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Land Grab or Legal Title Transfer? Reviewing the Evidence for Land Title Fraud in 19th Century South Texas

by Elmer Sierra, William Yaworsky, and Amy Frazier

Introduction

Scholars have been divided on how to best characterize the general nature of land transactions between Latinos and Anglos in 19th century south Texas. Basically, two distinct positions emerge. One position, typified by Jane Clements Monday and Betty Bailey Colley¹ suggest that it was largely a benign and legal process. While they concede that some Anglos inevitably acted illegally, they maintain that the region's most powerful ranchers, such as Mifflin Kenedy, were not antagonistic toward Mexicans nor did they steal land. Rather, Clements Monday and Bailey Colley maintain that these ranchers paid market rate, respected the law, and did not even *attempt* to cheat folks out of property.²

A more generalized variant of the "benign process" thesis is presented in Armando Alonso's well received monograph.³ Alonso documented expanding ranching opportunities for Latinos from the 1850s through 1870s, a process that did not trend negatively until the 1880s, when he asserts that inheritance practices and inadequate credit for Latinos contributed to their decline in landholdings.⁴

A second position, exemplified by John Mason Hart, argues that Latino landholders were intimidated, lacked bargaining power, and faced a court system that was actively aiding and abetting Anglo led land grabs.⁵ In Hart's view, the land transactions occurred amid "charges of fraud and terrorism".⁶ Hart's view holds many adherents among the south Texas Latino community.⁷

Our contribution to this discussion comes in the form of our research concerning a series of transactions through which Mifflin Kenedy and his business associates acquired property from a Mexican rancher named Remigio Chapa Guerra. While we do not pretend to have corralled any statistical data that might challenge Alonso's wider findings, we do feel

comfortable arguing against Clements Monday and Bailey Colley's more narrow assertion concerning the land acquisition practices of Mifflin Kenedy. Chapa Guerra owned property in a section of Cameron county (that would later bud off and become a part of Kenedy county), land that would be acquired by the famous rancher via, as we believe we can demonstrate, a fraudulent document written by his associate, Adolphus Glaevecke.

We begin our discussion by presenting the cast of characters and the circumstances under which their paths would cross. We then analyze court copies of the original documents that record the transfer of Chapa Guerra's land, via circuitous routes, into the hands of Kenedy and his associates. It is in these original documents that we find the "smoking gun" of fraud. Let us turn to our presentation.

Background

Juan Bautista Chapa (originally named Giovanni Bartolome Schiapapria) was born in Genoa, Italy, on November 16, 1627. He arrived in New Spain in 1647 to pursue an education and obtained employment as a secretary for the Governor of Nuevo Santander working under Generals De Zavala and De Leon. Chapa's writings describe Texas around the time of the first European settlements. He pursued ethnological investigations, documenting the indigenous societies of northern Mexico and Texas, and participated in paramilitary activities directed at French colonists in the region. His book, based on his experiences, is an important documentation of the region in colonial times.⁸

Bautista Chapa eventually petitioned the King of Spain for a land grant for his family. The grant was acquired by his family well after his death in Monterrey in 1695.⁹ This grant, known as *El Chapeno*, formed the core of a sprawling cattle ranch in northeastern Mexico that reached as far north as the current southeastern limits of Brownsville, Texas. Juan Bautista's descendent, Jose Antonio Chapa Trevino, grew the ranch into one of the wealthiest cattle ranches along the gulf coast.¹⁰ Another descendent, Remigio Chapa Guerra (1810-1881) turned El Chapeno into a significant exporter of beef to Cuba via the Port of Bagdad.¹¹ Remigio, a resident of Matamoros, would later acquire a 1 and 1/3 league of property in present day Kenedy county that formed a portion of the larger and better

known *La Barreta* grant. Remigio's acquisition also included the nearby *El Mesquite Rincon* peninsula.¹² Along with Remigio Chapa Guerra it plays a central role in our narrative.

