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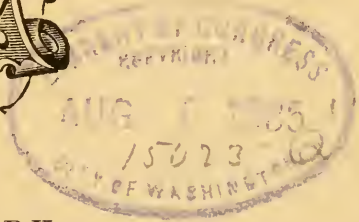
HISTORY OF TEXAS,

FROM THE EARLIEST SETTLEMENTS TO THE YEAR 1885; WITH AN
APPENDIX CONTAINING THE CONSTITUTION OF THE STATE
OF TEXAS, ADOPTED NOVEMBER, 1875, AND
THE AMENDMENTS OF 1883.

FOR USE IN SCHOOLS, AND FOR GENERAL READERS.

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H. S. THRALL, A.M.



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P R E F A C E.

IN this volume the aim of the author has been to give a clear, concise, and accurate history of Texas. The book is designed for the school-room as well as for the general reader. This design precluded elaborate discussions and minuteness of details. Only important facts and incidents are noted, and these are condensed into the smallest practicable compass.

In preparing this history, the author has freely consulted the works of Yoakum, Kennedy, Foote, Holley, and all other reliable sources of information bearing upon the subject. He has also conversed freely and fully with many of that large and honorable class, now so rapidly disappearing from the walks of the living—THE TEXAS VETERANS.

It has been the good fortune of the writer to enjoy the personal friendship of nearly every one who has filled the executive chair, from the organization of the government to the present time, including Governors Smith and Robinson, appointed by the Consultation in 1835; President Burnet, of the government *ad interim*; all the Presidents of the Republic previous to annexation, and the Governors of the State since that period. He cherishes for these great and good men a profound veneration, and would earnestly commend to the youth of the State the study of their lives, and

an ardent attachment to the political institutions they have bequeathed to posterity.

The history of Texas possesses a peculiar interest. The contests for the possession of the country; the grand old mission structures erected for the conversion of the natives; the numerous changes of government, give to our history an air of romance.

In the summary of events in this volume these interesting topics are only briefly noticed; but it is hoped this recital will stimulate many to a more thorough investigation into the heroic period of our history.

H. S. THRALL.

SAN ANTONIO, July 1, 1876.

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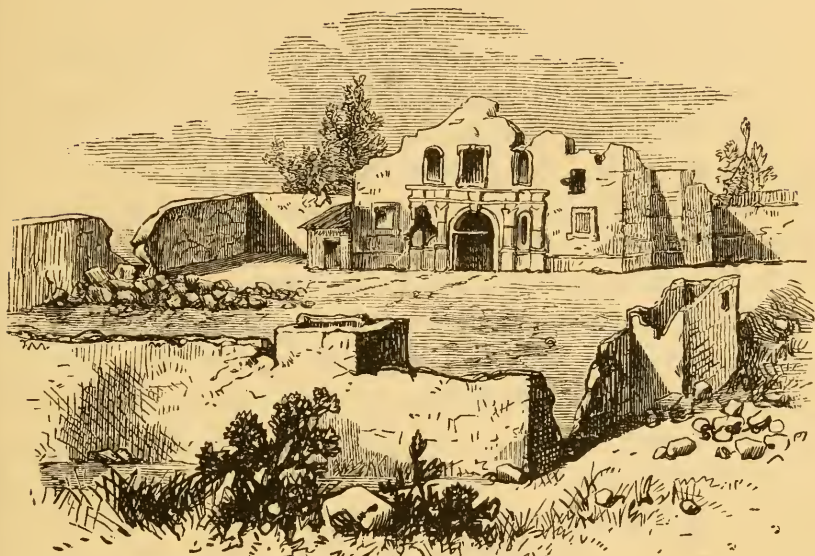
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HISTORY OF TEXAS.



RUINS OF THE ALAMO—1837.

PERIOD I.

THE ESTABLISHMENT OF MISSIONS.

FROM THE LANDING OF LA SALLE, IN 1685, TO THE TREATY BETWEEN
THE UNITED STATES AND SPAIN, IN 1819.—TEXAS A PROVINCE
OF SPAIN.

SECTION I.

LANDING OF LA SALLE.—HIS SUBSEQUENT MOVEMENTS
AND DEATH.

1. THE coast of Texas was visited by Robert, Cavalier de La Salle, on the 16th of February, 1685. La Salle sailed

Section I.—1. When did La Salle land in Texas? At what point? What became of La Salle's principal ships?

from France with four ships, and upward of three hundred persons, to plant a colony at the mouth of the Mississippi. Misled by inaccurate charts, the fleet sailed too far to the westward, and entered a bay named by the French San Bernardo, since called Matagorda. A succession of disasters befell the expedition. One of the vessels was captured by the Spaniards, on the outward voyage. Another was wrecked in attempting to cross the bar. Early in March, the naval commander, in a pet, sailed for France in a third. The Indians, at first friendly, soon became hostile, and some of the French fell victims to their tomahawks.

2. To secure a more eligible site for a permanent fort, La Salle crossed the bay, and ascended a river which, from the buffalo upon its banks, he named Les Vaches (*Lavaca*). Here he erected Fort St. Louis, since known as Dimmit's Point. The transfer of the colonists, and the erection of necessary buildings, occupied the summer months. In October, La Salle, with some companions, started eastward by land to find the Mississippi. The only remaining vessel, the *Belle*, was sent across the bay and lost in a gale. After weeks of absence, in which the Colorado was discovered, La Salle returned and found his colony in a languishing condition. Many were sick, some had died, provisions were becoming scarce, and some of the reckless adventurers began to exhibit signs of mutiny.

3. Relief must be obtained, and La Salle determined to cross the country to the French settlements in Illinois. He started on the 22d of April, 1686, with twenty picked men. The country was flat, and the numerous streams swollen by spring rains. While at a village of the Nassonite Indians, on the Neches (*nay'-ches*) River, La Salle and his

2. Where did he erect his fort? What became of his only remaining vessel?

3. How did La Salle propose to reach his countrymen? When did he start? Why did he return to Fort St. Louis?

nephew were attacked with fever. When they had sufficiently recovered to resume their journey, it was found that their ammunition was nearly exhausted, and it would be necessary to return to Fort St. Louis for a fresh supply. Only eight men survived to reach the fort, on the 22d of October.

4. The number in the fort had also greatly diminished. But La Salle again started across the continent, taking, as before, twenty companions. They left on the 12th of January, 1687. Fort St. Louis, with its small garrison of twenty persons, including seven women, was left in charge of Barbier, who had married one of the maidens that came out from France. La Salle had reached the neighborhood of his former encampment on the Neches, when a mutiny broke out, and he was cruelly assassinated by one of his own men. This was about the 16th of March. The feeble fort was soon afterwards attacked by the Caranchuas, and its inhabitants killed or captured.

SECTION II.

THE SPANIARDS IN TEXAS.—EL PASO.—SANTA FE.—DE LEON.—INDIAN TRIBES.

1. THE country, thus temporarily occupied by the French, was claimed by the King of Spain. As early as 1582, a company of Spaniards, under Espejo (*ays-pay'ho*), visited the upper Rio Grande, and established missions at El Paso (*ayl pah'so*) and Santa Fé. When the Viceroy of Mexico heard of the landing of La Salle, a small force was sent to dislodge

4. When did he start the second time? Give the particulars of his death. What became of the fort?

Section II.—1. What European sovereign claimed Texas? Where had the Spaniards established missions? Who was sent into Texas by the Viceroy of Mexico?

him, under the command of Captain Alonzo De Leon (*day lay'-on*). As De Leon advanced into the country, he took pains to conciliate the natives. He found Fort St. Louis in ruins, but recovered a few of the French from the Indians, and humanely sent them to their friends.

