

CONFRONTING THE UNKNOWN: TEJANAS IN THE TRANSFORMATION OF  
SPANISH AND MEXICAN TEXAS, 1735-1836

A Dissertation

by

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## ABSTRACT

*Confronting the Unknown: Tejanas in the Transformation of Spanish and Mexican Texas, 1735-1836* sheds light on Tejana legal and social roles in this tumultuous period. Despite great strides in the field of Borderlands history in recent years the field surprisingly lacks studies on women in early Texas. My goal is to help fill that void by illustrating women's roles during the construction of and transition between empire to republic. Past studies place women in an overall narrative that includes them as a minor element to colonial life in Texas. My study places women at the center of the narrative, uncovering the major contributions they made to the Spanish and Mexican frontier. In addition, I argue that Tejanas exerted a great deal of agency on the edge of Spanish and Mexican society. Using court records I show that Tejanas were active participants in the legal sphere of colonial life.

These sources reveal that Tejanas exercised more economic and political freedom under Spanish and Mexican control than they did under the Republic of Texas. They owned property, sued in court, and petitioned the government for land grants under the Spanish and Mexican governments. Among these legal rights, land grants in particular allowed Tejanas to aid in the establishment of a permanent presence on the frontier and thus aided the Spanish and Mexican government in imperial expansion. Because of these rights, Tejanas became strong matriarchs in a patriarchal dominated society. Their position in society, however, changed dramatically when they became Texas citizens. As Anglo Americans immigrated into Texas in large numbers, Tejanas

appeared less in courts and conformed to the accepted Anglo American legal codes that had been practiced in the United States that were unwelcoming to women. Anglo American racist attitudes ultimately took a toll on the previous social hierarchy, forcing Tejanos and Tejanas into second-class citizenship. Despite these circumstances, Tejanas persisted and contributed greatly to the development of Texas.

## DEDICATION

For the loves of my life—Joe, Caley, and Christian

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## CHAPTER I

### INTRODUCTION AND LITERATURE REVIEW

As a student of history I have always been most intrigued by the history of American colonialism and the early republic. There is something about the creation of the United States that strikes a cord with me. The trials and tribulations of the republic in its beginning fascinate me. My passion for history lies in the exploration of those narratives which reveal the story of early American development. The whole of colonial American early republic history speaks to me and who I am. In perhaps less obvious ways, this has spurred interest in my own roots. I am also fascinated in where Mexican Americans fit into this national origin story.

As I studied the early republic period, I looked closely at the role women played in the building of the republic. Mary Beth Norton's *Liberty's Daughters* and Linda Kerber's *Women of the Republic, Intellect and Ideology in Revolutionary America* showed me that the women of the Revolutionary era were instrumental in the creation, success, and implementation of the principles of the Constitution in the early republic. In terms of historiography, Norton's work introduces women as a part of the revolution itself and argues that women redefined their roles using the tools afforded to them. This primarily centered on family life, including the rearing of children and domesticity. Norton further argues that in eighteenth century America, the roles of women and men

were clearly defined by their sex.<sup>1</sup> She argues that women's roles were contingent on men's public place in society and thus relegated to a confined, feminine, and private sphere. Previous scholars had argued that women were virtually "equal partners within the home;" Norton proves otherwise in her groundbreaking work.<sup>2</sup>

Kerber's work, published shortly after Norton's, argues that women responded to the new revolutionary situations by reinventing themselves as "political character[s]" who were also mothers in the early republic. "This new identity," Kerber asserts, "had the advantage of appearing to reconcile politics and domesticity; it justified continued political education and political sensibility."<sup>3</sup> Regardless of how Norton and Kerber each saw women in the revolutionary period, both reveal that women's roles were vital to the success of the early republic. Both look at women's personal experiences in their own words as opposed to previous scholars who instead evaluated how men saw women. Norton and Kerber both make clear that women did in fact create new roles for themselves as a part of the citizenry of the new nation.

As I also studied the history of Texas, particularly during its Spanish colonial and Mexican republic phases, I could not help but see some major similarities to this familiar

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<sup>1</sup> Mary Beth Norton. *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800*. (Boston-Toronto: Little, Brown, and Company, 1980), p. xviii.

<sup>2</sup> *Ibid.*, p. xviii.

<sup>3</sup> Linda Kerber. *Women of the Republic: Intellect and Ideology in Revolutionary America*. (Williamsburg, Virginia: University of North Carolina Press, Chapel Hill, 1980), p. 12.

American Revolution narrative.<sup>4</sup> The two revolutions shared similar time periods and similar contexts — tax issues, conflicts in race relations, struggles over sovereignty, and most obviously, the implementation of a republic. I found myself asking about the role of women in the Texas Revolution. Did they face experiences similar to those experienced as that of women of the American Revolution? Did women in Texas find themselves confined to a similar private sphere? Did they respond to revolution by developing a “political character”? Did they also have the formal responsibility of raising virtuous sons for the republic’s citizenry? Did Kerber’s “Republican Motherhood” exist in the Texas Republic? Were women patriotically involved in these movements in Texas?

As I searched for answers to these questions I found that the topic of women in the Spanish colonial period and the Texas Revolution was one that few historians had seriously considered. I found that this part of colonial history is neither a part of the U.S. narrative, nor the Mexican one. Moreover, historians generally have neglected the roles of Tejanas in the previous periods of Spanish and Mexican control as well as in the early Texas Republic period. The region of Texas had experienced not one, but two revolutions—Mexico’s revolt against Spain and Texas’s revolt against Mexico. Both

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<sup>4</sup> This dissertation will make use of many terms to discuss the various historical peoples that came to make up early Texas. For convenience and consistency, I will define each group in this manner. *Tejano* refers to a person from Texas, usually used to identify people of Spanish-Mexican descent who live in Texas, particularly after 1836. *Tejana* is the feminine form of *Tejano*. *Texan* is an Anglo person who lives in Texas. *Anglo* is a white, English speaking person. *Anglo American*, (also referred to as white), is an English speaking person who is of American descent. *Mexican* is a person who is from Mexico, but does not live in Texas.

revolutions took place in the same region separated by less than a couple of decades. I hoped to fill this historiographical void. Like Norton and Kerber, I hoped to uncover primary sources revealing women's daily experiences—sources that presented their experiences in their own words, experiences not solely revealed or otherwise filtered by men. I searched for diaries and letters of correspondence that might give readers an insight into their lives during the Spanish, Mexican, and early Texas Republic periods. Unfortunately, I found very little of this. I uncovered no diaries, no personal correspondence, no primary sources that filled this specific kind of search. The sources I found primarily were government records, hundreds and hundreds of court and census records. This surprised me and I then decided to examine these documents to see if they answered any of my original questions.

To my disappointment the court records revealed little about Tejanas personal lives in the way that diaries or correspondence could. These records did, however, offer other important revelations that get at some of my original research questions. They show 1) that women owned property (houses, farms, ranches, stores), 2) that women were a vocal element in the civic life of their communities, 3) that women could hold their own with men in both business and in the family and 4) that that women made use of a system of seemingly old laws that gave them rights and ensured the protection of these rights. The court records in many ways answered more interesting questions.

Court record after court record reveal that women did not have to reinvent themselves as part of an imaginary national citizenry before or after the Mexican War of Independence because they were in fact already an active part of the local citizenry—

with rights handed down to them by the Spanish crown. The Spanish and later Mexican governments both recognized women's legal rights in Texas to a surprising extent.

Tejanas did not need to invent an ideology that made them a part of the body politic because they were already a part the body politic. I found not one court case that denied a woman the right to be heard in the court because of her sex. Moreover, Tejanas did not operate exclusively within the rigid gendered roles as the women of colonial Anglo America. Court records reveal that Tejanas were able to participate in the very public forum of the court that, in the British colonies of North America, was used exclusively by men.

In other words, the Spanish and Mexican governments did not recognize the courts or legal sphere of society as an exclusively masculine domain, but rather recognized this sphere as a place for subjects regardless of sex. It was surprising to find that although the Spanish and Mexican societies were strongly patriarchal, both recognized women as a part of the community. This gave Tejanas the ability to maneuver through society using what might be perceived as both masculine and feminine roles. These court cases reveal that Tejanas , married and single, were allowed to own property, (a substantial number of women owned land), a right that necessitates the exercise of other rights (suing, writing wills, inheriting and bequeathing property)—rights that were almost exclusive to men in colonial British America. Landownership in many ways tied them to the region and aids in expansion efforts. The ability to own land allowed women to become strong matriarchs, entrepreneurs, and ranchers, all the while

being mothers, wives, and daughters. The role of Tejanas demonstrates a fluidity that is not apparent for women in the British colonies to the North.

Because property and especially land ownership has always been a fundamental element in a republic's definition of the citizenry and is so important in this part of the narrative, my next task was twofold: to determine the source of these rights, and to uncover the reasons why the Spanish empire promoted and protected land ownership by women in colonial Texas. By doing so I have been able to argue that the Spanish and Mexican states both benefited from land ownership by women on the frontier of Texas. By allowing Tejanas to own land the Spanish and later the Mexican governments were able to create a stronghold in the region, fighting off the perceived (and mostly imaginary) threat of a French take over as well as constant and very real threats from Native Americans. By awarding land (land grants) to citizens, regardless of their sex, the Spanish government was able to create a permanent Spanish presence that allowed the crown to claim the region not only on paper, but also with a populace. By doing so, the Spanish were able to expand their empire into the Texas region.

### **Sources**

My archival research comes primarily from two major sources—the Béxar Archives located at the Briscoe Center for American history at the University of Texas at Austin and the Spanish Archives housed in the Béxar County Clerk's Office (in the county courthouse).<sup>5</sup> I used over a hundred documents from the Béxar Archives and over

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<sup>5</sup> Béxar Archives. Microfilm; Spanish Archives at the Bexar County Courthouse, San Antonio, Texas.

a hundred documents from the Spanish Archives for this study. The Béxar Archives hold documents that cover the Spanish colonial period, including the establishment of San Antonio de Béxar in 1718, the Mexican Texas period starting in 1821 and ending with Texas's Independence in 1836. There are also two major published books that guide me in this study: Carlos Castañeda's *A Report on the Spanish Archives* and a work edited and compiled by Adán Benavides entitled *The Béxar Archives, 1717-1836: A Name Guide*. Castañeda's work published in 1937 is a treasure trove of indexed records of San Fernando de Béxar, primarily dealing with land grants, wills, and deeds of sale. These records are housed in the Spanish Archives in San Antonio. Benavides's guide, published in 1989, is a meticulously detailed guide of topics with correlating microfilm numbers. Utilizing both these guides I was able to search by dates, names, and topics to narrow my research. I then was able to create my own index of over cases that revealed Tejana agency. This selection of cases vary from family life to travel narratives to land grants, inheritances, permissions for marriage, wills, community building, and cases that dealt with morality such as adultery and fornication.<sup>6</sup>

Next came the time-consuming task of translating these documents. Those documents housed at the Béxar Archives in Austin are transcribed and translated up to the year 1805 while documents housed at the Spanish Archives in San Antonio are all transcribed and translated. I translated sources dated after 1805 to 1836. I concentrated

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<sup>6</sup> Castañeda, Carlos. *A Report on the Spanish Archives*; Benavides, Adán. *The Béxar Archives, 1717-1836: A Name Guide*.

on sources that shared similar themes (land grants, law suits, adultery and other indiscretions) and revealed processes, continuity, and agency. These cases together showed that Tejanas were a part of a public sphere where they exercised legal rights. It should be noted that these sources by design said very little about the personal lives of the women and even less about social aspects of their lives except incidentally, but instead focused more on their legal rights as subjects of the Spanish crown and citizens of Mexico.<sup>7</sup> I searched for major differences from the Spanish to the Mexican periods to see if the number of cases involving Tejanas decreased under the Mexican period. No such pattern emerged. Under the Mexican period, Tejanas exercised the same rights under the new government that they had enjoyed under the Spanish crown. This supports previous claims made by historians such as David J. Weber who wrote that life on the Texas frontier remained virtually the same from Spanish to Mexican control because the region remained so far out on the periphery. Furthermore, Mexicans retained Spanish laws that had been established by the Spanish Cortes until they were able to produce their own constitution.<sup>8</sup> Even after 1824 when Mexico did establish a constitution, legal rights for women did not change so Tejanas continued to be an active part of the legal sphere.<sup>9</sup> Change to such legal continuities came after Texas declared independence from

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<sup>7</sup> These cases, unintentionally, do reveal some aspects of the realities of daily life that I will relate throughout the dissertation.

<sup>8</sup> David J. Weber, *The Mexican Frontier, 1821-1846, The American Southwest Under Mexico*, (Albuquerque, New Mexico: University of New Mexico Press, 1995), p. 28.

<sup>9</sup> Jean Stuntz, "Spanish Laws for Texas Women: The Development of Marital Property Law to 1850," *The Southwestern Historical Quarterly*, Vol. 104, No. 4 (Apr., 2001), p. 551.



Mexico. The new Texas government passed the Act of January 20, 1840 which broached the subject of women's rights dealing with property. The act, like Spanish and Mexican law, declared that a wife kept as separate property land, property (including slaves), and inheritances as her own if she had received it before her marriage took place; anything acquired during the marriage was considered community property.<sup>10</sup> Under Texas law, Texas women reaped the benefits of Spanish law—they continued to sue in courts, testify, petition the court and exercise other legal rights that women had enjoyed under the Spanish and Mexican governments. Jean Stuntz argues that married women in the Texas republic were able to keep “[their] legal identity,” unlike women in the early republic of the United States.<sup>11</sup>

My sources, however, reveal that Tejanas appeared less and less in the courts after Texas's annexation by the United States. Although no laws were implemented taking legal rights away from women in Texas, there were significant factors that removed Tejanas from the courts. Most obvious was the fact that laws were now written in English and many Tejanas at the time did not understand, speak, or read English. One can imagine how terrifying and intimidating the legal process became when the court proceedings changed from Spanish to English. Many Tejanos lost confidence in an Anglo American dominated court. Another major factor is that less Tejanas owned land by the time Texas was annexed. Tejanos in general had begun to lose land due to

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<sup>10</sup> Stuntz, “Spanish Laws for Texas Women...”, p. 555-556.

<sup>11</sup> Ibid., p. 558.

fraudulent land dealings, illegal seizures, intimidation, and outright theft, many of which occurred under the contentious racial tensions that had erupted between new Anglo American immigrants and Tejanos.<sup>12</sup> My next project beyond this dissertation will be to extend this research by looking more fully at the Texas Republic period and cover Tejana experiences as Texas citizens and ultimately as American citizens.

Using sources before 1836, I divide this study into several sections. Chapter Two includes court experiences that concentrate on Tejanas receiving land grants and inheritances, revealing that Tejanas were active participants of the public sphere of colonial life. By allowing women to own land, the Spanish empire was able to claim land and expand their empire on the Texas frontier. Tejanas became strong matriarchs as a result of land ownership rights. Chapter Three moves beyond land grants and focuses on other legal rights that land ownership offered women in New Spain. This section includes the exercise of legal rights such as writing wills and bequeathing property and land to heirs. These cases show women testifying, suing, being sued, and successfully turning to the courts for help in inheritance disputes. Chapter Four examines how Tejanas were able to manipulate and resist patriarchy in various ways in Béxar. Challenging cultural and social norms, Tejanas were able to maneuver within a

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<sup>12</sup> Historian David Monetejano writes, “Mexicans in Texas, especially above the Nueces, lost considerable land through outright confiscation and fraud.” (p. 50). Historian Armando Alonzo argues that Tejanos, however, held land well into the 1880s and 1890s. In his work entitled *Tejano Legacy: Rancheros and Settlers in South Texas, 1734-1900*, Alonzo argues that loss of land occurred more because of Tejano culture and the tradition of leaving their land to their children, forcing them to divide their land for each child. This in turn caused Tejanos exclusion from the ranching industry because large parcels of land were needed to participate in the ranching industry.

patriarchal system revealing a great sense of agency. Chapter Five discusses race relations before and after the Texas Revolution. It further evaluates how Mexicans on the frontier essentially became a new people—Tejanos. Tejanos were Mexicans, obviously, but still somewhat different having a new identity on the periphery, separate from the center of Mexico. This section concentrates on the relationship Tejanos built with Anglo American immigrants and then discusses the reasons for the fraying of this relationship dissolved. Chapter Six, the final chapter, examines the challenges and transitions that the Tejano encountered at the end of the Texas Revolution. The chapter argues Tejano families were altered as a result of tense race relations in Texas after the revolution. Tejanas, once strong matriarchs became second-class citizens. Chapter Seven, serves as an epilogue and summary.

### **Secondary Sources/Historiographical Essay**

There is no way research on this topic could be completed without a strong secondary source foundation. Fortunately a plethora of published sources guide this dissertation at a basic level. These sources, mostly self-defined as Southwest Borderlands studies, moved away from the “white legend” of the Bolton-Bannon interpretative tradition that argued Spain had transplanted its ideas and institutions wholly to the New World. This dissertation argues an underlying theme in the study of Texas and the Southwest Borderlands is the concept that Tejanos created a distinct identity separate from Mexicans and ultimately became a separate people. The Spanish and later Mexican empire was not a homogenous entity, but rather fractured into many different people. Often scholars focus on the center rather than the periphery and by

doing so they unintentionally contribute to the “white legend.” By focusing on Béxar, a single region, we see that Tejanos over the years stopped being simply Spanish and Mexican. They became a distinct regional population with somewhat de-aligned political, social, and economic needs from that of the center of Mexico. They adapted Spanish and Mexican customs, traditions, laws, and other institutions to fit their region and way of life when they were useful. Sources that stressed this differentiation were vital to this research—they reinforced the argument that Tejanos were able to maneuver in two different worlds simultaneously and created a distinct identity unto themselves.<sup>13</sup>

The groundbreaking work of Jean Stuntz was by far the most influential work for this project. Stuntz’s *Hers, His, and Theirs, Community Property Law in Spain and Early Texas* attempts to explain the complex laws that governed Tejanos in early Texas. She chronicles the establishment of laws under Spanish rule and the transformation of the area. Spanish laws were transplanted from the old world to the new, (including particular legal rights for women, such as suing in courts and writing wills), and endured in some places like Texas even if they declined elsewhere in the Spanish empire. Stuntz also identifies the major differences between English common law that governed the American colonies and Spanish law that governed Spanish colonization, the latter offering women property rights and other legal rights that English law denied to women. The ability to own land and sue in court, among other legal rights, sets Tejanas apart

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<sup>13</sup> For more discussion, see David J. Weber, “John Francis Bannon and the Historiography of the Spanish Borderlands: Retrospect and Prospect,” *Journal of the Southwest*, Vol. 29, No. 4 (Winter, 1987), pp. 331-363.

from women in the English colonies, according to Stuntz. Tejana's rights and their experiences with the legal system allowed them to take on unique roles in their communities.

My goal was to uncover the history of Tejanas in a study similar to Stuntz's. Stuntz's work concentrates on sources from the Nacogdoches Archives and the Béxar Archives, but as scholars such as Adán Benavides have noted, Stuntz's research lacks sources from the Spanish Archives housed at the Béxar County Courthouse, sources that I have included in my study.<sup>14</sup> These sources, as mentioned before, focus more on land grants, wills and estate sales. While Stuntz's study concentrates on the differences between English and Spanish property laws for women, my study places Tejanas at the center of the narrative maneuvering in the legal sphere in Béxar. While Stuntz describes the law and how it applied to women, my work discusses how Tejanas used the law to create options for themselves. More recently, however, Stuntz did publish an essay where she discusses how "Tejanas...[were] on the losing side of the Texas Revolution," when it came to legal rights, but this work, too lacked an abundance of primary sources.<sup>15</sup> My hope was to advance upon her groundbreaking study by including Tejanas as active participants in the expansion of the Spanish and later Mexican empire

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<sup>14</sup> Review by Adán Benavides on *Hers, His, and Theirs: Community Property Law in Spain and Early Texas* by Jean A. Stuntz. *The Southwestern Historical Quarterly*, Vol. 110, No. 3 (Jan., 2007), pp. 414-415.

<sup>15</sup> See Jean A. Stuntz, "Tejanas: Hispanic Women on the Losing Side of the Texas Revolution," in *Women and the Texas Revolution*, edited by Mary L. Scheer, (Denton, Texas: University of North Texas Press, 2012), pp. 47-63.

as citizens utilizing their legal rights and offer the primary sources that revealed the dismal reality of how Tejanas lost legal agency after Texas's annexation.

Prior to *Hers, His, and Theirs*, less than a handful of works had been published which included Tejana experiences. In 1976, Jane Dysart published one of the earliest articles on Tejanas in San Antonio, entitled "Mexican Women in San Antonio, 1830-1860: The Assimilation Process." The article was one of the first to specifically address Mexican women's experiences during the transition from one government to another in early Texas. Primarily using church and civil records of marriages and baptisms, Dysart discusses intermarriage, cultural norms, and processes of assimilation for both the native Mexican women who remained and the droves of Anglo men who immigrated to Texas in the middle to early nineteenth century. She posits that Mexican women who married Anglo men "initiated a process of assimilation and acculturation which in the vast majority of cases led to the Americanization of their children."<sup>16</sup> Dysart states that because the assimilation process forced Mexican women to conform to Anglo culture, they tended to lose "their own distinctive ethnic identity, and in many cases their children rejected the rich cultural legacy of their Mexican ancestry."<sup>17</sup>

Prior studies which had attempted to paint a portrait of Tejano social, political, and economic life on the frontier of Texas were written by leading historians such as David J. Weber and Jesús F. de la Teja. Historians such as Arnaldo De León, Ana

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<sup>16</sup> Jane Dysart, "Mexican Women in San Antonio 1830-1860: The Assimilation Process," *The Western Historical Quarterly*, Vol. 7, No. 4 (Oct., 1976), p. 372.

<sup>17</sup> *Ibid.*, 375.

Carolina Castillo Crimm, Timothy Motavina, and more recently Andres Reséndez have concentrated on a more regionalized history, moving away from the center and toward the periphery of the Spanish and Mexican empires. They have shown studies of the periphery are very much a part of both U.S. and Latin American history, and that the periphery plays a significant role in both narratives of expansion.

In the early 1990s, historians not only began including cultural, social, and demographic studies in their work, but also began placing Tejano history within a larger context. It seems every Texas history book references David J. Weber's collection of essays entitled *New Spain's Far Northern Frontier: Essays on Spain in the American West, 1540-1821* as one of the books that changed the field of Southwest Borderlands. Weber's essays challenge historians in the field to reevaluate their methodology and reveals areas of weakness. He criticizes pioneering historian of the Southwest, Herbert E. Bolton for romanticizing and homogenizing the different regions in an effort to combat the old "Black Legend" stereotypes. *The Spanish Frontier in North America*, published in 1992 and one of his best known works, incorporates studies on geography, people and their surrounding environment within the rich historical narratives of this period. Weber's work stands apart from previous historical interpretations, like Bolton's, because he presents Native American agency in the borderlands, thereby producing a new approach to the historiography of the Southwest and Mexico. His use of empirical research and a methodological approach incorporating extensive archival work helped transform Southwest Borderlands History as a field.

One of the first Texas historians who focused on Tejanas in his study is Gilberto Miguel Hinojosa. His work, *A Borderlands Town in Transition Laredo, 1775-1870*, offers one of the most comprehensive social histories of Laredo incorporating family life into his study.<sup>18</sup> Pulling from census and church records Hinojosa teases out a rich social history offering readers a rich and dynamic view of the Tejano family. Hinojosa effectively argues that the family unit was disrupted by a rise of illegitimate births, rise of widows, and a decline of single men in Laredo.

Jesús F. De la Teja further contributes to the field with his book entitled *San Antonio de Bexar: A Community on New Spain's Northern Frontier*. De la Teja is one of the first to apply an urban studies approach in the discipline. San Antonio is the first major settlement with a substantial number of Tejanas in Texas. According to De La Teja, "the people of San Antonio de Bexar had by the beginning of the nineteenth century formed a sense of community." His research covers issues pertaining to marriage, reform, Tejano community, and land grants, and his research begins with Colonial Texas and ends with the Texas Revolution.<sup>19</sup> To date, de la Teja is one of the most prolific historians on San Antonio.

In addition to De La Teja's work, Timothy M. Matovina's work entitled *Tejano Religion and Ethnicity: San Antonio, 1821-1860*, offers great insight into Tejano social

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<sup>18</sup> Gilberto Miguel Hinojosa, *A Borderlands Town in Transition Laredo, 1775-1870*. College Station: Texas A&M University Press, 1983.

<sup>19</sup> Jesús F. De La Teja, *San Antonio de Bexar: A Community on New Spain's Northern Frontier*. (Albuquerque: University of New Mexico Press, 1995), p. 15.



and cultural life during the transitional period between Mexican government and Texas self-government. Matovina's work examines the trials and tribulations Tejanos faced before and during the Texas Revolution as they created a distinct identity setting them apart from the development of a national Mexican identity. Tejanos created this new identity for themselves while holding on to cultural traits, such as religious affiliations, celebrations and traditions from Mexico. Matovina states that Tejanos had a "desire to remain loyal both to their Texas homeland and their Mexican cultural motherhood."<sup>20</sup> Furthermore, he argues, isolation on the frontier aided in the creation of a regional identity that contributed to Tejanos' decision to separate from Mexico. Although Matovina's work does not specifically focus on women, his work does look at the Tejano family and examines specific religious celebrations and traditions vital to understanding the significant roles of women examined in my study.

Arnoldo De León's 1982 *The Tejano Community, 1836-1900* is a fundamental contribution to Texas historiography.<sup>21</sup> Focusing on rural ranch and small town life, De León argues that Tejanos established a long lasting and permanent society that drew upon Mexican culture but was different in its own right. Tejanas clung to their language, religion, customs and traditions, while assimilating into Anglo American culture at the same time. Essentially, De León argues that Tejanos created a new identity for themselves on the frontier. This work inspired others to focus on the Tejano contribution

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<sup>20</sup> Timothy M. Matovina, *Tejano Religion and Ethnicity: San Antonio, 1821-1860*. (Austin, University of Texas Press, 1995), p. 46.

<sup>21</sup> Arnoldo De León, *The Tejano Community, 1836-1900*. Southern Methodist University Press, 1982.

to the growth of Texas, including studies on architecture, cattle ranching, farming, religious history, community, structure, and founding of settlements.

De León also published an additional groundbreaking work in 1983, entitled *They Called Them Greasers*. This work, which deals with the issue of race includes a brief study of the perception of Tejanas, Tejanos and Mexicans by Anglos. He convincingly argues that racist Anglo attitudes towards Tejanos and Mexicans in the 19<sup>th</sup> century superseded earlier, more fluid notions of cooperation and curiosity. De León contends racist attitudes were brought to Texas by Anglo settlers with a history of racism towards those they saw as “other” and were activated quickly. In addition, De León also discusses gender relations, focusing on how Tejanas were perceived by Anglo men in Texas. He argues Tejanas were more easily accepted by Anglos in Texas than Tejanos.<sup>22</sup> Anglo men saw Tejanas as “voluptuous,” “passionate,” and seductive, and this perceived behavior “provided white men with a pretext for associating with the females of a people who were racially unacceptable.”<sup>23</sup> While this work does not concentrate on Tejana history, it contributes greatly to one of the major arguments of this dissertation. Race relations between Anglos and Tejanos inadvertently, but directly affected the Tejano family. While experiencing the demotion of their own place in the social hierarchy, Tejano men reestablished themselves more firmly as heads of households. The result of this stricter patriarchal shift was that fewer Tejano families left land to Tejanas. There is

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<sup>22</sup> Arnaldo De León, *They Called Them Greasers, Anglo Attitudes toward Mexicans in Texas, 1821-1900*. (Austin: University of Texas, 1983), p. 40.

<sup>23</sup> *Ibid.*, 43.

a significant decline of Tejanas, as heads of households by the middle of the nineteenth century.<sup>24</sup> Perhaps this trend began from the belief that Tejanas needed protection from an Anglo American dominated society, a possibility examined later in this study.

Other works that include studies on race relations are Paul D. Lack's *The Texas Revolutionary Experience: A Political and Social History, 1835-1836* and Andrés Tijerina's *Tejanos & Texas Under the Mexican Flag, 1821-1836*. In his work Lack discusses the major problems Tejanos faced during the war and their experiences during the transition from Mexican to Texan political control. The once reasonably amicable Anglo-Tejano relationship was strained by the flood of American immigrants and was further complicated by military tactics imposed by the Texas army on Tejanos. For example, the Texas army was forced to commandeer food staples, horses, cattle, and other supplies from Tejanos in order to supply troops.<sup>25</sup> Although Tejanos sided with the Texans at the onset of the war, they became fearful of the overbearing Mexican government's and their future plans for them in Texas. To compound matters, the military confiscation of their property by the new Texans gave Tejanos pause about the rebels' intentions.

Tijerina's work recounts the "cultural exchange" between Anglos and Tejanos before the Texas Revolution.<sup>26</sup> Tijerina, like De León, includes Tejana history and

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<sup>24</sup> Looking at wills from 1830-1900.

<sup>25</sup> Paul D. Lack, *The Texas Revolutionary Experience: A Political and Social History, 1835-1836*. (College Station: Texas A&M University, 1992), p. 183.

<sup>26</sup> Andrés Tijerina, *Tejanos & Texas Under the Mexican Flag, 1821-1836*. (College Station: Texas A&M University Press, 1994), p. xi.

perspectives in his work. He briefly discusses the intermarriage of Canary Islanders to Spaniards and their impact on the burgeoning settlement. One of the major contributions of Tijerina's work is an insight into the role of Tejanas on the Texas *frontera*. He specifically refers to an emerging widowarchy as an important contribution in the Spanish frontier. He states that because of high male mortality rates due to Indian raids and warfare in the Mexican Independence period after 1810, the number Tejana widows remained "consistently high in the census reports" and in fact they "were the oldest (and often the wealthiest) [residents] on the Texas *frontera*."<sup>27</sup> Research reveals Tejana widows made up almost "30 percent of all heads of household by 1824."<sup>28</sup> De La Teja, De León and Tijerina introduce significantly add to our understanding of Tejanos in Texas history. As stated before, they not only include Tejana and women's history in their work, but also introduce elements such as ethnic and national identities, cultural, religious, social, political, and economic factors.

In 1998 Armando C. Alonzo's *Tejano Legacy: Rancheros and Settlers in South Texas, 1734-1900* was published. Prior to this, very little had been written on Texas ranching that incorporated the Tejano point of view and recognized the Tejano contribution to the ranching industry. Past historians had argued that Anglo settlers had built the ranching industry from the ground up because there were no examples that they

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<sup>27</sup> Ibid., 13.

<sup>28</sup> Teresa Acosta and Ruthe Winegarten, *Las Tejanas: 300 Years of History*. (Austin: University of Texas Press, 2003), p. 28.

could follow.<sup>29</sup> Alonzo argues that this could not be further from the truth. Tejanos and Mexicans who migrated to the area had established successful ranches by the time of the Texas Revolution and some continued to hold on to their land into the twentieth century. These *rancheros* played an intricate part in the growing economy of South Texas. Using primary sources such as government reports, legal proceedings, and land grant documents, Alonzo's work corrects prior works that overenthusiastically claimed Tejanos lost their lands entirely and from tactics of violence, thievery, and intimidation by Anglos. Contrary to popular belief, Alonzo contends that Tejanos "maintained control of the land in the initial period of incorporation."<sup>30</sup> It was after this period, Alonzo argues, that due to weather conditions, Tejanos lost their lands and were unable to keep up with growing markets or with Anglo newcomers who possessed the resources to participate in new markets. Moreover, Tejanos traditionally subdivided their land to heirs which after several generations led to the loss of land. Although Alonzo's work does not focus on women ranchers and is limited in its own geographical scope, it is a major contribution to Southwest Borderlands historiography because it offers new reasons why Tejanos and Mexicans, who held the majority of land in the eighteenth-century, become the minority land owners by the twentieth-century.

Another outstanding work that centers on family is Ana Carolina Castillo Crimm's *De León, A Tejano Family History*. Her work follows the De León family as

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<sup>29</sup> Armando Alonzo, *Tejano Legacy: Rancheros and Settlers in South Texas, 1734-1900*. (Albuquerque: University of New Mexico Press, 1998), p. 7.

<sup>30</sup> *Ibid.*, pg. 159.

they migrated from Mexico and in 1824 founded the settlement that would become known as the city of Victoria. She meticulously traces the family's history and the main reason for migration—economic opportunity. Crimm's work is a rich, cultural history of a family who rose in social class and overcame major obstacles on the untamed frontier; but more importantly, her work introduces readers to the daily life of Tejanas. By revealing the nuances of Tejana life, readers note a major difference in the lives of Tejanas and women in Colonial America. For example, Patricia de la Garza of Soto la Marina, who married Martín de León in 1795, brought a substantial dowry to their marriage. This dowry, which remained her legal property after they married, proved, Crimm argues, to be the key to the survival of the eventual settlement.<sup>31</sup> Her dowry was used to pay their moving expenses from Nuevo Santander to the frontier. It was also used to establish their ranch, and provide the funds to purchase supplies and food. Widowed in 1834, Patricia became a powerful matriarch for the emerging community during trying times such as the Texas Revolution. Patricia's case was not unique. In fact, Tejanas' dowries and inheritances were vital for a family to succeed on the frontier and for the viability of permanent settlements. Through Crimm's work, readers see the strength and resilience of a strong matriarch. This in turn offers great insight not only into the cultural and social aspects of a matriarchal family, but also sheds light on the importance of Tejana inheritance laws and legal protections that not only allowed Tejano

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<sup>31</sup> Ana Carolina Castillo Crimm, *De León, A Tejano Family History*. (Austin: University of Texas Press, 2003), 28.

families to flourish, but created a legal basis for the important role of women on the frontier.

