindario. Different committees conducted the drives. Sometimes the junta patriótica collected the money; other times, contributors simply handed in the money to a public school fund. In Nacogdoches the most successful collecting agency was the junta piadosa, or committee of piety, which served charity as well as patriotic, religious, and educational fund drives. In any mission fortunate enough to have its own educational facilities such as Mission Espada, vecinos contributed cooperatively to the alcalde. Usually they contributed money, but particularly in the earlier years, they often contributed in kind. Thus, a parent might donate approximately four pesos to the teacher, or a Tejana might contribute a parcel of meat, lard, or salt. Tejanas were also among the most generous contributors. As mentioned, Tejana widows not only lived the longest, but they were often the wealthiest in the Tejano community. Many schools and chapels owed their existence to the generosity and dedication of Tejanas.

Attracting good teachers was a major expense in education; maintaining them was a preoccupation for the vecindario. In some cases a community was fortunate enough to find a soldier in the local garrison or one of its own vecinos who could teach. Usually they had to advertise far and wide by circular. Teachers of various nationalities commonly moved from town to town. Living in private homes, they remained for as long as the contract salary sufficed. When income became inadequate, they moved on. In 1828, Béjar hired José Antonio Gama y Fonseca for a two-year contract. Other teachers during the 1830s included Victorious Zepeda and Bruno Huizar.

Other Tejano communities also established schools despite limited re-
sources. Goliad had a small school which served intermittently until 1821, employing soldiers from the presidio and at least one vecino. Laredo established its school in 1825 after repeated admonitions and threats from the governor to comply with state law of Tamaulipas which, as in Coahuila y Texas, placed the responsibility on the ayuntamiento. Juan José Salinas was the teacher in Laredo where he received twenty pesos per month from local contributors. One of the commendable efforts was that of Nacogdoches, where in 1828, the junta piadosa began a determined effort in the community and in the state legislature to establish a school. Their proposals stimulated the legislature to initiate a new program of land grants for education. At home the junta accepted contributions of money and labor which by 1831 finally rewarded the vecindario with their own school building and teacher, an Anglo American. Quickly, Nacogdoches joined Béjar as a leader in the education of youth. The school systems in both towns boasted the highest proportion of students per population in the state despite the fact that they were, according to one historian, “supported by a population even poorer than the Anglo-Americans” (see Table 11). All of these schools, unfortunately, declined with the onset of revolutionary troubles in 1835.22

Tejanos placed great emphasis on pedagogy. They perceived their schools as playing an integral function in the community; therefore, they closely guarded the teacher’s instruction as well as the student’s performance. Teachers had to satisfy the requirements of the comisión de escuelas which set forth a detailed policy of instruction. Competition was to be the mode of instruction as well as of evaluation. Students would be divided into teams, each challenging the others in contests of academic skill. Students and teacher would participate in civic activities together. For example, they would attend mass together or march as a group in a parade. During this period, Mexican educators began to experiment with newer pedagogical methods such as the McClure method of Indiana. In 1829, Coahuila y Texas issued Decree No. 92 authorizing the Lancastrian mutual instruction plan throughout the state, a plan by which students would teach fellow students.

As Tejanos struggled for a system that would allow state aid without sacrificing local control, they offered imaginative proposals which the legislature converted into beneficial laws. In April, 1826, Béjar submitted a proposal for state grants of land for education. The legislature responded favorably, and asked for a more detailed plan. Béjar and Saltillo jointly sponsored a second proposal by which the state would donate land for the creation of two schools (colegios) or academies of grammar (catedra de gramatica). The bill went to the public education committee for final preparation.

