



Barry Lawrence Ruderman Antique Maps Inc.

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(Texas Land Grant - Coahuila y Tejas) 10 Leagues of Land Granted by the Gov. of Mexico [Manuscript land grant issued by Radford Berry, alcalde of Nacogdoches, to John S. Roberts, with two manuscript plat maps by George Aldrich; issued in 1835, recorded in 1839, and recorded again in 1848 at Clarksville, Red River County, Texas]

Stock#: 88916

Map Maker: Berry & Aldrich

Date: 1835 , 1839, and 1848

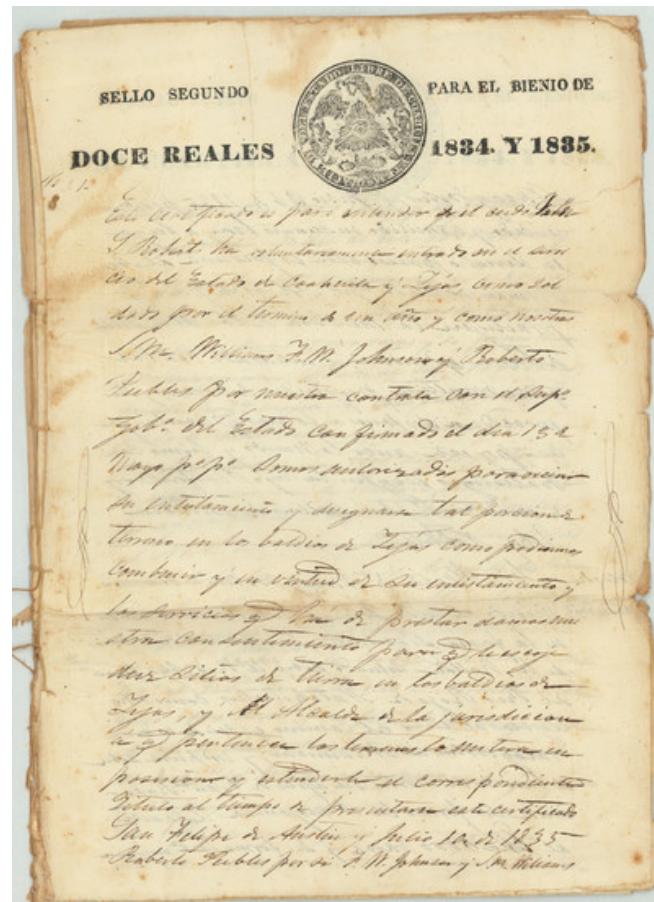
Place: Nacogdoches, Texas

Color: Pen & Ink

Condition: VG

Size: 8.5 x 12 inches

Price: SOLD



Description:

Texas Land Grant Issued During the Texas Revolution to a Signer of the Texas Declaration of Independence

Ten Leagues of Land in Red River County

With Manuscript Plat Maps by George Aldrich - Pioneer Texas Land Surveyor

An Early Pre-Republic Texas Seal Design

Drawer Ref:

Stock#: 88916



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This original Spanish-language land grant for ten leagues of land in Red River County, Texas was issued in 1835 to John S. Roberts, a pioneer of Nacogdoches. The document is on official sealed paper of the Treasury of Coahuila y Tejas, and was issued by Radford Berry, an American resident and *alcalde* (akin to a mayor) of Nacogdoches, Texas. According to some sources, Berry came to Texas around 1832, but certainly no later than 1833. The *Handbook of Texas* online notes that Berry Creek, in Burleson County, was named for Radford Berry, who was living at Fort Tenoxtitlán in 1832.

In 1835 Berry was acting as "constitutional alcalde" of Nacogdoches. That same year President Santa Anna had revoked the Mexican Constitution of 1824, abolishing all state governments. Notably, at the time of the present land grant, which is dated Dec. 5, 1835, American settlers in Texas were beginning to revolt against the Mexican central government in what would become known as the Texas Revolution. By April 1836, Texas had become the independent Republic of Texas.

John S. Roberts

The land grant of ten leagues in Red River County (*diez sitios de terrenos en los baldíos de Tejas*) was issued to John S. Roberts, a noted early Texas settler and a signer of the Texas Declaration of Independence. Roberts was born in Virginia in 1796, enlisted in the Tennessee Militia during the War of 1812 and participated in the Battle of New Orleans as a member of Col. John Coffee's regiment. He took part in the Fredonian rebellion led by Haden and Benjamin Edwards against the Mexican government in Texas. He eventually settled in Nacogdoches, where he engaged in a mercantile business. In 1832 he joined the rebel forces in the Battle of Nacogdoches, while also enlarging his fortune during the Texas Revolution by purchasing land grants. Roberts joined the Nacogdoches Independent Volunteers and saw action during the Siege of Bexar (Nov. 25 - December 5, 1835). After the close of fighting, Roberts was elected a delegate to the Convention of 1836 and signed the Texas Declaration of Independence. In 1837 he was appointed quartermaster of the Texas Militia. Roberts initially prospered in business, forming a partnership with John Durst and George Allen. However, a series of lawsuits led to his financial ruin in 1838. He later made a living as a grocer and by running a saloon in Nacogdoches.