2. When Texas was first visited by Europeans, it was occupied by various tribes of Aborigines. The Cennis, Nasonites, Nacogdo'ches, Anadaquas (*ah-nah-dah'quahs*), Ayish, Ytass'ies, Tehas (*tay'-hahs*), etc., inhabited the territory between Buffalo Bayou and the Sabine. They lived in villages, possessed domestic animals, and cultivated patches of corn, beans, potatoes, pumpkins, and a variety of garden vegetables. When La Salle reached the villages of the Nasonites, he was hospitably entertained, and furnished with horses and provisions to continue his journey. These Indians were supposed to belong to the same race with the Aztecs of Mexico.

3. A number of nomadic tribes roamed over the western prairies, who subsisted by hunting and fishing. The Caranchuas, a tall, athletic, and warlike race, lived upon the coast. The Comanches occupied the country between the Brazos and Guadalupe (*gwhah-dah-loo'pay*) rivers, with their main lodges on the upper Colorado. Then, as now, this tribe lived mostly by plunder. They have been called the "Arabs of the prairies." The Apaches hunted over the highlands between the San Saba and the Rio Grande, with their headquarters about the Bandera (*bahn-day'-rah*) Pass. The principal village of the Wacoos was on the Brazos (*brah'zos*), where a city of the same name now stands. The Tehuacanas (*tay-whah'-cah-nahs*) gave their name to a range of hills in Limestone county. The Lipans', Ton'kawas, and Musclar'oes, were small and kindred tribes.

2. Name some of the Indian tribes of East Texas. How did they live?

3. What tribe lived on the coast? Where were the main lodges of the Comanches? The Apaches? Wacoos? Tehuacanas?

4. It has been said these prairie Indians were cannibals. This is probably a mistake. In their war dances, they sometimes tasted morsels of the flesh, and perhaps of the blood, of their enemies. This was done to make them more courageous. Those best acquainted with the manners and customs of these tribes, say they never used human flesh as food.

SECTION III.

MISSION ESTABLISHMENTS.—THEIR OBJECT.—HOW CONDUCTED.—PRESIDIOS.

1. THE Europeans, in coming to this continent, had two objects in view. First, the acquisition of territory for their respective sovereigns. Second, the conversion of the natives to Christianity. The establishment of missions, it was thought, would accomplish both these objects. Possession of the country was secured, and many of the Indians received Christian baptism, and gradually adopted the habits of civilized life. In Texas, these missions were under the supervision of monks of the order of St. Francis. In the west, points were selected capable of irrigation, and a tract of land, several miles square, was given to each establishment. The Fathers, with a few domestics and soldiers, took possession, and by persuasion or by force, Indians were induced to congregate in the neighborhood.

2. A substantial house (generally of stone) was erected, which answered the double purpose of a place of worship in time of peace, and a fortress for defense in time of danger.

4. Were the Indians cannibals?

Section III.—1. What objects did the Europeans propose to accomplish in coming to America? How did the establishment of missions aid them?

2. What purposes did the mission church serve?

Suitable houses were also built for the priests, and rude huts for the Indians, who were employed in taking care of stock, and cultivating the ground to supply food. In return for this comparatively light labor, the Indians received religious instruction, food, and clothing.

3. These domesticated Indians were called *In'diōs redu'-cidōs*, while those who still remained in their savage state were called *In'diōs brä'vōs*. If a mission proved prosperous, and a considerable population collected around it, it was erected into a *presidio*, and finally into a village or city. In Mexico, and other States of Central and South America, these missions were instrumental in converting almost the entire native population to Christianity, and since the establishment of republican institutions in those countries, full blooded Indians have risen to the highest offices in the various departments of their respective governments.

SECTION IV.

DATES OF THE PRINCIPAL MISSIONS IN TEXAS.—MISSIONS SECULARIZED.

1. UNDER the direction of De Leon, who again visited Texas in 1690, a mission was established at Presidio (*pray-see'-de-o*), on the Rio Grande, and preparations made for another, at Fort St. Louis. Missions were also projected at other points. In 1691, Domingo Teran succeeded De Leon as military commander at Monclova. Teran took measures to plant settlements in Texas.

3. What name was given to domesticated Indians? To wild Indians? How was a presidio formed? What was the effect of these missions in Central and South America?

Section IV.—1. In what year was the mission at Presidio commenced?

2. In 1692, a village called San Fernandes (now San Antonio), was begun near the head of the San Antonio River. Besides fathers for the missions, Teran sent into the province soldiers, accompanied with laborers, who brought cattle for domestic use, and seeds for planting. The Mission San Antonio de Valero was commenced on the Rio Grande in 1703, and removed to the San Antonio River in 1715, and to the plaza, in the city, in 1718. In 1714, Don Domingo Ramon, to secure a settlement on the Guadalupe River, and for the irrigation of the valley, projected the Mission Nuestra Señora de Guadalupe (Mission Valley). In 1715, Ramon also commenced missions at La Bahia (*lah-bah-hee'-ah*), Nacogdo'ches, on Ayish Bayou, and at Adaes, on the east side of the Sabine.

3. San Antonio was erected into a *presidio* November 28, 1730, and the next year, under orders from the King of Spain, citizens for the new city were brought from the Canary Islands. The transportation of sixteen families, consisting of fifty-seven persons, cost the royal treasury \$72,000. On the 5th of March, 1731, was laid the foundation of La Purisima Concepcion, and during this period of prosperity, the Missions la Espa'da (*lah ays-pah'-dah*), San Juan, and San José were commenced. The foundation of the Al'amo was laid in 1744.

4. In 1734, a mission was established among the Comanches on the San Saba (*sah'bah*) River. In 1758, a rich silver mine was discovered in the neighborhood. This collected a large number of miners. The miners and the Indians quarrelled. To avenge some real or fancied wrong, at

2. In what year was San Antonio settled? When was the mission San Antonio commenced? When was it located in the city? What mission was projected in 1714? What missions were commenced in 1715?

3. When was San Antonio erected into a *presidio*? Give the date of the foundation of the mission Concepcion. The Alamo.

4. When was the San Saba mission established? When broken up?

a time when all the soldiers were absent, the savages fell upon the defenseless missionaries, and put them all to death.

5. In 1778, Señor Gil y Barbo laid the foundation of the old stone house in Nacogdoches; and in 1790, the Mission of our Lady of Refuge, Refugio (*ray-foo'-yeo*), was commenced. This was the last mission undertaken by the Franciscans in Texas. For a century they had labored for the civilization of the Indians. Some of their mission churches have disappeared. Other massive structures still stand, monuments of the religious zeal and enterprise of their founders.

6. On the 8th of April, 1794, Don Pedro de Nava, Governor of Chihuahua (*chee-whah'-whah*), issued a decree secularizing all the Texas missions, thus transferring them from the control of the monastic orders to the regular clergy. Texas was, at that time, under the jurisdiction of the bishop of Guadalajara (*gwah-dah-lah-hah'-rah*). In 1805, it was included in the new bishopric of Nueva Leon, and the bishop, Don Primus Feliciano Maria, paid a visit to the province in company with Governor Cordero. He brought with him a number of priests for the various missions.

SECTION V.

THE FRENCH AGAIN IN TEXAS.—CROZAT.—ST. DENIS.—
LA HARPE.—BELISLE.—SPANISH GARRISONS.