A Culture of Corruption

In 1850, the Lower Rio Grande Valley was an isolated outpost of the US political economy. A population of perhaps 5,500 Latinos and less than 2,500 Anglos engaged in ranching and trade.¹³ It was a society living under new masters in the wake of Mexico's recent military defeats, first at the hands of the Texans in the 1836 war, then at the hands of the Americans in the war of 1848. What emerged in the region was a milieu characterized by tenuous legality and pervasive corruption.

How do we know that a "culture of corruption" permeated south Texas? Let us take a look at the record. To begin, the scope and audacity of the corruption was of such magnitude that it drew a response from both the federal government of the USA and that of Mexico. The Mexican investigation documented among other things, a horse-rustling operation that stretched from Texas to the Mexican state of Guerrero. A prime manager of the horse-theft ring was Adolphus Glaevecke, a city and Cameron County commissioner who would be indicted by the state and Cameron county for fraud. Glaevecke also acted as Cameron county clerk for some time, writing and certifying the document that would be instrumental in the taking of Remigio's Chapa's land.

Meanwhile, from 1845 to 1849 the US House of Representatives investigated both Judge John C. Watrous, United States District Judge for the District of Texas, and businessman Charles Stillman for land fraud. In the concomitant congressional report, Mifflin Kenedy is also listed as a co-conspirator.¹⁷ It was determined that Charles Stillman was bribing Watrous and benefiting from his rulings. For example, in 1848, Watrous and Stillman defrauded two business partners of Stillman, Simon and Jacob Musina. The conspirators took away the Musinas property in Brownsville, and it was ordered by Watrous to be sold at auction to the highest bidder, who happened to his co-conspirator, Kenedy, who then turned around and gave the land straight to Stillman. As late as 1856 the Musinas were still trying to recoup their losses via litigation.¹⁸

Let us state outright that illegal behavior was not confined to the Anglo community. Latinos were also members of this particular criminal enterprise and enjoyed the fruits of horse rustling alongside their Anglo partners. One notable figure, Juan N. Cortina, would eventually have a falling out with Adolphus Glaevecke and the patrons associated with the Cameron County Democratic Party. After losing that struggle, his hostility turned towards the Anglo community at large, and degenerated into banditry and guerrilla war directed at that community. 20

In summary, patronage systems, like those that ran Brownsville in the mid 19th century, are antithetical to the rule of law, this for the simple reason that those higher up in the system are, in most cases, above the law.²¹ This was the political environment within which our protagonists would soon cross paths. The result would be quite simple: land from the poorly connected Remigio Chapa would wind up in the hands of the political bosses of south Texas.

The Showdown

Long before Juan Cortina began his war, Charles Stillman's antisocial behavior had moved beyond mere thievery. In 1850, Texas Rangers working for Stillman killed Juan Chapa Guerra, Remigio's brother. A holdup combined with a thirst for revenge and a desire to wield power precipitated this episode. It seems that bandits robbed one of Stillman's wagons of dry goods (flour and beans). Texas Rangers Captain John Ford and Lieutenant Hayes were dispatched to Mexico where they beat a confession out of some Mexican villagers. The Rangers procured from the villagers the name of a suspect for the wagon hold-up: Juan Chapa. Remigio's brother, Juan Chapa Guerra, was duly tracked down, hauled back to Brownsville at gunpoint, and then whipped and murdered after Stillman told the Rangers do what they please with the detainee.²² At some point, Stillman and his associates learned that they had captured the wrong Juan Chapa (the real culprit was one Juan Chapa *Garcia*). The murder went unpunished. Certainly, no one in town would testify against Stillman and the members of his political machinery, the Cameron County branch of the Democratic Party known locally as "the Blue Club" that essentially controlled Brownsville.²³ Stillman was also motivated by his desire to acquire property: one report (by a Matamoros judicial minister) claims that Stillman was trying to steal Remigio Chapa's ranch.²⁴ Stillman,

along with his business associate Mifflin Kenedy, even wanted to turn a section of the Northeast Mexico into a sovereign and duty-free state.²⁵