At the start of this century, historians began to introduce arguments that focused on the creation and alteration of different identities on the frontier. A prime example is the work entitled *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850* by Andres Reséndez. This work presents the concept of community growth among Tejanos, Native Americans, and Anglo-Americans, while exploring the creation of national identities. This is a transnational and interdisciplinary approach to the historiography of the Southwest and Mexico. Reséndez's study includes culture, economics, geography, and politics and attempts to "bring the Mexican State back in[to] the history of the U.S.-Mexico borderlands."<sup>32</sup> The author effectively argues that the relationship between the Far North of Mexico and the U.S. became increasingly interdependent. With the increase of Anglo-American immigrants, the people of the Far North relied less on Spanish/Mexican "suppliers," and entered into American markets.<sup>33</sup> Reséndez's monumental work moves away from the typical American expansionist historiography and from traditional nation-centered studies of Latin America. He offers readers a strong alternative interpretation of events and outcomes. As Tejano livelihoods began to depend on an economic relationship with the United States, Tejano loyalties

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<sup>32</sup> Andres Reséndez. *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850*. (New York: Cambridge University Press, 2005), 264.

<sup>33</sup> *Ibid.*, p. 4.

were tested. Reséndez's work explains how intermarriages further influenced these identities.

These secondary sources provide the backstory for the rich primary sources I have found. Tejanas were a vital part in the Spanish expansion process in Texas. Because the legal system allowed Tejanas to own land and protect land and other assets through that same system, the Spanish were able to establish permanent settlements in Texas. Land ownership and property rights allowed Tejanas to become strong matriarchs, entrepreneurs, and ranchers. Landownership provided stability and long term growth in the area that helped develop a population that grew to see their geographic environment as theirs which in turn created a people that were in fact different than the Spanish or Mexican people. Because there was a larger population of women than men, Tejanas role in the development of the frontier is vital to understand in this part of the Southwest Borderlands narrative. As active participants in the legal system, a very public sphere of colonial life in Texas, Tejanas were able to testify, sue, write wills, and participate in legal proceedings that were closed to women in Anglo colonial America. Clearly, gender is an important factor in Spanish and Mexican colonial expansion.

My dissertation examines how the changing of sovereignties from Spanish and Mexican to the Texas Republic displaced Tejano families in terms of socioeconomic and political status. The near disappearance of Tejanas in a court system dominated by Anglo American men after 1836 reveals Tejanas lost legal agency as citizens of the Texas Republic. This moment of loss is almost entirely unknown in existing historical scholarship. Bringing this forgotten story to light is the mission of this dissertation. This



phenomenon defined gender relations in Tejano families in nineteenth century Texas and the ramifications continue to be felt today.

## CHAPTER II

### TEJANA LAND GRANTS: GENDER AND THE BUILDING OF AN EMPIRE

Tejanas were a vital part in the Spanish expansion process in Texas. Because the legal system allowed Tejanas to own and protect land and other assets the Spanish were able to establish permanent settlements in Texas. Land ownership and private property rights allowed Tejanas to become strong matriarchs, entrepreneurs, and ranchers. As active participants in the legal system, a very public sphere of colonial life in Texas, Tejanas were able to then testify, sue, write wills, and participate in legal proceedings that were closed to women in places like Anglo colonial America. This chapter examines how the Spanish and later Mexican governments in the eighteenth and nineteenth century unintentionally used gender as a means to expand their empire into Spanish Texas using land grants. While the Spanish government did not give women rights for the sake of empowerment, they did in many ways give women the opportunity to use legal rights as a way to maneuver in a patriarchal society with a great sense of agency. The Mexican government adopted older Spanish laws pertaining to land grants for women. By allowing Tejanas to own land Spain and then Mexico were able to transform the B exar region on the northeastern periphery of the Spanish empire into a permanent settlement. This chapter discusses Tejana agency in the courts in the form of petitioning for land grants and dealing with inheritance laws pertaining to land ownership from the late eighteenth century to the onset of the Texas Revolution in 1835.

One of the first things the Spanish did in the early eighteenth century was establish a government that served as both a judicial and executive power in Béxar. The Spanish judicial system in Texas, overseen by the provincial governor, was not as organized or stable as that of the capital in Mexico City. The court in Béxar was run by an appointed governor who heard cases and made decisions based on testimony from petitioners and witnesses. Although the court was limited in resources, usually lacking supplies such as the required proper paper, official seals, and personnel such as notary publics, the people of Béxar went to the court with confidence, seeking justice and guidance. Because Mexico City was so far away, the only reasonable hope the people of Béxar had for immediate justice was in many cases the governor and his court. And these proceedings recognized women as full participants in Béxar society.

Tejanas, like their male counterparts in early Texas, went to court to search for justice. The Spanish crown had implemented laws that allowed women to be active participants in the legal system—to petition the court for land or redress, to sue, to testify, to write wills, and to own and sell land, among other legal rights. An extensive study of over a hundred court cases reveals that Tejanas, both rich and poor, exercised a large degree of agency despite operating in a patriarchal society. Cases used in this study reveal that Tejanas were aware of the law, utilized the law to their benefit, and exercised legal rights that stemmed from landownership. These cases not only show that Tejanas received land grants from the Spanish and Mexican governments, but that they took part in the legal system that protected them. Land grants allowed Tejanas to become strong matriarchs, ranchers, entrepreneurs *and* mothers, wives, and daughters. Within the legal

system, Tejanas were not placed in distinct gendered roles. Moreover, landownership for many Tejanas tied them to the land—it gave women a reason to stay on the frontier. Had they left they would have lost claim to land that could be passed down to their children. Because the Spanish and Mexican governments granted land to women, Tejanas were able to contribute to the growth and development of the frontier in Béxar.

At first glance the term agency is a bit blurred by the realities of the time period. To state the obvious, the Spanish empire fostered a militaristic, patriarchal society founded on gender hierarchies that had been in place for centuries. Society was run by men—the court was headed by male authoritative figures (governors, lawyers, scribes, etc.). Church leaders were men, and heads of households were usually husbands. Yet, the records indicate that Tejanas possessed legal power that was important in the colonization of North America. Tejanas were able to create a non-contested public space where they were able to exercise a significant degree of legal power. There is no evidence in any of these cases that suggest women were denied access to the court, a very public sphere, because of their sex. Women exercised their legal rights (suing, testifying, etc.) as customarily as did men in the court. So although this agency was limited or constrained by gender hierarchies in home and society, Tejanas were nonetheless able to operate in a legal realm that was closed to women in places like British Colonial America. For instance, no British colony in the America's recognized a

wife's legal rights separate from her husband's.<sup>34</sup> She was not permitted to legally act representing herself in court over property issues. Her husband solely managed her property upon marriage. This opportunity for Tejanas created an unspoken mutual obligation between the Spanish crown and the people on the frontier that allowed for Tejanas to own property and participate in other legal proceedings, while the Spanish in return gained the people's loyalty, the country's security and stability with the expansion and building of their empire on the frontier.

Women's legal rights were not new to the Texas frontier, but rather had been a part of the Spanish legal code for centuries. During the period of New World exploration, women in Spain began to experience a greater degree of freedom. Cities like Seville saw an increase of participation of women in unprecedented business and social activities. Historians believe that women filled a void caused by the large number of men emigrating during the exploration period to the New World. Scholar Theresa Ann Smith explains that women in cities like Seville were allowed access a "more public role...[where] women assumed increasing responsibility for crucial family and business decisions."<sup>35</sup> Therefore despite living in a strongly patriarchal society, women were able to exercise a significant degree of control. These changing notions of womanhood

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<sup>34</sup> Marylynn Salmon, *Women and the Law of Property in Early America*. (Chapel Hill and London: The University of North Carolina Press, 1986), p. xv.

<sup>35</sup> Theresa Ann Smith, *The Emerging Female Citizen: Gender and Enlightenment in Spain*. (Berkeley, Los Angeles and London: University of California Press, 2006), p. 21.

crossed the Atlantic into the New World and women in New Spain exercised legal rights without reservation, suing, testifying, and most importantly buying and selling land.

Women had, in fact, been included in the *Siete Partidas*, a Castilian legal code that dated back to the thirteenth century. In order to attract “women of good character,” Spain had granted women property rights to entice them to settle on the Islamic-Christian frontier in Spain.<sup>36</sup> The Spanish crown wanted to occupy the region with women who could develop a community with solid Spanish values. The *Siete Partidas* allowed women to own land, sue in court, testify, and even own businesses. Jean Stuntz posits that “women, even married women, had a status almost equal to that of men—in legal terms they held almost full civil capacity.”<sup>37</sup> The Spanish empire replicated the same practice when it encouraged women to settle on the frontier in Texas centuries later. The monarchy gave land to Tejanas to create a permanent presence with the expectation that they would cultivate and occupy the land. With the land came property rights. Land grants legally obligated and symbolically tied Tejanas to the Spanish crown. While these rights were not a straight transfer from the Old World to the New, women property rights were not a foreign notion to the Spanish when they settled in what would become New Spain. Moreover, the Spanish frontier was a region that was more receptive to women owning land because the Spanish was so desperate to populate the region.

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<sup>36</sup> Jean Stuntz, “Spanish Laws for Texas Women: The Development of Marital Property Law to 1850,” in *The Southwestern Historical Quarterly*, Vol. 104, No. 4 (Apr., 2001), p. 545.

<sup>37</sup> *Ibid.*, p. 545.

Also, the fact that women outnumbered men on the frontier allowed women opportunities that was not readily available in more populated areas like Mexico City.

The Spanish had tried in Texas to establish a permanent presence in 1691 and appointed a governor to the province of Texas by establishing a Franciscan mission designed to convert Native Americans in the region.<sup>38</sup> This was the first major attempt to plant a permanent Spanish presence on this particular frontier. After conflict with local Indians, the Spanish turned to a more aggressive policy establishing military garrisons and presidios to secure the empire on the frontier. When both the mission and presidio systems failed to extend a permanent presence because of continued violent encounters with Indians, the Spanish empire turned to families to settle the area. The Spanish then adopted French economic policies that had proven successful. The hope was that these settlements would be a way to expand commercial endeavors. The French had settled the Louisiana area by stressing a policy that emphasized colonization as a relationship based on commerce and trade with the Native Americans, rather than one of conquest.<sup>39</sup> The Spanish empire then began an initiative to move Spanish citizens to the frontier of Texas in hopes that this would finally create a permanent Spanish presence, which would insure that Texas remained under Spanish control.

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<sup>38</sup> J. H. Elliott, *Empires of the Atlantic World: Britain and Spain in America 1492-1830*. (New Haven and London: Yale University Press, 2006), p. 272.

<sup>39</sup> Randolph B Campbell. *Gone To Texas: The Lone Star State, 2<sup>nd</sup> edition*. (New York & Oxford: Oxford University Press, 2012), p. 72.

Colonization was not limited to military men, as in previous efforts, but rather encouraged families to settle on the frontier. Immigrants were promised free land for settling on the frontier. Interestingly, the effort focused on enticing respectable Spanish women to settle on the frontier. The same had been done in Spain when the Spanish had attempted to populate frontier regions during the *Reconquista*. To do this, laws were implemented that granted “women of good character” land rights.<sup>40</sup> The Spanish and later Mexican governments recognized the importance of women on the frontier in order to populate the region. The trip and settlement were arduous, but for many women the benefits of landownership and private property rights outweighed the hardships. These women’s choices to settle proved to be the key to a permanent presence on the frontier. The land thus tied the people to the region for generations to come. In similar colonization efforts, the Spanish crown had learned that settlers tended to be protective of their land and were willing to defend it against Indians and other enemies.<sup>41</sup> They had weathered the floods, droughts, dangerous animals, and Indian raids to till the land themselves and the experience wedded them to the land.<sup>42</sup>

Tejanas in the second half of the eighteenth century and early nineteenth century were instrumental in colonizing early Texas. Four of the fourteen “legitimate stock

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<sup>40</sup> Jean Stuntz, “Spanish Laws for Texas Women: The Development of Marital Property Law to 1850,” in *The Southwestern Historical Quarterly*, Vol. 104, No. 4 (Apr., 2001), p. 545.

<sup>41</sup> Galen D. Greaser, *New Guide to Spanish and Mexican Land Grants in South Texas*, (Austin, Texas: Texas General Land Office, Jerry Patterson, Commissioner, 2009), p. 6.

<sup>42</sup> *Ibid.*, p. 149.



raisers” in Texas in 1791 were actually women.<sup>43</sup> Leonor Delgado owned San José de los Alamos; Manuela Móntes owned Nuestra Señora de Guadalupe de las Mujeres; Antonia de Armas owned San Lorenzo de la Mulas; and Josefa Quiñones owned San Miguel de las Amoladeras.<sup>44</sup> Another successful *ranchera* was Doña Ana María del Carmen Calvillo. She inherited the ranch from her father, who was murdered in 1814. She managed the ranch successfully, building “an extensive irrigation system, along with a granary and a sugar mill,” providing for the twenty families who lived on the ranch.<sup>45</sup> In addition, she “increased livestock of Rancho de las Cabras to fifteen hundred cattle and five hundred goats, sheep, and horses.”<sup>46</sup> María Feliciano Durán owned a cattle ranch on the Salado Creek and registered her own cattle brand.<sup>47</sup> María Robaina Betancour, a native of the Canary Islands (and mother of Antonia de Armas), also had a cattle brand and owned a ranch on Cibolo Creek.<sup>48</sup> These women helped create a traditional ranching lifestyle on the frontier that not only created permanent settlements but also provided subsistence and in many cases significant economic growth.

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<sup>43</sup> Jack Johnson, *Los Mesteños: Spanish Ranching in Texas, 1721-1821*. (College Station, Texas: Texas A&M University Press, 1986), p. 385.

<sup>44</sup> *Ibid.*, p. 385.

<sup>45</sup> *Ibid.*, 36.

<sup>46</sup> Acosta, Teresa Palomo and Ruthe Winegarten. *Las Tejanas: 300 Years of History*. (Austin: University of Texas Press, 2003), p. 19.

<sup>47</sup> María Feliciano Durán, Will, San Antonio Spanish Archives, County Court House, San Antonio, Texas, June 25, 1814.

<sup>48</sup> María Betancour, Will, San Antonio Spanish Archives, County Court House, San Antonio, Texas, 1779.

As ranchers and entrepreneurs, women had recourse to the courts to protect their businesses and finances. Tejanas thus used the courts regularly to exercise their legal rights, suing in courts, defending themselves in suits, and appealing to the courts to solve legal problems. Examining court cases involving Tejana property ownership and management of land through various court cases reveals the important role they played in the success of Spanish settlement. These cases show that they were active participants in the legal system, knew how to maneuver the system, and that the courts protected women's legal rights. In turn land ownership allowed them to contribute to the growth of the region by cultivating the region and increasing the population.

After gaining its independence from Spain, Mexico continued to implement Spanish law in the newly established nation. The work of Jean Stuntz offers the best comprehensive study on property rights of women in early Texas by far. Under Spanish law, Stuntz explains, women were not forced to relinquish land titles when they got married, nor if they were separated. They had the right to grant power of attorney to their husbands, which many did; however, they also had the right to rescind that power.<sup>49</sup> Furthermore, a husband could not sell land owned by his wife, or land they owned together without her consent.<sup>50</sup> Women could inherit land, write wills, sue in courts, and buy and sell land as they pleased, in contrast to Anglo American women in colonial

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<sup>49</sup> Stuntz, Jean. *His, Hers, and Theirs: Community Property Law in Spain and Early Texas*. (Texas Tech University Press, 2005), p. 75.

<sup>50</sup> *Ibid.*, p. 77.

America.<sup>51</sup> Remarkably, even women who married a second time did not lose land or property they owned in a previous marriage and which they usually bequeathed property to children from that marriage.<sup>52</sup>

The participation and the welcoming of Tejanas into the courts contributed to the success of the Spanish empire in their expansion efforts in Texas in the eighteenth century. The Spanish courts collected fees from plaintiffs and lawyers and scribes charged for their representation in the court, generating a revenue for the Spanish frontier. The Spanish crown attempted to plant a permanent settlement in Texas to ward off the perceived French threat in Louisiana (and later the Americans of the United States). The Spanish used family settlements as a means to expand and keep a strong hold on their growing empire. These families were used as a way to conquer and lay claim by establishing a strong permanent presence on the frontier. The Spanish crown enticed these settlers with free land. Not surprising then is the fact that many Tejanas were landowners, and heads of households on the frontier. Tejanas were a part of the group of intrepid settlers who migrated from the Canary Islands and New Spain in the middle of the eighteenth century to what is now the state of Texas. With great confidence, Tejanas turned to courts for help to settle in Texas lands. They applied for and were granted parcels of land called *solares*. For many Tejanas who were widows

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<sup>51</sup> Ibid., p. 78-79.

<sup>52</sup> Ibid., p. 81.

and poor, the courts were the only way to acquire land. Without land, Tejanas were not likely to survive out on the frontier.

Women's legal rights did not change in Texas when Mexico won its independence from Spain in 1821. There is no evidence showing that Mexico changed or took away women's property rights. Tejanas continued to use the courts as a tool to seek fair and equitable treatment in matters of inheritance disputes and property rights. They continued to submit petitions for government redress for military pensions and confidently turned to the courts to solve legal conflicts. Laws in Mexican Texas under Agustín de Iturbide remained very similar to laws under the Spanish crown (most did not change at all) because the new Mexican government proved to be very unstable in the early years. It was not until the abdication of Iturbide after his grab at an imperial title that a new constitution was written.<sup>53</sup>

Under the Constitution of 1824, the provinces of Coahuila and Texas became states, making the political chief (*jefe politico*) of San Antonio accountable to the governor of Saltillo.<sup>54</sup> The change to a federalist-liberal government allowed Tejanos to participate more actively in the role of government in their local area, but again, many laws—in particular, grants of land—remained virtually the same. Tejanas continued to be heads of households and the process for granting *solares* was the same. The petitioner

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<sup>53</sup> David J. Weber, *The Mexican Frontier 1821-1846: The American Southwest Under Mexico*. (Albuquerque: University of New Mexico Press, 1982), p. 18.

<sup>54</sup> David J. Weber, *The Mexican Frontier 1821-1846: The American Southwest Under Mexico*. (Albuquerque: University of New Mexico Press, 1982), p. 26.

submitted a request for land, and if granted, a small ceremony was performed—as under the Spanish crown. The only major differences seen in the sources in the Federalist Era is that many land recipients paid a “small sum” into a “fund for the city” and stipulated they were under the authority of the State of Coahuila and Texas. For many Tejanas these local courts were not simply their last resort, but really their *only* resort because trips to the capital proved to be too expensive for many Tejanas who did not have the means to make a trip to appeal to higher courts to hear their cases.

These rights were extremely beneficial to women on the frontier, especially for widows raising a family alone. The land they inherited, or owned, no doubt helped them survive and provide for their children. In fact, even after death, women’s right to own property was protected. According to Spanish law, a husband of a second marriage could not spend his deceased wife’s inheritance. He was legally obligated to take care of his widow’s property until her children were mature enough to take possession. In contrast, husbands under English law “owned all, not half, of the increase of a wife’s separate property.”<sup>55</sup> So in Anglo America, a husband of a widow took possession of all her land upon marriage. In addition, a married woman in colonial North America could “not make contracts, buy or sell land, or do business of any kind during her coverture.”<sup>56</sup>

As mentioned before, many of these Tejanas were widows, (mostly due to warfare and Indian raids), and as a result women outnumbered men on the Texas

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<sup>55</sup> Stuntz, *His, Hers, and Theirs...*, p. 102.

<sup>56</sup> *Ibid.*, p. 103.

frontier. Widows, historian Nora Rios McMillan argues, “enjoyed certain legal privileges and a degree of social acceptability not accorded to abandoned women or unwed mothers.”<sup>57</sup> In fact by 1820, Tejanas were “the oldest (and often the wealthiest people) on the Texas *frontera*.”<sup>58</sup>

Landownership and legal rights allowed women enter industries, such as cattle ranching, which were traditionally male-dominated. Cattle ranching in Texas began with the mission friars in the early 1700s and begun to flourish by the 1750s.<sup>59</sup> By the late eighteenth century Tejanas were active in cattle ranching and became wealthy “cattle queens.” Familiar to Texas historians are the names of women who were famous entrepreneurs and owned a significant amount of land in early Texas. Rosa María Balli, Patricia de León, and Petra Kenedy are the most recognizable without a doubt. Rosa María Hinojosa de Balli is a prime example of a cattle queen. In 1798, Balli, a widow who is often referred to as “Texas’s First Cattle Queen,” owned 642,755 acres (one third of the present Lower Rio Grande Valley made up of present-day Cameron, Willacy, Hidalgo and Starr counties) and by the time she died in 1803, she owned more than a

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<sup>57</sup> Nora Rios McMillan, “A Woman of Worth: Ana Maria del Carmen Calvillo,” in *Tejano Epic: Essays in Honor of Felix D. Almaraz, Jr.*, ed. Arnaldo De Leon. (Austin: Texas State Historical Association, 2005), 33.

<sup>58</sup> Andrés Tijerina, *Tejanos & Texas Under the Mexican Flag, 1821-1836*. (College Station: Texas A&M University Press, 1994), 13.

<sup>59</sup> Jack Johnson. *Los Mesteños: Spanish Ranching in Texas, 1721-1821*. (College Station, Texas: Texas A&M University Press, 1986), p. 57.

million acres of land.<sup>60</sup> She was not, however, the only woman who owned a significant amount of land.

Doña Patricia de la Garza de León co-founded, with her husband, the town of Victoria. Widowed in 1834, she managed the property she and her husband had accumulated. Upon the death of her husband, Patricia de León claimed a 20,000 acre ranch that her dowry had no doubt helped to establish.<sup>61</sup> Her dowry had included animals to start a ranch and \$9,800 pesos, a generous contribution from an uncle of hers.<sup>62</sup> De León wrote her will in 1850, specifically leaving her daughters an inheritance.

Petra Vela de Vidal Kenedy arrived in Brownsville in the middle of the nineteenth century, with a portion of the inheritance left to her by her father, José Gregorio Vela, a rancher and landholder.<sup>63</sup> Gregorio had established a ranch, approximately 8,856 acres, named Santa Teresa, in 1807.<sup>64</sup> His daughter's inheritance (exact amounts are unknown) was significant enough to move her and her eight children across the border. She had eight children from a previous relationship with Luis Vidal

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<sup>60</sup> Acosta, *Las Tejanas...*, p. 16.

<sup>61</sup> Stuntz, *His, Hers, and Theirs...*, pg. xii

<sup>62</sup> Ana Carolina Castillo Crimm, *De León: A Tejano Family History*. (Austin: University of Texas Press, 2004), p. 28.

<sup>63</sup> Jane Clements Monday & Frances Brannen Vick. *Petra's Legacy: The South Texas Ranching Empire of Petra Vela and Mifflin Kenedy*. (College Station, Texas: Texas A&M University, 2007), pg. 22.

<sup>64</sup> *Ibid.*, pg. 11.

(no marriage record exists to show the two were ever married).<sup>65</sup> Luis died in 1849 and shortly after, Petra crossed the Rio Grande into the newly acquired American territory and began a new life with five children (three of whom are thought to have passed away before the crossing). In 1852 Mifflin Kenedy began managing Petra's grandfather's ranch, Veleño.<sup>66</sup> They married and this relationship produced a son in 1852. After his marriage to Petra, Kenedy profited greatly in the cattle ranching industry, (a millionaire by the 1880s).<sup>67</sup> Unlike De León in 1850, Petra did not write a will before she died in 1885, and she left nothing to her children from her previous relationship with Vidal or to her children with Kenedy.

Ranching, however, was not the only way women established themselves on the frontier. Some were entrepreneurs such as store owners. María Josefa Granados owned a store and was quite wealthy when she died.<sup>68</sup> Her personal inventory in her will was several pages long and illuminates her store's inventory (estimated at a little over 8,000 pesos). Her personal items included an extensive collection of jewelry, household furnishings, including silver plates, platters, and utensils, chinaware, clothing, farm equipment, animals, and a ranch called San Bartolome, which María Josefa points out

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<sup>65</sup> Ana Carolina Castillo Crimm, "Petra Vela and the Kenedy Family Legacy," in *Tejano Epic: Essays in Honor of Félix D. Almaráz, Jr.*, edited by Arnoldo De León, (Austin: Texas State Historical Association, 2005), 49.

<sup>66</sup> Monday, *Peta's Legacy...*, pg. 40.

<sup>67</sup> Stuntz, *His, Hers, and Theirs...*, pg. xvi.

<sup>68</sup> María Josefa Granados, Will, San Antonio Spanish Archives, County Court House, San Antonio, Texas, 1787.



she acquired with her own money and not that of her late husband.<sup>69</sup> She lived in a comfortable home made of stone with plastered walls and tiled floors, a veritable palace in this rustic frontier.<sup>70</sup> We see through these examples of Tejanas that they were able to become successful ranchers and entrepreneurs on the frontier.

These well-known women were not, however, the only women who confidently exercised their legal rights. There is a plethora of sources that reveal agency by more common Tejanas in the courts. Like the better-known Tejanas that have been written about, they also held lands, managed their ranches, and actively used the courts to solidify legal rights pertaining to landownership and civil law. By allowing Tejanas to own land, the Spanish empire allowed women to become active participants of the legal system because owning land meant they were now allowed to exercise rights that included protecting, suing, buying, inheriting and bequeathing their land—a process that began with the Spanish granting land to Tejanas.

Widows, in particular, turned to the mercy of the courts for land and an opportunity to start a new life. “Finding herself totally lacking in worldly goods,” María Mathiana De Los Santos appealed to the court for a tract of land after her husband was murdered by Apache and Mascalero Indians.<sup>71</sup> A resident of the Presidio of San Antonio

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<sup>69</sup> María Josefa Granados, Will, San Antonio Spanish Archives, County Court House, San Antonio, Texas, 1787.

<sup>70</sup> *Ibid.*, (Grandados Will).

<sup>71</sup> María Mathiana De Los Santos, Grant of a Solar, San Antonio Spanish Archives, Bexar County Courthouse, 1784.

de Béxar, with three children to care for, De Los Santos begged the court to grant her a piece of land to build a home. Because the crown was trying to populate the region of San Antonio (Béxar), the court granted her request. The governor decreed that “because she is obligated to rear and educate her children properly, it is my sincere belief that she is worthy” to receive the land.<sup>72</sup> Furthermore, the court stated that “the land [was] granted with all of its uses, customs and easements which it may have now or acquire in the future, for her children, heirs and successors.”<sup>73</sup> As altruistic as the governor may sound, he was looking out for the best interest of the empire. In addition to the public welfare dimension to this practice, giving out land and incentivizing its preservation by families, even fractured ones by death or capture, would strengthen Spanish hold on Texas. The only major provision the court gave to applicants like De Los Santos was that they had to live on the land for at least four years before they could sell it. If a Tejana, (or Tejano) did not settle on the land and build a home, the land would be considered “unsettled” and anyone could petition the court for ownership of the land, just as De Los Santos had done.

It was very common for widows to request land. Canary Islander, Rosalía Rodríguez, who had been widowed three times, appealed to the court in 1777. She stated, “That, [ever since my settlement in this territory], neither land nor possession was

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<sup>72</sup> María Mathiana De Los Santos, Grant of a Solar, San Antonio Spanish Archives Bexar County Courthouse, 1784.

<sup>73</sup> Ibid., (De Los Santos, Grant of a Solar).

given to either of my three husbands or myself (even though they had been soldiers of this presidio). I therefore, implore the mercy of Your Lordship, that he may order land for my sons and inheritors, alleging the merits of my [three] husbands, and my deserving rights, by being the daughter of the citizens of the Islas Canarias.”<sup>74</sup> She argued that since each of her husbands had served in the presidio, she was entitled to land. The courts denied her petition, but only because particular the land she was requesting was already claimed by someone else.

Tejanas who petitioned for land grants were not necessarily from the upper classes. Many were illiterate, poor, and lacked the financial resources to build a life on the frontier. Regardless of these circumstances, Tejanas confidently appealed to the courts and asked for free land. In most cases, the applicant would ask for land that they knew was previously unsettled, or abandoned. Once the land was inspected and confirmation acquired that no one lived there or owned the land, the request was usually granted. It was not in the best interest of the governor or city to have widows and their children homeless. Instead of a region filled with vagabonds, the government preferred to grant the land to a woman willing to occupy the land, regardless of her class. María Ynes De Los Santos appealed to the court in 1818, stating, “that being a widow, stricken with poverty and burdened with a family, yet I do not own even a small tract of land on which to maintain myself; I am driven by this dire necessity to prostrate myself at the

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<sup>74</sup> Rosalía Rodríguez, *The Bexar Archives*, Box: 2C26, (Vol. 66), July 24-29, 1777, 011:1025-26 & 011:1027-18

feet of Your Highness...and beseech you to regard me with fatherly kindness and grant me a tract of land."<sup>75</sup> Her land grant was approved and she received 30 *varas*<sup>76</sup> of frontage and 50 *varas* of depth. As in the case of María Mathiana De Los Santos, María Ynes had to live on the plot of land for four years before she could sell or transfer the land to someone.

Land grants were not granted to just anyone, though. The applicant had to be a resident whose integrity and high moral character were usually confirmed by a local resident or government official who knew the applicant well. The standards had been established in the *Siete Partidas*, centuries before. María Luisa Luna, for instance, appealed to the court for mercy when her ranch was confiscated because her husband had sided with rebels in the 1810 insurrection against the crown. Destitute and abandoned by her husband, Luna turned to the court for assistance. She petitioned the court for land and food. Although the governor did not return her land, he did offer her corn, 10 cows, and a house on 40 *varas* that had been confiscated from another rebel.<sup>77</sup> Luna proved to be of worthy character and deserving of the land. The court concluded that she was a loyal citizen of the crown and rewarded her for her loyalty. We see that

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<sup>75</sup> María Ynes De Los Santos, Grant of Solar, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1818.

<sup>76</sup> Note: 5,645.4 square *varas* equal one acre; 1,000,000 square *varas*, which is one labor, equal approximately 177.1 acres. "VARA," Handbook of Texas Online (<http://www.tshaonline.org/handbook/online/articles/pfv02>), accessed April 10, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

<sup>77</sup> María Luisa Luna, Petition for Restoration of Property, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1813.

that she was treated as a separate citizen from her husband, unlike in colonial British America where women's legal identity was inextricably connected to that of their husband's. Tejanas did not need a husband to request land.

Land ownership allowed women the legal right to go to the court and settle disputes over their property, as in the interesting case of María Juana Tijerina. In 1809 Tijerina had purchased her property with the help of a man named Antonio Hernández. Tijerina claimed she had an agreement with Hernández. In exchange for his help paying for the land, she took care of him while he was ill. In addition, she claimed to have given him some items.<sup>78</sup> Hernández, despite their agreement, sold the land to a man named Vicente Michelli. Tijerina turned to the court requesting that her land and property be returned. Michelli, who had rented a room from Tijerina, claimed he had legal right to the property. Both asserted they had witnesses to attest to their claims, however, neither had documentation for their declarations. Michelli denied the property was sold to Tijerina and argued to the governor that the property had instead been bought by Hernández. He essentially argued that Tijerina never owned the home and that Hernández was the legal owner of the land.

Tijerina's main witness was the son of the woman she had initially purchased the land from, María de los Angeles. The son testified that his mother sold the property to Tijerina in exchange for several kitchen utensils and clothes. He testified also that he was certain of the sale because by law, he had to give his "consent" at the moment of the

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<sup>78</sup> María Juana Tijerina, The Bexar Archives, Box: E, 040:0038-52

sale. The fact that he was present at and consented to the sale discredited any notion of hearsay.<sup>79</sup> In addition, his testimony substantiated Tijerina's claim that she had built a home on the land she purchased. It seems that Hernández was trying to profit from the sale of land that did not belong to him and thought he could take advantage of a woman alone on the frontier. Although the end result is not in the sources, (the case abruptly ends there) this entire matter reveals the vulnerability of women on the frontier.<sup>80</sup>

Women like Tijerina had bought land, built homes, and faced the problems every day frontier life presented, but their legal participation in the courts to protect that land is more telling of their agency and resilience. They clearly knew the process and were not reluctant to use it to protect their property, in particular from men who thought they could take advantage of women alone on the frontier.

These cases offer evidence of men's frequent attempts to take advantage or even steal from Tejanas, and of Tejanas fighting back in courts protected their legal rights. Another such case involves Mariana Curbelo who sued Francisco Vicente Flores for taking stock off her property, essentially stealing a total of two hundred head of cattle from her ranch.<sup>81</sup> Although the case's outcome is missing in court records, "witnesses attest to Flore[s] having seized over one thousand "orejana cattle"" from Curbelo's

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<sup>79</sup> María Juana Tijerina, The Bexar Archives, Box: E, 040:0038-52

<sup>80</sup> I will continue to search for the end result of this dramatic incident. Perhaps more records can be found in the San Antonio Court House where many Bexar records are housed.

<sup>81</sup> Mariana Curbelo, The Bexar Archives, Box: 2C48, (Vol. 116), 015:0307-16.

ranch.<sup>82</sup> Her reaction to this theft was to resolve the issue in court. Cases like these reveal that women were not intimidated from taking legal action. This case shows that the courts recognized the validity of Tejana claims in cases dealing with loss of property and further shows that Tejanas exercised their legal rights when the threat of losing their property was present.