1. UNDER the right of prior discovery by La Salle, the French still laid claim to the country. By a royal charter,

5. When was the stone house built in Nacogdoches? When was mission Refugio commenced?

6. When were the missions secularized? What Bishop visited Texas in 1805?

Section V.—1. To whom did Louis XIV, of France, give Louisiana?

dated September 14, 1712, Louis XIV. granted to Anthony Crozat the whole of Louisiana, including all the territory drained by the Mississippi. Crozat was an enterprising merchant, and hoped to build up a profitable trade with the northern provinces of Mexico, and, if practicable, carry on extensive mining operations.

2. Under the advice of Crozat, Condillac, then Governor of Louisiana, sent Huchereau St. Denis on a trading trip to Mexico. The company, consisting of twelve Frenchmen and a few friendly Indians, started from Natchitoches in August, 1714. They arrived safe on the Rio Grande, and were kindly received by the Spanish commander at Presidio, who hoped to derive a profit from the prospective trade. But when Gaspardo Anaya, Governor of Coahuila, heard of the arrival of the French, he ordered the whole party arrested. St. Denis did not long remain in prison, though it is uncertain how he obtained his liberty. He still maintained friendly relations with the commander at Presidio, and before leaving the Rio Grande, married the daughter of that officer.

3. In 1716, St. Denis again visited the Rio Grande with a supply of goods for traffic. This trip was more unfortunate than the first. The men to whom he entrusted his goods acted dishonestly, and he was again thrown into prison. A second time he made his escape, and, taking his wife with him, returned to Mobile, then the capital of Louisiana.

4. In 1718, the territory of Louisiana passed to the control of the Company of the Indies, of which John Law, the

2. Who was sent into Texas? When did St. Denis leave Natchitoches? How was he treated by Governor Anaya? To whom was St. Denis married?

3. When did he again visit the Rio Grande? Was that a fortunate trip?

4. What company controlled Louisiana in 1718? What European nations were engaged in war? What Frenchmen entered Texas? With whom did La Harpe find a refuge?

celebrated financier, was the leading spirit. In the latter part of this year, war broke out between France and Spain. As soon as this was known in America, St. Denis, then in command at Natchitoches, in conjunction with La Harpe, collected a few soldiers for the invasion of Texas. The French expelled the Spaniards from Nacogdoches, and advanced as far as San Antonio. Here they encountered an army of five hundred Spaniards, under Marquis de Aguayo, whom the Viceroy had sent to hold the Province. St. Denis hastily retreated to the Sabine. La Harpe, however, remained in Texas, having found a refuge in one of the villages of the Nassonites. He claimed the country for France, and carried on a lengthy correspondence with De Alarconne, the Spanish commander who succeeded De Aguayo. The controversy as to the ownership of Texas was kept up by different parties for more than a century.

5. In 1720, the Company of the Indies sent out an expedition to plant a colony at the mouth of the Mississippi. This fleet, like that brought out by La Salle, was driven too far to the westward, and also entered Matagorda Bay. While the captain of one of the vessels was taking in a supply of water, M. de Belisle and four companions went ashore to hunt. The hunters overstaying their time, were deserted by their countrymen. Belisle found his way to a Nassonite village, and contrived to send word to St. Denis at Natchitoches. The fate of his companions is involved in obscurity. The report that they immediately perished from starvation, in a country abounding in fish and game, is too incredible for belief.

6. The next year the governor of Louisiana sent a com-

5. What company attempted to plant a colony in Texas, in 1720 ? How came Belisle and his companions to be left ? Their fate ?

6. For what purpose did Belisle and La Harpe again enter Texas ? Did they succeed ? Where did Governor Aguayo place garrisons ?

pany, under Belisle and La Harpe, to form a settlement on Matagorda Bay. But while the Nassonites were friends of the French, the Caranchuas were allies of the Spaniards, and Belisle met with serious difficulties and his party soon returned to Louisiana, leaving Texas to the Spaniards. To secure the country, Governor Aguayo, in 1722, placed garrisons at the most important posts: one hundred at Adaes; twenty-five on the Neches; ninety at the Bay of San Bernardo (Matagorda), and fifty-three at San Antonio de Bexar.

SECTION VI.

INDIAN COALITION.—OWNERSHIP OF LOUISIANA.—TEXAS AT THE CLOSE OF THE EIGHTEENTH CENTURY.

1. In 1729, a number of powerful Indian tribes formed a coalition for the expulsion of all the Europeans from the country between the Mississippi and the Rio Grande. The Natchez and associate bands, were to fall upon the French in Louisiana, while the Comanches, Apaches, and other prairie tribes, were to expel the Spaniards from Texas.

2. The ever vigilant St. Denis, at Natchitoches, hearing of this coalition, did not wait to be attacked; but hastily collecting some troops, entered the territory of the Natchez, and dispersed them before they were prepared to resist him. The Spanish commander failed to act with equal promptness; and for two years the settlements in Texas were harassed by the Comanches, who sometimes ventured to the very walls of San Antonio. But, in 1732, Governor Bustillos

Section VI.—1. What league was formed by the Indians in 1729 ?

2. What measures did St. Dennis adopt ? Did the Spaniards act with equal vigor ? When did Bustillos chastise the Comanches

organized a military expedition, entered the Indian territory, chastised the savages, and secured peace to the settlements.

3. In 1762, France transferred her Louisiana possessions to Spain. This was a fortunate change for Texas, as all restrictions heretofore existing were removed from trade, which was freely carried on across the Sabine. Texas was attached to the Intendency of San Luis Potosi (*po-to-see*), commerce extended in that direction, and, upon the whole, this was an era of quiet and prosperity. In 1800, Spain retroceded Louisiana to France, and in 1803, Bonaparte sold it to the United States.

4. At the close of the eighteenth century Texas had no seaport, though her bays were occasionally visited by piratical vessels belonging to the buccaneers. On the Rio Grande, the towns of Presidio and El Paso had a settled population, and enjoyed many of the luxuries of life. Wheat was extensively cultivated; grapes grew luxuriantly, and the inhabitants were well supplied with garden vegetables and fruits. The interior of the country had a population estimated at about six thousand, of which one third were in San Antonio; and there were permanent settlements at Goliad, Nacogdoches, and some other points. Almonte estimated that at this period one hundred thousand cattle, and forty thousand horses, grazed upon its broad prairies.

5. But Texas was connected with Mexico, and under the dominion of a Spanish Viceroy, and Mexico herself already began to exhibit premonitory signs of a coming revolution. She felt the influence of the young republic which had grown up in North America, and was further affected by

3. To whom was Louisiana transferred in 1762? When was it again retroceded to France? When sold to the United States?

4. What vessels entered the harbors of Texas? What is said of the number and condition of its inhabitants at the close of the eighteenth century?

5. With what was Mexico threatened? Why?

the changes which the career of Bonaparte was producing in Europe. The Spanish authorities viewed the United States with distrust, especially after that government had acquired Louisiana and revived the French claim to Texas.

SECTION VII.

SPANISH JEALOUSY OF THE UNITED STATES.—PHILIP NOLAN.

—PIKE AND FREEMAN.—CORDERO AND HERRERA.—
WILKINSON.—HOSTILE FORCES ON THE SABINE.

1. The increasing prosperity of the American republic and the claim that Texas was included in the purchase of Louisiana, excited the jealousy of the Spaniards, who adopted a most proscriptive policy. They forbade any citizen of the United States from entering Spanish territory without a passport, and that could be obtained only by persons whose object was scientific exploration. This hostile feeling was well expressed by Don Salcedo, general of the Eastern Internal Provinces, who said that, "had he the power, he would stop even the birds from flying across the boundary line between the United States and Mexico."

2. Notwithstanding the hostility of the Spaniards, Americans occasionally entered Mexican territory. In 1800, Philip Nolan, Ellis P. Bean, and eighteen others left Natchez, Mississippi, avowedly to hunt wild horses in Texas. The Spanish Viceroy, believing that Nolan was engaged in some enterprise much more important than catching mustangs, sent word to the commander at Nacogdoches to arrest

Section VII.—1. How did the Spaniards regard the Americans? What did Salcedo say he would do if he had the power?