Meanwhile, Remigio Chapa was not deterred from increasing his land holdings despite the killing of his brother. On the 18th of September in 1871 he purchased a portion of the Barreta land grant, which specifically mentions inclusion of the Mesquite Rincon. The property holds 3,847 acres situated atop a 25,000 acre oilfield (called the mudflats) in present day Kenedy County, somewhat north of Brownsville. 26 This land too would soon be the target of Stillman and Kenedy. In 1874, Remigio suffered a serious stroke that left him bedridden in Matamoros.²⁷ The turn for the worse in Chapa's health seemed to have spurred on his adversaries. On December 7, 1876, Robert C. Miller received title to Remigio's land.²⁸ Two interpretations are available that may explain the circumstances under which this transfer occurred. The first explanation is that the document is fraudulent, because contrary to Texas state requirements, Remigio did not sign it, nor was a signing witnessed, which is also required by Texas State law. In fact, Remigio could not have traveled to Brownsville at all, as he had been an invalid in Matamoros ever since his crippling stroke in 1874. At the time Brownsville and Matamoros were linked only by ferry service, making any transportation of the severely disabled Chapa even more problematic. It is also worth mentioning that the land transfer document was in the form of a "quitclaim" instrument, which is commonly used among family members but unusual among strangers buying and selling land.29

However, the quitclaim format suggests a second scenario: a sheriff's sale for unpaid taxes. Quitclaim instruments are commonly used to sell property in a public auction run by local authorities so as to recover outstanding taxes.³⁰ And sheriff's sales were incredibly common in 19th century south Texas, so common, in fact, that the phenomenon deserves closer scrutiny. Yet when we showed Remigio's quitclaim instrument to the Chief Deputy to the Cameron County Clerk, an expert on 19th century documents, he dismissed the idea that it was a sheriff's sale tool, as it lacked the characteristic language of such documents.³¹

Even if the 1 1/3 league La Barreta/Mesquite Rincon property was transferred to Robert Miller in a sheriff's sale, (and we have not seen

any documents that demonstrate that Remigio Chapa owed back taxes) David Montejano makes it clear that these sales were quasi-legal at best, attempts to smear a thin veneer of legality over, what in essence, is a land grab. For example, he cites a Hidalgo county sheriff's sale in 1877 that unloaded 3,000 acres of land for a mere \$15.00.³² An 1877 sales dispossess the same landowner of 4,000 acres for a paltry sum of \$17.15. (In comparison, we found a nearby 5,759 acre property that sold in 1882 for \$4,200.00).³³ Montejano calls these sheriff sales "suspect", an assessment that we endorse with the proviso that it is an understatement.³⁴ Finally, Montejano also notes that aside from settling back taxes, quitclaims were used in 19th century south Texas to settle private debts.³⁵ We have found no evidence that Remigio Chapa was in debt to anyone.

What we did find was that the quitclaim instrument that relieved Remigio Chapa of the La Barreta/Mesquite Rincon property was written and certified by Adolphus Glaevecke, the same clerk caught up in the fraud investigations launched by both the US congress and local officials.³⁶ Glaevecke was also a known associate of Mifflin Kenedy, the man who would eventually end up with the land. Out of curiosity, we examined five other quitclaim deeds written by Glaevecke over the course of his career.³⁷ They appear to conform to all legal requirements, such as having signatures of the sellers, witnesses, and appropriate words of conveyance. Yet when we set the quitclaim instrument appropriating Remigio Chapa's land next to the five perfectly legal-appearing documents, numerous discrepancies stand out.

The document, handwritten by Adolphus Glaevecke, as we mentioned, lacks Remigio Chapa's signature. Instead, the name Remigio Chapa is obviously written in the handwriting of Adolphus Glaevecke. Second, there are no signatures of witnesses. Third, the operative words documenting a transfer of funds are elusive. Most quitclaims of the era in question contain the amount of money followed by the phrase "in hand paid by" followed by the seller's name. Chapa to Miller lists the vague term "for and in consideration" alongside a price of \$600.00. The actual words of conveyance are equally irregular. A valid instrument has clear and appropriate words of conveyance. The Chapa to Miller document states "I do hereby convey, revise, release and forever quit claim." Yet this particular phrase does not appear in similar quitclaims with which we

are familiar. Finally, the document is written in English,³⁸ a language that Remigio may not have understood.