While the bill for two colegios was being proposed by Béjar, Nacogdoches introduced its own plan for primary education. On April 6, 1832, Nacogdoches proposed that the state set aside four sitios or leagues (17712 acres) of land in that municipality “in order that with the product of these it may form a permanent fund [fondo de arbitrios] with the exclusive object being to establish a school of primary letters.”23 Six months later, on October 5 of that year, the Anglo settlers at their first San Felipe Convention drew up a similar memoria in what mistakenly has been considered the first such request.24

Implicit in all of these proposals was the principle that education should be free, at least for the poor. This principle was an integral part of Decree No. 92 in 1829. Béjar had instituted this principle in its own school system as early as 1818. In fact, free education was one of the major provisions of Béjar’s school ordinance, entitled “Ordinance Which Shall Be Observed in the Public Free Primary School Dedicated to the Instruction of the Youth of the Vicinity of Béjar.” The Coahuila y Texas legislature finally accepted and decreed in 1833 all of these Tejano proposals—for two colegios, for four sitios to provide a permanent fund in each municipality, and for free public education. Nacogdoches was granted its four sitios, as requested, on May 8, 1833. Béjar received a similar grant for its primary schools a week later in Decree No. 244. And the legislature promulgated a general education plan for the state in Decree No. 299 in April of the same year.

Decree No. 299 was the most valuable of all the decrees of this period, for it encompassed the philosophy as well as the provisions of the several

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<th></th>
<th>Population</th>
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<th>Students</th>
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<td>Parras</td>
<td>10,347</td>
<td>4</td>
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<td>Béjar</td>
<td>1,634</td>
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<td>Austin</td>
<td>5,665</td>
<td>4</td>
<td>77</td>
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<tr>
<td>Nacogdoches</td>
<td>767</td>
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Tejano proposals. Article 1 stated that the municipalities should sell all municipal lands except propios to private individuals in order to provide initial capital. All capital towns were to establish schools within six months; other towns should do so as soon as possible. The decree further ordered the creation of a permanent fund as a so-called mandatory “object” of the plan. Article 24 stated, “Besides the private revenue there may have been established for the support thereof, one half the annual product of the municipal funds of the respective towns until said product reaches two thousand dollars shall be appropriated to the same object.” Additionally, state lands were to be sold with such revenue to be “collected annually . . . and appropriated to the support of the schools.” With revenue from state lands, the permanent fund would continue to grow and to support future educational needs as well. The state public education committee was to administer and manage state school funds so acquired.\(^{23}\) In general, this law constituted an original plan which would allow the residents of Texas to convert the state’s greatest resource—land—into a viable system of education at all levels. As such, it served as a precedent and precursor for many other such Texas education laws in that century to use public lands for the same end.

As in water law, education law made a definite transition from Tejano legislation to the modern system in Texas. In 1839 and 1840, Texas President Mirabeau B. Lamar signed bills which are generally credited with having laid the foundation for education in Texas. The provisions allowed for four leagues (17,712 acres) in each county to be set aside for establishment of a county primary school. Provisions further allowed for a state “board of school commissioners” to supervise and inspect such use of the lands. Another important facet of this program was the granting of land to establish two colleges. While Lamar’s legislation was unquestionably vital to the young republic (Houston’s interest in education was “not at all pronounced”), it was patterned after the structure laid by Tejano legislation between 1826 and 1833. One early Texas historian made the following intuitive observation in regard to Coahuila y Texas Decree No. 92, for example:

“This is the initiative in a long line of public laws in the interest of free public education, which have secured to Texas today a munificent public-school endowment in land and a most liberal and efficient system of popular instruction.”\(^{26}\)

A more direct link between Lamar’s program and the Mexican laws is evident in the legislative development of the 1839 and 1840 bills. Actually, Lamar’s greatest service was in sponsoring the law. Other men had drawn it up—men like the Wharton brothers who were involved in the Texas House of Representatives Committee on Education in 1839 as well as in the San Felipe Convention of 1832. The long-term efforts of these men were an obvious contribution to the 1840 law, but most vividly apparent in the final product were the efforts of the Tejanos even before 1832. For example, the Lamar provision for four leagues in 1840 was obviously derived from the four sitios requested by Nacogdoches or the four sitios granted in Decree No. 240 of Coahuila y Texas; the San Felipe Convention considered requesting from twenty-five to one hundred fifty leagues, and finally omitted any mention of leagues entirely.\(^{27}\)