2. What party of Americans entered Texas in 1800? For what purpose?

him. Nolan evaded arrest by entering Texas higher up the country.

3. Arriving on the high prairies, between the Trinity and the Brazos, Nolan halted, erected a block-house, and commenced his preparations for securing a supply of horses. Here, on the 21st of March, 1801, he was discovered by Lieutenant Musquez, who, with about one hundred soldiers, had been dispatched from San Antonio for his capture. Nolan fell, mortally wounded, at the first fire. After continuing the fight for some time, Bean, upon whom the command devolved, surrendered, upon the promise that he and his party should be conducted back to Nacogdoches, liberated, and sent to the United States. But instead of being released, they were put in chains and marched on foot to the Rio Grande. Here they were long kept in different prisons, and it is believed Bean was the only one who ever revisited his native country.

4. In 1806, Lieutenant Zebulon M. Pike, of the U. S. Army, while out on an exploring tour towards the headwaters of the Rio Grande, was discovered by the Mexicans, arrested, deprived of his papers, and sent home under an escort who acted as spies upon his conduct. The next year, Colonel Freeman, sent out by President Jefferson to explore the Red River country, was also discovered by the Mexicans, arrested, and sent home.

5. To make sure of the possession of Texas, in 1805, Gov. Don Antonio Cordero advanced from La Bahia (now Goliad) to the Sabine with a military force to hold the country. The next year he was joined by Manuel de Salcedo, Captain

3. Where did Nolan's party erect their block-house? When was Nolan killed? What became of his companions?

4. How was Pike treated by the Mexicans? Freeman?

5. What Mexican officer entered Texas in 1805? By whom was he joined the next year? Where did Herrera establish his headquarters?

<http://stores.ebay.com/Ancestry-Found>
 General of the Eastern Internal Provinces, and Simon de Herrera, an experienced general and accomplished diplomatist. Herrera crossed the Sabine, and occupied the old Spanish post at Adaes. This post had been selected by the Spaniards before the boundary line between Texas and Louisiana was designated. This step of Herrera, added to other provocations, produced a warlike feeling in the United States, both with the government and people.

6. The message of President Jefferson, at the opening of Congress in December, 1805, was considered equivalent to a declaration of war with Spain. General Wilkinson, a zealous advocate for war, was in command at Natchitoches. Under his instructions, Governor Claiborne called out the militia of Louisiana to assist in driving the Spaniards across the Sabine. It was publicly stated that Herrera had peremptory orders to maintain his position.

7. At this juncture, when a collision seemed inevitable, the two commanders met, and by an adjustment, unexpected to all parties, preserved the peace. A narrow strip between the Sabine and a small bayou, called Arroyo Hondo, was designated as "neutral ground," not to be occupied by either party until the boundary line was finally settled.

SECTION VIII.

MAGEE'S EXPEDITION.—KEMPER.—PERRY.—BATTLE OF ROSILLO.—DEED OF HORROR.—BATTLES OF ALAZAN AND MEDINA.—HORRIBLE CRUELITIES.

1. The "neutral ground" becoming a place of resort for

6. What was the tone of President Jefferson's message? What American general commanded at Natchitoches?

7. How were hostilities prevented?

Section VIII.—1. What was the character of the population of the "neutral ground?" What purpose did Magee form? What was the name of the new organization?

lawless men and freebooters, the United States soldiers stationed at Natchitoches were frequently called upon to protect the caravans of merchants passing across the territory. One of the officers who assisted in breaking up this nest of robbers, was Lieutenant Augustus W. Magee. While thus engaged, Magee conceived the idea of organizing this floating and turbulent population into an army with which to revolutionize Texas, and rescue it from Mexican control. In this he was encouraged by Bernardo Gutierrez, a republican leader, formerly connected with Hidalgo, and who, after the fall of that chief, had made his home on the Sabine. The new organization took the name of the Republican Army of the North.

2. Magee was the controlling spirit, though Bernardo was the nominal commander. The republicans cherished a special hatred against the native Spaniards, who were called Gachupins (*gah'choo-peens*), and this is sometimes called the Gachupin war. Magee and his party, without opposition, took possession of Nacogdoches in July, 1812. In September the Republicans, to the number of about three hundred, moved to the west and entered Goliad; the small Spanish garrison retiring without a fight. On the 7th of November, Governor Salcedo and Gen. Herrera arrived in the neighborhood with troops from San Antonio. On the 20th, having received some field pieces, a vigorous but unsuccessful attack was made upon the town. The fight lasted nearly all day, the Spaniards suffering a severe loss.

3. Finding it impossible to take the place by storm, Herrera next attempted to starve out the garrison. In this he was equally unsuccessful. About the 1st of February,

2. Who accompanied Magee as nominal commander? When did the Republicans reach Goliad? When did Salcedo arrive? What occurred November 20?

3. What did Herrera next attempt? What is said of the battle February 14?

1813, Magee died, and was succeeded in command by Major Samuel Kemper. On the 14th of February another severe battle was fought. Three times during the day the Spaniards succeeded in getting inside the walls, and were as many times driven out with great slaughter. They soon afterwards abandoned the siege.

4. News of these successes brought large accessions to the republican ranks. One hundred and seventy-five Americans, and twenty-five Coshattie Indians, joined them from Nacogdoches. A reorganization of the army took place. Gutierrez was still nominally the commander. Kemper was elected Colonel, and Ross, Major. The republicans started at once for San Antonio. At the Salado they were reinforced by three hundred Lipan and Tonkawa Indians, under Captain McFarland. The army at that time numbered eight hundred Americans, three hundred and twenty-five Indians, and one hundred and eighty Mexicans.

5. The Spaniards had also been reinforced and numbered about two thousand. Salcedo did not wait to be attacked in San Antonio, but, confident of victory, on March 2, 1813, met the republicans at a place called Rosillo, about nine miles from the city, and took position in a chaparral to ambush the Americans. The latter discovered the enemy, and prepared for a vigorous charge. The republicans were again successful, defeating the royalists with great slaughter, and driving them in confusion back to the city. Many of the wounded, after surrendering, were dispatched by the Indians, who, in the hour of victory, were uncontrollable. In this fight the republicans lost nine killed and twenty-five

4 How was the republican army affected by their successes? After reorganizing, for what place did they march? Who joined them at the Salado? Total number of the Republican Army?

5. How many Spanish soldiers? Where and when was the battle fought? Give the particulars. When did the victors enter San Antonio?

wounded. The loss of the enemy was much greater. On the 5th of March, the victors marched in triumph into the town. When Salcedo surrendered his sword to Kemper, he paid a high compliment to the valor of the Americans.

6. After arriving in the city, Gutierrez, who had heretofore been comparatively passive, now that he was among his countrymen, began to exercise authority and organized a governing junta. Among the republican officers there was a Captain Delgado, whose father had been connected with the revolution under Hidalgo. When that chieftain was shot, the elder Delgado sought refuge in San Antonio. He was here seized by Governor Salcedo, beheaded, and his head stuck upon a pole at one of the public crossings of the river. The younger Delgado, to revenge his father's death, obtained a decree from Bernardo's governing junta for the execution of all the Spanish officers who had surrendered as prisoners of war. As he well knew the Americans would never consent to such a butchery, he conveyed them out of the city, under the pretext that they were on their way to the coast to be sent to New Orleans for safe keeping. When a few miles out they were halted, and all beheaded.*

7. This shameful act of bad faith induced Colonels Kemper, Ross, Hall, and many others, to abandon the republican cause in disgust. The Americans who remained elected Captain Perry commander.