Robert Miller himself may have been an entirely fictitious character. It was difficult to detect any other traces of him in prominent local registries³⁹ and our (admittedly problematic) searches through the genealogy databases maintained by the LDS church ⁴⁰ and Ancestry.com ⁴¹ also failed to provide us with convincing evidence for his existence. We would not be surprised if he turned out to be an invention of Stillman and Kenedy, used as a buffer to protect themselves from future charges of fraud. Regardless of whether Miller was real or a hand-puppet, our working hypothesis is that his role was simply to act as a buffer and then sell the land to Kenedy via Robert R. Savage. If subsequent investigations determined that Miller had stolen the land from Chapa, then he (Miller) would be culpable instead of Kenedy or Savage.

On February 7, 1884, Miller sold the land to Robert R. Savage, 42 who turned around and sold it to Mifflin Kenedy on the same day. 43 Savage's role may have been that of yet another "insurance" buffer. Table 1 (below) summarizes the three land transfers that were instrumental in dispossessing Remigio Chapa's land.

Table 1: The Appropriation of Remigio Chapa's Land 44

Date	Туре	Granter	Grantee
12/1/1876	Quitclaim	Remigio Chapa	Robert C. Miller
2/7/1884	General Warranty	Robert C. Miller	Robert R. Savage
2/7/1884	Special Warranty	Robert R. Savage	Mifflin Kenedy

To summarize: the quitclaim instrument is likely a fraudulent document altogether, or at the very least a tool wielded in a farcical sheriff's sale. The weight of evidence supports the former conclusion. The architect of the fraudulent document, Adolphus Glaevecke, has been documented to be a partner in crime with Mifflin Kenedy in a vast horse theft ring spanning across the Rio Grande Valley deep into southern Mexico.⁴⁵ Our interpretation is that this criminality involved a wider land theft conspiracy as well. At the very least, we believe that Adolphus Glaevecke and Robert C. Miller knowingly stole Remigio Chapa's land. The

mysterious identity of Robert C. Miller and the flurry of sales gives us glimpses of a wider conspiracy, the ultimate beneficiary being none other than Mifflin Kenedy. If our analysis is correct, Remigio's land must have been stolen.

Discussion and Conclusion

David Montejano presents the interesting thesis that the land-based Mexican ranchers holding property in 19th century south Texas were more vulnerable to poor market conditions than their commerce-driven Anglo rivals. As a result, they were more likely to sell their lands during "bust" market conditions. Montejano's review of land sales to the King ranch found that Anglos were indeed more likely to sell during the boom years of 1875-1885, while Mexicans sold more in the bust years of 1886-1896. We note that Remigio's sale occurred during the good years, a time in which there should have been minimum desire on his family's part to voluntarily sell the land. Simply put, the Chapa Guerra sale fits in poorly with Montejano's "boom and bust" thesis.

While mulling over the rolls that legality and fraud played in Latino land displacement, Montejano decides that the distinction ultimately has limited explanatory value. Both legal and illegal methods were employed with tactical precision depending on the unique political circumstances surrounding any given land transaction. Powerful economic forces within the wider market economy would eventually make outright fraud less common.⁴⁷ If Carl von Clausewitz said that war is a mere continuation of politics by other means,⁴⁸ we could pose an analogy: in 19th century south Texas, fraud was just business conducted by other means.

However, we respectfully disagree with Montejano's contention that the legal status of the transactions is largely moot, because we note that the matter is not wholly academic. It has real world implications for those litigants (and potential litigants) who may yet be awarded compensation by the courts, to be paid by institutions such as the John G. and Marie Stella Kenedy Memorial Foundation. A long list of claims were filed against the Kenedys in the 19th century ⁴⁹ and new claims have been filed in the 20th and 21st centuries.⁵⁰ And surely, the manner in which sheriff's sales were conducted in south Texas signals illegitimacy. The issue warrants investigation. The matter is particularly important when one notes that

the largely Latino population of deep south Texas exhibits some of the highest indices of poverty and marginality in the USA.⁵¹ Some of their ancestors were victims of fraud. We believe that was the case with Remigio Chapa.