It was common for Tejanas to turn to the courts to resolve inheritance disputes as well. An example of an inheritance dispute in this time period is the case of María Rafaela Martinez and her sister, María de Jesus. María Rafaela apparently petitioned the court for a small piece of land that she had been living on for seventeen years, but for which she had failed to file an official claim for the land. The land had been loaned to María Rafaela's father, Antonio Martínez by a man named Matias del Rio, both deceased by this time.<sup>83</sup> María Rafaela, "a poverty-stricken widow," appealed to the court for mercy and argued that the piece of land was so small that it could not be divided among her brothers and sisters. She argued that since she had lived there for so long and because her brothers already owned land, they had no right to claim it.<sup>84</sup> Attempting to appeal to the emotional side of the court, she made sure to mention that

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<sup>82</sup> Ibid., (Curbelo)

<sup>83</sup> María Rafaela Martinez, Grant of Solar, San Antonio Spanish Archives, Bexar County Courthouse, 1829.

<sup>84</sup> Ibid., (Martinez, Grant of Solar).

not only was she a widow but that her daughter who lived with her was also a widow with two young daughters.<sup>85</sup>

After a lengthy investigation, the court learned that no descendants from Matías del Río were alive and decided the land belonged to Antonio Martínez's heirs since they had claimed it for so long. However, a sister, María de Jesus, had also petitioned the court for the exact same piece of land. Despite the fact that María Rafaela had lived on the land for so long, the governor stated that because of inheritance laws, the two sisters would have to share the land. María de Jesus then requested land next to her sister's *solar*. The *alcalde* of the city took both women to their land and "performed all customary acts; pulled weeds and hurled rocks."<sup>86</sup> This case is a great example of the execution of inheritance laws. Since the land was legally awarded to their father, the court could not give one sister the land, regardless of the fact that she had lived there for so long. The court had to grant the land to both sisters, or as in this case, grant a neighboring abandoned piece of land to the other sister to be fair. María Rafaela was lucky in the sense that there was another *solar* available to give to her sister, if not she would have had to share the *solar* with her.

Allowing Tejanas to own land meant that the Spanish empire, and later the Mexican government, recognized other legal rights that pertained to landownership, as in

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<sup>85</sup> Ibid., (Martinez, Grant of Solar).

<sup>86</sup> María de Jesus and Rafaela Martinez, Grant of Solar, San Antonio Spanish Archives, Bexar County Courthouse, 1830.



the cases of suing over land or inheritance. It further allowed Tejanas to participate in other legal processes, such as the writing of wills (discussed in a later chapter) which allowed them to bequeath the property they had acquired. The Spanish put in place an unspoken mutual obligation. Tejanas received land and were then obligated to be loyal to the Spanish crown and not only live on the frontier, but stay on the frontier to create a permanent settlement. Their permanent presence significantly contributed to the building of the Spanish empire on the frontier. The Spanish empire did not act as an altruistic benevolent leader, but rather as an agent of self-interest to protect and ensure empire expansion. They did not give Tejanas these rights as a way to create agency for Tejanas themselves, (although one could argue that is precisely what happened), but rather for the establishment of a permanent presence on the frontier. In order for expansion efforts to be successful, the Spanish crown needed people to live on the frontier. Tejanas were bound to the land and so they protected their land using the laws afforded to them.

The Spanish crown fostered notions of loyalty and obligation to the *patria*, or country for the land through a series of small ceremonies. It was often common to have a small ceremony where the governor would officially give the land over to the new owner (in the presence of witnesses). In the case of María Josefa Serna, Antonio Martinez, the governor of the city and province of Texas, later wrote of the event:

*I took the aforesaid Serna by the hand and placed her in royal, corporal, and actual possession of the said land and led her about the land... Then having removed my hat, and with hat in hand, I cried in loud and intelligible voices that*

*in the name of His Majesty (whom God preserve) I gave her possession of the aforesaid land so that she might hold it as a thing of her own.*<sup>87</sup>

These ceremonies were a part of the legal process of granting land, but more importantly they provided a sense of ownership to the grantee and reminded them of the great responsibility they now had—to settle and earn a living off the land. These ceremonies were symbolic in nature. Patricia Seed states, “Colonial rule over the New World was initiated through largely ceremonial practices—planting crosses, standards, banners, and coats of arms—marching in processions, picking up dirt” and such.<sup>88</sup> This land was not “free” necessarily, but obligated Tejanas to the Spanish crown. The grantee also played a part in the ceremonial process. The ceremony usually consisted of a government official pronouncing (out loud) that the land was given to the petitioner and the petitioner usually pulling weeds, throwing rocks, and putting stakes in the ground to draw boundaries. Martinez stated that upon receiving the land, “she tore up weeds, drove stakes, placed boundaries, cried aloud, and performed all other acts necessary to make her lawful of the said land.”<sup>89</sup>

Frontier life left government officials with a lack of resources and lacked notary seals. Most of these land grants were signed without notary seals because more often

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<sup>87</sup> María Josefa Serna, Grant of Solar, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1819.

<sup>88</sup> Patricia Seed, *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640*, (Cambridge University Press, 1995), p. 2.

<sup>89</sup> María Josefa Serna, Grant of Solar, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1819.

than not there was no notary available to sign. In many cases, the documents were not written on official paper. It was also common for people to waive their rights to sue later in order to settle current sales. For example, if the seller found out the land was worth more than the price it was sold at, he/she could not go back and petition the court for redress because they had waived their rights. Women had to in fact renounce their rights when it came to land sales because it protected the buyer from being accused of taking advantage of a woman because in the eyes of the society women were seen as the weaker sex.<sup>90</sup>

Under the Mexican government, María Vicenta Perez, a widow, appealed to the *Jefe Politico* in 1826 and requested tracts of land that she knew to be unsettled. After the land was inspected, Angel Navarro, the sole *Sindico Procurador* (a judicial position) of the *Ayuntamiento* (municipal court) of San Fernando de Bexar, granted her request. With witnesses present, Eugenio Flores, a government official, “placed the petitioner in possession of the land with all the customary formalities” including “tak[ing] her by the hand [to the land]... and she performed all the ceremonies necessary to indicate true possession in which I place her firmly, in the name of the Mexican Nation and the Honorable Congress of this State so that no one may disturb or molest her on the site.”<sup>91</sup> Perez paid a “small sum” to the “fund of the city.”<sup>92</sup> In other cases, however, the

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<sup>90</sup> Stuntz, “Spanish Laws for Texas Women,” p. 547.

<sup>91</sup> María Vicenta Perez, Grant of Solar, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1826.

<sup>92</sup> *Ibid.*, (Perez, Grant of Solar).

petitioner did not have to pay for the seal if he/she could not afford it. Cases such as Perez's shows the consistency of Mexican law with Spanish law. The two governments, one an empire and the other a republic, allowed women to own land in hopes they would stay there and cultivate the region, creating a permanent Spanish and later Mexican presence. Both governments recognized women as citizens and as such a vital part of the expansion process.

Although patriarchal in nature, this society did not deny them property rights, but in fact, through its legal system provided a safe haven for women who were perceived as the "weaker" sex. This can also be interpreted, however, as a way that women *appeared* as a weaker sex, but in reality manipulated the legal system. By receiving land, these women became heads of household, which leads us to ask if this is a patriarchal society? This particular case does not stand-alone. Patricia Seed and Ramón Gutiérrez both contend that Spanish society was a strong patriarchal structure, but as evidenced here, this patriarchal society was immensely fluid on the frontier, allowing Tejanas to become strong matriarchs within an otherwise patriarchal society.<sup>93</sup> We see that Tejanas had significant power when it came to their legal rights, something not common in a patriarchal society.

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<sup>93</sup> Refer to Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico, Conflicts over Marriage Choice, 1574-1821*. Stanford, California: Stanford University Press, 1988. And Ramón A. Gutiérrez, *When Jesus Came, the Corn Mothers Went Away, Marriage, Sexuality, and Power in New Mexico, 1500-1846*. Stanford, California: Stanford University Press, 1991.

Allowing Tejanas to own land subsequently meant that they also possessed other legal rights that were associated with landownership, such as suing over land and inheritance disputes, as briefly mentioned earlier. These rights also included suing over family and personal matters. Public morality could be used against women who owned land.

Tejanas could easily lose their land grants if they were accused of unbecoming acts, such as fornication or adultery. These actions were seen as immoral and women who committed them were deemed not worthy of privileges such as land grants. As mentioned earlier, the Spanish intended to establish settlements with people of good character. Tejanas would go to great lengths to clear their good name, fearing that their land grants would be revoked if found guilty of such acts. In the summer of 1791, Anastacia Zambrano sued her brother in law Prudencio Rodríguez for slander.<sup>94</sup> Zambrano claimed Rodríguez was spreading rumors that she intentionally disobeyed the governor's order that no one leave the presidio. Rodríguez alleged publically that Zambrano did in fact leave the presidio and added that she left with a "Cumanche [sic] Indian and ha[d] remained there to spend the night."<sup>95</sup> Her husband, Mariano Rodríguez, admitted to her leaving to see the Comanche Indian, however, he stated "it was with the permission of Captain Don Raphael Martínez Pacheco to receive a gift from the

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<sup>94</sup> Anastacia Zambrano, The Bexar Archives, Box: 2C154, (Vol. 175), June 28, 1791-July 13, 1791, 021:0499-510

<sup>95</sup> Ibid., (Zambrano).

deponent, as did happen, because he gave [the chief] a horse.”<sup>96</sup> Prudencio Rodríguez, who by this point realized his error, apologized to Zambrano and stated he would publicly “declare the innocence” of his sister-in-law.<sup>97</sup> Cases such as this reveal how important a woman’s reputation was in early Texas. Zambrano felt there was no alternative except to take her plea to the court to insure her good name was not tarnished or her reputation damaged.

Zambrano had reason to fear the consequences if her reputation was damaged. Women could lose all their rights if they were found to be less than respectable.<sup>98</sup> Women who had made morally lax choices in the past were not treated the same as women with good reputations. Women could lose their rights if they were found to be morally depraved. Women after all were given these legal rights in the *Siete Partidas* to entice them to the frontier of Spain’s Iberian empire. The Spanish wanted “women of good character” to settle on the Texas frontier also.<sup>99</sup> For instance, María Dolores Carabeyo, a widow, petitioned the court in December of 1790, requesting payment for cattle she had sold and also requesting that she be allowed to stay in San Antonio.<sup>100</sup> She

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<sup>96</sup> Ibid., (Zambrano).

<sup>97</sup> Ibid., (Zambrano).

<sup>98</sup> Jean Stuntz, “Spanish Laws for Texas Women: The Development of Marital Property Law 101850,” in *The Southwestern Historical Quarterly*, Vol. 104, No. 4 (Apr., 2001), p. 545.

<sup>99</sup> Ibid, p. 545.

<sup>100</sup> María Dolores Carabeyo, The Bexar Archives, Box: 2C152, (Vol. 171), December 4, 1790-December 5, 1790, 020:1030-31

stated, “[The new governor] learning of some excesses that I had committed at a previous time, from which I am far removed, took the most severe and cruel action toward me.”<sup>101</sup> Although the document does not state what “excesses” she is referring to, they were bad enough for the governor to order her removed to the much feared Medina River. It is evident in her plea to the court that she feared the area because of the “savages” there, with good reason—her husband had been murdered by Lipan Indians. Unfortunately, the story ends there. The verdict is not listed in the court documents. The case does, however, indicate how important a woman’s reputation was in society. It also reveals that despite her previous transgressions, she felt confident in going to the courts for redress. She was not afraid that her previous behavior would prevent her from being justly compensated for her cattle or cause her to be banished to the Medina River area. She clearly had faith in the court system and in her acknowledged role as a person of value and importance in the Spanish empire.

Major changes arose when Texas won its independence from Mexico in 1836, transforming the gendered roles in the court. After the revolution, Tejanas no longer petitioned the court for land grants. Tejanas faced problems in the court with new laws written in English that caused language barriers and were intimidating by nature (laws that were influenced by English common law practiced in the United States that Texans

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<sup>101</sup> Ibid., (Carabeyo).

adopted).<sup>102</sup> Tejanas alone on the frontier suffered from intimidation tactics, fraudulent land dealings, violent racially motivated attacks, and prejudices that Anglo Americans immigrants brought with them to Texas.<sup>103</sup> Although Texas did not take property rights away from women in Texas, Tejanas suffered nonetheless because the process, petitioning or suing for example, was expensive and unless they could pay lawyer and court fees their grievances they were never heard in the court, disenfranchising them from a legal sphere they had been a part of for many generations. Unlike under the Spanish and Mexican governments, court fees were not waived for the poor.<sup>104</sup> Circumstances such as these put Tejanas in second class citizenship in many ways and was detrimental to Tejano families overall. Ranching had been seen as a traditional lifestyle for Tejanas, but as historian David Montejano points out, Anglo American immigrants saw land as “a marketable commodity.”<sup>105</sup> With the flood of Anglo American immigrants into Texas after the Texas Revolution there was no need to give land away to Tejanas to occupy the frontier as in the case of Spanish and Mexican

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<sup>102</sup> Jean Stuntz, “Tejanas: Hispanic Women on the Losing Side of the Texas Revolution,” in *Women and the Texas Revolution*, ed. by Mary L. Scheer, (Denton, Texas: University of North Texas Press, 2012), p. 56.

<sup>103</sup> For more on racism and violence on the frontier against Tejanos refer to Arnolde De León, *They Called Them Greasers, Anglo American Attitudes toward Mexicans in Texas, 1836-1900*, Austin: University of Texas Press, 1983.

<sup>104</sup> Stuntz, “Tejanas: Hispanic Women..,” p. 59.

<sup>105</sup> David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986*, (Austin, Texas: University of Texas Press, 1987), p.21.



colonization. Because land was now viewed as a commodity, Anglo Americans were not about to give land to second class citizens.

Anglo American arrivals did manage to keep parts of the Spanish and Mexican property laws in place. Anglo women in Texas benefited greatly from communal property law in the years after the Texas Revolution. For instance, the Act of January 20, 1840 allowed women to continue to own land and slaves that they owned before they married and even allowed them to write wills.<sup>106</sup> Texan men did not attempt to exclude women from the legal process when it came to property rights. In a way it seems as if the Texans recognized women property rights years before the United States did. Presently there are less than a dozen states in the United States that have community property laws.<sup>107</sup> It seems that the exclusion of Tejanas in the court occurred was due more to racial tensions between Anglos and Tejanos rather than gender problems.

By allowing women to own land, the Spanish empire recognized that Tejanas were instrumental in the building of the Spanish empire. Landownership opened the door to other legal rights that were needed to establish a strong permanent settlement solidifying the Spanish claim to the Texas frontier. Land ownership allowed Tejanas to actively participate in the legal system—allowing them to petition for land grants, sue over land, testify over land disputes, and participate in legal processes that included

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<sup>106</sup> Jean Stuntz, *Hers, His, and Theirs: Community Property Law in Spain and Early Texas*. (Texas Tech University Press, 2005), 138-139.

<sup>107</sup> *Ibid.*, 172.

protecting their land. Tejanas were also able to defend themselves and defend their honor to avoid having land grants being revoked. But what the Spanish gained in return is just as significant. There was an unspoken mutual obligation established between the people of the *villas* and the Spanish crown. In return for land rights and all the responsibilities that went with it, the Spanish crown not only established a permanent presence on the frontier with these settlers, but also strengthened their empire by contributing to the growth and stability of the frontier allowing the creation of ranches and other economic endeavors. By allowing Tejanas to petition the government for land, the Spanish Crown was able to expand its empire into unpopulated areas under Spain's general control. Tejanas were vital to the colonization effort on the frontier. After the failure of mission and presidio posts, the family structure was the system that proved to be most successful for the crown. Attempting to establish a permanent settlement that was made up of people with high moral character and attributes, both the Spanish and Mexican governments were selective in who received land grants. By allowing Tejanas the ability to own land, the Spanish crown inadvertently used gender as a tool for empire building. We see Tejanas possessed more agency than women in colonial America. A careful examination of court cases reveals that Tejanas had participation in the courts allowed Tejanas to participate in a civil capacity in the *villa*.

### CHAPTER III

#### TEJANAS IN THE COURT

Much has been written on Tejano agency in the early years of Spanish and Mexican colonization efforts. Historians such as Jesús de la Teja and Timothy Matovina have written works on the Béxar region illustrating the community building efforts that occurred there. De la Teja concentrates on community building in the early Spanish colonization period, while Matovina focuses on religion and ethnicity in the formation of a new identity separate from a Mexican identity—creating a new sense of identity altogether.<sup>108</sup> Both works stress how important Tejanos were to the colonization efforts and success of the Spanish establishment of Texas. Less has been written, however, on Tejana agency and their contributions to the colonization efforts. Through an examination of court cases in Béxar we see Tejanas were active participants of the citizenry contributing to the growth and success of Texas and were just as vital as the men of the *villa*.

As seen earlier, Tejanas were awarded land grants to help the Spanish and later Mexican governments establish a strong hold in the region of Béxar allowing Tejanas to be an active part of the civic body. Tejanas civic role, however, did not stop at land ownership. Private property ownership included other legal rights including defending

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<sup>108</sup> See: Jesús F. De La Teja, *San Antonio de Béxar: A Community on New Spain's Northern Frontier*. Albuquerque: University of New Mexico Press, 1995. And Timothy Matovina, *Tejano Religion and Ethnicity: San Antonio, 1821-1860*. Austin: University of Texas Press, 1995.

their land from new settlers and in some cases even from family members. Many of the cases examined in this case study involved land disputes where Tejanas testified and sued over land. Land was vital on the frontier as it provided subsistence and economic stability. Land also introduced private property interests. Private property ownership tied Tejanas to the land and provided their heirs with financial stability and prestige as respected Dons and Doñas (an honorific title bestowed upon men and women as a form of respect) of the *villa*.

Under the *Siete Partidas*, women had legal rights that allowed them to sue or testify in court in Iberian Spain. The laws eventually extended these legal rights to include property rights. Heirs inherited property equally, regardless of sex.<sup>109</sup> As scholar Susan Migden Socolow explains, the legal rights for married women in Castilian society were limited however, as they were still understood to be in some way “wards of their husbands.”<sup>110</sup> Widows on the other hand possessed a great deal more of legal autonomy. When colonization efforts began in the eighteenth century in Texas, these legal rights came with women settlers, married and widows, to the frontier. Although isolated on the frontier, their presence on the periphery did not create a legal vacuum. Tejanas were active and accepted participants in the legal public sphere of Béxar.

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<sup>109</sup> Socolow, Susan Migden. *The Women of Colonial Latin America*, (Cambridge University Press, 2000), p. 9.

<sup>110</sup> *Ibid.*, p. 10.

Property rights in Béxar, like in Iberian Spain, gave way to other legal rights that included rights dealing with family, wills, and inheritance. There is significant evidence that shows Tejanas often turned to the court for help with other legal matters involving family members over land or property. Court records also show that these rights were open to Tejanas of all social classes and not utilized only by the wealthy. Poor illiterate women, widows, slaves, and Indian women all turned to the court for redress. Tejanas were also active participants of the legal sphere by writing or contesting wills—legal issues that effected their livelihood or wellbeing. Tejanas were well aware of their legal rights when it pertained to writing wills and evidence shows they were able to protect their financial assets by producing a will. Tejanas also turned to the court for aid in financial grievances including issues with collecting debts and petitioning the court for military pensions from their late husbands. By participating in the legal sphere in Béxar Tejanas were active participants of the community of the periphery and thus were vital in the creation of a stable society for the Spanish and later Mexican governments.

Deborah A. Rosen conducted a comparison study between women in New Mexico and women in New York and found that women in New Mexico benefited from civil law systems derived from the Spanish monarchy as opposed to women in societies in New York that adopted English common law.<sup>111</sup> Rosen found that women in New Mexico from the last part of the seventeenth century to the end of the eighteenth century

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<sup>111</sup> Deborah A. Rosen, “Women and Property across Colonial America: A Comparison of Legal Systems in New Mexico and New York,” *The William and Mary Quarterly*, Third Series, Vol. 60, No. 2 (Apr., 2003), 355-381.

had significant control over their land and property impacting their financial stability significantly. This power allotted to women over their land and property was a direct result of the civil law that the Spanish practiced. Rosen states that Spanish law made a “significant positive impact on the lives of women living on the colonial frontier of New Mexico.”<sup>112</sup> Béxar court records and wills demonstrate much the same. Civil law allowed Tejanas in Béxar to enjoy and exercise a great deal of legal power in the form of property rights and legal rights to sue and testify in court.

It was not uncommon for family disputes to be resolved in the courts on the frontier in the late eighteenth and early nineteenth centuries. Problems with blended families over inheritance and land claims were common, especially if the woman in question was a widow. For instance, in April of 1770, Rafaela de la Garza, widow of José Curbelo, sued her son, J. Antonio Curbelo in court over property her husband left her, specifically their home.<sup>113</sup> An angry Antonio demanded that his mother leave their home. He claimed that because she had remarried, she no longer had rights to the home that his father had left her. He argued that since she had remarried, it was, in fact, her new husband’s responsibility to provide for her. After her son became violent and physically assaulted Rafaela’s husband, he was arrested and his mother then sued him in

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<sup>112</sup> Rosen, “Women and Property...”, p. 380.

<sup>113</sup> Rafaela de la Garza, Bexar Archives (hereafter referred to as BA), Box: 2C22, (Vol. 48), 0101:0716-19, April 3, 1770-April 6, 1770.

court. The Barron de Ripperadá decided in Rafaela's favor on the sixth of April, and ordered her son to leave the home.

This case in particular reveals the courts as a tool available to women, and widows in particular, who were perhaps more vulnerable and easily intimidated by the violent outbursts and other aggressive acts of male relatives. It also reveals the courts functioning protector of property rights, regardless of sex. The courts recognized the legal rights Tejanas had to landownership. By siding with de la Garza the courts strongly demonstrated that women would not lose their land if they remarried. These types of cases set a precedent for widows and as a result provided a sense of security for them. They were no longer fearful of losing land to a second husband if they chose to remarry or to children from a previous marriage. The court protected women against intimidation by men.

Male relatives often attempted to take advantage of women on the frontier and were not often very successful because Tejanas participated actively in civil society as demonstrated by their familiarity with laws that protected their property rights. They were not fearful that the court would rule against them simply because they were women. For example Ygnacia de Castro sued her brother Marcos de Castro over an oral contract that the two had made.<sup>114</sup> Ygnacia had agreed to sell her brother some of her inheritance, a portion of land left to her and her siblings. Her brother agreed to pay her

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<sup>114</sup> Ygnacia de Castro, BA, Box: 2C23, (Vol. 50), 011:0052-53, 011:0057-58

and gave her a down payment of “four *varas*<sup>115</sup> of wide linen, one small silk handkerchief and one *vara* of ribbon.”<sup>116</sup> Marcos apparently tried to take advantage of his sister by not following through with his part of the agreement. Ygnacia testified that “He tried to delude me with the little he gave me [as down payment], thinking perhaps since I am a young woman, that would have been enough to keep me hoping, for he has spent six years deluding me.”<sup>117</sup> The Barron de Ripperadá ordered that the down payment be given back to Marcos and the oral contract be terminated.<sup>118</sup>

This case is an example of a Tejana taking a family dispute to the court for resolution. Marcos, who had a reputation for going back on his word, had taken advantage of his sister for six years. How many of these women would have lost land and property, fallen victim to intimidation tactics and cheated in this time period if they had no legal rights? As it was, the courts were set up as an agency of justice for women who otherwise would have lost their property, even to family members.

While the court did not view Tejanas having the same legal identity as their male relatives it did recognize a separate legal identity. In Ygnacia’s case a young, unmarried woman exercised her right to protect her property and her financial interests. The case also shows that the court recognized an oral contract as legally binding as a written

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<sup>115</sup> One *vara* equals .84 meters.

<sup>116</sup> Ygnacia de Castro, BA, Box: 2C23, (Vol. 50), 011:0052-53, 011:0057-58.

<sup>117</sup> Ygnacia de Castro, BA, Box: 2C23, (Vol. 50), 011:0052-53, 011:0057-58

<sup>118</sup> Ygnacia de Castro, BA, Box: 2C24, (Vol. 56), 011:04114-14



contract. The court thus operated in many ways as a protector of women to insure that they were not taken advantage of.

Scholars have long debated women's agency in the Spanish court. Scholar Bianca Premo argues that agency for women in the court was limited in the sense that it was dictated by male dominated courts and male church leaders. Premo did an extensive study on women in the Mexico City vicinity who appeared in courts testifying and suing over issues dealing with marriage conflicts such as abusive spouses, adultery, and other cases involving divorces. Premo asserts, "Women legal tactics might have been successful in the short term...but in a more general sense, the litigants who won these legal battles ultimately lost the war."<sup>119</sup> However, I argue that a greater degree of agency existed on the Southwest Borderlands for Spanish, and later Mexican, women than in other parts of colonial Spanish America. For instance, while the court as in the case of Ygnacia, the male litigant (her brother) still had to accept the ruling against him. He still had to accept the fact that he had lost to a woman. The same is true for Rafaela. Rafaela's son had to leave the home to her and concede that he lost his case to his mother. While this does open the door to questions gendered power, this particular case reveals Tejanas' autonomy separate from the men they were suing or testifying against, even male relatives.

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<sup>119</sup> Bianca Premo, "Before the Law: Women's Petitions in the Eighteenth Century Spanish Empire," *Comparative Studies in Society and History*, (Vol. 53:2), April 2011, pps. 261-289.

In addition to legal rights not being based on a woman's relationship to a male relative, legal rights were connected neither to social nor economic status. There is evidence that women from the lower classes, often illiterate, also actively participated in court proceedings to decide legal matters, specifically family disputes.

One particular case involved a free mulatto named Antonia Luzgarda Hernández who sued her employer Miguel Nuñez Murillo in 1735 over the custody of her son.<sup>120</sup> After working in his home and enduring years of mistreatment, she left planning to take with her a daughter she previously had and a son she gave birth to while living in the Nuñez home. When she tried to leave the home, however, her former employer took the baby from her back to his home. Antonia sued him in court and demanded her child be returned to her. The case ended in her favor and her son was returned to her. As mentioned before, this case offers evidence that reveals low class or racial status did not prevent Tejanas from exercising legal rights in colonial Spanish Texas. This case reveals that neither gender nor social status prevented women from using the courts as a tool for justice.

Moreover, Spanish law waived court fees for poor women, widows, and Indians who could not afford the court fees otherwise.<sup>121</sup> These laws protected women's legal rights who could not afford to pay a lawyer or court fees as happened in Antonia's case.

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<sup>120</sup> Antonia Luzgarda Hernández, BA, Box:2C15, (Vol. 7), August 9, 1735, 008:0369-70

<sup>121</sup> Bianca Premo, "Before the Law: Women's Petitions in the Eighteenth Century Spanish Empire," *Comparative Studies in Society and History*, (Vol. 53:2), April 2011, p. 265.

Clearly not all women were intimidated by rich men nor did they feel that a case would necessarily be won by the wealthier litigant. This is another example of Tejanas actively participating in the legal system and again reveals their faith in the court system to deliver justice.

The courts did not always side with women, of course. There are several cases where Tejanas went to court and lost. The case of Ana Luisa Jiménez who sued for custody of her daughter from what seems to be an estranged lover is a prime example of this.<sup>122</sup> Writing to Governor Manuel de Salcedo in June of 1810, she requested aid in legal matters pertaining to child support and the return of her daughter, who had been taken by the child's father under what she claimed were false pretenses. According to her letter, she had worked as a maid for a man named Antonio González Hidalgo. During this time, the two became lovers and had a daughter. Shortly after, Antonio became ill and abandoned her and their child, along with children she had from a previous marriage (her lawful husband had passed away prior to her employment with Antonio). During his hiatus, she was left to fend for herself. She claimed that he had left her not one "peso" to help her raise their child. Several years later, Antonio returned home and convinced Ana to send her older son back to Antonio's hometown where he could receive a formal education. He also convinced Ana to grant him permission to take their daughter, as well. Reluctantly, she agreed, comforted by the fact that he assured her that when she went to visit her son she could return with her daughter.

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<sup>122</sup> Ana Luisa Jiménez, BA, BX, June 28, 1810, 045:0861-64 & July 11, 1810, 045:0999.

Several months later, upon Antonio's suggestion, she visited her son. To her astonishment, she discovered her son was not receiving any form of education. Upset, she decided to return home with both her son and her daughter. However, Antonio did not allow her to take their daughter. She filed a plea with the court to regain custody of her daughter. To her dismay, Governor Salcedo decided in favor of Antonio. He argued that because Ana had initially "given" Antonio custody of the daughter, Antonio had not done anything illegal and, because Antonio was in fact her father, he had the legal right to take her back to his hometown where he now resided. Although the court did not decide in her favor, this case does reveal Ana's confidence that the court would at the very least hear her out. As a maid, she obviously did not possess financial stability, nor was she in the same social status as Antonio. Antonio had served in the Spanish military, which probably influenced the case's outcome. Nevertheless, Ana confidently turned to the court for help. Despite the outcome, Ana's case reveals Tejanas' active participation in the court system, regardless of financial situation or social status. Wealthy or poor, Tejanas turned to the court for aid in legal matters. They were aware of their legal rights and used the court as a means to receive justice.

Even slave women had some recourse to the courts. For example, María Gertrudis de la Peña an Indian woman sued for her freedom in 1768.<sup>123</sup> María Gertrudis had evidently been bought by José de la Peña when she was a young child. After several years living together, María Gertrudis, now sixteen years old, got pregnant by José. It

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<sup>123</sup> María Gertrudis de la Peña, Proceedings, BA, Box 2C22, Vol. 45, Frame 85.

was then that José decided to “sell” María Gertrudis to a man named Antonio Toledo Oquilla to avoid scandal because José was second mayor in the *villa*, (a settlement). Unbeknownst to María Gertrudis, José owed money to Antonio and sent her there to work off his debt. However, he had told María Gertrudis that she would go live with Oquillas as a “daughter and not a slave.”<sup>124</sup> After two years, the two had a falling out and Oquillas became abusive, taking away clothes and other things he had bought for María. He then sold her to a man named Angel Corzio, who promised her that after working for him for three years he would free her. Unfortunately, her home life did not improve and she was evidently treated worse in Corzio’s home. Unable to bear the remaining three years of her obligation, she turned to the courts for “mercy, justice, and good will.”<sup>125</sup> After a lengthy investigation (the decree was not given until 1785), the governor pronounced the sale of María Gertrudis null and void on the count that she was an Indian and therefore could not be sold. In the decree, governor Domingo Cabello stated, “Being all these transactions null, fraudulent, and against all the international laws and that stated by the municipal ro[o]ya]l laws of these kingdoms, which greatly favors the freedom of the Indians, the aforesaid María Gertrudis de la Peña should have not been sold, due to her nature, [and] according to what is so clearly justified.”<sup>126</sup> She was about 24 years old at the time.

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<sup>124</sup> Ibid., (de la Peña).

<sup>125</sup> Ibid., (de la Peña).

<sup>126</sup> María Gertrudis de la Peña, Proceedings, BA, Box 2C22, Vol. 45, Frame 85.

This case is especially interesting because María Gertrudis was an Indian slave and her owner was a man of importance. Still she turned to the courts for help. If approaching from the perspective of English or Anglo American law, slaves did not possess any such recourse. But under Spanish law slaves did. Moreover, she was still able to win her suit although the men who were selling her were government officials. José de la Peña was second mayor of the villa of Santiago de Saltillo and Antonio Oquillas was paymaster lieutenant of the Royal Presidio of San Juan Bautista del Río Grande. Despite being poor, illiterate and having no family to support her, María Gertrudis appealed to the court. She went up against men of power in the villa and prevailed revealing a surprising degree of autonomy for a slave.

María Gertrudis's case is also unique when compared to cases in Mexico City. Scholars such as Bianca Premo have argued that women in major urban areas like Mexico City and Lima, Peru, utilized the courts more than women in rural areas.<sup>127</sup> However, on the rural Texas frontier a significant number of women litigants came from lower classes and were either poor, widows, Indians, mulattos, or a combination. This is further evidence that the isolated, neglected Texas periphery was different than the hierarchical political and social center in Mexico City. It is clear that being on the frontier worked in the favor of poor Tejanas, where they perhaps possessed even greater deal of autonomy than elsewhere in the Spanish New World.

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<sup>127</sup> Bianca Premo, "Before the Law: Women's Petitions in the Eighteenth Century Spanish Empire," *Comparative Studies in Society and History*, (Vol., 53:2), April 2011, pps. 267-268.

## Wills

Besides lawsuits, Tejanas were also active in legal processes such as the writing of wills. Tejanas, married and widowed, wrote wills to insure that specific family members received their lands and personal property. If the will had a seal, it was broken when the testator passed away and was then probated, and filed. Then legal proceedings would begin. In their wills, testators professed their love and loyalty to God, the Roman Catholic Church, and country and also included instructions for burial. They also included monetary donations to the church for their burial ceremonies, usually one or two *reales*.<sup>128</sup> Wills included lists, often extensive, of the decedent's personal property and listed names of relatives to whom they were bequeathing certain items. Tejanas, in particular widows, donated a few pesos to the church in support of widows and orphans. Parents often left their children equal inheritance, regardless of gender. They also used wills to settle any debts they had, or as a written record of debts owed them with the request that these be paid to their heirs.

For many, a will was the only legally binding document that could be used to collect a debt after death. María Concepcion de Estrada, for example, stated in her will "I declare that various individuals owe me the sums shown by my cash book and notes in my possession. I direct my executors to collect this money ... [and that it] be divided

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<sup>128</sup> *Real* was monetary unit equal to an eighth of a peso.

between my two heirs.”<sup>129</sup> In some cases, the executors would personally conduct an inventory and file it with the will.