8. A month later another Spanish army, said to number about three thousand, under Don y Elisondo, appeared on

* Among those thus butchered were Salcedo, governor of Texas; Simon de Herrera, governor of Nueva Leon, and his brother Colonel Geronimo Herrera; ex-Governor Cordero, and ten others, captains and lieutenants.

6. What was organized in the city What did the younger Delgado desire? How did he execute his horrible design?

7. What officers abandoned the republican ranks? Who was elected commander of the Americans?

8. What number of soldiers did Elisondo bring to San Antonio?

the heights of the Alazan, just west of San Antonio. So unexpected was the appearance of this new army, that a company of republicans, out grazing their cavalry horses, was surprised and made prisoners. Elisondo might at once have marched into the city, with scarcely a show of opposition; but he halted, and commenced throwing up breastworks. This gave the republicans time to organize. Perry rallied the Americans, while Bernardo, assisted by Captain Manchaca, an influential resident of the place, collected a considerable number of Mexicans.

9. About midnight, on the 4th of June, the republicans marched quietly out of the city, and waited in silence until daybreak, when a furious assault was made upon the hastily built breastworks. Encouraged by their leaders, the republicans entered the camp of the enemy, tore down the Spanish flag, and unfurled their own tri-color in its place. Elisondo rallied his men and re-took the breastworks. The battle raged for several hours with varying fortunes, but finally the desperate valor of the republicans prevailed, and the royalists retreated in disorder to the Rio Grande, leaving a thousand of their number either killed or wounded upon the battle-field.

10. After this battle, Gutierrez was again displaced from command, and with his family returned to his old home on the Sabine. About this time another distinguished officer appeared at San Antonio. This was Don Juan Alvarez Toledo, who was at once elected commander of the republicans. The Americans, demoralized by their splendid victories, were indulging in excesses in the city. Toledo was well assured that the royalists would return, and displayed considerable energy and capacity in preparing

9. Give the particulars of the battle of Alazan?

10. What became of Bernardo Gutierrez? Who became commander in his place?

for defense. He organized a governing junta and a city police, and restored the supremacy of civil law.

11. Unwilling to give up Texas, Arredondo, the commander of the Eastern Internal Provinces, collected another army of about four thousand, and marched rapidly for San Antonio. Arriving at the Medina, a few miles from the city, he halted and began to fortify. He erected breastworks in the shape of a < with the open end towards the city. The republicans were but poorly prepared to meet this new army. Toledo was a Gachupin, a class held in special detestation by many of the soldiers. The Mexicans thought Manchaca ought to be the commander, and they followed Toledo with reluctance.

12. Instead of awaiting an attack in the city, Toledo marched out, August 18th, to meet the royalists. Arredondo threw forward a line of skirmishers who were instructed, after a few shots, to retire and draw the republicans into the inclosed space within the breastworks. Toledo discovered the ambuscade, and ordered a halt, but the impetuous Americans, not understanding the reason for the order, rushed forward. Though many were slain, they held their ground with unflinching courage, and would, perhaps, have gained a victory, but in the heat of the battle one of the Mexican officers in their ranks deserted to the enemy. This traitor gave Arredondo information as to the strength and position of Toledo's army. The republicans, seeing themselves betrayed and surrounded by an exultant and overwhelming foe, were first thrown into disorder, and then suffered a terrible slaughter.

13. The victors inflicted horrible cruelties. Three hun-

11. What Spanish commander next entered Texas? With how many soldiers? Where did he fortify?

12. When was the battle of Medina fought? Give the particulars.

13. How did the Spaniards conduct themselves in the city? How many Americans escaped across the Sabine?

dred citizens, during a sultry August night, were crowded into a close room, where eighteen perished from suffocation. The most refined ladies were forced to grind corn for tortillas (*tor-tee'-yahs*, small cakes). Elisondo, chafing under his former defeat, pursued the fugitives with relentless fury. At the Spanish Bluff some seventy-five or eighty were overtaken and inhumanly butchered. Out of eight hundred and fifty Americans, only ninety-three are known certainly to have reached the Sabine River.*

SECTION IX.

AFFAIRS AT GALVESTON.—AURY.—SOTO LA MARINA.—
PERRY.—THE PIRATE LAFITTE.

1. It is uncertain when Galveston Island was first visited by Europeans. There are conjectures that Pinda was on it in 1519; and again, that after the death of De Soto, his party spent several days there in 1543. There is a stronger probability that La Salle, while hunting for the mouth of the Mississippi, in 1686, discovered the Island, and gave it the name of San Luis, a name still borne by a small island between Galveston and the mouth of the Brazos.

2. But at that early period the coast of Texas was but little known. La Salle placed the mouth of the Mississippi nearly two degrees too far south. Old maps place San An-

* It is uncertain who commanded the Americans in the battle of Medina. Rumor says that Perry, having been warned by a Mexican girl, whose confidence he had gained, that Lieutenant Musquez would desert, profited by the warning, and left before the battle. Kennedy says Kemper had returned and re-umed command. Two of the American captains, Bullard and Taylor, made their escape, the former severely wounded. Perry afterwards signred at Galveston and in Mina's expedition to Soto la Marina.

Section IX.—1. What Europeans are supposed to have visited Galveston in the sixteenth and in the seventeenth centuries?

2. Was the coast of Texas well known? Who occupied Galveston in 1816?

tonio nearly two degrees too far west. All conjectures as to the points on the Gulf visited by early navigators are uncertain. The buccaneers had discovered Galveston harbor, and occasionally entered it with their piratical vessels. In 1816, Commodore Louis De Aury, formerly of Carthagena, but who was then sailing under a commission from Señor Herrera, the Mexican republican ambassador at Washington, took possession of the Island. With a few vessels Aury preyed upon Spanish commerce on the Gulf. On the 24th of November he was reinforced by the arrival of the celebrated General Mina, who brought several additional vessels and some two hundred men. At the same time Colonel Perry had collected about one hundred men at Bolivar Point.

3. Learning from some of their cruisers that the town of Soto La Marina, on the Santander River, in Mexico, was in a defenseless condition, Aury and his companions resolved to make a descent upon the place. They sailed from Galveston April 6th, 1817. The town was taken without a fight. Soon afterwards a misunderstanding arose in reference to the command, and Aury, who controlled the fleet, returned to the Texas coast.

4. Perry, conceiving the force too small to maintain itself in the heart of Mexico, with fifty companions started back to Texas by land, a distance of five hundred miles, through the enemy's country. He reached the neighborhood of Goliad in safety, and might have passed on to the Sabine, but he halted before the place, and summoned the small garrison to surrender. While parleying with the commander of the post, a company of two hundred cavalry, sent by Arredondo to capture him, arrived, and he was thus at the same time attacked both in front and rear. Perry fought until

3. What town in Mexico did Aury determine to capture? Why did Aury retire?

4. What is said of Perry?

the last of his brave band fell by his side, when he drew his pistol and died by his own hand.

5. General Mina, even with his reduced force, gained some brilliant victories, but was finally captured and shot. Aury, instead of remaining on the Texas coast, went to assist Sir George McGregor in the conquest of Florida.

6. In 1817, when the celebrated buccaneer, Lafitte, was driven by the authorities of the United States from Barataria, he established himself on Galveston Island. Here he built a small village, which he named Campeachy. Lafitte styled himself governor of Galveston, and bore a commission, furnished him by Colonel Bean, as commodore in the navy of Republican Mexico. But the commerce of other nations besides Mexico suffered from the depredations of Lafitte's cruisers.

