

draftsman."

02-24-1840 First sale of outlots. In division Z (the land west of Shoal Creek) only lot 1 was sold. Apparently only a portion of the government tract had been surveyed in time for the sale.

02-28-1840 Wm. H. Sandusky signs a receipt for \$120 for making a "Topographical Map of the Tract adjoining the City of Austin." The receipt contains this note: "The above described map was made for the purpose of exhibiting the surveyed portion of the tract in time for the sale Feby 24--1840."

07-06-1840 Second sale of outlots. Lots 2 through 10 of division Z are sold to various individuals.

07-09-1840 Wm. H. Sandusky signs a receipt for \$500 "on account of making maps of the tract adjoining the City of Austin." This is presumably for the three maps called for in the resolution.

SANI

GORDON'S 1840

GARDEN

1840

Orig
Govt
Topographical Map Of The City Of Austin." There are different "editions" of the Sandusky Map. Besides the original (which I haven't yet located) there are copies made in 1863, 1904, 1931, and 1947. These later copies show the outlots, including outlot 11 of division Z. South of outlots 1 and 11 of division Z is an area designated "Reserve" extending to the north bank of the river. The southern boundary of outlot 1 is a straight line. There is no straight-line southern boundary to outlot 11. The map does show a row of short lines which presumably represent the bluff of the river. This row of lines extends from far west of outlot 11 eastward to West Avenue. The field notes by the surveyor of the outlots were reportedly destroyed.

NOTE: On the original 1840 Sandusky map, Outlot 11 of division Z was apparently not delineated. It seems to have been part of the land reserved for "public purposes." See 11-__-1840 entry below.

GORDON'S GARDEN

11-__-1840 Thomas G. Gordon petitions Congress to sell him a tract of land which later became outlot 11 of division Z. According to the petition, Gordon began living on the land in January, 1840. He "built houses and fences" and began cultivating a garden. He had been assured earlier by a government agent that the land would be surveyed and offered for

sale. "But for some cause, or mistake, in the surveyor, said ground has not been surveyed, nor exposed to sale; and your petitioner will suffer great loss, if compelled to remove his houses, enclosures, and fixtures from said ground" Appended to his petition was a letter dated Jan. 21, 1840, from James H. Starr, Secretary of the Treasury. Gordon had requested permission to continue occupying "the Penitentiary Reserve in this City, and a portion of the public tract adjoining, until the same shall be sold or required for other purposes by the Government." Starr writes that "so far as I am authorized to grant this privilege it is extended to you." Also appended to the petition is a letter dated November 9, 1840, from M. B. Lamar, praising a garden Gordon had kept in Columbus, Georgia. Lamar states that he thinks Gordon would make a garden beneficial to the city and the country "if suitable encouragement be given him." The petition includes a map, apparently traced from the Sandusky map, designating the land sought as "Gordon's Garden."

late 1840,
early 1841

Thomas G. Gordon dies.

01-09-1841

D. G. Burnet approves an act authorizing the secretary of the treasury to sell most of the publicly owned lots in the original City south of Pecan Street. (2 Gammel 488). It's unclear to me whether this includes Penitentiary Square and the river front.

01-25-1841

David G. Burnet approves an act "For the Relief of Francis C. Gordon." The act sells to her the land Thomas petitioned for, "provided the quantity shall not exceed Sixty Acres." The price is \$3000, to be paid in installments as for other lots sold in and around Austin. The act states "That it shall be the duty of said Francis C. Gordon, to have said lot surveyed within twenty days after the passage of this law, by the County Surveyor, and the expenses thereof shall be deducted out of the first payemnt on said Lot, and said Francis C. Gordon, shall within ten days after said survey, pay into the Treasury the balance of the first installment, and obtain a certificate for said Lot or parcel of land."

04-22-1841

Someone (whose name I haven't deciphered) signs a statement on a piece of paper entitled "Lots sold by acts of Congress." The person's title seems to be chief clerk, Treasury Department. Three outlots are listed:

Division	Lot	Names of Purchasers	1st Instal
Z	11	Francis C. Gordon	750.00
E	2	George Oatmeal	36.50
E	1	David Thomas	217.50

Under the columns for the other installments on Gordon's lot appear the words "note for 2, 3, & 4th instls." Just above the person's signature appears this note: "Surveyors receipts deducted from each of the above as per acts of Congress for their relief."

NOTE: I have searched the records of the GLO and the County Surveyor but I have not been able to find a copy of the survey of "Gordon's Garden." (I did find a survey for an "A. M. Gordon" listed in an index book to the county surveys. However, the corresponding page was missing from the book of surveys.) It appears that a D. K. Webb was the county surveyor then. If we could find this survey, it would tell us, among other things, where the southern boundary (i.e., 60 yards below the bluff) was in 1841. I doubt that the bluff moved much from 1841 to 1848, when outlot 11 was repossessed for nonpayment of the remaining installments and James H. Raymond bought it. See below.

08-25-1841 J.A. Caldwell, as agent for Francis C. Gordon, signs a promissory note, due in 12 months, for \$750 as the second installment on outlot 11.

01-17-1842 "James A. Coldwell by attorny W.W. Massie as Admistrater of the Estate of Francis C. Gordon" signs a promissory note, due in 12 months, for \$2250 for the second, third, and fourth installments on outlot 11.

NOTE: I have found no record of these notes' having been paid. Over the years (until 1848), Congress and then the Legislature kept extending the time for purchasers to make their payments on Austin lots and outlots.

1845 Constitution of the new State of Texas provides in Article Thirteen, Section 3, that "All laws and parts of laws now in force in the Republic of Texas, which are not repugnant to the Constitution of the United States, the Joint resolutions for annexing Texas to the United States, or to the provisions of this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature thereof." (2 Gammel 1299)

03-15-1848 An ^{insert} act of the Texas Legislature provides that those lots and outlots of the City being purchased on time