Like the land grants, the wills in this time period show the instability of frontier governments, whether Spanish, Mexican or Texan. Wills usually lacked notary signatures but were nonetheless legally binding documents. As one testatrix stated about her will, “It shall be given full faith and credit so that it will be binding in the best possible legal form.”<sup>130</sup> It was also customary for the writers to state that the document was still legally binding even if it did not have a notary’s seal. The *alcalde*, (magistrate) would often write, as in the case of María Concepcion de Estrada, that he served as a witness because there was no notary public, proper paper, or seal available. Often the *alcalde* of the settlement or the executors would serve as witnesses to verify that the testatrix was not coerced or that the document was written under fraudulent pretenses. For example, *Alcalde* Juan José Zambrano, stated after visiting with a testatrix that “She did not, for the reasons given and in reply to questions which I put to her, show any lapse of mind or confusion of speech.”<sup>131</sup> Women would occasionally orally name an heir. This was less common, but did occur. They would give an oral declaration of their

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<sup>129</sup> María Concepcion de Estrada, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1815.

<sup>130</sup> María Josefa de la Garza, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1826.

<sup>131</sup> María Josefa de la Garza, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1826.



heir in the presence of an *alcalde*, judge or other witnesses.<sup>132</sup> The heir would later request a formal document that certified that he or she had inherited the property or land. Heirs needed these official papers to sell, transfer, or bequeath the land to someone else.

Wills were also a way to clarify family issues, in particular matters that dealt with property ownership or inheritance laws. María Rafaela de Castro made sure to point out in her will that she had allowed a daughter named Gertrudis to stay in a home de Castro owned, but had never at any time sold the home to her. Rafaela stated, “I command that this be included in my estate because it is mine and I have never sold it; and although it is rumored that my said daughter has sold it[,] she has never paid me for it.”<sup>133</sup> She stipulated that all property and assets, including the home Gertrudis was living in, were to be divided equally among all her five children.

It was also standard procedure for the testator to state what property was acquired before, during, and after a marriage and specifically state what property was inherited and brought into the marriage and what children belonged to which marriage. Children from a first marriage could receive land acquired during that marriage, and children of a second marriage could receive land acquired during the second marriage, and could be denied land that had been acquired during the first. For example, José Antonio de la Garza stated that he had a will drawn up in order to “avoid disputes and litigation

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<sup>132</sup> An example of this is the will of Alejandra Curbiere who gave an oral declaration as a will shortly before she died in 1835. Alejandra Curbiere, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1836.

<sup>133</sup> María Rafaela de Castro, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1804-1805.

between my children by my first wife, Gertrudis, and the children by my present wife, after my death.”<sup>134</sup> José had to find witnesses to attest to which property he owned in his first marriage and which property he later purchased during his second marriage. José had plenty of reasons to worry since he had accumulated quite a bit of property over the years. In addition to land, he also owned more than 300 head of cattle, 3,000 to 4,000 head of sheep, 20 yokes of oxen and irrigation waters for his crops.<sup>135</sup> To avoid wills being contested, petitioners were sure to state that no one else had a right to the land, including in-laws or other relatives. In the case of María Josefa de la Garza, she stated in her will, “As I had neither had issue, nor acquired any property during my second marriage, it follows that I am absolute owner of all the property which I possess.”<sup>136</sup>

Another example of property being divided among heirs of different marriages was the interesting case of María Josefa Granados. Granados, an original settler of San Fernando de Bexar, owned a lucrative store and had accumulated a substantial fortune by the time of her death. Granados had been married twice. Feeling “dangerously ill,” as she described her condition, she decided to arrange her affairs and write a will.<sup>137</sup> Her pages-long inventory listed items such as expensive clothes, household goods, the store’s

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<sup>134</sup> José Antonio de la Garza, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1835.

<sup>135</sup> *Ibid.*, (de la Garza).

<sup>136</sup> María Josefa de la Garza, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1826.

<sup>137</sup> María Josefa Granados, Will, San Antonio Spanish Archives, County Court House, San Antonio, Texas, 1787.

inventory, and a list of debts owed to her. She clearly states in her will that her husband did not contribute to her wealth, nor did he contribute any land to the marriage. As to his inheritance, she states, “I direct that after an inventory has been made of the merchandise which I own, and the profits of this business and of any others which may have yielded any other proceeds to me, he shall receive one-half of any such amount since it belongs to him by right.”<sup>138</sup>

The couple had only been married for a short time, not even a year by the time she wrote her will. To insure that her children from her first marriage received their proper inheritance, Granados includes an inventory of her late husband’s estate. She named her children, José, Juan, Fernando, and María Josefa, who were all minors at the time, “universal and legitimate heirs” of her property.<sup>139</sup> She appointed her second husband, Juan Martín de Amondaraín, as guardian of the children with the responsibility of managing the children’s paternal and maternal inheritance until each came of age. Children from her first marriage were entitled to her first husband’s inheritance in addition to the inheritance from the estate that she had acquired after her husband died. Her daughter, María Josefa, from her marriage to Amondaraín, was entitled to only an inheritance from her mother’s estate. Granados was extra cautious and requested that debts owed to her not only be divided among the children equally, but also that Amondaraín, as executor, had the responsibility to “deliver the shares of the inheritance

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<sup>138</sup> Ibid., (Granados, Will).

<sup>139</sup> Ibid., (Granados, Will).

with legal documents so that [the children] will be given full credit when the time arises.”<sup>140</sup> Granados signed the document “in [her] own hand.”<sup>141</sup> Governor Rafael Martinez Pacheco validated the will, along with other witnesses, because there was no official paper with the proper seal available. Granados died less than a month later, on February 5, 1787. As mentioned before, Granados’s relatives sued Amondarían later for allegedly squandering the children’s inheritance.

Wills are perhaps the strongest evidence that reveals Tejana autonomy in this era. Wills show us not only what they owned in the sense of property, but also their intentions, wishes, and demands over what should be done with their belongings. As in the case of Granados we that Tejanas controlled who received their land and belongings and more importantly who did not. Tejanas left specific instructions for the management their property and how (and even when) it was to be distributed. Violation of their wishes could provoke legal action, something that often proved necessary to protect the property of heirs that were children. In the case of Granados we see that she wanted to make sure her children from her previous marriage were taken care of and wanted to insure that they received their legal inheritance.

Doña Granados wrote a will stipulating that her estate was to be taken care of by her husband Juan Martín de Amondaraín until her children were of age to receive their

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<sup>140</sup> María Josefa Granados, Will, San Antonio Spanish Archives, County Court House, San Antonio, Texas, 1787.

<sup>141</sup> Ibid., (Granados, Will).

inheritance.<sup>142</sup> Suspecting Amondaraín was squandering the children's inheritance, Francisco Bueno and Juan José de la Santa sued Amondaraín. They accused Amondaraín not only of being an unfit guardian of his children, and those of his deceased wife, Doña María Josefa Granados, but also allegedly wasting the children's inheritance. As stated in Granados's will, Amondaraín inherited and was guardian of the estate for Granados's children by a previous marriage and for the one daughter they had together. As mentioned before, Granados had accumulated quite a bit of wealth. She owned a store, property, furniture, and jewels. Granados had also emphasized in her will that Amondaraín had contributed anything to her small fortune.<sup>143</sup> Bueno and de la Santa accused Amondaraín of not taking care of the estate for Granados's children, and saving it for her children to inherit when they were older.

This case once again elucidates several aspects of women's legal rights. A husband did not automatically inherit all of his wife's property and secondly children had legal rights to their mother's property (daughters as well as sons). Third, husbands had a legal obligation to secure the inheritance of children and keep it in good condition until the children were old enough to manage the property. Finally, husbands were not supposed to use the inheritance to provide for the children. To meet this requirement, they needed to have the financial stability to provide shelter, food, and other necessities

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<sup>142</sup> Francisco Bueno, BA, Box: 2C151, (Vol. 169), October 18, 1790, 020:0733-805

<sup>143</sup> María Josefa Granados, Will, San Antonio Spanish Archives, County Court House, San Antonio, Texas, 1787.

the children needed, without ever touching the inheritance.<sup>144</sup> They could thus preserve the inheritance for when the children were older. The courts enforced women's wills and executed laws to protect their property from husbands who were tempted to use inheritances that were not theirs. In her will Granados states specifically what was her property and what was her husband's before they married to avoid confusion about her wishes for her property. Granados thus controlled her property even after death. Laws were in place to keep heirs and guardians of estates accountable and insure that wishes in wills were followed through.

Court records also show that wills were often contested. Tejanas went to the court fighting for land or personal property. They testified to errors in wills and contested unsigned wills that affected them directly. Another example of a will being contested was that of María Josefa Flores. Flores left behind a considerable estate that included a stone house, cattle, land, a slave, and personal household items. In her will, she explains that ten years earlier she had traded a *solar* to a woman named Gertrudis Flores.<sup>145</sup> María Josefa had apparently traded the *solar* in exchange for another piece of land that consisted of 10 varas.<sup>146</sup> According to her will, the proper papers had been filed when the land was traded. She clearly stated in her will that her children had already

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<sup>144</sup> Francisco Bueno, BA, Box: 2C151, (Vol. 169), October 18, 1790, 020:0733-805

<sup>145</sup> María Josefa Flores, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1787.

<sup>146</sup> María Josefa Flores, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1787.

received their paternal inheritance years earlier and that she was leaving the rest of her possessions to her grandchildren. However, after her death, her children filed suit for the land that allegedly belonged to Gertrudis because the land “exchanged” was “40 *varas*” and not the “10 *varas*” Josefa had claimed in her will. The heirs tried to take Gertrudis’s land, arguing that Josefa had only agreed to exchange the *solar* for 10 *varas*. After a lengthy investigation (the case was settled in 1792), the judge rendered that part of Josefa’s will null and void and declared it an honest mistake on Josefa’s part. The judge ruled that since ten years had passed and neither of the women ever went to court over the remaining 30 *varas*, that Josefa must have mistakenly written 10 *varas* instead of 40 in her will. The deed of land, also stated that it consisted of 40 *varas*. In addition, he ordered that Gertrudis “not be disturbed” over this issue any further.<sup>147</sup> Had Josefa’s error been recognized as the truth, Gertrudis could have lost a large portion of her land—land that she had already built a home on.

Another contested will was that of Francisco Granados in 1792. A suit was brought by Granados’s sister, María Antonia Granados against Francisco’s widow, María Celdonia Pérez. Francisco stated in his will, “I leave to my wife the house with the land, for all of which I give my will, and thus do I sign this with two witnesses who at my request did so with me.”<sup>148</sup> The problem was he did not sign it. Instead, his

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<sup>147</sup> *Ibid.*, (Flores, Will).

<sup>148</sup> María Antonia Granados, BA, Box: 2K40, (Vol. 181), March 31, 1792-February 26, 1795, 022:0265-78.

brother, José Granados signed it, supposedly at the request of Francisco. And although the will was signed by witnesses, his sister María Antonia contested the will because Francisco had, in fact, not signed it, and because apparently the will did not have the required number of signatures. María Antonia had just cause to sue because the land that Francisco was leaving to his wife evidently included a part of her inheritance from their parents, and by law was not entirely his to give to his wife. José, her other brother, claimed that she had sold her portion of the inheritance to her brother Francisco, a claim which María Antonia vehemently denied. In her suit, not only did she request proof of this supposed transaction, but also demanded “a complete account of what his [Francisco’s] property is and how much it is worth.”<sup>149</sup>

María Antonia was not about to let her land go without a fight. She went to court with her father’s will in hand to prove that she was the rightful owner of the property. She told the court this was clearly her paternal inheritance. Apparently José and María Antonia worked things out because María Antonia was awarded the land in question. Francisco’s widow, María Celedonia, received her late husband’s horses and clothing.<sup>150</sup> This clearly shows how important inheritance laws were at the time. Had María Antonia rescinded her right to her inheritance or sold her portion, a document stating so would have been filed in court. It is evident that Tejanas were not only willing to go to court and contest wills to inherit what was rightfully theirs, but also comfortable and confident

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<sup>149</sup> Ibid., (Granados).

<sup>150</sup> Ibid., (Granados).



about doing so. They were willing to confront family members over property they believed was theirs.

Unlike in British colonial America, in Spanish colonies like in Béxar, we see that inheritance laws worked in daughters favor. Women on the frontier therefore acted in civic roles that were closed off to women in British colonial America.<sup>151</sup> Wills often appointed daughters as heads of households in Béxar. It was very common, if not legally required, for parents to leave property and land to their daughters, name them executors of their wills, and guardians of their younger siblings. Daughters often received an equal amount of inheritance compared to sons. The eldest daughter usually had the responsibility to take care of younger siblings and to take care of their inheritances until the siblings came of age. One example is the case of María Feliciana Duran who left her ranch on the Salado Creek to her two older children, her daughter Alexandra and her son Juan. Alexandra was given responsibility for her younger sisters and given power of attorney because María Feliciana had “absolute confidence” in her.<sup>152</sup>

In rare instances, parents specifically left their children nothing, most of the time stipulating why. Manuel Menchaca emphatically stated in his will that his children from his first marriage were to receive nothing because, as he explained, “the children of my first marriage were married without my consent and have caused me all kinds of worry, I

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<sup>151</sup> Deborah A. Rosen, “Women and Property across Colonial America: A Comparison of Legal Systems in New Mexico and New York,” *The William and Mary Quarterly*, Third Series, Vol. 60, No. 2 (Apr., 2003), 359.

<sup>152</sup> María Feliciana Duran, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1814.

hereby bar them from any right to inherit under this last [will] or any claim they might set up.”<sup>153</sup>

Menchaca’s way of thinking mirrors the Spanish policy that purported to reward people of “good character” with land and land rights. In 1849, Patricia de la Garza de León likewise disinherited her son, Fernando, and left him nothing.<sup>154</sup> On her death bed, she reportedly forgave all debts owed to her by her children, except Fernando. In fact, she ordered that Fernando’s debt to her to be paid to his living siblings equally. As for her property, she requested it be divided among her daughters only.<sup>155</sup> Fernando had neglected to take care of his nieces properly and Patricia never forgave him. Parents clearly had the right to disinherit any children they thought were unworthy of their inheritance. Only wills that had clearly written stipulations by parents usually insured that these undeserving children would receive nothing. This disinheritance was quite a financial blow to the people on the frontier as many counted on the income provided by their inheritance. In the cases of Menchaca and de León, disinherited children lost quite a bit as both of these estates were substantial fortunes. Sometimes parents would leave one child more than the others, as in the case of Mariana Curbelo who in 1784 left one

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<sup>153</sup> Manuel Menchaca, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1804.

<sup>154</sup> Ana Carolina Castillo Crimm, *De León, A Tejano Family History*. (Austin: University of Texas Press, 2003), p. 207.

<sup>155</sup> *Ibid.*, 208.

son, Francisco, more than the others explaining that “he is the youngest and for being the only one who helped me and cared for me in my old age.”<sup>156</sup>

Prenuptial agreements were another rare but important legal recourse.<sup>157</sup> Anxious of the flood of Anglo Americans migrating to Texas in the early 1830s, one family decided to have a prenuptial agreement drawn up before their daughter was allowed to marry one of these strangers. Ursula Veramendi<sup>158</sup>, a wealthy Tejana, married the legendary “hero” of the Texas Revolution James Bowie on April 25, 1831, three days after they signed a dowry contract.<sup>159</sup> Ursula was the daughter of the governor of province, Juan Martín de Veramendi. In the prenuptial agreement Bowie agreed to deliver to his bride 15,000 pesos in cash or in the form of property if the marriage was dissolved for any reason within 2 years.<sup>160</sup> He also agreed to “bind himself not to dissipate, injure, mortgage or subject to his debts, crimes or excesses the capital sum or property conveyed in this contract.”<sup>161</sup> Ursula’s parents made a smart move. Bowie

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<sup>156</sup> Mariana Curbelo, Will, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1784.

<sup>157</sup> In all the court documents that I looked at, I only found one prenuptial agreement.

<sup>158</sup> Spelled “Beramendi” in the actual source.

<sup>159</sup> Marriage records of San Fernando Church, 1798-1856, microfilm duplicate, roll no. 4, copy located in the Spanish Archives, County Clerk’s Office, B exar County Courthouse, San Antonio, Texas; transcription and translation by Robert L. Tar n, Jr., October 1991.

<sup>160</sup> Contract to pay dowry, James Bowie to Ursula Beramendi, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1831.

<sup>161</sup> Contract to pay dowry, James Bowie to Ursula Beramendi, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1831.

claimed to “own by good title at least 15,000 arpents<sup>162</sup> of land on the shores of the Colorado River and on the Wachita in the State of Louisiana,” which he claimed had been appraised at 75,000 pesos.<sup>163</sup> In addition, he claimed to own 60,000 acres of land in Arkansas. However, these claims were later found to be false and his land titles were evidently forged. Rather, Bowie actually received free land by marrying a Tejana.<sup>164</sup>

This rare example reveals both the trepidation that Tejanos felt for the Anglo American newcomers, and their continuing confidence the court could help them as a protector of their assets. Thus parents used these prenuptial agreements to protect their daughters and avoid losing their inheritance. Ursula passed away in September of 1833 in Monclova, along with their children and her parents, in a cholera epidemic.<sup>165</sup> Had Ursula and her parents lived, they could have sued Bowie over his false claims. Ursula had already used the court to protect herself from what could have been a ghastly financial nightmare. Her parents were both very wealthy and she stood to inherit a great deal when they passed away.

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<sup>162</sup> Arpents are roughly acres.

<sup>163</sup> Contract to pay dowry, James Bowie to Ursula Beramendi, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1831.

<sup>164</sup> William C. Davis, *Three Roads to the Alamo, The Lives and Fortunes of David Crockett, James Bowie, and William Barret Travis*. (New York, New York: HarperCollins Publishers, 1998), p. 231.

<sup>165</sup> J. Frank Dobie, “Fabulous Frontiersman: Jim Bowie,” in *Montana: The Magazine of Western History*, Vol. 9, No. 2 (Spring, 1959), p 50.

## **Outstanding Debts**

Court cases also reveal that Tejanas exercised their rights to sue in Béxar by suing people who owed them outstanding debts. For example, María Magdalena Vásquez petitioned the courts for help collecting an outstanding debt owed to her by a retired lieutenant named Don Tomás Ojeda.<sup>166</sup> The debt, seventy-five pesos, owed since 1786, had gone unpaid because Vásquez was unable to travel to the presidio of San Juan Bautista del Río Grande to collect the debt in person. Unable to travel personally, she petitioned the courts to allow her to send a representative to collect the debt on her behalf. The courts granted her request. She relied on the court system to help her collect a debt owed to her.

Another case where a Tejana turned to the court for payment of debts owed to her was the interesting case of Mauricia Mora in 1804.<sup>167</sup> Mora had received a cow as a gift from her father, Jacinto. Her husband had given the cow to a man named Juan Domingo Domínguez as collateral for a debt he evidently owed him. Domínguez agreed to return the cow when her husband paid the six pesos owed him. When the debt remained unpaid, Domínguez decided to sell the cow to a woman named Antonia de los Rios. When Mora's husband passed away, she returned to Domínguez to pay the six pesos owed to him and to claim her cow as a part of her inheritance. When the case went to court the first time, the governor ordered Antonia to pay Mauricia the same amount

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<sup>166</sup> María Magdalena Vásquez, BA, Box: 2C155, (Vol. 178), November 11, 1791, 021:0915-16

<sup>167</sup> Mauricia Mora, BA, NAC, June 3, 1804, 032:0376.

she had initially paid to Domínguez for the cow. This verdict did not, however, satisfy Mauricia's father, Jacinto. He turned to the court again and requested that the cow be returned to Mauricia. By this time, a new governor had taken control and judged in favor of Jacinto. The legal battle did not end there. Antonia retaliated and turned to the initial governor, Don Miguel de Marquis, for aid. Offended by the new decision, he went to his superior and demanded the new governor recind his decision and give Antonia the cow back (with any new cattle born since Mauricia had regained the cow). Although his superior agreed with Don Miguel, little could be done because the "new" governor was no longer governor. Unfortunately, records do not tell us who ended up with the much-desired cow. The case lasted three years and the last records are dated 1807. This case gives great insight into the complexities of inheritance laws in the legal system.

Why, one might ask, would the court listen to such a case? One would imagine that Domínguez had the legal right to sell the cow for nonpayment of a debt owed to him by Mauricia's husband. The courts clearly recognized the importance of inheriting property for widows on the frontier. Property, in this case livestock, was essential to the livelihood of widows and insured financial security and stability. Without the cow, and the cow's subsequent offspring, Mauricia's economic wellbeing would definitely be at risk. The property was so essential to her livelihood that the court essentially gave her the opportunity to pay her husband's debt to Domínguez and ordered Antonia to pay Mauricia for the cow. The property in question here, the cow, could possibly generate a stable income for Mauricia. As significant as this recognition is, there is something more important here. This case indicates that a husband did not have the right to sell his wife's

property without her consent; otherwise the case would have been dismissed immediately. The court recognized that the heart of this case was the agreement made between Mauricia's husband and Domínguez, and not between Mauricia, the legal owner of the property, and Domínguez. Therefore, the agreement between Mauricia's husband and Domínguez was not legally binding. Women did not lose their property rights when they married, as evident in this case. Their property, upon marriage, was not transferred to their husbands. They retained legal ownership of property they owned prior to their marriage. This case, however, is not one-sided. Don Miguel de Marquis was clearly advocating for Antonia's property rights, just as Jacinto had advocated for Mauricia's security. Antonia, like Mauricia, stood to lose economic stability and future security by losing the cow and her offspring. She turned to the court, and even went back to the previous governor, for aid in this legal matter. Property ownership was the most important factor in the success a Tejana had on the Spanish frontier.

### **Military Pensions**

Isolated on the frontier, Tejanas like Tejanos took advantage of any help they could get from the government. The Spanish government, and later Mexican government, recognized that settlers were entitled to government benefits for settling in dangerous regions like the frontier. Widows of presidio soldiers were familiar with government benefits and often petitioned the court for military pensions when their husbands died. Needing these pensions to support their children, widows filed petitions seeking financial compensation from the government for their husbands' service. María Gertrudis Jiménez petitioned the court in December of 1805, requesting that she "collect

and receive the total amount of the salary earned by [her] husband.”<sup>168</sup> Widows understood that they had a legal right to claim military pensions for their husband’s service. They used the courts to gain financial support for their families and, judging by the large number of petitions, these women were not intimidated by the legal process. The courts produced an article that regulated payment of pensions that included instructions for the collection of pensions by military widows in July of 1777.<sup>169</sup>

Through these wills and testimonies we see that Tejanas possessed a great deal of agency. Tejanas were active in the court when it came to protecting their rights especially those involving child custody and care for their children and other family disputes. Tejanas had the right to control their property and in life and after death. In their wills they voiced their concerns and wishes, and issued demands that they expected to be carried out after their death. Tejanas controlled what family members received an inheritance and they specifically stipulated what family members received nothing. Despite the court being male dominated, from the governor to the scribe who wrote the proceedings on paper, we see that Tejanas still had some power over who received their property. Legal control over their land and personal belongings and property reveals a great degree of independence.

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<sup>168</sup> María Gertrudis Jiménez, BA, (Vol. X), December 23, 1805, 034:0028

<sup>169</sup> Certified copy of article regulating payment of pensions to military widows, Box: 2C26, (Vol. 65), pages 113-119.



Cases discussed in this chapter offer testimonies of Tejanas who made it a point to state for the record what property was theirs and what property was their husband's thus showing their awareness that they held a legal identity separate from that of their husbands. Tejanas declared in legal fashion their property was separate from their husbands to insure that their property was given to the people they wanted to receive it—not whom a male governor, male lawyer, or even a male relative might want the property to go to. As Doña María Josefa Granados's case, Tejanas wanted to make sure that there was no confusion about what was theirs and what was their husband's. We see in Doña Granados will that she stipulated what was her property before the marriage and therefore was hers entirely, not community property. In many ways, Tejanas controlled their future by preparing for the future in case they died suddenly or in the case that they would have to dispute property ownership in the future there was a record of what was theirs in writing. Their property not only was important to their financial future, but to that of their heirs as well.

Tejanas appeared in the court time and again asking for the court to listen to their pleas when it came to collecting debts or military pensions. There is no evidence that shows that they were intimidated by the legal process or fearful that their grievances would be ignored based on their sex or social or economic status. These cases show that Tejanas acted as an accepted part of the civic body and exercised their legal rights, whether it be against family members, including husbands and brothers, in-laws, neighbors, prominent men of the *villa*, and even estranged lovers.

Although this was a patriarchal system where the court was dominated by men, Tejanas won verdicts over male plaintiffs who were forced to concede that they had lost to a woman, and in a public sphere no less. This probably encouraged other women to participate in the legal system, giving women a sense of empowerment and respect in the *villas*. Men dominated the court and many laws did privilege men over women, however, law created legal spaces and rights for women. Women took ample advantage of the opportunities these presented. Indeed, we see that Tejanas exercised a great deal of agency over men in the villa in many of these cases. Arguing that women had no agency over men unless they had total agency over all men is problematic at best. It erroneously diminishes the legal power and autonomy Tejanas had when it came to their property and ultimately attempts to minimize the role they played in society. As citizens and subjects, they were active participants of the legal sphere contributing to the development and success of the region.

These cases reveal a consistent participation from Tejanas in the citizenry. As subjects and later citizens, they were vital to the Spanish and later Mexican colonization effort on the frontier. This dissertation regards the concept of civic agency as what women did as actors in the courts.

Recognition and implementation of Spanish civil law did not end with the establishment of the Texas Republic. As historian Jean Stuntz contends in her book, *Hers, His and Theirs: Community Property Law in Spain and Early Texas*, the nascent republic kept several laws in place that had been in effect since Spanish colonization. Although the Act of January 20, 1840, “repealed all laws passed prior to 1836, except

those regarding land grants,” the property rights of women were kept.<sup>170</sup> Stuntz states that according to the act, “a wife kept as her separate property all land and slaves owned at the time of her marriage or received as a gift or inheritance during the marriage.”<sup>171</sup> Stuntz contends that Texas legislatures leaned toward Spanish law because it worked so well on the frontier. Lawmakers were so influenced by it that they “adopted community property as the rule of the land.”<sup>172</sup> There are dozens of sources that attest to women in the early Republic of Texas exercising their rights in the courts, especially married women selling their land and property—virtually unheard of, (not to mention illegal), in early America.

In a tragic, ironic twist, Anglo women in the Texas Republic reaped the benefits of legal rights adopted from Spanish civil law, while Tejanas suffered greatly. As with the case of land grants, Tejanas faced major obstacles when it came to the court. Language barriers and new English laws and practices adopted from English common law threatened the role of Tejanas in the court. The number of cases where Tejanas appeared in the court significantly decreased after Texas’s independence in 1836. Tejanos lost land in fraudulent land dealings putting Tejana’s in a more tenuous position, leaving their financial future in question. The loss of land subsequently meant that Tejanas had little to leave behind to heirs in wills resulting in fewer and fewer wills

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<sup>170</sup> Jean Stuntz. *His, Hers, and Theirs: Community Property Law in Spain and Early Texas*. (Texas Tech University Press, 2005), p. 138.

<sup>171</sup> *Ibid.*, p. 138.

<sup>172</sup> *Ibid.*, p.xxi

being produced. It seems under a democratic republic that practiced English common law, Tejanas enjoyed less legal rights than under the autocratic Spanish empire or the unstable Mexican Republic.

CHAPTER IV  
TEJANA AGENCY IN A PATRIARCHAL SOCIETY

In 1782 Juan José Bergara and María Carabajal of Béxar allegedly had an extramarital affair and, according to court records, even had a child together.<sup>173</sup> Unsurprisingly, the couple was charged with committing adultery. Upon first hearing of the scandalous news, officials began a thorough and meticulous investigation. They asked neighbors personal questions about the alleged affair, the couple's lifestyle, and their past history. The Spanish authorities expected to settle the frontier with people of high moral character and intended to inculcate future generations with a strict moral code. So cases of adultery were taken very seriously. Adultery was absolutely forbidden and meant serious consequences for people who were determined to have engaged in it. After conducting interviews with neighbors, officials learned that Carabajal's husband had been largely absent for over 12 years, (he had probably abandoned María) and in this time she began an intimate relationship with Bergara, a single man. Various neighbors further testified that the couple had had an affair for several years and had a child (or two) together, but did not live together.<sup>174</sup>

Despite Carabajal's husband's absence for so long, the court ruled that the two had in fact committed adultery and accordingly handed down a sentence. Bergara, who

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<sup>173</sup> Juan José Bergara and María Carabajal, *The Bexar Archives*, Box 2C45, (Vol. 109), pages 55-76.

<sup>174</sup> *Ibid.*, (Bergara and Carabajal).

received the harsher sentence, was exiled. Carabajal, on the other hand, was merely warned to “live in the proper seclusion and honesty, without bringing undue attention to her person.”<sup>175</sup> The court stated that it was better to save her marriage, “keeping the honor of matrimony,” than to punish her.<sup>176</sup>

The Spanish court felt the need to protect women, as women were long perceived as the weaker sex. Perhaps in this particular case the court felt that Carabajal merited interference from the state to protect her honor from Bergara. The court viewed Bergara as the culprit in this situation, perhaps trying to take advantage of a woman alone on the frontier. This case reveals two important things about women on the frontier. First, the case demonstrates the strong patriarchal system that was instituted on the Spanish frontier by the state, as elsewhere in New Spain. This patriarchal system influenced many areas of society, including the government, the church, and the home. Historian Antonia I. Castañeda argues that Spanish women themselves aided in the creation of this patriarchal system by participating and accepting their roles in public and private spheres of life, including family life, and thus helping to legitimize the system.<sup>177</sup> Secondly, this case reveals Tejana agency and ability to negotiate through the same patriarchal system that they helped establish. Tejanas were able to manipulate this patriarchal system and create a space for themselves that they mostly controlled. As in this particular case, we

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<sup>175</sup> Juan José Bergara and María Carabajal, *The Bexar Archives*, Box 2C45, (Vol. 109), pages 55-76.

<sup>176</sup> *Ibid.*, (Bergara and Carabajal).

<sup>177</sup> Antonia I. Castañeda, “*Presidarias y pobladoras: Spanish-Mexican Women in Frontier Monterey, Alta California, 1770-1821.*” Ph.D. diss., Stanford University, 1990.

see that Carabajal not only chose to have an affair with Bergara, but continued the affair despite the court's disapproval and subsequent orders. Carabajal and Bergara in fact remained together for over twenty years after the supposed exile. Bergara's will, written in 1804-05, states that the couple was married and had three children. His will named Carabajal as second executor (first was *alcalde* Francisco Montes), and heir to his property.<sup>178</sup> We see that Carabajal defied the court order, and the strong patriarchal institution, and refused to comply with the order. Carabajal, however, is not the only case where we see women challenging patriarchy in Béxar.

This chapter examines Tejana agency in a patriarchal society in Béxar and contributes to the works of scholars who have examined patriarchy as a fluid institution. Tejana agency is here defined as a way Spanish, and later Mexican, women manipulated the court and legal systems to mitigate patriarchal limitations that would have otherwise left them in a state of absolute submissiveness. This manipulation allowed Tejanas to confront and resist patriarchy in many ways.

### **Challenges to Patriarchy**

Other studies have discovered this kind of fluidity on the frontiers of California and New Mexico. For instance, scholar Miroslava Chávez-García demonstrates in her groundbreaking work, *Negotiating Conquest: Gender and Power in California, 1770s to 1880s*, that Spanish women in California operated under the same kinds of patriarchal

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<sup>178</sup> Juan José Bergara, Will, San Antonio Spanish Archives, County Courthouse, San Antonio, Texas; WE 11. While the record does not explicitly say she received the property, it is likely that she did. There are no records of her or anyone else contesting the will.

institutions and practices as I have found in this study. Chávez-Garcia argues that women contributed in many ways to the establishment of this patriarchal system, stating, “Mexicans contested the limits of male rule and insisted that patriarchal relationships be based on reciprocity.”<sup>179</sup> She adds, however, that women—Spanish-Mexican, Christianized Indian, Native American, and Euro-American—all were able to resist patriarchy to a certain degree by utilizing Spanish law. Keeping in mind the work of Chávez-Garcia, this study not only corroborates her claim of Spanish women’s participation in legitimizing a patriarchal system, but also argues that Tejanas experienced similar struggles and resistance to patriarchy in Béxar.

In examining court cases from Béxar, this study reveals Tejanas challenged patriarchy by refusing to comply with court orders, playing off cultural limitations and expectations, and even testifying against husbands in court. By defying the moral and legal codes of society, Tejanas exercised agency. This could be reflected by taking a lover, as in the case of Carabajal. Women manipulated cultural norms that argued women were weak and vulnerable, and therefore were not responsible for their actions. These sexist concepts of womanhood allowed some women to get away with committing adultery with virtually no punishment, as in the case of Carabajal. Adultery is just one example, however. Court cases reveal examples of agency in cases where Tejanas turned to the court for help when they were mistreated and abused by husbands. In these

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<sup>179</sup> Miroslava Chávez-Garcia, *Negotiating Conquest: Gender and Power in California, 1770s to 1880s*. (The University of Arizona Press, 2004), p. xviii.



particular cases one can see Tejanas resisting patriarchy directly confronting their husbands in court. Even more significant is that many of these cases were adjudicated in their favor against their husband's claims, some of them powerful and influential men. Furthermore, the actions themselves reveal a sense of control and a negotiation of power.