7. In 1821, the United States sent a naval force, under Lieutenant Kearny, to break up this band of semi-pirates. On the arrival of Kearny at Galveston, Lafitte disbanded his company and bade a final farewell to Texas.

SECTION X.

LONG'S EXPEDITION TO TEXAS.—DRIVEN OUT BY PEREZ.—RETURNS TO TEXAS.—AT GOLIAD.—AT MEXICO.—ASSASSINATED.

1. In 1819, an expedition for the invasion of Texas was organized at Natchez under the leadership of Dr. James Long. With seventy-five men Long started from Natchez on the 17th of June. Volunteers continued to flock to his

3. What is said of Mina? Of Aury?

6. Who occupied Galveston in 1817?

7. When did he leave the island?

Section X.—1. Where was Long's expedition organized?

standard, so that when he crossed the Sabine he had a force of three hundred.

2. At Nacogdoches he organized a provisional government, and also sent detachments of soldiers to occupy the trading posts in Eastern Texas, and the crossings of the rivers. Long himself went to Galveston, to secure the co-operation of Lafitte; but that wily chieftain, warned by the fate of Perry and Mina, declined to join in the new revolutionary movement. While at Galveston, Long heard that the officer left in command at Nacogdoches had become dissipated and the men demoralized, and he hastened back to correct these evils.

3. Arredondo was still in command at San Luis Potosi. As soon as he heard of the new invasion of Texas, he hastened forward a considerable force under Colonel Perez, to expel the invaders. Before Long arrived at Nacogdoches, on his return, Perez had reached the upper crossing of the Brazos, at Tenoxticlan. Captain Johnson and eleven other Americans, were captured. The rest of the garrison fled down the river to the lower crossing at Washington. They were so hotly pursued that they lost their baggage, and hastily retreated to the villages of the friendly Indians on the Trinity.

4. At Spanish Bluff, David Long, brother of the General, was killed, though a number of his men reached Nacogdoches in safety. Perez followed up the retreating Americans, and arrived at Nacogdoches so unexpectedly, that General Long and his family barely had time to escape across the Sabine. There were still a few of Long's men at the Ce-

2. Where did Long organize a provisional government?

3. Who was commander at San Luis Potosi? Whom did Arredondo send against Long?

4. What officer was killed at Spanish Bluff? How did General Long escape? Where did he rejoin his followers?

shattie village, on the Trinity. These escaped in canoes down the river to Bolivar Point. Here they were soon afterwards rejoined by Long, who had made his way through the swamps of Louisiana, and re-crossed the Sabine near the coast.

5. Not at all disheartened, the undaunted Long immediately commenced his preparations for another invasion. To obtain recruits and supplies, he visited New Orleans, where he met Palacios, one of the republican generals of Mexico, and Benjamin R. Milam, who were preparing for a descent upon Vera Cruz. Long succeeded in procuring a vessel and fifty-two men, and sailed down the coast of Texas to the mouth of the San Antonio river. Here he landed and proceeded to Goliad, and took possession of that town without opposition. A few days afterward, a company of soldiers from San Antonio surrounded the place. These soldiers professed to be republicans contending against the royalists, and there seemed no propriety in fighting them.

6. Under fair promises Long surrendered, when he and his men were disarmed and marched to the city of Mexico. When they arrived there, they found the government in the hands of the republicans, and through the influence of Mr. Poinsett, the American minister, Long and his companions were liberated, though Long was soon afterwards assassinated in the city.

5. Why did Long visit New Orleans ? At what point in Texas did he land ? What town did he occupy ?

6. What became of Long and his men after surrendering ?

SECTION XI.

EARLY PUBLIC ROADS.—NAME OF TEXAS.—NAMES OF RIVERS.—POPULATION.—TREATY BETWEEN THE UNITED STATES AND SPAIN.

1. When De Leon passed through the country in 1689, he opened the old La Bahia (Goliad) road, crossing the Guadalupe at Mission Valley, in Victoria County, the Colorado at Lagrange, the Brazos at Washington, and the Trinity at Robinson's Crossing.

2. The San Antonio road was opened by St. Denis, in 1714. He entered Texas at Gaines' Ferry, and, passing Nacogdoches, Mound Prairie, and Robinson's Crossing, left the La Bahia road, crossing the Brazos below Tenoxticlan, (in Burleson county), the Colorado at Bastrop, and proceeded on to San Antonio, and thence to Presidio, on the Rio Grande.

3. General Herrera and Governor Cordero, in 1805, opened the Atasco Sito road. It crossed the Colorado at Columbus, the Brazos at San Felipe, and the Trinity at Liberty. These were the principal thoroughfares, though smuggling parties opened many contraband paths.

4. La Salle gave to Texas the name of Louisiana, for Louis XIV. The Spaniards at first called it New Philip-pines, in honor of Philip V. of Spain. They also called the western portion New Estremadura. Kennedy says, De Leon gave the name of *Texas* to the Nasonite Indians,

Section XI.—1. By whom and at what time was the La Bahia road opened ?

2. By whom was the San Antonio road opened ? In what year ?

3. By whom and when was the Atasco Sito road laid out ?

4. What name did La Salle give Texas ? What name did the Spaniards apply to East Texas ? To the western portion ? What did *Texas* mean in the Nasonite language ? How did Burnet account for the name

owing to their friendly disposition; *tehas*, in their language, signifying friends. Judge Burnet says: "The name was derived from a small tribe of Indians that inhabited a village called *Tehas*, on the *Neches* river." The first time the name was used in diplomatic correspondence, was in the controversy between De Alarconne and La Harpe. In early times the inhabitants were called *Texians*, *Texasians*, *Texasites*, and *Texicans*. The word is now generally written *Texan*.

5. The Indian name of the Trinity was *Arkokisa*; of the *Brazos*, *Tockanhono*; of the *Colorado*, *Pashohono*. The Spaniards gave the name of *Brazos de Dios* to the *Colorado*, and *Rio Colorado* to the *Brazos*; but blundering geographers afterwards interchanged these names. The Trinity river was probably so named because the Spaniards reached it on Trinity Sunday; as the *Navidad* was so named because it was discovered on Christmas, (the day of the *Nativity*). There is some confusion about the names of western rivers. In old maps, the *San Antonio* is marked as the *Medina*, and the *Guadalupe* as the *San Marcos*. The *Lavaca* still bears the name given to it by *La Salle*. The *Nueces* was named from the pecans upon its banks. The *Rio Grande*, having been discovered in three places, received three names. At *Santa Fé*, it was called *Del Norte*; at *Presidio*, where it is broad, it was called *Rio Grande*; and at *Reinosa*, where it is swift, *Rio Bravo*.

6. The wars produced by fillibustering expeditions nearly depopulated Texas. *Nacogdoches* had been entirely deserted, nor was there a family remaining between that place and

5. What was the Indian name of the Trinity River? The *Brazos*? The *Colorado*? What river still bears the name given it by *La Salle*? How came the *Rio Grande* to have three names?

6. What is said of the population of Texas? What became of the *Cennis* and *Nassonite* Indians?

San Antonio. There were a few Mexicans still at the latter place and at Goliad. The populous and pacific tribes of Cennis and Nassonite Indians had entirely disappeared. Some historians say they were swept away by the Indians that entered Texas from the United States during the period of the American revolution. These tribes had always been allies of the French, and it is not improbable that the Spaniards had assisted in their extermination.

7. After the purchase of Louisiana, the United States claimed Texas as a part of that territory. Spain also claimed the eastern portion of Louisiana as a part of Florida. By the treaty negotiated February 22, 1819, by John Quincy Adams and De Onis, Spain relinquished Florida to the United States, and the latter gave up all claim to Texas, fixing the Sabine as the southwestern boundary of Louisiana.