Endnotes

- 1. Jane Clements Monday and Betty Bailey Colley, *Voices from the Wild Horse Desert: The Vaquero Families of the King and Kenedy Ranches,* (Austin: University of Texas Press, 2003).
 - 2. Clements Monday and Bailey Colley, Voices, 7.
- 3. Armando C Alonso, *Tejano Legacy: Rancheros and Settlers in South Texas,* 1734-1900 (Albuquerque: University of New Mexico Press, 1998). See *Review of Tejano Legacy: Rancheros and Settlers in South Texas,* 1734-1900 from Leslie Gene Hunter. 1998 (H-Texas) http://www.h-net.org/reviews [Accessed August 8, 2011] for a positive review of Alonso's work.
 - 4. Alonso, Tejano Legacy.
- 5. John Mason Hart, Revolutionary Mexico: The Coming and Process of the Mexican Revolution (Berkeley: University of California Press, 1987). 111.
 - 6. Hart, Revolutionary Mexico, 115.
- 7. This assertion is based on our own understanding of attitudes within south Texas society. Note that two of the co-authors (Names deleted) are Latinos with deep roots in Cameron county.
- 8. Juan Bautista Chapa, *Texas and Northeastern Mexico*, *1630-1690* (Austin: University of Texas Press, 1997).
- 9. See Texas General Land Office Archives and Records Division, *Guide to Spanish and Mexican Land Grants in South Texas* (Austin: Texas General Land Office Archives and Records Division , 2003) for an overview of the scope and nature of the grants.
 - 10. Alonso, Tejano Legacy, 84.
- 11. United States Printing Office, *Congressional Serial Set* (Washington: United States Printing Office, 1876), 117.
- 12. General Warranty Deed, Juan N. Cavazos to Remigio Chapa Guerra, September 18, 1871, Book C: pp. 249-250, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas.
- 13. David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1987), 31.
- 14. Comisión Pesqusidora de la de la Frontera del Norte, Reports of the Committee of Investigation sent in 1873 by the Mexican Senate to the Frontier of Texas (New York: Baker and Bodun, 1875), 83.
- 15. Comisión Pesqusidora de la de la Frontera del Norte, *Reports of the Committee*.
- 16. Quitclaim deed, Remigio Chapa Guerra to Richard C. Miller, December 1, 1876, Book D: pp. 559-560, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas.
- 17. US House of Representatives, Reports of Committees of the House of Representatives made during the 34th Congress, vols. 1-3 (Washington: Cornelius-Wendel, 1857).

- 18. New York Times, August 18, 1860.
- 19. Comisión Pesqusidora de la de la Frontera del Norte, *Reports of the Committee*.
 - 20. Montejano, Anglos and Mexicans, 32.
 - 21. Name deleted for anonymous review purposes.
- 22. Comisión Pesqusidora de la de la Frontera del Norte, *Reports of the Committee*.
 - 23. Hart, Revolutionary Mexico, 116.
- 24. Comisión Pesqusidora de la de la Frontera del Norte, *Reports of the Committee*.
 - 25. Hart, Revolutionary Mexico, 118-119.
- 26. General Warranty Deed, Juan N. Cavazos to Remigio Chapa Guerra, September 18, 1871, Book C: pp. 249-250, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas.
- 27. Luciano Sierra Valerio to Name Deleted, August 16, 2011. The information about Remigio Chapa Guerra's health is part of the oral history tradition within the Sierra family. His stroke and virtual paralysis are difficult to document outside of the confines of oral history. For the sake of full disclosure, we point out that two of the co-authors (Names deleted) are descendents of Remigio Chapa Guerra.
- 28. Quitclaim Deed, Remigio Chapa Guerra to Richard C. Miller, December 1, 1876, Book D: pp. 559-560, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas.
- 29. "Quitclaim" Wikipedia.com,http://www.wikipedia.com [Accessed August 13, 2011].
- 30. "Quitclaim" Wikipedia.com,http://wikipedia.com [Accessed August 13, 2011].
 - 31. Manuel Saenz, to the authors, August 16, 2011.
 - 32. Montejano, Anglos and Mexicans, 52.
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 - 34. Montejano, Anglos and Mexicans, 52.
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- 36. Quitclaim deed, Remigio Chapa Guerra to Richard C. Miller, December 1, 1876, Book D: pp. 559-560, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas.
- 37. Quitclaim deed, Juan de Dios Fernandez to H.E. Woodward and Company, June 29, 1876, Book D: pp. 685-686, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas; Quitclaim deed, City of Brownsville to Robert Kingsburg et. al, February 10, 1877, Book D: pp. 593-594, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas; Quitclaim deed, Ignacio E. Rocha and Harriet Leek to Thomas A. McFarline, April 25, 1876, Book D: p. 462, Supplemental Deed Record, Cameron County