Tejanas, like many women in other parts of Latin America, did not leave behind many diaries or personal correspondence to draw from. Instead, I have had to interpret their actions by teasing out their untold stories in sources such as court records. This information leads to a new, different kind of knowledge of the gendered culture of Béxar.

Scholars have long debated and questioned Spanish women's agency in the New World. Many contend that these women had no real agency as they were passive and possessed no power to change their circumstances in a patriarchal society. Scholars like Ramon Gutiérrez and Patricia Seed examine gender by analyzing power relations between men, women, and the state and focus on constructs of sex, marriage, and honor. Ramon Gutiérrez, for instance, argues in his work *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1848*, that Pueblo women were virtually powerless in the strong gendered Pueblo patriarchal society.<sup>180</sup> Moreover, Gutiérrez argues that Spanish colonization and conquest efforts in the

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<sup>180</sup> Gutiérrez, Ramon. A. *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846*. Stanford, California: Stanford University Press, 1991.

sixteenth and seventeenth centuries further reinforced this strong church and state based patriarchal society, leaving women in a state of perpetual passivity.

Patricia Seed examines how the Spanish “honor code” dictated women’s moral behavior.<sup>181</sup> Seed argues that when men stressed the importance of family and honor, they restricted women’s sexual activity. For example, Seed contends that a woman brought dishonor to her family if she lost her virginity before marriage. In Seed’s study, women were passive because they feared dishonoring their families and thus succumbed to the patriarchal system. Both scholars look at gender roles by examining social and moral codes enforced by the state, family, and church.

Historian Bianca Premo also questions the validity of Spanish women’s agency in places like Mexico. Premo argues that scholars concentrate on relationships between husbands and wives and neglect to factor in the law itself as a defining element in establishing real agency. She argues that scholars need to reexamine this assertion of agency and focus on the actual laws that limited women’s ability to maneuver in the legal realm of society. Premo writes, “we find women’s engagement with Spanish justice in Oaxaca was reluctant at best and, at times, at odds with judge’s notion of the law beyond the control of the participants.”<sup>182</sup> Premo fails, as does Gutiérrez, to move beyond the law as a lens of analysis and examine personal experiences as factors of

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<sup>181</sup> Seed, Patricia. *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821*. Stanford, California: Stanford University Press, 1988.

<sup>182</sup> Bianca Premo, “Felipa’s Braid: Women, Culture, and the Law in Eighteenth-Century Oaxaca,” *Ethnohistory*, 61:3 (Summer 2014), p. 497.

agency among women within a patriarchy. Premo argues in her article “Felipa’s Braid: Women, Culture, and the Law in Eighteenth-Century Oaxaca,” that indigenous women went to the court, albeit reluctantly, to testify against their husbands not to “assert rights” but rather to bring about “peace, quiet and calm.”<sup>183</sup> Premo belongs to the group of scholars who maintain that the study of “culture rather than the individual” more accurately gauges the level of agency among indigenous women. Premo offers case studies of indigenous women who saw the court as a last resort to restore peace in the home. The women in her study turned to the court in hopes the court would correct their husband’s bad behavior, including adultery, abandonment, or abuse. She contends that these women reluctantly turned to the court and were not asserting their legal rights, but rather attempting to bring “harmony” back into the home.

Gutiérrez, Seed, and Premo view women’s agency as a consequence of an event, (such as a husband committing adultery), rather than see the act of appearing in court and voicing their objections and pleas as agency itself. Premo in particular views women as “victims” rather than “assertive legal agents” because they are not advancing their personal interests but rather reacting to a problem in the home.<sup>184</sup> My study holds that the action of appearing in court testifying against their husbands is in itself an example of agency. My study further argues that violating laws pertaining to moral restrictions (committing adultery for instance) is another form of agency. We gain a deeper

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<sup>183</sup> Premo, “Felipa’s Braid...,” p. 499.

<sup>184</sup> *Ibid.*, p. 514.

understanding of how women were able to maneuver within a patriarchy like Béxar when we examine personal choice as a contributing factor to agency (such as choosing to commit adultery). In Béxar for instance we do not see cases of women turning to the court out of reluctance, but rather as actors initiating and constantly engaging the legal process, as plaintiff or testifier.

The colonization effort by church and state in New Spain put a strong patriarchal system in place. This involved the state, the church, and the family—all three institutions reinforced each other. Both the state and the church supported laws that attempted to control sexual behavior and marriage. The state's motivation had to do with inheritance purposes and legal rights, while the church supported these laws for moral and religious reasons. The church in particular emphasized that deviant behaviors such as adultery, pre-marital sex, bigamy, homosexuality, and other indiscretions were tied to salvation and eternal damnation, and therefore, strongly discouraged such behavior.<sup>185</sup> The state also discouraged such behaviors with harsh punishments. Violating these strict moral codes could warrant physical beatings, exile, public condemnation, and other such punishments.

The family reinforced this moral code because such behaviors could bring dishonor to the family. Fathers had the moral obligation to protect their wives' and daughters' honor and in return the wives and daughters had the responsibility to keep

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<sup>185</sup> Asunción Lavrin, "Introduction: The Scenario, the Actors, and the Issues," in *Sexuality and Marriage in Colonial Latin America*, (Lincoln and London: University of Nebraska Press, 1989), p. 3.

honor in the family by not violating these laws (committing adultery, having pre-marital sex, etc.). Scholars have long connected honor to social status among families in New Spain and other parts of Latin America.<sup>186</sup> Scholar Asunción Lavrin states, “The main objective of the familial honor was to guarantee the legitimacy of the children essential to sustaining the socioeconomic position of the family.”<sup>187</sup> Scholar Ann Twinam supports Lavrin’s claim and further adds that the “absence of honor could thus limit the social mobility of both sexes, as well as the future of succeeding generations.”<sup>188</sup> It was very important for all family members to maintain the honor of the family. All three constructs—the state, the church, and the family—were all headed by men who were recognized as the authoritative voice in their respective institutions. Fathers were the heads of households and ruled over their wives and children, while the church and state regulated sexual behavior by implementing and enforcing laws that prohibited such behavior.

Though it is widely accepted that patriarchy was cemented as an institution in New Spain, the level of passivity that women exhibited is under debate. Antonia I.

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<sup>186</sup> See Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821*. Stanford, California: Stanford University Press, 1988. And the collection of essays edited by Asunción Lavrin, *Sexuality and Marriage in Colonial Latin America*. Lincoln and London: University of Nebraska Press, 1989.

<sup>187</sup> Asunción Lavrin, “Introduction: The Scenario, the Actors, and the Issues,” in *Sexuality and Marriage in Colonial Latin America*, (Lincoln and London: University of Nebraska Press, 1989), p. 10.

<sup>188</sup> Ann Twinam, “Honor, Sexuality, and Illegitimacy in Colonial Spanish America,” in *Sexuality and Marriage in Colonial Latin America*, edited by Asunción Lavrin. (Lincoln and London: University of Nebraska Press, 1989), p. 124.

Castañeda argues that Spanish women in Alta California resisted patriarchy by “manipulat[ing] circumstances and used cultural, spiritual, and religious, and legal actions” to do so.<sup>189</sup> The same is evident in Béxar. However strong this patriarchal society was in the eighteenth and nineteenth centuries, sources from Béxar reveal that there was a sense of fluidity that Tejanas used to their advantage which allowed them to challenge patriarchy.

In the case of Béxar, the court attempted to persuade the settlement of wholesome families who would live by a strict moral code. In fact if you did not have a family, the governor could revoke your request to settle in the province, as in the case of Don Eugenio Marchand. Marchand was forced to leave his post because he “did not have his family with him as he promised when he asked for permission to settle” in the province.<sup>190</sup> Families were essential to the post because Indians in the region felt threatened by the presence of soldiers without women which gave the impression that settlements were solely for conquest and not community building. Historian Juliana Barr states, “Caddo leaders noted with concern the “strange” absence of women among Spanish and French expeditions, an absence that potentially signaled hostile intentions on their part.”<sup>191</sup> There were also cases of Indian women being brutally raped by

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<sup>189</sup> Antonia I. Castañeda, “Engendering the History of Alta California, 1769-1848: Gender and Sexuality, and the Family,” *California History*, Vol. 76, No. 2/3, Contested Eden: California before the Gold Rush (Summer-Fall, 1997), p. 231.

<sup>190</sup> Don Eugenio Marchand, The Bexar Archives, Box 2C11, Vol. XXXIII, pg. 230.

<sup>191</sup> Juliana Barr, *Peace Came in the Form of a Woman, Indians and Spaniards in the Texas Borderlands*. (North Carolina: The University of North Carolina Press Chapel Hill, 2007), p. 35.

Spaniards, which caused tensions with the Indians. To reduce this apprehension, Spanish soldiers were encouraged to migrate with their wives and children and to not live on the frontier alone. The same was true in California. Junípero Serra requested that families be sent to colonize California in 1772, not single soldiers.<sup>192</sup> These examples substantiate Castañeda's claim, discussed earlier, that women were active participants in the building of a patriarchal system. Spanish women understood their role in society to be one of necessity in the colonization efforts. Likewise they recognized that they lived under a patriarchal system in the home that was reinforced not only by the state, but also by the church. Tejanas, as in the case of Spanish women from California, were instrumental in the establishment of successful settlements on the Texas frontier. Tejanas provided the maternal and community side of the invasion, attempting to do away with previous violent perceptions of the Spanish when only soldiers arrived on the frontier. Tejanas likewise accepted patriarchy as a way of life and did not consciously challenge the institution.

Indiscretions, like committing adultery or having sex before marriage, were seen as dangerous. According to scholar Susan Migden Socolow, adultery "was believed to be the first step toward female prostitution," and was therefore dealt with harshly.<sup>193</sup> In addition, Socolow argues that a woman committing adultery was more of a transgression

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<sup>192</sup> Antonia I. Castañeda, "Engendering the History of Alta California, 1769-1848: Gender and Sexuality, and the Family," *California History*, Vol. 76, No. 2/3, Contested Eden: California before the Gold Rush (Summer-Fall, 1997), p. 239.

<sup>193</sup> Susan Migden Socolow. *The Women of Colonial Latin America*. (Cambridge University Press, 2000), p. 15.

than a man committing adultery because it was seen as an “insult to the honor of the husband and his family.”<sup>194</sup> Men who committed adultery were generally not punished as harshly. If a man cheated on his wife, he was often scolded by officials, but not quite to the same degree as they chastised women. It is clear that there was a double standard in place. The men did not bring dishonor to the family to the same degree as if a wife had cheated on her husband. Men’s sexual escapades were considered in many ways a sign of conquest.

There were cases, however, where single men were punished more harshly than usual for having affairs with married women as in the case of Bergara. In 1792, Francisco de los Santos of Béxar was arrested for sending a love letter to a married woman, María Luisa Hidalgo.<sup>195</sup> In the love letter, Francisco had reportedly asked María Luisa to go away with him. He was arrested and brought up on charges after they were discovered together.<sup>196</sup> Ygnacio Flores was also arrested for “illicit commerce” with Teresa Curbelo in 1792.<sup>197</sup> The couple was discovered by Lt. Don Francisco Amangual who “ordered him [Flores] under arrest in the powder magazine, with the punishment of

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<sup>194</sup> Socolow, *The Women of Colonial...*, p. 14.

<sup>195</sup> María Luisa Hidalgo, The Bexar Archives, Box 2K43, (Vol. 187), December 22-31, 1792, 022:0955-60.

<sup>196</sup> Manuel Pérez vs. Ignacio Flores, The Bexar Archives, Box 2K43, (Vol. 187), December 7-19, 1792.

<sup>197</sup> *Ibid.*, (Pérez vs. Flores).



pulling stumps from the mesquites that had been cut back in its circumference, at which labor he remained until the proximate past seventeenth of January.”<sup>198</sup>

These cases, and many similar ones, are examples of the court’s efforts to mandate moral behavior among the people in the *villa*. The court stepped in and corrected a behavior they saw as a threat to the moral integrity of the community as a whole. These cases also demonstrate, however, that women were able to manipulate the legal system to their benefit. However rigid these moral standards appear to be, in several cases in B exar women manipulated their way out of punishment for their transgressions. Because women were perceived as weak they were able in fact to get away with committing adultery with as little as a harsh warning. As in the case of Carabajal, there is no mention of any punishment for Mar a Luisa in the court document, only for Francisco. Francisco in this case was the culprit who threatened the honor of Mar a’s husband and family and the sanctity of marriage. Francisco, who was the one who sought Mar a out and initiated the relationship, so he was perceived as seducing the poor weak woman. Mar a was seen as a seduced pawn in de los Santos’s scheme. Fragile, vulnerable, and weak Mar a succumbed to Francisco’s advances for no other reason except that she was a woman.

This case shows the court trying to protect Mar a from Francisco. No doubt this interpretation reinforces notions of patriarchy that perceive women as the weaker sex. Mar a’s transgression could be interpreted as what is called “*semejante defecto*.”

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<sup>198</sup> Ibid., (P rez vs. Flores).

*Semejante defecto* is what one scholar describes as the “idea that women cannot be held completely liable for their actions since they carry within themselves Eve’s fragility toward sin and therefore it is easier for them to lust, desire, etc.”<sup>199</sup> The notion stems from a case where a lawyer in San Luis Potosí successfully argued that his client could not be held responsible for her actions (she had committed adultery) because “women were weak and malleable, especially if persuaded by a good talker.”<sup>200</sup>

This perception of women as especially susceptible to sin had been long debated among philosophers and theologians, however. It was challenged by Fray Benito Jerónimo Feijoo y Montenegro, a Galician monk, who was one of the major figures of the Spanish Enlightenment whose works was widespread in the early half the eighteenth century.<sup>201</sup> Published in 1726, his essay entitled *Defensa de la mujer* (Defense of Women) challenges the then accepted notion that women were inferior to men.<sup>202</sup> In addition, Feijoo questioned the validity of theories that opponents were using to argue women’s inferiority.<sup>203</sup> In particular, he debated methodologies that argued women were natural born mistakes (not being born men). He argued that these ideas had no merit and

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<sup>199</sup> Trinidad Gonzales, “Adultery in a Bordertown: An Alternative Discourse on Gender, Sexuality, and Family in Post-Independence Laredo.” Unpublished paper.

<sup>200</sup> Asunción Lavrin, “Sexuality in Colonial Mexico: A Church Dilemma” in *Sexuality and Marriage in Colonial Latin America*, (Lincoln and London: University of Nebraska Press, 1989), p. 65.

<sup>201</sup> Theresa Ann Smith, *The Emerging Female Citizen: Gender and Enlightenment in Spain*, (Berkeley, Los Angeles and London: University of California Press, 2006), p. 17.

<sup>202</sup> *Ibid.*, p. 17.

<sup>203</sup> *Ibid.*, p. 29.

were in fact irrational. He went on to refute Biblical interpretations that women lacked virtue and were the weaker sex because of Eve's shame in disobeying God in the Garden of Eden. Feijoo argued that men were in fact the weaker sex because "Adam was [e]nticed to sin by a woman, [Eve] was [e]nticed by an angel."<sup>204</sup> To the argument that women are intellectually inferior to men, Feijoo refuted the argument as a product of male writers writing about women, stating, "If women had written them, we [men] would be at the bottom."<sup>205</sup> Scholars credit Feijoo for opening the door for discussion of women's roles in Spain as it experienced profound social change. While Feijoo's writings did not completely alter the social order in Spanish society, they allowed women to better negotiate their identity in the changing society through discussions and active participation in society, such as suing and testifying in court.

Josefa Amar y Borbón was another major contributor to Spanish Enlightenment Feminism. Published in 1786, Josefa Amar y Borbón's work, *Discurso en defensa del talento de las mujeres, y de su aptitude para el gobierno, y otros cargos en que se emplean los hombres* (*Discourse in Defense of the Talent of Women, and Their Aptitude for Governing and Other Positions in Which Men Are Employed*) was also successful in stimulating conversation over women's roles in society. Amar's work stressed the need

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<sup>204</sup> Benito Jerónimo Feijoo, *An Essay on the Learning, Genius, and Abilities, of the Fair-sex, A Defense of Women*, (Gale ECCO, Print Editions, May 2010), p.19.

<sup>205</sup> Smith, *The Emerging Female Citizen: Gender and Enlightenment in Spain...*, p. 32.

for women's education and entrance into the economic sphere of society.<sup>206</sup> Amar, like Feijoo, had a response to Eve's "sin" in the Garden of Eden: "Eve did not resist these temptations; first she persuaded her husband, and he sinned out of condescension what she had begun out of curiosity. Detestable curiosity for certain, but curiosity tends to be an indication of talent."<sup>207</sup> These discourses of women's roles in Spain were not advocating for any modern sense of gender equality, but rather argued that women were not intellectually inferior to men and had the ability to think and make their own decisions.

Referring back to the case of María Luisa discussed earlier, one can see María not as the vulnerable or inferior sex, but rather as an actor in this incident. María was able to get away with committing adultery with little to no consequences. She was not exiled and there is no evidence that she was flogged, whipped, or given any other physical punishment usually associated with committing these types of acts. There is also no evidence that María was ostracized by the community or rejected by her husband. María was able to manipulate the cultural norms of society that formed the perception that women were weak and she avoided punishment for her actions. Perhaps

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<sup>206</sup> Elizabeth Franklin Lewis, *Women Writers in the Spanish Enlightenment, The Pursuit of Happiness*, (Burlington, VT: Ashgate Publishing Company, 2004), p. 23.

<sup>207</sup> Josefa Amar y Borbón, *Discurso en defense del talento de las mujeres*, <http://www.ensayistas.org/antologia/XVIII/amar-bor/> accessed May 11, 2014. (*Eva no resistió a estas tentaciones, antes persuadió a su marido, y el cometió por condescendencia el pecado, que aquélla empezó por curiosidad. Detestable curiosidad por cierto; pero la curiosidad suele ser indicio de talento.*) Translation by Catherine M. Jaffe and Elizabeth Franklin Lewis in *Eve's Enlightenment, Women's Experiences in Spain and Spanish America, 1726-1839*, (Baton Rouge, Louisiana: Louisiana State University Press, 2009), p. 1.

María unconsciously took advantage of these cultural notions of weakness as a way to escape punishment and persecution. María's actions represent the exercise of an agency that few scholars believe she had.

What we do know is that as critical as the church was for denouncing such indiscretions it was also quite forgiving. The church encouraged couples to reconcile and work out their marital problems as opposed to divorcing or abandoning one another. In addition, a woman who committed adultery or had pre-marital sex, among other transgressions, could regain her honor over time.<sup>208</sup> There are several cases where women committed adultery, asked for repentance, and avoided future scandals. In 1790 María Dolores Carabeyo, a widow, appealed to the court to help her receive payment for cattle that she had sold but had been unable to collect from a buyer. Carabeyo had evidently committed "some excesses" years earlier (the document does not state exactly what those were) but felt confident in appearing before the court for help. She assured the court that she was "far removed" from such indiscretions and vowed never to commit "future offenses."<sup>209</sup> Others were more secretive and discreet. Scholar Ann Twinam writes of a case where a Mexican woman became pregnant out of wedlock and decided to give her child to her lover to secretly raise while she lived the rest of her life

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<sup>208</sup> Asunción Lavrin, "Introduction: The Scenario, the Actors, and the Issues," in *Sexuality and Marriage in Colonial Latin America*, (Lincoln and London: University of Nebraska Press, 1989), p. 11.

<sup>209</sup> María Dolores Carabeyo, The Bexar Archives, Box: 2C152, (Vol. 171), December 4, 1790-December 5, 1790, 020:1030-31.

as an “honorable” spinster.<sup>210</sup> No one knew she had had a child or that the child living with her lover was hers until she confessed years later when the child was an adult.

The quickest way to restore one’s honor, of course, was to marry the lover, especially if the pair had an illegitimate child.<sup>211</sup> Upon marrying, the child could become legitimized and the process of restoring her honor would commence. A family was more easily accepted by the local community than a woman raising a child alone out of wedlock. The church made it easy to restore honor to the family. The church had two main ways to forgive such transgressions—confession and penitence, both simple (theoretically) to do (only in extreme cases, such as incestuous relationships, were people denied dispensations).<sup>212</sup> When the couple became “right with God,” repented, and corrected their immoral behavior, honor was regarded as being restored.

In addition to court cases that reveal Tejanas’ “manipulat[ing] circumstances,” as Castañeda terms it, there are cases that show that Tejanas were able in some cases to act on their sexual desires to a large degree. There are cases of women committing adultery for no other reason other than to express greater sexual freedom. The fact that some Tejanas made a personal and deliberate choice to commit adultery, despite legal

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<sup>210</sup> Ann Twinam, “Honor, Sexuality, and Illegitimacy in Colonial Spanish America,” in *Sexuality and Marriage in Colonial Latin America*, edited by Asunción Lavrin. (Lincoln and London: University of Nebraska Press, 1989), pp. 118-119.

<sup>211</sup> Ann Twinam, “Honor, Sexuality, and Illegitimacy in Colonial Spanish America,” in *Sexuality and Marriage in Colonial Latin America*, edited by Asunción Lavrin. (Lincoln and London: University of Nebraska Press, 1989), p. 146.

<sup>212</sup> Asunción Lavrin, “Sexuality in Colonial Mexico: A Church Dilemma,” in *Sexuality and Marriage in Colonial Latin America*, (Lincoln and London: University of Nebraska Press, 1989), p. 49 & 70.

prohibitions against it, is itself a form of agency. The church attempted to regulate this behavior by tying these acts to moral consequences (a person's salvation) and stressed that these acts were sacrilegious and immoral. Yet still these women deliberately chose what their church proclaimed was evil over good. Not even the threats of eternal damnation restrained some sexual desires. Committing adultery or another indiscretions was an individual and personal choice for these women. Moreover, they committed adultery not necessarily because they fell in love with someone else, but rather out of sexual desire, a personal intimate feeling that led to an action that cannot be controlled by any institution.

The failure of the court to control these personal feelings is evident in cases where men turned to the legal system for help to stop their wives from committing adultery. For example, after several attempts to stop his wife from engaging in an extramarital affair Pedro Joseph Texada took his wife, Juana Francisca Pérez and her lover, an Indian named Francisco Seguro, to court in 1782 in Béxar.<sup>213</sup> According to his deposition, Texada “found her in the “dark”...[with] a man in his bed with her.”<sup>214</sup> Seguro (who had a history of having an affair with at least one other married woman) had been caught several times with Pérez under suspicious circumstances. When Seguro and Pérez were discovered inside a friend's home hiding in the dark, Texada pressed charges against both of them. Texada, a successful storeowner who had migrated from

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<sup>213</sup> Pedro Joseph Texada, The Bexar Archives, Box 2C45, (Vol. 109), pages 11-44, January 4, 1782.

<sup>214</sup> *Ibid.*, (Texada).

Mexico to Béxar, begged the *alcalde* to punish both Seguro and Pérez as severely as the law permitted. In addition, Texada requested that Pérez's *comadre* (good friend), Josefa Leal, also be punished for allegedly helping the two lovers meet. Pérez later confessed to her husband and apparently asked for his forgiveness, which he reported to the court that he did.

The court case reads like a drama with witnesses offering testimonies and accounts of the events, heated accusations being thrown around, and Seguro emphatically declaring his innocence. What is missing from the court case is Pérez's testimony. Texada claims she confessed and asked for forgiveness and because she did this, he was willing to forgive her and work out their marital problems. The case leaves us wondering why she had an affair in the first place. It was not about improving her social position. Seguro, who was single, was an unemployed Indian who belonged to a lower class compared to the Mexican native Texada. There is no evidence that shows Seguro and Pérez were in love or trying to runaway together. Taking his social status and financial state into account it is evident that Pérez was not interested in a relationship for financial gains. One can only assume that the relationship between the two was based on sexual desires. Texada testified that he felt his wife had been seduced by Seguro with a "diabolic suggestion" that caused "her soul to excite and vex her."<sup>215</sup>

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<sup>215</sup> Pedro Joseph Texada, The Bexar Archives, Box 2C45, (Vol. 109), pages 11-44, January 4, 1782.



The court exiled Seguro for two years and ordered him to “leave the husband and wife alone.”<sup>216</sup> The court and the church both encouraged reconciliation rather than divorce, so the fact that they welcomed the reunion of the couple is not surprising. Pérez chose to have sexual relations with Seguro, several times in fact according to court records, and in her marriage bed no less. Pérez was not punished for her indiscretions, perhaps because she was seen by the court as weak and easily persuaded by Seguro (*semejante defecto*). One could argue that Pérez got away with committing adultery. She was already married, so it would be fairly easy to restore some degree of honor since no pregnancies resulted from the affair and her husband was willing to reconcile with her. Pérez was able to manipulate her circumstances and move forward virtually unscathed. Studies that concentrate on physical punishment such as whippings, beatings, etc. to portray women as passive or studies such as Premo’s that argue women only appeared in court to restore harmony in the home shed important light, but only reveal a sliver of the whole picture. We see women like Pérez accommodating as well as resisting society’s demands. These examples show that cases varied in this time period and as evidenced in this case, women were able to negotiate and challenge sexual codes in a patriarchal system.

We also see that what has been termed as a *comadre* network fall into play in many of these instances. A *comadre* network has been defined by historian Vicki L.

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<sup>216</sup> Ibid., (Texada).

Ruíz as a network among women who look out for each other and help one another.<sup>217</sup> It is a strong bond and kinship that promotes loyalty and friendship among the women of a community. In this particular case, we see that Pérez and Josefa Leal were part of such a network. The two lovers once met at Leal's home after having been discovered once before at Pérez's home, which supports Texada's claim that Leal indeed was an accomplice. Leal tried to hide Seguro in her home until Texada left, but he was discovered by Texada as he walked out of the home. Leal had claimed that neither Seguro nor Pérez were in her home when she was confronted by Texada, when in fact both were "hiding in the dark." The *comadre* network is evident in this case because of the manner in which these women worked together to cover up the meeting, revealing the way both women resisted men's control. The loyalty that is apparent between Pérez and Leal is stronger than the patriarchal relationship that Pérez had as a wife to her husband or to church leaders. Well aware that they could face legal repercussions, women were still willing to help cover up for one another.

In a similar case, María Susana Morón petitioned the court in 1808 to relocate to Salcedo on the Trinity.<sup>218</sup> Her request was approved on February 15, 1808, only to be revoked on February 29 by Commandant Don Francisco Viana. The Commandant changed his mind because he learned through Father Fray José María Sosa that Morón

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<sup>217</sup> See Vicki L. Ruíz, *From Out of the Shadows*. New York: Oxford University Press, 1998.

<sup>218</sup> María Susana Morón, The Bexar Archives, Box 2C11, (Vol. XXXII), pg. 169, January 26, 1808, 037:0529-30.

had been living out of wedlock for many years with a man named Don Vicente Micheli and had several children together. She wanted to relocate and join her lover on the Trinity, where he had been posted. Her petition was revoked because her relocation would be a “scandal of both posts.”<sup>219</sup> Although Morón did not end up with Micheli, we see that Morón made the decision to not just have an affair, but to have a family with Micheli.<sup>220</sup> Morón, like Pérez, chose to have an affair, despite social taboos or consequences. These are individual choices that these women made challenging the social and religious codes in place. Whether these challenges and actions withstood the test of time or were successful is irrelevant—what is relevant is that they challenged the codes in the first place. The agency lies in the challenge itself not only to husbands, like Texada, but also the church that tried so hard to control women’s sexual behavior.

Scholars have long focused on the oppression of women, in particular in abusive marriages. Countless case studies tell the story of women being beaten by their husbands for committing adultery, having pre-marital sex, or even denying sex to their husbands. Lavrin writes of a particular case where a woman was beaten by her husband repeatedly for “denying [him] sexual satisfaction.”<sup>221</sup> Despite claims that argue Spanish women were left to toil in abusive marriages like this one, court records reveal that there were

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<sup>219</sup> Ibid., (Morón).

<sup>220</sup> Although this document does not show that they ended up together, one might assume that Micheli might have returned to her at one time or another since they had spent several years together and had several children together.

<sup>221</sup> Asunción Lavrin, “Sexuality in Colonial Mexico: A Church Dilemma,” in *Sexuality and Marriage in Colonial Latin America*, (Lincoln and London: University of Nebraska Press, 1989), p. 53.

several instances where women sought not to seek “harmony” as Premo contends. Tejanas negotiated their power and forced the court to adhere to their pleas of injustice. Joseph Antonio de Escalante was severely punished for “public concubinage” and other shameless acts.<sup>222</sup> Escalante was accused of forcing his wife to find him women to “satisfy his bawdy ap[p]etites, [and] mistreating her if she did not do so.”<sup>223</sup> Escalante’s crimes were so horrendous, that government official Francisco de Thobar wrote to the governor describing Escalante’s lifestyle as “so filthy, impure and vile that I prefer not to state it, it is so bad.”<sup>224</sup> One can only imagine how bad it was because Thobar skipped the trial process and went straight to punishment. Escalante was put “in the staple of shame...[and] given thirty lashes” and was then exiled.<sup>225</sup> This case reveals that lewd behavior in the settlement was not tolerated, in this particular case by a man. Men, even as heads of households and authoritative figures operating within a social double standard, did not have absolute power to do whatever they wanted. Adulterers, fornicators, and others who practiced what officials considered lascivious acts were severely punished and exiled. Also, the case reveals that women exercised their legal power to escape abusive marriages. In Escalante’s wife’s case the court can be perceived as benevolently protecting the weaker sex. Escalante had to accept, however, that his

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<sup>222</sup> Joseph Antonio de Escalante, The Bexar Archives, Box 2C22, Vol. 46, Frame 72, August 4, 1768.

<sup>223</sup> Joseph Antonio de Escalante, The Bexar Archives, Box 2C22, Vol. 46, Frame 72, August 4, 1768.

<sup>224</sup> *Ibid.*, (Escalante).

<sup>225</sup> *Ibid.*, (Escalante).

wife had a significant role in his being whipped and ultimately exiled. Fully aware that officials would not support his lewd behavior, she exercised a great deal of power over him.

Spanish women also exercised a great degree of power in child support cases. The case of María Trinidad García is a prime example of the court's efforts. After her husband Francisco Amangual, died, García had begun an intimate relationship with a man named Rafael Rodríguez with whom she had a "natural" (illegitimate) daughter named María Trinidad Rodríguez. After the death of García, the young daughter was named sole heir of her mother's estate. There was no mention of Rafael Rodríguez in García's will, nor did Rodríguez voluntarily surface during the litigation. It was not until the court conducted an investigation as to his whereabouts that he came forward. The court ordered him to "provide the necessary food and clothing for his daughter."<sup>226</sup> Rodríguez had legally recognized the baby as his during her baptism and his name was listed as the father on her baptismal record. As the father of the child, and the only living parent, he had the moral responsibility to financially take care of the child. There is no mention of the guardian (García's mother) ordered to use the child's inheritance to provide for her, but instead her little girl's father was ordered to do so, even if he had not legally married García. It was, according to the court, the father's moral obligation to do so. Such cases provide evidence that women, even women who had "sinned" had legal

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<sup>226</sup> Litigation over the Estates of Francisco Amangual and María Trinidad Garcia, San Antonio Spanish Archives, San Antonio, Texas, Bexar County Courthouse, 1819.

rights. In the case of García, despite her transgressions she was able to collect child support from beyond the grave!

The state, the church, and the family attempted to control sexual behaviors with some success, but as evidenced by these cases the patriarchal system on the frontier was neither static nor absolute. All three entities promoted a strict behavior code that inculcated a sense of moral obligation in women and demanded that women bring honor to their families. But that code was not always accepted by women. Evidence strongly shows that women accepted and operated under this honor code but in some cases resisted these cultural norms. There is also evidence that shows that Tejanas in Béxar were able to maneuver, manipulate, and challenge patriarchy which in Béxar was indeed fluid. Women were able to operate and negotiate their positions in society using the notions of female weakness and *semejante defecto*. Many Tejanas were able to play off this vulnerability and in essence get away with indiscretions such as adultery, as in the cases of Carabajal and Pérez. Their acts of defiance to religious and familial authorities show they were successful in controlling their own sexual desires and wants. They made individual and personal choices to break the codes of sexual behavior and honor regardless of the legal and social ramifications. Furthermore, there is evidence that a strong *comadre* network was in place that allowed Tejanas to manipulate circumstances and restrictions, protecting and supporting one another in personal situations such as covering up affairs. Evidence also demonstrates that Tejanas were able to challenge their husbands and lovers in court to collect child support and escape abusive marriages. Their testimonies and pleas in court represent agency. Far from being passive victims, Tejanas

were even able to force abusive husbands into exile. They were instead a force to be reckoned with. Their actions in the court no doubt sent a strong message to other husbands that abuse against wives would not be condoned. In conclusion, while Béxar operated under a strong patriarchal system, Tejanas were able to maneuver within the patriarchal system revealing a great deal of agency.