7. Under what purchase did the United States claim Texas? By what treaty did Spain acquire an undisputed title?

CHRONOLOGICAL REVIEW QUESTIONS.

FIRST PERIOD.

What Frenchman landed on the coast of Texas, February 18, 1685? Robert L. Salle, who was assassinated in March, 1687.

What Spaniard was sent into Texas in 1689? Captain Alonzo De Leon.

When was San Antonio settled? In 1692, or 1693.

What Frenchman visited Texas in 1714? Huchereau St. Denis.

For what was the year 1715 noted? For the foundation of Missions at La Bahia, Nacogdoches, Adaes, and other places.

What Frenchmen attempted, in 1721, to form a settlement on Matagorda Bay. Belisle and La Harpe.

What league was formed in 1729? An Indian league, to expel the French from Louisiana, and the Spaniards from Texas.

When was San Antonio erected into a Presidio? Nov. 28, 1730.

When was the foundation of the Alamo laid? In 1744.

What Mission was broken up in 1758? The Mission San Saba.

When did the Anglo-Americans first settle in Texas? In 1800; the same year that Nolan's party entered the country.

When was the neutral ground designated? In 1806, by Gens. Wilkinson and Herrera.

What expedition was organized in 1812? That of Magee's, styled the Republican army of the North.

When did the Republican Army enter San Antonio? April 5, 1813.

In what battle were the republicans totally defeated and driven from Texas? In the battle of Medina, August 18, 1813.

What expedition sailed from Galveston in 1817? Aury and Mina's expedition to Soto La Marina.

Who occupied Galveston in 1818? Lafitte.

When did Long's expedition enter Texas? In 1819.

When was the treaty formed between the United States and Spain, by which the latter acquired an indisputable title to Texas? Feb. 22, 1819.



S. F. Austin

PERIOD II.

COLONIZATION UNDER EMPRESARIO GRANTS.

FROM 1820, TO THE IMPRISONMENT OF STEPHEN F. AUSTIN IN MEXICO AND
THE BREAKING OUT OF THE REVOLUTION IN 1834.—TEXAS A
PROVINCE OF MEXICO.

♦♦♦

SECTION I.

PLANTING COMPANIES OF COLONISTS.—AUSTIN'S GRANT.

1. The Spaniards placed but a moderate value upon land, and manifested a willingness to give reasonable quantities to actual settlers. But the hostility of the Indians rendered it

Section I.—1. What estimate did the Spaniards place upon land? Why was it necessary for colonists to settle in companies? Who first proposed to plant a

unsafe for single families to locate at any considerable distance from the Missions. To secure protection, the plan was suggested of introducing companies of colonists under empresario contracts. Robert Owen was probably the first who proposed to plant a colony in the province. He wished here to test the practicability of his communist theory. But as the Spanish authorities required all colonists to profess the Catholic faith, Mr. Owen's application was rejected. The first colonial grant issued by the Mexican Government was to Edmund Keene, an Englishman, who failed to comply with his contract.

2. From adventurers who had traversed the country, Moses Austin, then a resident of Missouri, heard glowing descriptions of Texas—its rich soil, delightful climate and capability of sustaining a dense population. He resolved to apply to the proper authorities for permission to introduce three hundred families into the country. In pursuit of this scheme, Austin visited San Antonio. He was at first coldly received by Governor Martinez, and ordered to leave the province under pain of imprisonment. As he left the Governor's office, and was walking across the plaza, he met Baron de Bastrop, with whom he had previously formed an acquaintance in Louisiana. Through the influence of Bastrop, the Governor was induced not only to rescind the order for Austin's banishment, but to join the municipal officers of the city in recommending his project to General Arredondo, at Monterey. Not doubting the success of his application Austin hastened back to make arrangements for introducing his colonists. Disease delayed

colony in Texas? Why was Owen's application rejected? Who obtained the first grant?

2. What opinion had Moses Austin formed of Texas? How many families did he propose to introduce? How was he received by Governor Martinez? Who induced the Governor to change his mind? Did Austin live to plant his colony? To whom did he commit the execution of his plan?

him on his route, and he reached Missouri in feeble health. News arrived that Arredondo had granted the petition, (January 18, 1821), but in the meantime Austin had died, leaving, however, a dying injunction that his son Stephen should carry forward his plans for planting the new colony.

SECTION II.

AUSTIN'S FIRST COLONY.—LOCATION CHOSEN.—EMBARRAS-
MENTS.—FIRST CONTRACT COMPLETED.—OTHER CON-
TRACTS TAKEN.

1. Stephen F. Austin was in New Orleans when he heard of the success of his father's application, and he immediately started for Natchitoches, to meet the commissioner sent on with the decree of Arredondo. Soon afterward he heard of the death of his father, and of his dying request in reference to the colony.

2. The commissioner sent to conduct Austin to Texas was Don Erasmo Seguin. He was accompanied by Don Juan Veramendi. Both were distinguished citizens of San Antonio. These gentlemen at once recognized the right of Stephen F. Austin to carry out his father's contract, and invited him to accompany them to the interior of the country, and select a location for settlement.

3. Besides the escort of the commissioners, Austin took with him thirteen companions. They entered Texas, July

Section II.—1. Where was S. F. Austin when he heard of the success of his father's application?

2. Who was the commissioner sent to introduce Austin into Texas? What distinguished citizen of San Antonio was with Seguin?

3. How many Americans accompanied Austin? When did they enter Texas. What territory did Austin select for his colony?

16, 1821, and arrived at San Antonio, August 13. Austin was cordially received by Governor Martinez, and proceeded at once to examine the country, with a view of selecting a location. He chose the region south of the San Antonio road, between the San Jacinto on the east and the Lavaca River on the west. This included the rich bottom lands of the Lower Colorado and Brazos Rivers. Having thoroughly explored the country, Austin returned to New Orleans.

4. Austin's means were limited, but at New Orleans he found Mr. Joseph H. Hawkins, a former school-mate at the University of Transylvania, Ky. With the assistance of Mr. Hawkins, the schooner *Lively* was purchased, and loaded with provisions, farming utensils, etc. The *Lively*, with eighteen persons on board, sailed from New Orleans for Matagorda Bay, Nov. 20, 1821, and was never heard from afterward.

5. The same day the *Lively* left New Orleans, Austin started for Texas by land. At Natchitoches he was joined by ten companions. The party reached the Brazos River on the last day of the year. Crossing a little below where the town of Washington now stands, a camp was struck upon a small stream, which the next morning received the name of New Year's Creek. Austin hastened to the coast to meet the party of the *Lively*. For nearly three months he waited, and hunted along the beach, when, receiving no tidings of the missing vessel, he finally gave her up for lost.

6. On visiting San Antonio, Austin learned that it would be necessary for him to go to the city of Mexico to obtain

4. Who assisted Austin in fitting out the schooner *Lively*? What became of the vessel?

5. When did the first colonists arrive on the Brazos? What name was given to the creek on which they camped?

6. What did Austin learn on reaching San Antonio? Who was left in charge of the colony? How long did Austin remain in Mexico? Who was appointed land commissioner?

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the sanction of the newly inaugurated Republican Government. He requested Josiah H. Bell to take charge of the new colony during his absence, and departed for Mexico, reaching that city April 29, 1822. The revolutionary state of the country compelled him to remain a whole year in the capital before a government was established which he deemed worthy of confidence. Having obtained the sanction of all the rulers who had temporarily exercised authority in the city, Austin started back to Texas in the spring of 1823. At Monterey he met with a cordial reception from General La Garcia, who had succeeded Arredondo as commander of the Eastern Internal Provinces. La Garcia appointed Baron de Bastrop commissioner to issue land titles to the colonists. He also directed that the capital of the new province, when laid off, should, in honor of the Empresario, be called San Felipe de Austin.