Courthouse, Brownsville, Texas; Quitclaim deed, Andres Cantu to Benita de la Garza et. al, September 14, 1876, Book D: pp. 523-524, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas; Quitclaim deed, Juan de Dios Fernandez and Pilar Melendez to Jeramiah Galvan, October 12, 1877, Book D: p. 761, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas.

- 38. Quitclaim deed, Remigio Chapa Guerra to Richard C. Miller, December 1, 1876, Book D: pp. 559-560, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas.
- 39. *General Index to Deeds*, Cameron County Courthouse, Brownsville, Texas.
- 40. New.familysearch.orghttp://new.familysearch.org< August 11, 2011].
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- 43. Special Warranty Deed, Robert R. Savage to Mifflin Kenedy, February 7, 1884, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas.
- 44. Quitclaim Deed, Remigio Chapa Guerra to Richard C. Miller, December 1, 1876, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas; General Warranty Deed, Richard C. Miller to Robert R. Savage, February 7, 1884, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas; Special Warranty Deed, Robert R. Savage to Mifflin Kenedy, February 7, 1884, Supplemental Deed Record, Cameron County Courthouse, Brownsville, Texas.
- 45. Comisión Pesqusidora de la de la Frontera del Norte, *Reports of the Committee*.
 - 46. Montejano, Anglos and Mexicans, 59-69.
 - 47. Montejano, Anglos and Mexicans, 51-53.
- 48. Carl von Clausewitz, *On War* (London: Keegan Paul, Trench, Trubner and Company, 1918).
 - 49. Hart, Revolutionary Mexico, 116.
- 50. The New York Times, July 14, 1997; Galen Graser, Graser, Galen, Chain of Title State vs. Spohn, 2005, Court case state evidence. Archived document on file at the home of Elmer Sierra, Cameron County, Texas.
- 51. Chad Richerson, *Batos, Bolillos, Pechos, and Pelados: Class and Culture on the South Texas Border*. (Austin: University of Texas Press, 1999); Peter Ward, *Colonias and Public Policy in Texas and Mexico: Urbanization by Stealth* (Austin: University of Texas Press, 1999).

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Elmer Sierra (B.S., University of Texas at Brownsville, 1995) was trained as a biologist and has written various government reports analyzing the ecology of the Rio Grande Valley and the adjacent marine environment. Most notably, he has researched sea turtle ecology, with his findings published in Patrick Burchfield's (ed.) The Kemp Ridley Sea Turtle and Other Species. Aside from biology, he maintains research interests in the history of South Texas.

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Amy Frazier (M.A., University of Texas at Brownsville, 1995) is an Associate Master Technical Instructor in the English Department at the University of Texas at Brownsville. She maintains research interests in both Texas and world history and western literature. The results of her previous historical research on South Texas appeared in Kearnery, Knopp, and Zavaleta's (eds.) Continuing Studies in Rio Grande Valley History. Aside from her historical research, she is active in creative writing projects.