CHAPTER V  
TEJANOS IN THE TEXAS REVOLUTION

The tumultuous events that created the Texas Revolution transformed the Tejano family.<sup>227</sup> The early perception of Anglo Americans that Tejanos were partners in the war against Mexican dictatorship changed drastically and almost immediately after the Texas Revolution. Many Anglo American immigrants would regard Tejanos with suspicion and saw no difference between Mexicans and Tejanos. Moreover, Anglos treated Tejanos as enemies, and inferiors. One major revolutionary leader, Juan Seguín, eventually grew tired of this treatment and relocated to Mexico. Anglo Americans ignored Tejanos' major contributions to the war. The respect Tejanos once garnered from their Anglo American peers was replaced with discrimination and racist attitudes. Historian Arnaldo De León argues that Anglo Americans immigrating to Texas brought with them their contempt for Roman Catholics and their barbaric images of Spaniards thanks to the Black Legend.<sup>228</sup>

Racist attitudes and prejudices quickly escalated into racist actions. Many Tejanos lost their lands to Anglo American encroachment and fraudulent land dealings. With the introduction of commercial ranching, the displacement of Tejanos marked the

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<sup>227</sup> A portion of this chapter was presented at the Southwest/Texas Popular Culture and American Culture Regional meeting on February 9, 2012 in Albuquerque, New Mexico. The author thanks the attendees for comments and suggestions.

<sup>228</sup> Arnaldo De León, *They Called Them Greasers, Anglo American Attitudes toward Mexicans in Texas, 1836-1900*, Austin: University of Texas Press, 1983.



end of the era where Tejanos were major leaders in the community. In a culmination of economic problems compounded by attacks on cultural and social identity, Tejanos suffered greatly in the 1830s and 1840s. The cultural make up of Spanish Texas rapidly underwent a transformation with the increase of American immigrant families. It was not long after the Texas Revolution that social status was linked to race and ethnicity. Throughout the 19<sup>th</sup> century, early America underwent great social changes that consequently would affect race relations for years to come—changes that affected not only social and class make up, but ultimately revealed the connection social status had with race and ethnicity. This chapter draws on published primary and secondary sources, classics in building the narrative of the birth of Anglo Texas and the Texas Revolution from the Tejano perspective to argue that this era—when Tejanos lost social status and became second-class citizens—had special significance for Tejanas. This narrative helps us to understand the moment of loss when Tejanas suddenly went from allies to a racialized “other” under the Texas flag.

Why then did Tejanos join the Anglo American immigrants in the fight for a Texas Republic? There are several answers to this question, but above all they shared interests that ranged from economics to a common enemy. Tejanos joined the Anglo American immigrants because of common economic and political goals. The new Mexican government was guilty of strangling economic growth in the region, halting development, and trampling on the rights of Tejanos and Anglo immigrants alike. Tejanos had grown to believe that the Mexican government was not looking out for Tejano political interests, such as self-government in Béxar. Indeed, the Mexican

government had sent officials to investigate Texas and concluded that Tejanos were failing as leaders, and losing influence to the Anglo American immigrants. Moreover, José Manuel Mier y Terán, a Mexican general, had visited the province in 1831 to ensure payment of hated custom duties.<sup>229</sup> Both groups endured years of frustration under an overpowering, yet neglectful, Mexican government.

Tejanos also harbored deep resentments over the aftermath of the War for Independence in 1813. The brutality of Spanish Royalists, some of whom were now active Centralists in Mexican politics, served as a reminder that Tejanos were seen as inferior in the eyes of the Spanish. Tejanos often referred to themselves as “Americanos,” identifying themselves as a separate people from the Spanish. Why would Tejanos and, of particular importance to this study, Tejanas, turn on a government that had given them free land? The Spanish empire had given Tejanas land with the expectation that they would turn their land into financial endeavors that would benefit the empire in the long run, but the Spanish did not provide necessary resources or sufficient security to the region.

Indeed, Tejanos believed that the Spanish had treated them with contempt. Nowhere is this more evident than with the first hand Tejana account of the violent incident on the Trinity River in 1813 where Royalist military men led by José Joaquín de Arrendondo beat, mutilated, whipped, starved, and murdered Tejanas and Tejanos for

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<sup>229</sup> William C. Davis, *Three Roads to the Alamo, The Lives and Fortunes of David Crockett, James Bowie, and William Barret Travis*. (New York, New York: HarperCollins Publishers, 1998), p. 264.

their affiliation with the Independence movement. These elite Tejanas attempted to flee Texas and go to Louisiana to avoid the violence that had erupted in Texas in 1813. After having survived such horrendous treatment at the hands of Royalist forces, Tejanas severed emotional ties with Spain, the same country that had given them land. Deep feelings of anger and pain easily transferred toward the Mexican government after Mexico gained its independence from Spain. In many ways, the Mexican government was just as guilty of these heinous acts as the Spanish empire.<sup>230</sup> Little did Tejanos know that they would be forsaken again, but this time by the Anglo Americans with whom they had allied themselves during the Texas Revolution.

This chapter argues that as the relationship between Tejanos and Anglo American immigrants prior to the war for Texas independence deteriorated in a context of violence and brutal acts of war, Tejanas played an important role in the first, albeit unsuccessful, attempt to gain independence from Spain in 1810. The deep resentment that Tejanas harbored after the brutal incident on the Trinity River in 1813 further fueled the movement to separate from Mexico twenty years later.

### **Before the Revolution**

Many of the Anglo American immigrants who went to Texas before the revolution had lost their life savings in the U.S. Panic of 1819. Many lost farms and others lost jobs in the textile industries. They had gone from the top of the social ladder to the bottom as a result of this economic crisis. They then went to Texas in hopes

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<sup>230</sup> Santa Anna had been a young soldier under Arrendondo during the 1813 occupation.

starting over financially and regaining their place at the top of economic and social hierarchies. To do so, they pledged allegiance to the Mexican government in hopes of starting a new life. Anglo Americans did not, however, immigrate to uncharted territory. Spanish Texas was home to generations of Spanish and Mexican immigrants and by the 1830s, Tejanos, who had been born in what is today Texas. Tejanos were likely a mixture between Tlascalan Indians, who settled in Texas from Coahuila under the Aztec Empire, and Spanish and mestizo settlers.<sup>231</sup> They had sacrificed, toiled, and survived the harsh life on the frontier and successfully established permanent communities. They had endured attacks from Apaches and Comanches, as well as political instabilities under Spanish and Mexican rule. Largely forsaken by not one, but two, governments—the Spanish and the Mexican governments—Tejanos were left virtually to their own resources.

Mexico, like Spain before it, had attempted to colonize Texas by encouraging internal and external immigration, but both governments had had little luck. They had hoped to colonize the land to strengthen their hold on the frontier and fight off perceived threats first from France and later the United States with permanent settlements in nearby Louisiana. By 1821, the newly formed Mexican government decided that Anglo American immigration might be the answer to the problem. Anglo Americans had already been moving into Texas illegally since 1815. The Mexican government then

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<sup>231</sup> Andrés Tijerina, *Tejanos and Texas Under the Mexican Flag, 1821-1836*, (College Station: Texas A&M University Press, 1994), 9.

decided that it would grant *empresarios*, (colonization agents) permission to settle families in Texas in exchange for fees to be paid to the *empresarios*. Stephen F. Austin, Martín de León, José de Escandon y Elguera, Green DeWitt, and several others jumped at the opportunity to bring in settlers to Texas. Americans came in droves for the cheap land and the opportunity to start over. By 1830, there were about 10,000 Anglo Americans living in Texas.<sup>232</sup>

At the onset of Anglo American immigration, Tejanos had been the leaders of the *villas* and reigned at the top of the social hierarchy. They controlled the politics of *villas* like Béxar, serving as *alcaldes* (magistrates) and governors and legislators of the province of Coahuila y Texas. Tejano José Navarro, for example, served in the legislature in 1824 when Coahuila y Texas became a state. Navarro later was instrumental in not only the independence movement, but also in the annexation of Texas by the United States. Tejanos welcomed the foreigners, in hopes that the Americans could contribute to economic growth with enterprises such as the cattle ranching industry, something that the Mexican government had neglected to do for years.

Furthermore, Tejanos had over the years grown discontented with the Mexican government which, like its Spanish predecessor, had no financial resources with which to help the Tejanos. With a nearly bankrupt government, Mexico was trying to recover

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<sup>232</sup> Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State*, (New York and Oxford: Oxford University Press, 2012), 108.

from the War of Independence from Spain and did not financially invest in the frontier settlements. In addition, the Mexican government conducted business much like the Spanish had as far as legal proceedings were concerned. Many of the laws in place under Mexico rule had been laws established by the Spanish Cortes, and as under the Spanish Cortes, those laws, in particular laws regulating the economy, did not work well on the frontier for settlers.<sup>233</sup> Frontier life proved to be very different than life in Mexico City and centralism tended to be less conducive to life on the frontier in the sense that local courts remained for many the only recourse for locals who could not travel to the capital.<sup>234</sup> The newly implemented centralist government of Mexico did not allow “frontiersmen sufficient autonomy to deal effectively with local problems.”<sup>235</sup>

The centralist government’s control of the economy in Texas greatly inhibited the financial advancement of the Tejanos. Mexico prohibited, for example, the rounding up of wild horses, expecting Tejanos to concentrate only on agricultural endeavors.<sup>236</sup> The central government administrators were so far away from the frontier that they failed to understand that life in Texas was required a different set of rules. In addition, the Mexican government also failed to provide basic necessities for the Tejanos, forcing them to rely on “outsiders,” in particular, Americans, who sold manufactured goods and

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<sup>233</sup> David J. Weber, *The Mexican Frontier, 1821-1846, The American Southwest Under Mexico*, (Albuquerque, New Mexico: University of New Mexico Press, 1995), 36.

<sup>234</sup> *Ibid.*, p. 37.

<sup>235</sup> *Ibid.*, 37.

<sup>236</sup> *Ibid.*, 124.

contributed to the local economy.<sup>237</sup> For example, in 1824 Martín De León's infamous colony, later known as Victoria, welcomed forty-one Mexican families to the nascent settlement. Together they created a strong economic partnership that included business transactions to acquire American goods and enter the American market. José Navarro, instrumental in the colonizing of Texas, understood that a larger population would support and facilitate a burgeoning economy for the region. Erasmo Seguín was also invaluable in the colonization project with Stephen F. Austin, (the largest and most successful of the colonization efforts). As historian Jesús de la Teja points out, Seguín and other Tejanos no doubt saw Anglo American immigration as "an unprecedented opportunity for Texas to rise from the depths of the poverty and backwardness in which the Mexican War of Independence had left the province."<sup>238</sup>

During the war itself, the Mexican government had also proven to be a destructive force for Tejanos living on the frontier. Violence had erupted in places like Béxar and Tejanos had been mistreated by both Mexican military and Royalist forces. Erasmo Seguín, father of Juan Seguín, despite being loyal to the Royalist forces, was accused by Mexican officials of being a traitor and had his "property confiscated, his house turned into a school, and his family left homeless."<sup>239</sup> He was able to clear his name (by 1818) and regained his home and ranch, but "never recovered almost \$8,000 in

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<sup>237</sup> Ibid., 147.

<sup>238</sup> Juan Nepomuceno Seguín, *A Revolution Remembered: The Memoirs and Selected Correspondence of Juan N. Seguín*. Edited by Jesús F. de la Teja. (Austin: Texas State Historical Association, 2002), p. 7.

<sup>239</sup> Ibid., p. 5.

other property.”<sup>240</sup> These incidents no doubt left deep resentments towards the Mexican government. Families suffered at the hands of the Mexican government and children of Tejanos, like Juan Seguín, remembered these trying times.

In addition, the Mexican government had failed to provide protection from hostile Indian tribes. Juan N. Almonte, a Mexican official and diplomat, who wrote “A Secret Report” on Texas conditions in 1834, described Tejanos and their predicament and argued that their experience could influence their loyalties. He stated that their “situation...now borders on desperation, because they find themselves overwhelmed by the obstacles and depredations of the Indians, against whom they have no more than a weak defense, and it would not be surprising if their position were to force them to cooperate with the [Anglo American] colonists with the aim of uniting with the United States of America.”<sup>241</sup> It is no surprise then that Tejanos welcomed Anglo Americans to Texas, aware that the presence of Americans promised an ally against violent raids who by Indians protecting their homeland.

There was also a social separation between Tejanos and Mexicans. It is evident that Mexicans felt contempt for Tejanos, often describing them as lazy and inferior. The Mexicans saw Tejanos as rural peasant-like people. José María Sánchez, a draftsman who accompanied Manuel de Mier y Terán in his inspection of Mexican Texas in 1828,

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<sup>240</sup> Ibid., p. 5.

<sup>241</sup> Juan N. Almonte, ed. By Jack Johnson and Translated by John Wheat, *Almonte's Texas: Juan N. Almonte's 1834 Inspection, Secret Report & Role in the 1836 Campaign*. (Austin, Texas: Texas State Historical Association, 2003), p. 214.



described the Tejanos in San Antonio in his diary stating, “The character of the people is care-free, they are enthusiastic dancers, very fond of luxury, and the worst punishment that can be inflicted upon them is work.”<sup>242</sup> Tejanos had created a unique identity in the frontier and although they were legally Mexicans, their environment was so different from the more settled areas of control of Mexico that were essentially a different people and had even created their own social classes. Moreover, this stark difference was evident to both Tejanos and Mexicans. This distinction did not exist only in Béxar, but also in other colonies such as the *villas del norte* (Tamaulipas) where the Mexican government had placed similar trade restrictions. The northern colonies were also neglected.<sup>243</sup> Both Béxar and colonies like the *villas del norte* had a significant degree of autonomy. Male landowners had a say in local government, electing government leaders like *alcaldes* (magistrates) and *ayuntamientos* (councilmen). These local governments inadvertently helped create two separate groups of people, Tejanos and Mexicans, whose identities were tied to region. Tejanos were bound together by their shared interests—social, economic, and political. Tejanos were, therefore, connected by their shared

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<sup>242</sup> Manuel de Mier y Terán, *Texas by Terán*, edited by Jack Johnson and Translated by John Wheat. (Austin, Texas: University of Texas Press, 2000), p. 20.

<sup>243</sup> Omar S. Valerio-Jimenez, “Neglected Citizens and Willing Traders: The Villas del Norte (Tamaulipas) in Mexico’s Northern Borderlands, 1749-1846,” (*Mexican Studies/Estudios Mexicanos*, Vol. 18, No. 2 (Summer 2002), p. 251.

“loyalty to one’s locality, one’s *patria chica*,” and this sense of loyalty “frequently took precedence over loyalty to the patria, or nation as a whole.”<sup>244</sup>

Political and economic relations between the *criollos* (Spaniards born in America) and *peninsulares* (Spaniards born in Spain but living in America), a social and civic distinction that was used in a racialist fashion, had already imploded during the fight for independence from Spain. Unlike conflicts in Spain that erupted between Spain and French invaders, New Spain experienced a civil war and suffered from “internal divisions.”<sup>245</sup> Economic and political unrest led the *criollos* to rise up against the *peninsulares* and fight for better government. Many Tejanos took part in this fight. José Antonio Apolinario Gutiérrez de Lara, a revolutionary and political instigator, is famous for his resounding cry for reform, writing to the people of Texas, “Long live our *patria* and death to vice and bad government!”<sup>246</sup> The War of Independence was a civil war, between the *criollos* and *peninsulares* and, as such, revealed two distinct groups of people, both Spanish citizens, who had formed partly out of economic but also regional interests. Omar S. Valerio-Jimenez described the *villas del norte* stating, “During the early nineteenth century, the inhabitants of these northern river towns started to construct a regional identity (as did others in Mexico’s Far North), based in part on their

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<sup>244</sup> David J. Weber, *The Mexican Frontier, 1821-1846: The American Southwest Under Mexico* (Albuquerque: University of New Mexico Press, 1982), p. 240.

<sup>245</sup> Jaime E. Rodríguez O, “The Emancipation of America,” *The American Historical Review*, Vol. 105, No. 1 (Feb. 2000), p. 146.

<sup>246</sup> Raúl Coronado, *A World Not To Come, A History of Latino Writing and Print Culture*, (Cambridge, Massachusetts: Harvard University Press, 2013), p. 73.

geographic isolation as well as on the administrative failures of colonial authorities.”<sup>247</sup>

By the 1830s, Tejanos had come to distinguish themselves from Mexicans, putting their local, or *patria chica*, interests above those of a government hundreds of miles away.

Tejanas too felt as if they were a separate people from Spain. Painful memories were still fresh in the minds of Tejanas who had survived brutal atrocities by the Royalist troops. Bernardo Gutiérrez de Lara had declared Texas independence in 1812 proclaiming that Texas was “free of the chains which bound us under the domination of European Spain.”<sup>248</sup> De Lara was a part of the rebellion led by Father Miguel Hidalgo in 1810. De Lara had been successful in forcing Royalist leaders out of San Antonio in 1812.<sup>249</sup> The rebellion lasted only a few months until José Joaquín Arredondo recaptured Texas.<sup>250</sup> Arredondo’s forces swept into Texas with a vengeance, determined to teach the Tejanos a lesson on loyalty. Arredondo’s men wreaked havoc, pillaging Tejano homes, loyalist and royalist supporters alike. Mexican officials did not see Tejanos as equals—even when they were supporters of the Royalist cause. Tejano families fled the region to avoid the violence that had erupted, but many were caught in

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<sup>247</sup> Omar S. Valerio-Jimenez, “Neglected Citizens and Willing Traders: The Villas del Norte (Tamaulipas) in Mexico’s Northern Borderlands, 1749-1846,” *Mexican Studies/Estudios Mexicanos*, Vol. 18, No. 2 (Summer 2002), p. 261.

<sup>248</sup> Weber, *The Spanish Frontier*, p. 299

<sup>249</sup> *Ibid.*, p. 299.

<sup>250</sup> *Ibid.*, p. 299.

transit. After the Battle of Medina, these families had fled, leaving behind “their homes, cultivated fields, livestock of all kind, and many other possessions.”<sup>251</sup>

Tejano families, numbering about 300 individuals, were pursued and caught by Arredondo’s forces at the Trinity River while trying to escape to Louisiana in 1813.<sup>252</sup> An anonymous account believed to have been written by Tejana survivors expressed such hatred and disgust for a government that participated in brutal acts against them and their families. The first person account is heartbreaking and clearly indicates why Tejanas would separate themselves from such a cruel and heartless empire—the same empire that had been so generous in giving them free land years earlier. Revolutionary soldiers, Tejana’s sons and other relatives, were brutally executed. Antonio Delgado, a soldier, was shot in the head and, in front of his mother, was beheaded with a lance. His bare body was “left as food for the wild animals.”<sup>253</sup> The remaining soldiers were also executed. When mothers pleaded with Spanish commander Ignacio Elizondo for mercy on their sons, Elizondo replied, “get out of my way insurgents, before I order that you too be killed.”<sup>254</sup> The next morning, the women went to look for the bodies of their loved

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<sup>251</sup> Raúl Coronado, *A World Not To Come, A History of Latino Writing and Print Culture*, (Cambridge, Massachusetts and London, England: Harvard University Press, 2013), p. 426.

<sup>252</sup> *Ibid.*, p. 418.

<sup>253</sup> Anonymous, “Remembrance of the Things That Took Place in Béxar in 1813 under the Tyrant Arredondo,” in Raúl Coronado’s, *A World Not To Come, A History of Latino Writing and Print Culture*, (Cambridge, Massachusetts and London, England: Harvard University Press, 2013), p. 427. Original in MSS P-O 811, Herbert Bolton Papers (No. 711), Bancroft Library, University of California, Berkeley.

<sup>254</sup> *Ibid.*, p. 427.

ones only to find the bodies had been “thrown in the field and eaten by animals.”<sup>255</sup>

Elizondo denied the mothers’ requests to bury their sons.

The source claims that there were 114 Tejanas among these victims “widowed, married, and single women and maidens.”<sup>256</sup> Not only did these women see their loved ones die in front of them, but they also endured “obscene inspection[s] and depraved groping.”<sup>257</sup> They were forcibly marched, most barefooted, tied together for hours and when they reached a stream, “the enemies threw them into the water all at the same time, and hit them with sticks, treating them worse than they would a herd of goats or a herd of pigs.”<sup>258</sup>

The mistreatment did not end there. Arredondo himself joined the soldiers and further insulted the women with obscenities and then forced them to grind corn to feed his men. The source states,

“Some [Tejanas] boiled the corn until it was made into *nixtamal*,<sup>259</sup> while others were forced to stomp and scrub it with their feet. But the maize was still hot, and many had the misfortune of having the skin peel from their feet and legs, losing the nails on their toes while running blood mixed with the corn that they had ground, until one woman (named Cribanta, whose skin from her palms and her fingernails fell off) lost her life, due to this inhumane work. Others were forced to grind, but many had never done so and had very delicate hands. Still others were pregnant.”<sup>260</sup>

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<sup>255</sup> Ibid., p. 427.

<sup>256</sup> Ibid., p. 428.

<sup>257</sup> Ibid., p. 428.

<sup>258</sup> Anonymous, “Remembrance of the Things...” p. 428-429.

<sup>259</sup> Coronado states that “*Nixtamal* is a maize cooked with lime that is then ground to make tortillas.”

<sup>260</sup> Ibid., p. 430.

The brutality continued with whippings and beatings. Even more heartbreaking, young mothers were not allowed to breastfeed their babies, “one of whom died in plain view.”<sup>261</sup> The obscenities continued, as well. The women were ordered to sew soldier shirts, but were not given the proper tools. When asked for needles to sew, a guard dropped his pants and told the women, “take them from here.”<sup>262</sup> Arredondo too lamented, “*get to praying, you whores, because your god has arrived; I am God of the whores.*”<sup>263</sup> The Tejanas suffered for twenty days, tortured and beaten continuously.

This atrocious incident no doubt still resonated with Tejanas and Tejanos in the 1820s. The memory of their sons, husbands, and brothers executed so viciously in front of their very eyes was not easily forgotten. Their anger and hatred for the men who had butchered their loved ones and tortured their women resonated in their very being. It is no surprise that Tejanas would turn away from the government that had allowed them legal privileges and given land when they first settled on the frontier. The same men that participated in this heinous incident were in fact the same men who came to power under the Mexican government. Santa Anna had been a young officer and mentee of Arredondo’s men during the attack in San Antonio. The source revealed that property lost by Tejanas was never recovered but instead lay in the hands of “some of them [that]

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<sup>261</sup> Ibid., p. 431.

<sup>262</sup> Ibid., p. 432.

<sup>263</sup> Ibid., p. 432.

actually contributed to the patriot women's martyrdom."<sup>264</sup> This incident surely contributed, if not justified, the break away from the Mexican government. The Mexican military were in fact participants in this cruel act.

### **Immigration**

Historians have long argued that Spanish Texas was a "backward" region and that original Tejanos had little to do with the building of a stable economy in the region. Research shows, however, that the region had in fact grown significantly in the eighteenth century before the immigration of the Anglo Americans in the nineteenth century. Tejanos were instrumental in developing a thriving economy. Jesús F. de la Teja writes that Bexareños had in fact "participat[ed] in an exchange economy," with Saltillo, the province's capital a place where economic transactions would regularly take place.<sup>265</sup> Trips from San Antonio to Saltillo allowed Tejanos to participate in a growing market where they could barter hand made products.<sup>266</sup> Manuel de Mier y Terán also described the province's economy in his notes and diary stating, "Industry in this colony is outstanding, not only in the cultivation of the land for the harvesting of cotton and other cereals except wheat, and for raising cattle, but also in artisanry...[And] They sell their products in Béjar, La Bahía, and Naco[g]doches and also go to the sea by the

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<sup>264</sup> Ibid., p. 433.

<sup>265</sup> Jesús F. de la Teja, "The Saltillo Fair and Its San Antonio Connections," in *Tejano Epic: Essays in Honor of Félix D. Almaráz, Jr.*, ed. By Arnoldo De León, (Texas State Historical Association, 2005), p. 27.

<sup>266</sup> Ibid., p. 26.

Brazos River.”<sup>267</sup> These types of activities helped establish not only an economic foundation in San Antonio, but also aided in the structuring of a social hierarchy. This hierarchy led in turn to the establishment of an elite class who not only wore latest styles but were also aware of the newest cultural trends.<sup>268</sup> More importantly, this elite class was able to gain significant political power. Members served as *alcaldes*, governors, and council members in the local government. As evidence shows, Tejanos had established a strong political, economic, and social community by the time Anglo Americans immigrated into Texas.

As mentioned before, Tejanos at first welcomed Anglo American immigration. Problems between the two were minimal and certainly did not exist because of political tensions. In addition to favoring expanded economic policies, both groups favored immigration into the region. *Empresarios* like Martín De León and Green De Witt stood to lose land and money if immigration was halted. De León was first granted permission to settle 41 families near the lower Guadalupe River and De Witt was granted permission to settle 400 families in 1825 in Gonzales. The *empresarios*, in particular the American *empresarios*, were not likely to rebel against a government that had been so generous to them. Instead they wanted to gain favor with the government in hopes that they could expand their contracts, as Stephen F. Austin had over the years. *Empresario*

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<sup>267</sup> Manuel de Mier y Terán, *Texas by Terán*, edited by Jack Johnson and Translated by John Wheat. (Austin, Texas: University of Texas Press, 2000), p. 34.

<sup>268</sup> De a Teja, “The Saltillo Fair...,” p. 26.



Haden Edwards was also granted a contract to settle 800 families around the area of Nacogdoches in 1825. Edwards' contract was nullified, however, after a failed coup attempt. He had tried to establish what was called the Republic of Fredonia and instigated a fight for independence. Anglo American *empresarios* DeWitt and Austin did not support Edwards' efforts and instead supported the Mexican government when Mexican military put the rebellion down. The *empresarios* understood that their contracts could be nullified just as Edward's contract had been and they were not willing to take the chance. Instead Austin and DeWitt affirmed their loyalty to Mexico.<sup>269</sup>

### **The Texas Revolution**

The conflict between the Anglo American immigrants and the Mexican government began with the newly installed centralist government under the control of Anastasio Bustamante. The centralists were more conservative and tended to be supported by the military and the clergy. The federalists were more liberal and were usually supported by *criollos*, *mestizos*, and the lower classes. After a successful coup against Bustamante, General Antonio López de Santa Anna was elected president in 1833 after claiming to be a federalist who supported states' rights. Although he had advocated a federalist government and had promised to uphold the Constitution of 1824, Santa Anna replaced the Constitution with an even stronger centralist government, suspending Congress in the process. The Constitution of 1824 had been implemented

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<sup>269</sup> Gregg Cantrell. *Stephen F. Austin: Empresario of Texas*, (New Haven and London: Yale University Press, 1999), p. 188.

after the abdication of Agustín Iturbide, who upon taking control of Mexico in 1822, had dissolved Congress.<sup>270</sup> The Constitution of 1824 was a liberal document that moved Mexico from a monarchical state to one of self-government. It essentially turned Mexico's provinces into states, with Coahuila y Texas as one of them. This document also placed the *jefe politico* (political chief) in Béxar under the authority of the governor of Saltillo.<sup>271</sup> The constitution was written as a direct response to Iturbide's abuse of power and created a government that called for more representation of the people of Mexico. This liberal form of government in Santa Anna's eyes threatened the Church and the military's roles in the government.

While Santa Anna seemed to be supportive of a federalist government, Anglo Americans and Tejanos supported him. In fact, in 1832 the Anglo Americans and Tejanos had forced centralist Mexicans under Bustamante out of Texas in support of Santa Anna's federalist movement. Stephen F. Austin had traveled to Saltillo to bring assurance to the Mexican government that the Anglo American immigrants had no intention of rebelling against a federalist Mexican government, but instead favored a break from Coahuila and only wished for statehood for Texas under the Mexican government.<sup>272</sup> Austin apparently had reason to worry about appeasing the Mexican

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<sup>270</sup> Weber, *The Mexican Frontier*, p. 19.

<sup>271</sup> *Ibid.*, p. 26.

<sup>272</sup> Juan N. Almonte, ed. By Jack Johnson and Translated by John Wheat, *Almonte's Texas: Juan N. Almonte's 1834 Inspection, Secret Report & Role in the 1836 Campaign*. (Austin, Texas: Texas State Historical Association, 2003), p. 211.

government because Mexican officials had conducted investigations to learn of the progress and consequences of colonization and were contemplating halting American immigration indefinitely. Mexican officials Manuel de Mier y Terán and centralist politician Lucas Alamán were the first to voice objections to the continuation of American colonization and immigration. After traveling to Texas, Mier y Terán reported that American influence was more prevalent than Mexican influence, stating, “There is a settlement of North Americans forming in this territory, which will possess itself of the country unless the Mexican government intervenes.”<sup>273</sup> He stated that there were about eight thousand North Americans and about four thousand Tejanos living in San Antonio in 1828 and noted that these numbers troubled him.<sup>274</sup>

Under the presidency of Bustamante, the Mexican Congress put a halt to American immigration and with the Law of April 6, 1830, also ended the *empresario* contracts.<sup>275</sup> To compound matters, the Mexican Congress also demanded the collection of customs on imports and exports, duties from which Texans had been exempt for several years through a law enacted in 1823. So when Santa Anna led a revolt against the centralist Bustamante in the name of federalism, the Anglo Americans and Tejanos supported him believing they would likely maintain control of their province under a

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<sup>273</sup> Manuel de Mier y Terán, *Texas by Terán*, edited by Jack Johnson and Translated by John Wheat. (Austin, Texas: University of Texas Press, 2000), p. 184.

<sup>274</sup> Manuel de Mier y Terán, *Texas by Terán*, edited by Jack Johnson and Translated by John Wheat. (Austin, Texas: University of Texas Press, 2000), p. 29.

<sup>275</sup> Paul D. Lack, *The Texas Revolutionary Experience, A Political and Social History 1835-1836*, (College Station, Texas: Texas A&M University Press, 1992), p. 5.

states' rights government as opposed to a centralist government that leaned toward a more military and church controlled state. A government under Bustamante would have had detrimental effects on the future of these settlements.

The problem, of course, was that Santa Anna was not consistent. He was a centralist or a federalist when either benefited him. When Santa Anna was elected president in 1833 and, in 1834, suspended the Constitution of 1824, Anglo Americans and Tejanos came to the realization that their future under Santa Anna's regime was in precarious.<sup>276</sup> Tejano Juan Nepomuceno Seguín, along with Anglo American immigrants, was part of a movement trying to petition the government for redress. They wanted the immigration ban of April 6, 1830 lifted and also wanted permission to separate from Coahuila and become their own state. Before they could voice these requests, however, Santa Anna had ousted Bustamante. Throughout this turbulent year, Tejanos and Anglo American immigrants worked together to find a solution to these political problems. In a convention held in 1833 to discuss possible solutions and grievances in Texas, Austin, Seguín, and James B. Miller were chosen to take their requests to Mexico City. For one reason or another, Seguín and Miller stayed behind and Austin alone took the petition to Mexico City. After discussing matters with the then vice president Valentín Gómez (who had a reputation of being a liberal federalist), Austin was confident that things would change. He confidently, prematurely albeit,

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<sup>276</sup> Margaret Swett Henson, *Lorenzo de Zavala: The Pragmatic Idealist*. (Fort Worth, Texas: Texas Christian University Press, 1996), p. 2.

wrote a letter to the *ayuntamiento* telling them to prepare for their separation from Coahuila, “even though the general government withholds its consent.” He signed his letter, *Dios y Tejas*, instead of the Mexican standard closing, *Dios y libertad*.<sup>277</sup> Austin was arrested for behavior bordering on treason after his letter was discovered on his way to Saltillo.<sup>278</sup> The *empresario* spent more than a year in jail including three months in solitary confinement.

Even after Austin was imprisoned, Anglo American immigrants and Tejanos did not think revolution was the solution to the political turmoil but instead blamed the letter incident on frustrations of an unstable Mexican government.<sup>279</sup> In particular, a war against Mexico for Tejanos would essentially mean a war against their own people, something that they were not ready to accept even in light of their recent predicament. In addition, the sheer reality of the situation was daunting. The fact that Mexico had by this time a population of about eight million and Texas only had a few thousand put into perspective the reasonable case that a war against Mexico would not be easily won.<sup>280</sup>

In addition, the cost of the economic disturbances caused by the War of Independence from Spain was a reminder that the financial cost of war might be too hard

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<sup>277</sup> Cantrell, *Stephen F. Austin: Empresario of Texas...*, p. 271.

<sup>278</sup> James E. Crisp, *Sleuthing the Alamo: Davy Crockett's Last Stand and Other Mysteries of the Texas Revolution*, (New York & Oxford, Oxford University Press, 2005), p. 30.

<sup>279</sup> Juan Nepomuceno Seguín, *A Revolution Remembered: The Memoirs and Selected Correspondence of Juan N. Seguín*. Edited by Jesús F. de la Teja. (Austin: Texas State Historical Association, 2002), p. 20.

<sup>280</sup> Crisp, *Sleuthing the Alamo*, p. 32.

to bear. The previous war had caused a great number of people to flee Texas, decreasing the Tejano population and hurting the local economy. De la Teja describes Texas in the 1820s as a “poverty-stricken” area and goes on to describe dire local conditions stating, “fields remained abandoned because of Indian menace, the ranches were little more than temporary shelters during brief excursions into countryside.”<sup>281</sup> To compound matters, many of the original settlers had not received official land titles, so breaking away at this point would have been risky at best.<sup>282</sup> The Texas convention, or as Texians called it, the “Consultation,” in fact agreed “to embrace the principles of the Mexican Constitution of 1824” and did not declare independence from Mexico.<sup>283</sup> Instead Tejanos and Anglos advocated for Texas statehood separate from Coahuila.

Despite these reservations, conditions changed the minds of many Tejanos and they eventually supported the war effort against the government of Mexico. Political tensions erupted in March of 1835 when delegates clashed with the provincial governor, Juan José Elguezábal. With no stable central government, the province went into a political whirlwind, pitting centralist sympathizers against federalist advocates. Tensions escalated into action when General Martín Perfecto de Cos ordered the arrest of William B. Travis and Lorenzo de Zavala, among other political agitators. When Texans refused

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<sup>281</sup> Juan Nepomuceno Segúin, *A Revolution Remembered...*, p. 15.