Coahuila y Texas

Coahuila y Tejas was divided into several departments, each of which was governed by a political chief. Departments were further subdivided into municipalities, which were governed by *alcaldes*, comparable to mayors. Each municipality also had an elected ayuntamiento, similar to a city council. Originally, all of



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Texas was included in the Department of Bexar, while Coahuila comprised several departments. After many protests from residents of Texas, in early 1834 the region was divided into three departments, Bexar, Brazos, and Nacogdoches.

The colony land offices in Texas were closed by the provisional government on November 13, 1835, which declared invalid any survey made after that date. The Texas Constitution of 1836 validated all Spanish and Mexican grants made in conformity with then standing laws.

The Fiscal Stamp of Coahuila and Texas

The first two leaves of the present land grant are written on *papel sellado* of the Treasury of the State of Coahuila y Tejas, with each of these sheets bearing a handsome ink-stamped seal that stands as an early and rare example of an official seal from Texas. The *papel sellado* was almost certainly stamped or printed locally, in the state capital of Monclova. Unlike the regular state seal for Coahuila y Tejas, which was essentially a slightly modified version of the Mexican national seal, the fiscal or treasury seal of Coahuila y Tejas is a unique design: the Mexican eagle's breast is surmounted with a large Eye of Providence within a pyramidal sunburst or halo. Two figures on either side of the eagle are almost definitely Native Americans, one with a bow and another with a quiver of arrows.

Plat Maps by George Aldrich - Pioneer Texas Land Surveyor

The two manuscript plat maps attached to the land grant are by George Aldrich, a pioneer Texas land surveyor. The document's Spanish text makes reference to Aldrich:

...por presentado y admitido en cuanto hay a lugar en derecho pasa este expediente al Agrimensor Ciudo. Geo. Aldrich para que practique la mensura de los diez sitios de tierra que indica el interesado

...presented and admitted according to law, the application passes to citizen Surveyor Geo. Aldrich so that he may undertake the measurement of the ten sitios of land indicated by the interested party...

Aldrich was the first County Surveyor of Houston County, serving in that capacity from 1839 to 1843. His brother was Collin Aldrich, first Chief Justice of Houston County, who fought at San Jacinto. The brothers came to Red River County, Texas in 1828. For a short time, around 1834, George Aldrich lived in



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Nacogdoches and was associated with Robert Anderson Irion as a land trader and surveyor. The present land grant and survey maps date from this period in Aldrich's career, and Irion's name also appears on the verso of one of the maps.

The early era of pre-Republic surveying in Texas was truly a dangerous frontier endeavor. According to a fascinating article by Virginia H. Taylor Houston on early surveying in Texas, who includes George Aldrich in her list of early Texas surveyors:

It was nothing unusual for a surveyor to be killed by the Indians; often an entire party was murdered; and many expeditions started out never to be heard of again. Long since, the Indians had called the compass "the thing that steals the land."

Text of the Land Grant

The text of the land grant opens with a certification that John S. Roberts had volunteered to serve as a soldier in the service of the State of Coahuila y Tejas for a period of one year - the basis for the grant of 10 *sitios* of land. A single *sitio de ganado mayor* was a tract of land roughly equivalent to 4,400 acres. In early Texas a league, when as a unit of area, would be a square that is one Spanish league on each side. Traditionally, the Spanish league was set at 5,000 varas (or Spanish yards), commonly the distance a person can walk in an hour.

The grant is noted as a true and accurate copy of the text recorded in the local archive, and was signed on Dec. 5, 1835 by Radford Berry, and two witnesses, Stephen Collins and John Noblitt:

Este certificado es para entender q[uie] el ciud. John S. Roberts ha voluntariamente entrado en el servicio del Estado de Coahuila y Tejas, como soldado por el termino de un año y como nosotros S.M. Williams, F. M. Johnson y Roberto [Publes?] por nuestra contrada con el Supo. Gobo. del Estado confirmado el dia 13 de Mayo ... Somos autorizados para recibir su enlistamiento y designar tal porcion de terreno en los baldios de Tejas como podimos [compartir?] y en virtud de su enlistamiento y los servicios que ha de prestar damos nuestro consentimiento para que le escoje diez sitios de tierra en los baldios de Tejas y El Alcalde de la jurisdiccion a que pertenece los terrenos lo muestra en posesion y estenderle el correspondiente Titulo al tiempo de presentar este certificado. San Felipe de Austin, Julio 10 de 1835, Roberto Publes por si F. M. Johnson y S.M. Williams, Nacogdoches y Julio 26 de 1835, por presentado y admitido en cuanto hay a lugar en derecho



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pasa este expediente al Agrimensor Ciudo. Geo. Aldrich para que practique la mensura de los diez sitios de tierra que indica el interesado, con tal que no resultara perjuicio de tercero... Radford Berry ...Stephen Collins... John Nobtill?