Anglo Americans were slow to appreciate the educational philosophy of Tejanos. The modern student is constantly reminded, for example, that this was one of the grievances listed in the Texas Declaration of Independence. The Anglos scarcely understood or considered the Tejano concept of local full responsibility for financing and managing schools. Anglos were accustomed to private, home education or “old field” schools, which were private schools operated in the community by an itinerant teacher. States in the Old South had long since accepted full responsibility for financing school systems through land grants. They failed to take into account, however, the categorical difference between the federalist state of Coahuila y Texas and an Anglo-American state such as Georgia. Georgia could tap her limited state lands for education as she had done since 1783, but Coahuila y Texas had access and title to her seemingly boundless public domain as a Mexican state. It was this tremendous domain which would eventually manifest the “munificent public-school endowment in land” for later generations.\(^{28}\)

Tejanos, in contrast, continued to develop their local concept of education. The vecindario of Béxar used their land grant to establish a school which, after the revolutionary turmoil had subsided, was recognized as “the first real public school in Texas.” This Béxar school was later able to sue a modern railway company for lands which the school had received by virtue of the Mexican law. Throughout the south of Texas in the second half of the nineteenth century, Tejano descendants continued to maintain their own local, private schools. These schools received no funds from the state of Texas. They were supported by a board of directors which hired the teachers and supervised the pedagogy. Indeed, these schools and this philosophy served later generations of Tejanos in the develop-
ment of private Hispanic schools during the turbulent decades after the Texas revolution. 29

In the final analysis, the educational effort in early Texas was greatly influenced by frontier conditions. The Tejanos were unable to implement fully their program because of the revolution of 1836. The Anglo Americans who later duplicated the Tejano system in Texas struggled with the problem for years after the revolution. Frederick Eby, an education historian, attempted to explain the Anglo Americans’ long delay in improving upon the situation which they had so decried in their Declaration. He said, “Other concerns, really more fundamental to human welfare in such primitive social conditions, absorbed attention.” Among these concerns, he cites the organization of a civil government, public defense against Indian wars, and financial instability of a new government. 30 In effect, the Anglo Americans had exchanged positions with the Tejanos who, one decade earlier, had offered exactly the same apology.

In so many ways, the Tejano community served its own. It served them faithfully in sickness, in health, in crisis, in feast, and in daily life. Ironically, history has neglected and often spoken poorly of the early Mexican community of Texas. The laws, the vocabulary, and the principles which reflect Tejano community life have rarely been acknowledged by Texas society. But time has been more magnanimous in its own peculiar way to the old Tejano community, for it has chosen to preserve among all other aspects of historical evidence, those of the community. Indeed, the only physical imprints left by Tejanos upon the face of Texas soil—the acequia, the porción, the plaza—are those which attest to the earlier presence of a Tejano community.

IV
Tejano Justice on the Frontera

In addition to the semi-arid climate and sparse vegetation, the rural environment forced Tejanos to make adjustments for the great distances on the frontera. Distance was a major factor in communications between villa and capital city. As Tejano society expanded onto ranches, distance became a major factor in communications between home and villa as well. The vast, sparsely populated hinterland—the despooblado—was a daily reality to Tejanos.

The nature of the despooblado only compounded the challenge of life on the frontera. This hinterland held valuable resources, some of which were peculiar to Texas. To exploit these, Tejanos employed the Hispanic institution of the rancho. In their efforts to incorporate the despooblado economically, however, the Tejanos confronted all of its hostile elements. Tejanos therefore had to extend their authority outward from the municipality and onto the despooblado. By incorporating it, Tejanos tended then to combine their livelihood with their defense. Thus, as they extended the ranch into the Texas despooblado, Tejanos provided for the emergence of a rural “policeman” with the authority of a rural judge. He was called the juez de campo. In all of its uniquely Mexican forms, this institution was to survive with ranching as an archetype in the defense of the Texas back country.

American ranch life is generally acknowledged to have originated in Hispanic Texas. It must, therefore, be considered in a discussion of Tejano life; however, the discussion herein is not intended as a mere repetition of the colorful contributions of the vaquero to the American cattle industry. The object instead is to depict the socioeconomic principles and techniques of the ranch as important elements of the Tejano livelihood. Tejanos made