<sup>282</sup> *Ibid.*, p. 22.

<sup>283</sup> Crisp, *Sleuthing the Alamo...*, p. 32.

to hand over the men a skirmish broke out between the Texans and the Mexican military at Gonzales, Texas.<sup>284</sup>

The Texas Revolution had officially begun. The Battle at Gonzales abruptly ended when General Cos was forced out of San Antonio. In fact, by January of 1836, the Mexican military had been forced out of Texas completely.<sup>285</sup> Tejanos had sided with the Texians (as the Anglo Americans now called themselves) because they believed that Santa Anna was trampling on their rights by inhibiting economic growth, and neglecting their needs on the frontier. Tejanos like Plácido Benavides and Juan N. Seguín “acted as guides and scouts” for the Texians, and were vital in the war effort because they were familiar with the geography of the region.<sup>286</sup> Despite their alliance, trouble began to brew, in the political arena.

As the war began, a shift of power transpired. While in earlier years, the Tejano elites had controlled the *ayuntamiento*, the shift of political power gave Anglo Americans local power. The Consultation, or Texas convention of 1835, had appointed a provisional governor, Henry Smith, (who had a reputation for being prejudiced toward Mexicans and Tejanos).<sup>287</sup> Later in March of 1836, after the defeat of the Alamo, the General Council meeting at Washington-on-the-Brazos, held an election of delegates and

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<sup>284</sup> Juan Nepomuceno Seguín, *A Revolution Remembered...*, p. 24.

<sup>285</sup> *Ibid.*, p. 25.

<sup>286</sup> Campbell, *Stephen F. Austin: Empresario of Texas...*, p. 134.

<sup>287</sup> *Ibid.*, p. 136.

the major shift was seen again. Historian Randolph B. Campbell points out that of the fifty-nine delegates elected, only about half had lived in Texas for more than two years and only two—José Antonio Navarro and José Francisco Ruiz—were “native Texans.”<sup>288</sup>

By this time, the Tejano population numbered about four thousand, (living primarily in Béxar and Nacogdoches) and had become the minority as a result of the flood of immigrants.<sup>289</sup> Mexican officials had trouble getting people to colonize northern Mexico, which is why the Mexican government had turned to Anglo American colonization in the first place. After Mier y Terán’s negative report, the government outlawed Anglo American immigration with the Colonization Law of April 6, 1830 and had begun an initiative to encourage Mexican and German immigrants to replace Anglo American colonists. Despite these efforts, Anglo American immigrants continued to flow into Texas. Furthermore the reason for immigration changed, as well. A flood of immigrants came in response to the cry for help after the fall of the Alamo.

By the time the Battle of San Jacinto occurred, Sam Houston had received new volunteers from the United States. They had heard of the brutal execution of their American brethren, not only at the Alamo, but also at Matamoros, and went to Texas to help. At Matamoros, Texians had been slaughtered after a failed attack led by James W.

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<sup>288</sup> Ibid., p. 146.

<sup>289</sup> Paul D. Lack, *The Texas Revolutionary Experience, A Political and Social History 1835-1836*, (College Station, Texas: Texas A&M University Press, 1992), p. 13.



Fannin. After surrendering, Fannin and his men, totaling 350, were executed. The brutality of the war itself also influenced Anglo perceptions of Tejanos. Santa Anna had executed the survivors of the Alamo, ordered their bodies hacked to pieces and burned in a pile. This no doubt upset Americans. New Anglo American immigrants were no longer coming to start a new life like the first colonists, but instead to fight in a brutal war.

These new immigrants were not coming in peace under the understanding of becoming loyal Mexican citizens as in the case of earlier colonists. To make matters worse, these new immigrants could not tell the difference between Tejanos who had sided with the Anglo Americans from the very beginning and the Mexicans they were facing in war. In fact, during the battle of San Jacinto, Tejanos, including Juan N. Seguín, had to wear “distinctive pieces of cardboard in their hats to identify them from the enemy” in order to avoid friendly fire.<sup>290</sup> Years later Seguín would state that he felt like “a foreigner in my native land.”<sup>291</sup> There were also cases of friction between the Tejanos and newcomers, as in the case of Victoria where Tejanos “were subjected to assaults and assassination attempts.” Apparently things got so out of control, many Tejanos were forced to flee their homes.

The Tejanos in San Antonio were not immune to this treatment either. After the war, General Felix Huston ordered that San Antonio be “depopulated” and have the

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<sup>290</sup> Campbell, *Stephen F. Austin: Empresario of Texas...*, p. 154.

<sup>291</sup> Juan Nepomuceno Seguín, *A Revolution Remembered...*, p. viii.

original settlers moved only to have Anglo Americans move in.<sup>292</sup> Fortunately, President Sam Houston, something of a moderate on race relations, when told by Juan Seguín of what Felix Huston's plan, stepped in and cancelled the order. There were also cases of thievery where soldiers had stolen almost a thousand head of cattle from Tejanos in Béxar. Reports on the incident in 1842, stated, "Shame on the men who claim the name of soldiers, and act the part of thieves, by robbing their own countrymen!"<sup>293</sup> It was obvious that the newcomers saw Tejanos as unworthy to stay in San Antonio—a region that Tejanos had developed and lived in since the eighteenth century.

Land seemed to be biggest cause of problems between Tejanos and Texians. Tensions rose between the new immigrants and the Tejanos over the fact that many Tejanos had failed to get official titles to prove land ownership and newcomers claimed land under false pretenses or bought land using scare tactics.<sup>294</sup> Many Tejano families were forced out of their homes and off their land by new immigrants who viewed the Tejanos as traitors and confiscated cattle and other property.<sup>295</sup> Many families were also coerced into selling land through intimidation tactics and threats. These families were worried that their land titles would not be legally recognized, so many sold their land before their land was taken away. Many left Texas altogether. Historian David

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<sup>292</sup> *Ibid.*, p. 31.

<sup>293</sup> *Ibid.*, p. 12.

<sup>294</sup> Juan Nepomuceno Seguín, *A Revolution Remembered...*, p. 36.

<sup>295</sup> David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986*. (Austin, Texas: University of Texas Press, 1987), p. 27.

Montejano states Anglo American immigrants purchased 1,368,574 acres from 358 Mexicans which no doubt changed the dynamics of land ownership in Texas.<sup>296</sup> Tejanos became the minority. Without land, Tejanos lost political and social influence in Texas, including the Tejana landowners discussed in earlier chapters.

The change in Anglo American reasons for immigration clearly had an impact on the shift of political power in Texas as the newcomers attempted to push Tejanos out. As 1840 approached, Texas began to suffer from “a vagrant problem,” Anglo American “adventurers” (squatters) who were wreaking havoc in Texas.<sup>297</sup> San Antonio mayor, Juan Seguín tried to pass legislation to help alleviate the problem to little avail. Instead, “Mexicans...[were targeted as] suspicious individuals and not the Anglo Americans against whom Seguín directed his efforts.”<sup>298</sup> Political tensions got so out of hand that Seguín was accused of being a traitor and of conspiring with the enemy that was preparing to invade Texas. Branded a traitor and harassed by political rivals, Seguín was forced to resign as mayor of San Antonio and fled to Mexico.<sup>299</sup> Historian Raúl Ramos argues that after the Texas Revolution Tejanos were identified as “a suspect class.”<sup>300</sup>

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<sup>296</sup> Ibid., p. 28.

<sup>297</sup> Juan Nepomuceno Seguín, *A Revolution Remembered...*, p. 40.

<sup>298</sup> Juan Nepomuceno Seguín, *A Revolution Remembered: The Memoirs and Selected Correspondence of Juan N. Seguín*. Edited by Jesús F. de la Teja. (Austin: Texas State Historical Association, 2002), p. 41.

<sup>299</sup> Ibid., p. 44.

<sup>300</sup> Raúl Ramos, *Beyond the Alamo: Forging Mexican Ethnicity in San Antonio, 1821-1861*, (University of North Carolina Press, 2008), p. 167.

Ramos posits that the term “Mexican” became an ethnic identity, (negative in nature) rather than a national identity, evident with Seguín’s experience. Seguín, once recognized as a Texas patriot, had become in many ways, a casualty of the war.

The shift in power also occurred because of the distrust that many Anglo Americans felt towards Tejanos. Practices like bloc voting, which Tejanos had a reputation for doing, further frustrated matters in places like Nacogdoches.<sup>301</sup> As Anglo Americans became dominant in local politics, the political tactics Tejanos practiced made Anglo Americans wary of Tejanos. After the revolution, fewer Tejanos held public office. By May of 1838, Juan Seguín was the only Tejano who served as a senator in the congress of the nascent republic.<sup>302</sup> The days of the elite Tejanos running the local government and working peaceably with Anglo settlers were nearly over at this point.

James E. Crisp argues that the “conflict between the two groups was not so much an immediate *cause* as it was an eventual *consequence* of Texas’s separation from Mexico.”<sup>303</sup> He goes on to state, “The Revolution radically restructured political and ethnic alignments, accelerated and redirected economic and population growth, and created an environment of danger and uncertainty in which racism has historically flourished.”<sup>304</sup> Historians like Paul Lack point out that a federalist government would

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<sup>301</sup> Lack, *The Texas Revolutionary Experience...*, p. 14.

<sup>302</sup> Juan Nepomuceno Seguín, *A Revolution Remembered: The Memoirs and Selected Correspondence of Juan N. Seguín*. Edited by Jesús F. de la Teja. (Austin: Texas State Historical Association, 2002), p. 33.

<sup>303</sup> Crisp, *Sleuthing the Alamo...*, p. 41.

<sup>304</sup> *Ibid.*, p. 43.

have benefited Tejanos and is after all the major reason why they joined the fight in the first place, but when the fight for a federalist state turned into an independence movement, Tejanos were less enthusiastic because independence would ultimately lead to a rearrangement of social status.<sup>305</sup> Thus when the war effort went from a federalist state fight to an independence movement, it not only started a war between Texians and Mexicans, but also started the dismantling of the alliance between Tejanos and Texians. Not all Tejanos joined the war against Mexico, many with good reason. The behavior of Texian soldiers had led many Tejanos to feel anxiety about trusting Texians. Alcalde Galán of Goliad wrote to Austin and stated “[The soldiers are] breaking into houses, ravaging the corn without the consent of the property owners, killing cows randomly without making an effort to know who they belong to, impressing servants without the consent of their masters, and then letting them loose without supervision...[or] paying them for their labor.”<sup>306</sup> These types of behavior made some Tejanos trust Texians less and after receiving no protection from the provisional government (after repeated requests), Tejanos saw little reason to aid the Texians.<sup>307</sup>

The flood of many racist Anglo Americans during and after the Texas Revolution caused the relationship between Tejanos and Anglo Americans to erode. The once strong alliance crumbled as foreigners came in, foreigners who did not understand the dynamic

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<sup>305</sup> Lack, *The Texas Revolutionary Experience...*, p. 183-184.

<sup>306</sup> *Ibid.*, p. 190-191.

<sup>307</sup> *Ibid.*, p. 192.

relationship between the Tejanos and early Anglo Americans immigrants. The newcomers did not understand the history Tejanos and Anglo Americans shared. They failed to understand the importance Tejanos had in the war effort and in ultimately winning the war. They failed to see that Tejanos and Anglo Americans had created economic ties and could have continued their financial endeavors under the Republic of Texas. They only saw Tejanos as Mexicans—the same enemy they had fought on the battlefields at the Alamo and San Jacinto. The transformation of Tejanos as racialized others was complete.

These attitudes towards Tejanos created a social hierarchy that placed Tejanos at the bottom. To many Texans, Tejanos were unworthy of holding office or owning land, many were forced out of office like Juan Seguín. Social status was inextricably connected to race and ethnicity in Texas when Texas became a republic and later a state of the United States of America. Unable to rise in social status in large numbers, Tejanos were forced into a subaltern group where they would remain for the remainder of the nineteenth and first half of the twentieth century. The aftermath of the Texas Revolution created race relation problems that many would argue still resonate today.

## CHAPTER VI

### THE TEJANO FAMILY

Tejano families experienced great change after the Texas Revolution. The family encountered not only cultural challenges, but also structural, economic, and even political challenges. Before the Texas Revolution it was common to see intermarriages among Tejanos and the Anglo American immigrants who moved to Texas. These marriages benefited both Tejanos and Anglos alike. Both shared economic and political aspirations and often worked well together. Their interracial families rarely experienced objections from society and for the most part lived peacefully.<sup>308</sup> At the onset of the marriages in this era, most families adopted Tejano culture, practiced Catholicism, and celebrated Mexican holidays and other local and community celebrations. These interracial marriages helped young, ambitious Anglo men assimilate into Tejano culture and led to their entrance into local economic sectors of life in Texas.

Things changed dramatically as the number of Anglo American immigrants increased after the Texas Revolution. Anglos quickly became the majority, causing the spouses and children to intermarriages to shift from a Tejano-dominated culture to an Anglo American-dominated culture. This shift caused Tejano families to lose a sense of identity as they assimilated over time into Anglo American culture. This shift was a

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<sup>308</sup> The term *interracial* in this study applies to marriages of Anglos with Tejanas and vice versa, and the children of these marriages.

direct result of race problems that surfaced between Tejanos and Anglo Americans after the Texas Revolution.

With this cultural shift Tejanas found it more difficult to maneuver through the legal system. Rather than acting as independent agents, they were represented by their husbands and fathers in legal matters far more than they had under the Spanish and Mexican governments. The American cultural gender hierarchies that were prevalent in Anglo America became the standard in the Texas Republic. This loss of independent agency is reflected in the absence of cases citing Tejanas petitioning the court for land or suing over land and property disputes. As a result, unlike previous chapters that draw on court cases and legal documents, this chapter mostly draws on other sources to help explain and offer reasons for the absence of legal independence.

### **The Family**

The Tejano family was headed by a male, usually the oldest in the family and if he had passed away, his widow took his place as head of the household. Families were usually large and depended on one another not only financially, but also socially.<sup>309</sup> Historian Andrés Tijerina states, “the Anglo Americans who came a hundred years later could depend on the U.S. Army, their government, access to American capital, and technology-including the windmill, barbed wire, and improved weapons-for support and profit on the frontier. By contrast, the original Tejano settlers had only the family.”<sup>310</sup>

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<sup>309</sup> Andrés Tijerina, *Tejano Empire: Life on the South Texas Ranchos*. (College Station: Texas A&M University Press, 1998), 5.

<sup>310</sup> *Ibid.*, p. 45.



Social status was incredibly important in late eighteenth and nineteenth century Texas and dictated social worth in many instances. Jesús F. de la Teja, a leading Texas historian, asserts that “social worth was not simply the product of one’s accomplishments; it was the result of circumstances and actions of one’s ancestors and relatives.”<sup>311</sup> Social status could be lost if a relative, daughter or son in particular, married someone from another social class, affecting the entire family’s reputation. Marriages were almost always strategically planned and thought out. Young girls usually wed by the age of thirteen or fourteen and no older than twenty.<sup>312</sup> Patricia Seed argues in her book *To Love, Honor and Obey in Colonial Mexico*, that marriage in the seventeenth century centered around the notion of honor, more than prestige or money.<sup>313</sup> This mindset had become institutionalized when the Spanish Crown enacted the 1776 Royal Pragmatic on Marriage, which forbade marriages of “unequal partners.”<sup>314</sup> The case of Ana María Trinidad Games is a great example of objection to an “unequal” marriage. Her mother, Gertrudes Peres, had agreed to her marrying an Indian from the mission of San Antonio, despite major objections from Ana’s brothers

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<sup>311</sup> Jesús F. De La Teja, Why Urbano and María Trinidad Can’t Get Married: Social Relations in Late Colonial San Antonio,” *Southwestern Historical Quarterly* 112, 2 (Oct. 2008): 143.

<sup>312</sup> *Ibid.*, p. 127.

<sup>313</sup> Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821*. (Stanford, California: Stanford University Press, 1988), p. 74.

<sup>314</sup> Andrés Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850*. (Cambridge University Press, 2004), p. 133.

and uncles.<sup>315</sup> Her two uncles and two brothers, who were all soldiers of the presidio, went to court to legally stop the marriage ceremony from taking place, arguing that not only was María Trinidad too young to marry (she was eleven years old), but also that the marriage was not a respectable match. They argued, “This union is so inconsistent with respect to the *calidad* of the four previously mentioned soldiers,” that the marriage should be stopped.<sup>316</sup>

Marriage without sanction from the Spanish Crown threatened the loss of inheritance, as well as condemnation from parents who expected their children to marry into well-established families. Manuel Manchaca, a Tejano residing in Béxar, disinherited his children, stating they “were married without my consent and have caused me all kinds of worry.”<sup>317</sup> Manchaca, clearly disappointed with his children’s marriage choices, left them nothing in his will. Marriage was one of the defining categories of social status. Family life, beginning with marriage arrangements, changed in the early nineteenth century with the migration of Anglo Americans into Texas.

Marriage became a way to hold on to land that families had, in many cases, owned for generations. The Church, and later the monarchy’s intervention in marriage enabled parents to exercise more control over the decision making process. This continued into the nineteenth century. Some argue that the crown’s intervention in

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<sup>315</sup> María Trinidad Games, Court Proceedings, Box E, June 6, 1781-November 29, 1781, 014:0800-23

<sup>316</sup> María Trinidad Games, Court Proceedings, Box E, June 6, 1781-November 29, 1781, 014:0800-23

<sup>317</sup> Manuel Manchaca, Will, San Antonio Spanish Archives, County Courthouse, San Antonio, Texas, 1804.

marriage was not a Bourbon initiated strategy but came as a result of pressure from prestigious families who sought to control their children's marriage more closely. The need to control a child's marriage was directly related to the economic changes that occurred during this time period. Parents' increased control over marriages, as historian Andrés Reséndez states, was "dictated by the need to forge family alliances or consolidate business ventures among elite clans."<sup>318</sup> Moreover, these marriages changed traditional ways of childrearing, forever changing the Tejano family.

Tejanas in the nineteenth-century also had a great deal of power in the home and played a central role in the family sphere. They were supposed to be submissive to husbands, but as historian Ana Carolina Castillo Crimm states, Spanish and Mexican women did have "the right to demand respect, obedience, and power within the family."<sup>319</sup> They had incredible influence in family decisions and as widows were revered as the matriarchs of the family. Tejanas controlled the domestic sphere and "within the home, the Tejana woman's word was law."<sup>320</sup> Arnoldo De León points out that just as Anglo women had household chores Tejana "mothers and wives were expected to perform many services for their husbands and families; these included cooking the meals, raising and passing on cultural values to the children, tending to the

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<sup>318</sup> Andrés Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850*. New York: Cambridge University Press, 2004), p. 133.

<sup>319</sup> Ana Carolina Castillo Crimm, *De León: A Tejano Family History*. (Austin: University of Texas Press, 2004), 103.

<sup>320</sup> *Ibid.*, p.103.

garden plot, making household necessities such as soap, spinning material for cloth, and rendering succor during stressful times.”<sup>321</sup> This strong work ethic was instilled in Tejanas for generations and was one of the major reasons why great respect was given to Tejanas who became heads of households when their husbands died.

Family networks were important to Tejanos. Families and friends gathered to celebrate baptisms, creating an “important network” that would establish a foundation built on strong family ties.<sup>322</sup> Historian Jean Stuntz reminds readers that Tejanas were seen as vital contributors to the “strength of the community.”<sup>323</sup> Godparents and neighbors became a tight-knit community. Cattle round ups also created bonds between neighbors, godparents, and friends. These gatherings included fiestas with food, dances, and communal bonding. Saints’ Days and other religious holidays, as well as *quinceañeras* and weddings, were commonly celebrated. People’s lives were made easier on the isolated frontier when surrounded by family members. Childrearing was something that women did not do alone—they had guidance and support from aunts, cousins, and other extended family members.

There were several Tejanas known for community building, making life easier on the frontier. Patricia De León, co-founder of the city of Victoria, served as community

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<sup>321</sup> Arnoldo De León, *Mexican Americans in Texas: A Brief History*. (Wheeling, Illinois: Harlan Davidson, Inc., 1993), 19.

<sup>322</sup> Ana Carolina Castillo Crimm, *De Leon: A Tejano Family History*. (Austin: University of Texas Press, 2004), p. 40.

<sup>323</sup> Jean Stuntz, “Spanish Laws for Texas Women: The Development of Marital Property Law to 1850,” in *The Southwestern Historical Quarterly*, Vol. 104, No. 4 (Apr., 2001), p. 542.

leader, providing essentials, such as “a fort, a militia, a courier service, and visits from priests.”<sup>324</sup> Doña Paula Losoya Taylor helped found Del Rio in 1860 and donated land for a school and cemetery and later opened a boardinghouse.<sup>325</sup> Petra Vela de Vidal Kenedy donated money to churches in South Texas, including Brownsville and Corpus Christi. These women were charitable, especially to the Catholic Church and encouraged the establishment of educational institutions in their communities.

### **American Immigration and Marriage**

American men had immigrated to Texas in search of better opportunities, opportunities the Mexican government was offering. By moving to Texas and becoming Mexican citizens, they had the potential to start over after the economic turmoil of the Panic of 1819 on the east coast. In the beginning, the Mexican government encouraged American immigration. Converting to Catholicism and becoming Mexican citizens were minor hoops to jump through and the promise of land outweighed any anxiety of going to a foreign land.

As Tejanos witnessed the flood of more and more new American immigrants into Texas, they feared that the once strong relationship they had with American immigrants was changing before their very eyes. When more and more Tejanos began losing their land to greedy speculators and fraudulent deals it became clear to Tejanos that losing their lands was becoming a real possibility. Many families tried to avoid losing their land

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<sup>324</sup> Teresa Palomo Acosta, and Ruthe Winegarten, *Las Tejanas: 300 Years of History*. (Austin: University of Texas Press, 2003), 23.

<sup>325</sup> Teresa Palomo Acosta, and Ruthe Winegarten, *Las Tejanas: 300 Years of History*. (Austin: University of Texas Press, 2003), p. 67.

by marrying off their daughters to Anglo American immigrants. They hoped to create a strong economic relationship with Anglo men who had ties to American industries.

Parents believed this would help their daughters in the long run assimilate into the new developing social class. This worked in the beginning. Under Spanish law, Tejanas inherited land, equal to their brothers. Marrying their daughters to Anglo American men insured that land would stay in the family. In addition, Anglo American grooms with economic prospects usually had some connections to American businesses.<sup>326</sup>

Marriage to Tejanas was beneficial for Anglo American men, as well. A wife who inherited land and offered economic stability looked attractive to an Anglo American man migrating from the east coast or the South. Many Anglo American men who married Tejanas gained respect and political acceptance in various communities. These political marriages not only allowed Anglo American men to gain entrance into a Tejano dominated political community, but also into the economic sector. Laws restricting foreigners from participating in economic activities were circumvented by Anglo men marrying Tejanas because through these marriages they became naturalized citizens.<sup>327</sup> Anglo American men learned and conducted business in Spanish, immersing themselves in the rich Spanish culture that surrounded them in early Texas.<sup>328</sup> Mifflin Kenedy, who married Petra Vela del Vidal, for example, learned Spanish and conducted

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<sup>326</sup> Andrés Reséndez, *Changing National Identities...*, p. 131.

<sup>327</sup> *Ibid.*, p. 129.

<sup>328</sup> David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986*. (Austin: University of Texas Press, 1987), p. 35.

business in Mexico.<sup>329</sup> Learning Spanish was a vital part of the assimilation process for Anglo American immigrant businessmen.

Interracial married couples, however, often faced obstacles to marrying in the Church as the years got closer to the revolution. To insure an Anglo American man had not abandoned a wife back in America (which many had) and was trying to marry again in Texas.<sup>330</sup> There was often an investigation conducted of a prospective immigrant groom. There were also laws established to stop Catholics from marrying non-Catholics. Couples, however, found ways to circumvent these laws and married in civil ceremonies instead. For instance, Petra Vela and Miflin Kenedy married in 1854 in the Church, (the same day their son was baptized), but had previously been married in 1852 in a civil ceremony. Non-Catholics needed to receive a dispensation from the Church in order to marry, Kenedy received one in 1854.<sup>331</sup> To compound matters, it was often difficult to marry in the Catholic Church because of limited access to priests on the frontier. This also allowed interracial couples to circumvent marriage restrictions.

Often, Anglo American men who immigrated into Texas saw marriage as an opportunity to enter the political arena in Mexican Texas. Many ran for office and were elected with the help of their new families' influence and respected reputations. These marriages can be viewed as opportunities for Tejanos, as well. They were able to hold on

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<sup>329</sup> Monday and Vick, *Petra's Legacy*, p. 31

<sup>330</sup> Andrés Reséndez, *Changing National Identities...*, p. 137.

<sup>331</sup> Monday and Vick, *Petra's Legacy...*, p. 75.

to family lands and marriages between their daughters and Anglo American men became a way to hold on to a family's place in society as more Americans immigrated to Texas. In the early interracial marriages Tejanas attempted to hold on to their Tejano identity and inculcate Spanish culture in their children. As the years went by, however, American culture began to dominate the area and the pressure to assimilate into an Anglo American dominated society changed childrearing. For instance, more wealthy families began sending their children to boarding schools in the U.S. In an 1824 report, Governor Rafael Gonzales wrote that "Public education throughout the state is reduced to primary schools. They are of little benefit due to the incapacity of the teachers on whom we must rely to staff them."<sup>332</sup> Gonzales goes on to state that the "excuse" they have was the "lack of public funds." Sending children to American schools offered more educational opportunities compared to rural schools where teaching materials were hard to come by. This no doubt was something new for Tejanas who had been the primary caregivers for generations. Many Tejanas were forced to leave behind their Spanish culture and immerse themselves in the new dominant culture they had married into. Anglo American culture became the dominating culture within many interracial couples. As this happened more frequently, Tejanos lost not only their lands and social status, but also a sense of Tejano identity as the result of interracial children being raised in an Anglo American culture.

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<sup>332</sup> Andrés Tijerina and David J. Weber, "The State of Coahuila y Tejas in 1824: A Governor's View from Saltillo," *The Southwestern Historical Quarterly*, Vol. 100, No. 2 (Oct., 1996), p. 197.



At the onset of this era, Tejano/Anglo children born to these couples were often, more than not, raised in traditional Tejano culture and upbringing. There was no social objection from either the Anglo American or Tejano community, nor did society see a distinction between Mexican and American because, as historian David Montejano points out, so many children “had a Mexican mother and an American or European father.”<sup>333</sup> Tejanas raised children predominantly in the Spanish and Mexican culture that they themselves had been raised in. Anglo American men did not object to religious or traditional ways of Spanish life. They had migrated alone, for the most part, to Texas. They had left their parents and siblings behind, unlike Tejanos who were surrounded by family members who helped reinforce strong Spanish cultural ties. In fact, these interracial couples had little or no contact with their father’s families.<sup>334</sup> There was no need to celebrate American holidays when there were no Americans in your immediate family in comparison to grand Spanish celebrations that included extended families. Interracial children, furthermore, were baptized in the Catholic faith more often than not. Petra Kenedy, for instance, raised her children as devout Catholics. Tejanos and Anglo Americans had different religions and it was often difficult for Anglo Americans to practice Protestantism on the frontier, where isolation hindered the development of churches.<sup>335</sup> In the early half of the nineteenth century no permanent Protestant Churches

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<sup>333</sup> Montejano, *Anglos and Mexicans ...*, p. 37

<sup>334</sup> Mark Carroll, *Homesteads Ungovernable: Families, Sex, and Race and the Law in Frontier Texas, 1823-1860*. (Austin: University of Texas Press, 2001), p. 40.

<sup>335</sup> *Ibid.*, p. 94.

were located in the area.<sup>336</sup> This made it easier for Tejanas who married Anglo men to practice Catholicism without much objection from their spouses.

There were, of course, exceptions to those childrearing practices among interracial couples in a dominant Tejano culture. For example, Mark Carroll has identified several interracial children in the San Antonio area who were more Americanized.<sup>337</sup> They attempted to assimilate into their father's culture. This also occurred when the mother was Anglo and the father was Tejano. Anglo women tended to be Protestants and practice American customs. Assimilation to many meant that they would have to leave any semblance of their ancestry behind, especially in the 1850s.

Historian Mark Carroll argues Anglo Americans often represented Mexicans as violent people and reminded them of the horrors of the Alamo and Goliad.<sup>338</sup> An association with anything Mexican implied that Tejanos were Mexican and therefore inferior. This attitude was a direct result of midcentury nativist movements in the U.S. Anglos saw no distinction between Tejanos and Mexicans. And although loyal to the Mexican government when they fought for independence from Spain, Tejanos did not self-identify as Mexicans (as discussed earlier). In fact, Tejanos used the term "Mexicans" to describe immigrants from Mexico into Texas.

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<sup>336</sup> Jane Dysart, "Mexican Women in San Antonio, 1830-1860: The Assimilation Process," *The Western Historical Quarterly*, Vol. 7, No. 4 (Oct., 1976), p. 373.

<sup>337</sup> Carroll, *Homesteads Ungovernable...*, p. 41.

<sup>338</sup> *Ibid.*, p. 41.

Tejano families were removed from their lands after the Texas Revolution, and many also lost their land grants.<sup>339</sup> As a result of the Texas Revolution, many Tejano families chose to remove themselves from the threat of war and migrate somewhere else (often Louisiana) until the violence was over. They returned, however, to discover the new Texas government had implemented land laws in their absence which gave the new government the right to confiscate the lands who had abandoned Texas and were of those viewed as traitors who had abandoned Texas). To make matters worse, many families lost their original land titles and could not show proof of ownership. Some families got their lands back, others did not and were forced to leave permanently. Montejano notes that by the 1840s, many families (some two hundred or so) that had settled in San Antonio in the early 1800s were gone.<sup>340</sup> In order to keep their land and protect their children from racism and discrimination, Tejanas were essentially forced to divorce themselves from their Hispanic heritage, embrace and adopt a new culture. The few families who held on to their Tejano roots and who still rose in social status were the exception to the rule. Well-respected Tejano families who exercised political influence in the past possessed little by the middle of the nineteenth century.

As briefly mentioned earlier, interracial marriage was common in the early nineteenth century. In the majority of these marriages, the husband was Anglo. María

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<sup>339</sup> David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986*. (Austin, University of Texas Press, 1987), p. 26.

<sup>340</sup> *Ibid.*, p. 27.

Raquel Casas argues in her book, *Married to a Daughter of the Land* that Spanish women worked as “agents of cultural change” when they married Anglo-American men.<sup>341</sup> Such marriages allowed Spanish women from California mobility into social and economic circles and removed them from “outsider” status. Unlike English colonization, the Spanish cultivated and encouraged racially mixed societies, evident throughout the Spanish colonization era.<sup>342</sup> After the passing of the Colonization Law of 1823, single men could “qualify for an additional one-quarter league [of land] if they married a Tejana,” in addition one-third of a league<sup>343</sup> of land if they settled in Texas.<sup>344</sup> As a result there was an increase in marriages between Anglo men and wealthy Tejana daughters, as well as marriages between Tejanos and Anglo women (but not to the same degree). Tejanas’ identity did not change completely, but instead adapted to fit the needs of their new lifestyle without losing cultural aspects of their lives.

Besides financial reasons, however, Tejanas appealed to many Anglo men because they had been inculcated with a Hispanic culture that promoted subservient behavior in the home from women who understood their role was there.<sup>345</sup> In addition,

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<sup>341</sup> Maria Raquel Casas, *Married to a Daughter of the Land: Spanish-Mexican Women and Interethnic Marriage in California, 1820-1880*. (Reno & Las Vegas: University of Nevada Press, 2007), p. 8.

<sup>342</sup> *Ibid.*, p. 22.

<sup>343</sup> A (square) league is equivalent to about 4,428.4 acres.

<sup>344</sup> Teresa Palomo Acosta, and Ruthe Winegarten, *Las Tejanas: 300 Years of History*. (Austin: University of Texas Press, 2003), 39.

<sup>345</sup> Carroll, *Homesteads Ungovernable...*, p. 18.

Tejanas had a reputation for being loyal and affectionate.<sup>346</sup> Furthermore, there were few Anglo American women to court in Spanish Texas in the early years. Although Anglo Americans immigrated to Texas with strong attitudes of racial superiority, at the early stages of settlement, interracial marriages were not frowned upon. Arnaldo De León argued Mexican women could be accepted into white society more easily at the onset of colonization. Elite Spanish descendants also tended to be light skinned, making it easier to assimilate into American society. In fact, interracial marriages were not looked down upon until commercial farming came to Texas in the 1870s and 1880s and the Anglo population increased.<sup>347</sup>

Anglo men also found Tejanas to be attractive and desirable. These desires did not always led to marriage proposals, however. Sexual relations outside marriage were also not uncommon. Spanish women dancing the *fandango* were seen as loose and sensuous.<sup>348</sup> It was common to take on a Tejana mistress or a concubine or practice *barragania*, (living together out of wedlock). Weber states that about 20 percent of children born in Texas in 1790 were illegitimate.<sup>349</sup> Many Anglo men argued that Tejana women seduced them, with their revealing dresses and their predisposition to

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<sup>346</sup> Ibid., p. 18.

<sup>347</sup> Arnaldo De León, *They Called Them Greasers: Anglo Attitudes Toward Mexicans in Texas, 1821-1900*. (Austin: University of Texas Press, 1983), p. 41.

<sup>348</sup> Ibid., p. 9.