Sor. Alcade de Nacogdoches - El terreno medido al ciudo. John S. Roberts esta situado en la forma siguiente, los seite siete sitios de los hallan situados sobre el Rio Agua Feros del Rio Rojo de Natchitoches, como ocho leguas al oeste del camino que conduce de Nacogdoches a Kiamichi.... [there follows over a page of text describing the land]... y las configuraciones de los dos ... son lo que en duplicado le acompañan, el 1o medido en el mes de Agosto y el ultimo en 1o de Decr. de 1835. Geo. Aldrich, Agrimensor...

El Ciudo. Radford Berry, Alcalde unico constitucional de la Villa de Nacogdoches y Comisionado Especial para poner en posesion formal el Ciudo. J. S. Roberts que como voluntario en el servicio del Estado le tiene concedidos diez sitios de tierra en los baldios de Tejas...

Concuerde este Testimonio con su original que existe en este archivo de mi cargo, va fiel y legalmente copiado con? y corregido en dos fojas utiles y necesarias de tres sellos correspondientes y lo firmó con des testigos segun la ley. En la Villa de Nacogdoches á las 5 dias del mes de Decr. de 1835. Amendado este 10,000 v[ara]s, cuatro = todas = lo derminé y vale = doy fe =

Radford Berry

Stephen Collins

John Noblitt

George S. Lauten, as clerk of the County Court and Recorder, has certified and recorded the Spanish language Mexican land grant, as indicated on the appended English language document executed in 1848:

The State of Texas / County of Red River

I, George S. Lauten, Clerk of the County Court and Ex Officio Recorder ... for the County aforesaid, do ... certify that the annexed ... foregoing instrument of Writting in the Spanish Language and purporting to be a grant for land from Radford Berry, commissioner of the Mexican Government for title to ten Leagues of Land to John S. Roberts is and was Recorded by me as nearly word for word



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and letter for letter as I could understand or make the same in Book H, pages 94, 95 & 96 in this the Eighteenth day of October A.D. 1848 at 12 o'clock P.M. (midnight).

State of Texas / County of Nacogdoches

Personally appeared before me the undersigned authority, Radford Berry, to me well known (whose name appears signed as Commissioner of the Mexican Government to the annexed title dated the fifth of December, one thousand eight hundred and thirty-five, for ten leagues of land to John S. Roberts, and acknowledged that he signed and executed the same for the purposes and considerations therein expressed.

Witness my hand and seal of office at the Town of Nacogdoches this 5th day of October A.D. One thousand eight hundred and forty eight. Nathaniel Amory / Notary Public / Nacogdoches County.

Red River County was organized in 1835, with Clarksville, which was incorporated in 1837, being the county seat. The town, founded by James Clark, became an important trading center in Northwest Texas throughout the 1830s and beyond. Steamboats brought goods from New Orleans via the Red River, and by the 1850s the establishment of steam sawmills and cotton gins reflected the town's growing importance. The first courthouse was built in 1840 and by the time of the Civil War Clarksville had a population of about 900 inhabitants.

Conclusion

A fascinating and remarkable Texas land document, of historical interest for having been issued during the Texas Revolution for John S. Roberts, a fighter for Texas independence. And with plat maps drawn by George Aldrich, an early Texas surveyor.

Detailed Condition:

Folio. Stitched leaves. Total of 8 pages of manuscript text plus 2 attached folding manuscript plat maps (on leaves measuring 15 x 11 inches). First two leaves are Mexican papel sellado for 1834-1835, with printed seal of the Hacienda (Treasury) of the Mexican state of Coahuila y Tejas. Appended to last page are 2 additional sheets of manuscript text, in English, recording the land title in Red River County, dated 1848. Some edge nicks. Map sheets age-toned, with some moderate foxing. Overall condition is excellent. Map leaf docketed on verso: J. S. Roberts 10 Leagues of Land granted by the Gov. of Mexico. Filed for



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Record October 12th day A.D. 1848 at hour of 10 o'clock A.M. Said day. E. Hopkins, Clerk and Ex Officio Recorder / Filed for Record October the 18th A.D. 1848 at 12 O'clock, Meridian. George S. Lauten. Six undivided Leagues of the within granted ten leagues have this day been conveyed by deed of sale by J. S. Roberts to R. A. Irion and George Aldrich. Nacogdoches, May 10, 1839. J. Roberts.