<sup>349</sup> David Weber, *The Spanish Frontier in North America*. (New Haven and London: Yale University Press, 1992), p. 332.

embrace their feminine side. Their way of dress, however, was also seen as erotic and sensuous and was further used to prove that Tejanas were promiscuous and immoral. Low cut and uncorseted dresses also convinced Anglo men that Tejana women were loose.<sup>350</sup> It was also not unheard of Anglo men to abandon their children from their Tejana mistresses. There were no laws forcing Anglo men to care for the children or wife they abandoned. As Mark Carroll argues, it was unusual for “Tejana mistresses and their mixed-race children ...to become a part of white society.”<sup>351</sup> He adds that children of mixed races usually assimilated into Hispanic culture and society completely, and usually took the name of their mother and not their white father.<sup>352</sup>

By the end of the Texas Revolution, many Tejanos were categorized as Mexicans, regardless of the fact they had fought on the Texas side of the war. Tejanas who married Anglo men had been assimilated into the Anglo community almost entirely by the late nineteenth centuries. These “political marriages” allowed Anglos to gain substantial economic power in Texas after the Revolution. Petra Vela Vidal de Mier, a widow with five children, married Mifflin Kenedy and by the late 19<sup>th</sup> century had “established one of the largest ranches in Texas history.”<sup>353</sup> A woman who owned land

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<sup>350</sup> Jane Dysart, “Mexican Women in San Antonio, 1830-1860: The Assimilation Process,” *The Western Historical Quarterly*, Vol. 7, No. 4 (Oct., 1976), p. 367.

<sup>351</sup> Carroll, *Homesteads Ungovernable...* p. 38.

<sup>352</sup> *Ibid.*, p. 39.

<sup>353</sup> Andres Tijerina, *Tejano Empire: Life on the South Texas Ranchos*. (College Station: Texas A&M University Press, 1998), p. xxviii.

was appealing to Kenedy, who was a newcomer to the area in search of a new bride with land. As scholars note, this was a part of Kenedy's "scheme of assimilation."<sup>354</sup> Shortly after their marriage in 1854, Kenedy, who was a businessman from Pennsylvania, became one of the cattle kings of Texas and gained a great amount of wealth from the commercial ranching industry. By 1852 Kenedy was in fact managing Petra's grandfather's ranch.<sup>355</sup> Tejanas who married Anglo American men tended to rise in social status, but at a high cost, losing legal privileges and Tejano identity, as well. After thirty years of marriage, Petra was unable to leave anything to her children from her previous marriage.<sup>356</sup> Kenedy gave "settlements" to their children, rather than land which was traditional among Tejanos. Petra's estate, estimated value of \$700,000, would be disputed in court for years.<sup>357</sup>

By the late nineteenth century, many children of interracial marriages had only surnames if that as signs of Tejano descent. For instance, Adina de Zavala, the daughter of a Tejano father and Anglo mother, is a good example. The people with whom Adina corresponded were known for their "rigid and elitist, if not racist, attitudes towards Mexicans" in the early twentieth century.<sup>358</sup> Adina is an example of a Tejana who

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<sup>354</sup> Monday and Vick, *Petra's Legacy: The South Texas Ranching Empire of Petra Vela and Mifflin Kenedy*. College Station: Texas A&M University Press, 2007), p. 5.

<sup>355</sup> *Ibid.*, p. 40.

<sup>356</sup> Jean A. Stuntz, *Hers, His, & Theirs*. (Lubbock: Texas Tech University Press, 2005), xvi.

<sup>357</sup> Monday and Vick, *Petra's Legacy*..., p. 349.

<sup>358</sup> Adina de Zavala and ed by Richard Flores, *History and Legends of the Alamo and Other Missions in and around San Antonio*, (Houston, Texas: Arte Publico Press, 1996), xxviii.

assimilated totally into American society. As granddaughter of the first Vice President of the Republic of Texas, Lorenzo de Zavala, a Texas statesman, Adina felt not only an appreciation and love for Texas history, but also a profound sense of obligation to preserve the history of Texas.<sup>359</sup> She was the daughter of Augustín de Zavala (Lorenzo de Zavala's son from his second marriage) and Julia Tyrell, whose family had come to Texas from Ireland. Adina attended Ursuline Academy in Galveston, Texas between 1871 and 1873, and then in 1879 graduated with a Teacher's Certificate from Sam Houston Normal College in Huntsville, Texas.<sup>360</sup> One of the original founders of the Daughters of the Republic of Texas, de Zavala worked in conjunction with other descendants from the Republic era to preserve Texas history.

Her collection of multigenerational family letters is important for understanding the culture of women not only in her generation, but also in early Texas history. The fact that her Tejano leader grandfather and her father both married Anglo women is very interesting in regard to the growth of the initial settlement and assimilation. Adina is a prime example of a Tejana with Mexican and Spanish ties that she did not embrace fully. She immersed herself in American society. The granddaughter of one of the most prolific Mexican politicians never spoke Spanish. This was common for many children of interracial marriages that consisted of a Tejano father and Anglo mother.

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<sup>359</sup> De Zavala, *History and Legends of the Alamo*..., ix.

<sup>360</sup> *Ibid.*, xii.



Others attempted to hide their Tejano Spanish heritage. The most famous case was Petra Vela. Portrayed by early biographers as an immigrant from Greece who migrated to Mexico with her wealthy family Petra came across as a promising wife for Kenedy. In his book *Indian Wars and Pioneers of Texas* (1896), author John Henry Brown wrote a short biography describing Petra as a widow whose husband had been murdered by Indians in 1833. The tale was fabricated, possibly, historians believe, to disassociate this elite woman from her Spanish ancestry.<sup>361</sup> In addition, the short biography depicts Petra as a widow, when in fact, many historians believe she never married the father of her first six children, but instead was his mistress.<sup>362</sup> Could the wife of one of the most successful cattle kings in Texas history have had illegitimate children, and, almost more scandalous to Anglo Texans be of Mexican decent? Why would people go to such extremes in the 1890s to hide who this woman was? This is clear proof that society in the late nineteenth century no longer held Tejanas in such great esteem as they had in early parts of the century. The Greek ancestry claim was a clear attempt to remove Petra from any Spanish association.

Racist attitudes toward the “backward” Mexicans grew exponentially by mid-nineteenth century. U.S. Southerners brought with them their contempt for interracial people. De León argues Anglo Americans “from the Southern and frontier-oriented

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<sup>361</sup> Ana Carolina Castillo Crimm, “Petra Vela and the Kenedy Family Legacy,” in *Tejano Epic: Essays in Honor of Félix D. Almaráz, Jr.*, Texas State Historical Association, 2005), p. 43

<sup>362</sup> Monday and Vick, *Petra's Legacy...*, p. 22

culture ... had acquired a certain repulsion for dark-skinned people and a distaste for miscegenation.”<sup>363</sup> These racist attitudes were a direct product of their cultural upbringing and caused major race relation problems in Spanish Texas. In contrast, interracial mixing was not foreign to Spanish civilization. In fact, in the past interracial marriage had been encouraged to ease conquest tensions. To make matters worse, Anglo Americans argued “Mexican cultural habits clashed with American values.”<sup>364</sup> They did not understand cultural aspects including dances (like the *fandango*, a celebration where people dance, and sing in a local community setting), drinking, and other acts of celebration. Cultural taboos in American culture, such as group bathing, practiced by Tejanos regularly, were seen as evidence of moral depravity.<sup>365</sup> Anglo Americans held Tejanos and Mexicans to the same cultural standard found in Anglo America, not taking into consideration major differences in interpretations of moral behavior. Jane Dysart states “the *fandangos*... were taxed by municipal government and provided the largest single source of public revenue in 1847.”<sup>366</sup> This is a clear example of how Anglo American immigrants misinterpreted Tejano life. They did not see the financial benefits the *fandangos* brought to local the society.

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<sup>363</sup> Arnolde De León, *They Called Them Greasers: Anglo Attitudes toward Mexicans in Texas, 1821-1900*. (Austin: University of Texas Press, 1983), p. 6.

<sup>364</sup> De León, *They Called Them Greasers* p. 7.

<sup>365</sup> *Ibid.*, p. 42.

<sup>366</sup> Jane Dysart, “Mexican Women in San Antonio, 1830-1860: The Assimilation Process,” *The Western Historical Quarterly*, Vol. 7, No. 4 (Oct., 1976), p. 367.

Out of a thousand plus marriages in 1860 in Texas, only six were interracial marriages between Anglos and Tejanas.<sup>367</sup> This significant decrease from earlier numbers reveals the increased disapproval of interracial marriages in Texas. A study conducted by sociologists Frank D. Bean and Benjamin S. Bradshaw found that by the mid-nineteenth century Anglo Americans were not marrying lower class of Mexican-Americans, supporting the argument that social status “may have adversely influenced intermarriage,” between Tejanos and Anglo Americans.<sup>368</sup> This perception of Tejanas as an undesirable marriage partner may have been the reason for Anglo men to abandon Tejana wives and mistresses. These abandoned Tejanas were forced to raise their children alone, altering the traditional Tejano childrearing pattern. This further reveals the image of Tejanas changing from one of a submissive wife to that of a woman who lacking morals was unworthy of being a wife for Anglo men and mother of their children. Racial tensions in the mid-nineteenth century were made more evident when Texas passed an antimiscegenation act in 1858 outlawing intermarriage between two racial groups.

### **The Impact on the Tejano Family**

The change in race relations after the war destroyed the dynamic relationship between Tejanos and Anglo Americans in Texas. The Anglo American immigrants, now

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<sup>367</sup> Carroll, *Homesteads Ungovernable...*, p. 39.

<sup>368</sup> Frank D. Bean and Benjamin S. Bradshaw, “Intermarriage between Persons of Spanish and Non-Spanish Surname: Changes from the Mid-Nineteenth Century,” *Social Science Quarterly*, Vol. 51, No. 2 (Sept., 1970), p. 395.

calling themselves Texans, were able to create new social, political, and gender hierarchies in Texas and placed Tejanos at the bottom. New notions of these hierarchies arrived in Texas with these newcomers and mirrored the same social, political, and gender hierarchies that had been established in Anglo America. The Texans' goals were to Americanize Texas, which meant that social hierarchies in Texas would mirror those of the United States.

The Tejano family unit changed drastically as a result of new hierarchies. The Tejano family suffered from demotion in social status by the arrival of Anglo Americans. Tejano men, demoted in the social hierarchy after the Texas Revolution, faced problems of identity and were forced to acquiesce to restructured gender hierarchies that had been in place for decades. Losing control in society, they redefined their role in the home.

Américo Paredes wrote a groundbreaking article in 1971 entitled, "The United States, Mexico and *Machismo*," that discussed the meaning of *machismo* and how it was in many ways derived from experiences Mexicans endured during the Texas Revolution and its aftermath. In his article, Paredes argues that the feelings of *machismo* is not constrained to Mexico, but rather that many societies live with a "machismo" feeling but refer to it by other names. These societies have also experienced invasions and dominating cultures and as a consequence have an inferiority complex. He quotes folklorist Vicente T. Mendoza as defining *machismo* in two different ways: "one that we could call authentic, characterized by true courage, presence of mind, generosity, stoicism, heroism, bravery," and so forth and "the other, nothing but a front, false at

bottom, hiding cowardice and fear covered up by exclamations, shouts, presumptuous boasts, bravado, double talk, bombast...Supermanliness that conceals an inferiority complex.”<sup>369</sup>

Paredes disagrees with Mendoza and argues instead that because other societies experience it as well the first is simply courage disguised by the word “machismo”. After all, courage is not solely a Mexican character trait, but rather a trait that is “celebrated in the folksongs of all countries.”<sup>370</sup> He goes on to state that the “ingredients” of machismo are embedded in many cultures, even in that of the North Americans in the 1820s and 1830s.<sup>371</sup> Paredes further argues that the equivalent of machismo is found in the Anglo American “frontiersman dressed in animal skins” of the Jacksonian period who “thinks of himself as the bravest and most ferocious man in the world.”<sup>372</sup> How this attitude differs from perceptions of the macho Mexican is unclear, precisely Paredes’s point.

One might ask how this macho North American comes to be in the first place. According to Paredes, “the North American macho expressed feelings of inferiority in respect to European culture.”<sup>373</sup> Essentially, Paredes argues that feelings of inferiority

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<sup>369</sup> Américo Paredes, “The United States, Mexico, and Machismo,” *Journal of Folklore Institute*, Vol. 8, No. 1 (Jun., 1971), p. 18.

<sup>370</sup> *Ibid.*, p. 19.

<sup>371</sup> *Ibid.*, p. 26.

<sup>372</sup> *Ibid.*, p. 26.

<sup>373</sup> *Ibid.*, p. 27.

stemmed from feeling less than another and in many ways these feelings caused the Revolutionary war with England. This feeling of inferiority was similar to the feelings Mexicans had in the face of American immigration to Mexican lands in the 1830s. The subjugation and oppression Mexicans endured at the hands of Anglo American immigrants in the nineteenth century is what created the macho of Mexican culture just as the oppression by the British to the American frontiersmen myth during the American Revolution. Social constructs and culture clashes, therefore, are implicitly connected, and in many ways, attributed to inferiority complexes. After the American War of Independence, Anglo men reconstructed their perceptions of manhood identifying themselves as superior to subaltern groups such as African Americans and Indians. Paredes argues that historians like Walter Prescott Webb perpetuated this perception of manliness by drawing a connection between expansion and conquest and “Anglo-Saxon manliness.”<sup>374</sup> This perception of history reveals that American *machismo* existed among Anglo Americans, as well, but also shows how historians in the past saw expansion as an inevitable result of racial superiority. As the Jacksonian frontiersman migrated to the west, these racial superiority constructs traveled with them.

Folklore and cultural influences, however, were not the only factors in the creation of new social classes. In the last few decades, scholars have argued that universal white suffrage changed the dynamics of social classes in the early American republic, as well. By the early nineteenth century property ownership was no longer the

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<sup>374</sup> Paredes, “The United States....,” p. 30.

dominating factor in a person's social class status. Historian María Raquéel Casas argues that because universal suffrage created racial categories by giving only white men the right to vote, it simultaneously created racial barriers making it impossible for subaltern groups to advance in social status and forced them into the role of second-class citizens. She effectively argues that white male suffrage was inextricably connected to "ideas of "manhood," and subsequently separates white men from subaltern groups. She also argues that Anglo Americans took these notions of racial categorization and white supremacy with them when they migrated to California in the nineteenth century.<sup>375</sup> I argue here that the same process occurred in Mexican Texas.

Historian Rosemarie Zagarrí also argues that "class, not sex, represented the primary basis for inclusion or exclusion," when it came to voting rights in early America.<sup>376</sup> While Jeffersonians believed suffrage to be a fundamental right fought for in the American Revolution, opponents believed class status was of utmost importance, arguing that suffrage should remain a privilege.<sup>377</sup> And while Jeffersonians won the argument, class status remained a central part of inclusion in political and legal processes. It is evident that political rights and privileges were connected to one's social status, and therefore connected to race and ethnicity in the early republic of America.

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<sup>375</sup> María Raquéel Casas, *Married to a Daughter of the Land: Spanish-Mexican Women and Interethnic Marriage in California, 1820-1880*. (Reno & Las Vegas: University of Nevada Press, 2007), p. 51.

<sup>376</sup> Rosemarie Zagarrí, *Revolutionary Backlash: Women and Politics in the Early American Republic*, (Philadelphia, Pennsylvania: University of Pennsylvania Press, 2007), p. 29.

<sup>377</sup> *Ibid.*, p. 149.

Anglo men also brought with them to Texas their idea of gender hierarchies and sought to “reform” Tejanas in this image. Although Anglo American immigrants were willing to become Mexican citizens, it was difficult for them to leave behind imbedded perceptions of cultural and behavior traits from their homeland. In addition to blaming a government that was not able to control the economic crisis in the U.S., American men also blamed women for their current financial predicament caused by the Panic of 1819. Zagarrri states, “Magazines and newspapers attacked women’s preference for purchasing goods from abroad rather than make them at home,” which in men’s eyes had contributed to the economic crisis.<sup>378</sup> They no doubt brought these perceptions of women’s roles and guilt along with the accepted ideology prevalent in America that put men in control of the political sphere and women in control of the domestic one.

After the Texas Revolution, Spanish practices pertaining to women owning land changed. Although no law was codified that forbade women from owning land, the actual legal participation of Tejanas decreased because of their social status. Influenced by English common law, the United States had adopted laws that granted sons most of land inheritances or granted husbands all of their wives’ lands or inheritances.<sup>379</sup> Surprisingly, Texas did not follow suit. Texas kept several Spanish property laws or altered them only slightly. When in 1840, the Texas legislature defined marital property,

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<sup>378</sup> *Ibid.*, p. 138.

<sup>379</sup> Stuntz, “Spanish Laws for Texas Women...,” p. 553.



they ruled women could own property they had before they were married.<sup>380</sup> By this time, however, were not participating in the courts as they had before so this law had little effect on them. By the middle of the nineteenth century, Tejanas owned less land than they had in the early part of the century and so the land rights pertained to the few that owned land. Many had lost land in fraudulent land dealings and the Tejanas that did own land most likely could not afford lawyers if there were land disputes.<sup>381</sup>

Social status had played a role in the rights of the people of Spanish Texas, as well. The Spanish had been the first to develop political and legal institutions in Texas in the eighteenth century. Tejanas had also been instrumental in the creation of a stable legal institution in Spanish Texas by creating precedents, through the exercise of their legal rights in the court since the very beginning of the settlement of Texas by the Spanish (over a hundred years by 1830). Women had proven to be competent, aware of legal processes, and confidently able to exercise rights that had been carried over from Spain to the new world (discussed in greater detail in Chapter Four). While Tejanas did not vote, these legal rights nevertheless provided them with opportunities to establish themselves in the political sphere. Under Spanish and Mexican governments, these legal rights allowed Tejanas to move up in the social hierarchy. Moreover, they were able to transition from Spanish subjects to Mexican citizens utilizing the same rights with no

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<sup>380</sup> Stuntz, "Spanish Laws for Texas Women...", p. 557.

<sup>381</sup> Stuntz, "Tejanas, Hispanic Women on the Losing Side of the Texas Revolution" in *Women and the Texas Revolution*, edited by Mary L. Scheer, (Denton, Texas: University of North Texas Press, 2012), p. 59-60.

objections from the men or officials of the settlements in the early nineteenth century. Changes in the exercise of rights in the local courts occurred only after the cultural dynamic changed in Texas after the Texas Revolution. Although this exclusion was customary rather than legislative under Texas control, it was damaging nonetheless because it removed Tejanas from the legal sphere that they had used to not only acquire and retain land, but had also used to gain respect.

Anglo Americans were able to create a new social and political hierarchy that relegated Tejanos to second-class status no longer in control of the political spheres. The make-up of the cultural dynamics under Texan control differed greatly from the dynamics under Spanish and Mexican control. The courts were, therefore, no longer a place where Tejanas felt confident to voice their concerns over legal matters. The courts, in fact, had been the only arena in which Tejanas could turn to for redress for injustice, and thus the only way they could participate in the political sphere. Unlike the Spanish and Mexican governments that essentially believed that Spanish women, like Spanish men, held the key to extending empire and saving the frontier from invasions from foreign threats, the Anglo Texan government, and later the United States government, did not share this belief in the need for property ownership by women or believed that women's role did not require property ownership.

Texans did not need women to be a part of the legal system as a means to build an empire because there was a flood of male American immigrants available to assure the success and stability of the republic. Rosemarie Zagarrri uses the term "backlash" to describe the exclusion of women suffrage due to the cultural make up of American

society during the early republic period. While white males received more rights under the U.S. constitution, she contends, women and blacks were excluded because suffrage had become inextricably connected to race and gender. She states, “The American Revolution did not eliminate all social hierarchy; it reconfigured the character of that hierarchy. In place of birth and wealth, supposedly inherent bodily characteristics became the most salient markers of difference and created the basis for social and political exclusion.”<sup>382</sup> Like blacks in early America, Tejanos had “markers of difference” that placed them in an inferior position when it came to the social hierarchy of Texas. After the war, to borrow Rosemarie Zagarri’s term, there seems to have been a great “backlash” during the movement from a federal system under the Mexican government, which had given Tejanas considerable rights. That “backlash” consisted of the rejecting of the value of the Tejano identity, culture, and accomplishments, evident in the restrictive practices of the Texas republic.

Although the declaration of Texas proclaimed that Texans had inalienable rights, custom would show Tejanos to be less worthy of these rights. While not explicitly decreed, Tejanas did in fact lose legal rights under the newly formed republic because of customs, traditions, and practices that the Anglo Americans brought with them from the United States. Instead of gaining political rights under the Texas republic, Tejanas actually lost legal rights—rights that they had exercised for over a century. Husbands and fathers began to represent Tejanas in courts in property cases and the number of

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<sup>382</sup> Zagarri, *Revolutionary Backlash...*, p. 185.

Tejana claims directly decreased after American occupation. This transition was a gradual one as explained earlier in this chapter, Tejanos and Anglo Americans had worked together with little problems prior to the Texas Revolution, and it is important to note that the immigrants that went to Texas prior to the revolution differed from the immigrants during and after the revolution, particularly in their reasons for immigration.

In conclusion, tense race relations in a growing politically stressed society flooded by Anglo American immigrants forced Tejanos to reevaluate the institution of marriage. Marriage was first seen as an economic opportunity by both Anglo American immigrant men and Tejano families. By examining religion, family life, and isolation on the frontier, it is clear Tejanas experienced the clash of two cultures when they married Anglo American men and wrestled with the process of assimilation, no doubt recognizing the positive and negative consequences of their choices. Many assimilated totally into American society, but some held on to their Tejano roots. By doing so, Tejanas created a distinct amalgamated Texan/Tejano culture that is still evident today. Tejanas who assimilated totally into American society did so at a high cost, the loss of identity. This examination of Tejanas reveals that not only was social class clearly linked to racial and ethnic categorization by the middle 1840s, but also that interracial marriages played a key role in the transformation of the Spanish frontier, forever changing Tejano families.

## CHAPTER VII

### CONCLUSION

When the Spanish arrived in the New World in 1492, they not only brought plants, animals, and diseases, but also cultural and social ideas heavily influenced by the Reconquista and Renaissance that forever changed both worlds. The rewards of conquest no doubt included jewels, silver and gold that made the crown rich, but it was the acquisition of North and Central American land that propelled the empire into a global power. The expansion of the Spanish empire, and more importantly how it was expanded, is at the heart of this story. Conquistadores first led the way, suppressing the indigenous people with brutal tactics and horrific plunder. Second came the more centralized and early stages of state building with the appointment of governors and later *alcaldes* (city executive officials) and *ayuntamientos* (town councils). The idea of government and state building that was influenced in part by the Spanish Reconquista was crucial to the establishment of permanent settlements. By the seventeenth century Spain had successfully created New Spain, which would eventually become Mexico due to expansionist policies and practices. The Spanish forced not only their culture and social code of behaviors but also their religion and political system on not only surviving indigenous people, but also reinforced the Spanish and Mexican settlers in Béxar. These settlers became known as Tejanos.

This study has attempted to shed light on Tejanas' role in the establishment of the settlement of Béxar in order to gain a better understanding of gender roles in this

nascent society. Tejanas owned land, businesses, ranches, and other properties in Spanish Texas. Land ownership for Tejanas allowed them to be active participants in the legal courts of the burgeoning region. They used the legal system to ensure their private property and their civil status would be protected. They turned to the courts with confidence over legal disputes, with contracts, wills, inheritances, land grants, and much more. On the frontier these rights took on profound importance as the male population disproportionately dwindled due to Indian raids, diseases, and other ever present dangers. Women were not only property owners; they were a productive segment of the local economy. Tejanas petitioned the government for land grants. They inherited land and personal property, and were able to add to it, sell it, and bequeath it to their children. They were able to sue, testify, produce wills, and exercise other rights relating to land ownership. Owning land gave Tejanas the opportunity to enter into a legal sphere that Anglo women could not participate in. There are numerous cases where Tejanas turned to the court for legal advice and to argue grievances. Moreover, Tejanas' land ownership facilitated Spanish expansion unchartered territories, like Texas, by keeping a significant population in the region. The Spanish, therefore, were able to expand their empire and claim a hold on the region by allowing Tejanas to own property and live on the frontier.

Expansion into the frontier was not easy. For years the settlers suffered from economic uncertainties caused by inefficient government policies implemented hundreds of miles away in Mexico City. Although the region eventually grew in populations, the crown failed to understand the realities of frontier life, and as time passed, implemented laws that were not conducive to the settlers' needs. When Mexico gained its

independence from Spain in 1821, conditions remained virtually the same. Mexico continued to implement outdated Spanish laws. Despite political and economic instability, the people of the provinces were able to build a life for themselves in Texas that included a local government and an economic system based on trade and cattle ranching. As landowners and cattle ranchers, Tejanas were a vital part of this system.

Besides being a part of the economic sphere of the frontier, Tejanas were instrumental in community building. They participated and often sponsored community events including *fiestas*, *fandangos*, weddings, *quinceñeras*, baptisms and other celebrations. Several Tejanas built churches and provided early forms of schooling. Their successful efforts on the frontier allowed for the foundation of strong community bonds throughout this region. This in turn, led to economic growth, further population increase, and increased political stability. This success, however, had unforeseen and even revolutionary repercussions.

Major changes occurred as the region's control changed from Spanish to Mexican and then to Texas control. The economy drove all the northern territories of Mexico to become part of one revolutionary process after another. First as part of Mexico, the Tejanos fought for independence from far-off Spain. Later when the Mexican authorities based in Mexico City lost touch with the needs of the Tejanos, they rose up against a too-distant Mexico. Tejanos and Texians with shared economic goals and challenges united and fought against Mexico in the Texas Revolution in 1836. Between the two revolutions, a critical element had found its way into Texas: Anglo-American settlers, predominantly Southern men.

Tejanos saw the first of the Anglo-American immigrants as allies because they shared goals and facilitated entry into the U.S. market. The central government in Mexico, however, gradually began to view Anglos not as a stabilizing force but as a danger. Common interests and the shared threat of an overbearing and too-distant Mexican government, moved Tejanos and Texians to embrace revolution and the Texas Republic was born. This changed communities and individuals. Distant from the Mexican government, Tejanos formed a separate identity from their parent country. Although they identified themselves as Mexicans, sharing the same language, religion, and customs, Tejanos noticed a stark difference between themselves and Mexicans. Mexicans in turn saw Tejanos as mere peasants and as an inferior. Most upsetting to Tejanos were Mexico's economic policies which limited and often forbade Tejanos from participating in American trade industries—industries that Anglo-American immigrants had introduced Tejanos to. When the Mexican government began to halt Anglo American immigration into Texas and implement new economic sanctions on the province, Tejanos sided with Texians. Fighting side by side, Tejanos and Texians together prevailed over the Mexican army in 1836. The strong alliance did not last long, however.

The Texas Revolution was not the first conflict where loyalties were tested. The brutality of the Spanish army led by José Joaquín Arredondo helped sever the strong ties that had once bound Tejanos to Mexicans. Arredondo would later lead the Mexican army after Mexico gained its independence from Spain in 1821 and would again carry out similar acts of brutality. Antonio López de Santa Anna served under Arredondo



during some of Arredondo's bloodiest episodes, including the Battle of Medina, when Arredondo ordered the execution of over 300 soldiers. Tejanas were physically and psychologically abused by Spanish soldiers. Arredondo ordered Tejano men, husbands, fathers, and sons to be brutally executed and Tejanas were forced to see the corpses ravaged by wolves. These senseless acts of violence surely influenced Tejanas and their families to break away from the Mexican government in the 1830s. It is no wonder that incidents such as this led Tejanos to see themselves as separate from the Mexicans. It was clear that Mexicans had no respect for Tejanos.

Upon declaring independence from Mexico, Texians called out for help from their American brethren to fight against Mexico. They enticed Americans to aid them in the war effort with the promise of cheap land. The influx of new immigrants during the Texas Revolution damaged the friendly relationship between Tejanos and "old" Anglo-American immigrants. The new immigrants could not tell the difference between Tejanos and Mexicans and so regarded both with contempt. Because the Anglo immigrants brought their own customs and ethnocentric biases with them, the clash of cultures and social hierarchies had inevitable consequences. The new immigrants made it clear that Tejanos were inferior and treated them as such. Revolutionary heroes such as Juan Seguín left Texas and fled to Mexico after experiencing constant character attacks and threats from Anglo-Americans. When the Republic of Texas was established in 1836, the demographics of government officials had significantly changed. Only two Tejanos were delegates to the newly created council and nearly half of the fifty-nine delegates had lived in Texas less than two years.

The Tejano male who had conquered the frontier and created his own place in frontier society found himself a stranger in his own land. He was emasculated. Once secure in his social position, the Tejano had allowed women a degree of freedom which he could no longer abide. Viewed as inferior by the now dominant Anglo power structure, the Tejano male ensconced himself in a security blanket of machismo that made women “less” within the family. Tejanas were also denied the legal instruments they had once relied on because U.S. law and social attitudes that restricted women more narrowly.

Family life changed dramatically for Tejanos in the first half of the nineteenth century. Interracial marriages between Anglos and Tejanas challenged traditions and customs, including religious and cultural practices, such as speaking Spanish in the home. While at first interracial marriages were welcomed by Tejano families as a means for Tejanas to keep land in their families, interracial marriages later became less common and less socially accepted. By the end of the nineteenth century, Tejanas owned less land and therefore bequeathed less land to their children. They also appeared less often in courts defending their legal rights and although their rights were not legally taken away, their disappearance from the courts revealed an equally damaging trend. Tejanas no longer testified in court in large numbers as before, nor did they apply for land grants in the same numbers. Unlike earlier cases where Tejanas represented themselves in court after Texas became a republic, Tejanas were represented by a male family member. Clearly Tejana participation in the legal sphere in Anglo Texas decreased. Used to American customs when it came to marriage and property rights,

Anglo Americans were able to impose their practices after the revolution. More and more men began to claim ownership of property initially owned by their wives (brought into the marriage). Unlike marriages in Spanish Texas where a wife's property was her own, even after marriage, the Texas Republic allowed husbands to claim their wives' property.

In this five chapter study, Chapter Two examines how land ownership allowed Tejanas to participate actively in the courts. Receiving land grants and inheriting land provided Tejanas the opportunity to actively contribute to the success and growth of the settlement. They became respected matriarchs and heads of households who in turn helped create a stable and burgeoning ranching region. When it came to creating a permanent Spanish presence in the eighteenth century in the region of what would become Texas, Tejano families succeeded after the Spanish presidios and missions ended. Tejanas created strong spaces for themselves, while helping to solidify Spain's stronghold on the frontier. Chapter Three further examines legal rights that land ownership gave women on the frontier. Land ownership, in fact, opened the door to other legal rights, such as testifying, suing, writing wills, and bequeathing property to heirs. Tejanas also appeared in court fighting for property citing inheritance laws that entitled them to land and other personal property. Chapter Four examines Tejana agency in patriarchal Béxar. Despite social and cultural challenges and limitations, Tejanas maneuvered within a complex patriarchy going so far as defying court orders. Tejanas also revealed a sense of agency when they committed adultery, challenging honor and sexual behavior codes implemented and enforced by the church.

Chapter Five and Six examines life after the Texas Revolution. Chapter Five examines how the Texas Revolution altered the lives of Tejanos in Béxar. Tense race relations between Tejanos and Anglo American immigrants made the transition from an empire to a republic difficult for the Tejanos of Béxar. Chapter Six examines Tejano family life. After the Texas Revolution Tejanos found themselves in a precarious position when many lost their lands to fraudulent land dealings and threats at times carried out with acts of violence. The loss of land forced many Tejanos out of the growing ranching industry. Fewer and fewer women inherited land and like the men of the region were forced into a second-class citizenry. Marriages between Anglo Americans and Tejanos, once accepted by both groups, declined by the middle of the nineteenth century. Tejanas who married Anglo American men wrestled between two cultural worlds, and found themselves assimilating into American culture, often losing a sense of Tejano identity in the process.

This study relies heavily on court cases where Tejanas in Béxar, including lawsuits, land grant proceedings, wills, and criminal cases. The need of the state (Spanish and Mexican) to create stability on the frontier in order to ensure the growth of the empire is paramount in judicial outcomes. Stability as noted repeatedly in this study was not provided by soldiers alone. In fact, a male populated frontier caused tensions with Native Americans and created more instability. The solution was to foster strong family life. This was possible through two traditional institutions: the church and the patriarchal order. Yet neither was sufficient in guaranteeing stability given frontier conditions and human nature. Therefore, land ownership and legal rights had to apply to

women as well as men especially in early frontier days given the high male mortality rates. These rights are even more significant on the frontier because these settlers were building a society from the ground up.

Furthermore, women had to be able to confidently rely on the legal system for redress. They did, but they also manipulated the system using the very patriarchal notions and stereotypes that too often prescribed their roles and limited their spheres of activity. Both tools of survival were used by women actively engaged in their societies. Ironically the same society that labeled women the “weaker sex” relied on a legal system that implicitly recognized their equality. The question of women’s agency is answered by these examples that show their ability to work through the legal system and/or to manipulate that system and the larger existing patriarchal order. Through these court cases we see how patriarchy operated in these different contexts and contribute to recent debates about the nature of patriarchy.

The harm done to the Tejano family is incalculable as is the harm done to the fabric of life in Texas. The insidious acceptance of racism as norm—the notion of brown inferiority—delayed so much potential growth. Even now in the twenty-first century the realities of Texas history and Tejano accomplishments and contributions are denied by too many, but a sounder appreciation of Texas history and the fascinating, even surprising roles played by both men and women in this earlier period, clarifies the realities of the Southern epic.

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