7. Having introduced the three hundred families required by the first contract, Austin, under the general colonization law of April 24, 1825, entered into another contract for five hundred more. In 1827 he took a third contract for one hundred families, and the next year a fourth for three hundred.

SECTION III.

EDWARDS'S COLONY.—FREDONIAN WAR.—VARIOUS OTHER COLONIAL GRANTS.

1. On the 18th of April, 1825, Hayden Edwards took a contract for the introduction of eight hundred families into East Texas, including the territory between the Navasoto and

7. What further contracts did Austin undertake ?

Section III.—1. Who took the contract for settling East Texas ? What was the character of the floating population about Nacogdoches ? In whose favor did the alcaldes decide ?

the Sabine Rivers. Edwards found in his territory, especially about the old settlement of Nacogdoches, a good many "squatters," who laid claim to large tracts of land. Some of these were former occupants of the "neutral ground." They comprised a few Americans, but were mostly Mexicans. These Mexicans not unfrequently set up claims to land, improved and occupied by the colonists introduced by Edwards. In almost every instance the alcaldes decided in favor of their Mexican countrymen. To quiet these old claims, Edwards gave notice that they must all be presented within a given time, or they would be rejected, and the land re-appropriated. This still further complicated the affairs of the colony.

2. Appeals were taken to Saucedo, the political chief at San Antonio, who vigorously espoused the cause of the Mexicans. After protesting somewhat warmly against the injustice with which his colonists had been treated, Hayden Edwards made a visit to the United States, leaving his brother, Benjamin W. Edwards, in charge of the colony. Benjamin wrote to Governor Blanco defending his brother from the charges brought against him by persons styled in the letter his "Mexican enemies." The use of the term, "Mexican enemies," gave Blanco great offence. He pronounced the charges against Hayden Edwards well sustained, and added: "I have decreed the annulment of his charter, and his expulsion from the territory of the republic, in discharge of the supreme orders with which I am invested." This was October 2, 1826.

3. Before this letter reached Nacogdoches, Hayden Edwards had returned. The Americans were of course highly exas-

2. To whom did the parties appeal? To whom did Benjamin Edwards write? What was Blanco's reply? When was the decree issued?

3. How did the Americans resolve to maintain their rights? With whom did they form an alliance? What name did they assume? Did Edwards succeed in ral-

perated at this order, and, instead of referring the subjects in controversy to the supreme authorities in Mexico, resolved to maintain their rights by force. An alliance was formed with the semi-civilized Indians, who were quite numerous in the neighborhood. By this alliance the Indians were to have the frontier territory, with an undefined boundary, and the Americans the coast. On the 18th day of December the flag of Fredonia was unfurled, and a legislative council organized. The *alcaldes*, Sepulvida and Norris, who had been elected by the Mexicans, were deposed, and others appointed. As a precautionary step, the Fredonians took possession of the stone house, and fortified it. Norris, one of the deposed *alcaldes*, collected a few followers, and on the 4th of January, 1827, attacked this house. He was repulsed with the loss of one killed and several wounded. But Edwards found it impossible to rally any considerable party to his assistance. Colonel James Gains, who had assisted both Magee and Long, took sides with Norris, who was his father-in-law. Colonel Bean, the Indian agent, succeeded in detaching most of the Indians from the league, and neither Austin nor Bastrop gave the least encouragement to the Fredonians. When news of these proceedings reached San Antonio, Salcedo, with a body of troops under Colonel Ahumada, started for the scene of disturbance. At San Felipe, Austin and a company of his colonists joined him. Before they reached Nacogdoches, Edwards and his followers retired across the Sabine, and, happily, tranquility was restored without further bloodshed.

4. After the expulsion of Edwards, the territory which he had commenced colonizing was given to other parties. In

lying many followers? What steps did Salcedo take? Who joined Salcedo at San Felipe? What became of the Fredonians?

4. Where was Zavalla's grant?

1829, Lorenzo de Zavalla obtained a grant for the country bordering upon the Sabine, including the present counties of Jefferson, Orange, Jasper, Newton, etc. At that time the Spaniards (or Gachupins) were obnoxious to the republicans of Mexico, and, by the terms of Zavalla's grant, were excluded from this territory.

5. In 1826, Joseph Vehelin obtained a charter to colonize a large scope of country, including the present counties of Liberty, Hardin, Tyler, Polk, Walker, Montgomery, Grimes, etc. Vehelin was requested to introduce Swiss, Germans and French, though Americans were not absolutely excluded.

At the same time, David G. Burnet obtained a grant to colonize the region north of Vehelin's colony, including the counties of San Augustine, Nacogdoches, Cherokee, Anderson, etc. The three grants last mentioned were disposed of to a company of capitalists in New York styled the Galveston Bay Company.

6. That company, without any participation on the part of either empresario, and contrary to the express advice of Burnet, converted its purchase into a stock speculation, and flooded the country with land scrip to an enormous amount. "The Mexican Government," says Burnet, "ratified the contract, and an agency of the company was established at Nacogdoches; but little, however, was done towards colonization under either grant."

7. Martin de Leon obtained two contracts, the first in 1825, to introduce forty-one families; and the second in 1829, for one hundred and fifty more, all to be located near

5. What territory was included in Vehelin's grant? In Burnet's? To whom were these grants sold?

6. Into what did the Galveston Bay Company convert its purchase? Did they introduce many colonists?

7. What territory did Martin De Leon propose to colonize? What territory was granted to Green De Witt? To Hewitson and Powers? To McMullen and McGloin?

the Guadalupe river in Victoria county. He was living at Victoria (then called De Leon's Rancho) when he obtained his first contract. The territory still higher up the river, including the counties of De Witt, Gonzales and portions of Lavaca and Guadalupe, was granted to Green De Witt in 1825. On the coast between the San Antonio and Nueces rivers, Hewitson and Powers introduced some colonists, having in 1828 obtained a contract for two hundred families. The same year McMullen and McGloin contracted to introduce a similar number into San Patricio county. Most of these latter colonists were Irish.

8. In 1825, Robert Leftwich obtained a contract for introducing eight hundred families into the territory above the San Antonio road, and extending from the Navasota river on the east, westward to the dividing ridge between the waters of the Colorado and San Marcos rivers. The next year Leftwich introduced a few families, and erected a fort in what is now Burleson county. He returned to Tennessee and died. After his death an association, called the Nashville Company, was formed to complete the contract. In 1830, under the auspices of this company, Sterling C. Robertson and Alexander Thomson entered Texas with some colonists. But some difficulties arose with the Mexican authorities, and most of these families settled in Austin's colony. In 1831, the same territory was granted to Austin and Williams, and Sterling C. Robertson was ordered to leave the province; but on the 29th of April, 1834, decree No. 285 recognized the Leftwich contract, and reinstated Robertson as empresario, who succeeded in introducing some five hundred families.

9. B. R. Milam agreed to settle two hundred families on the

8. Give the location of Leftwich's grant. Who introduced colonists under this grant in 1830? What parties obtained this grant in 1831? When was it restored to Robertson?

9. Where was Milam's grant situated, and to whom did he dispose of it? Who

San Marcos river, but disposed of his contract to the Baring Brothers, London. General Filisola obtained a charter for colonizing the territory immediately north of that given to Burnet, and the Red River country was given to John Cameron. Contracts were also awarded to Frost Thorn, Stephen J. Wilson and Padilla and Chambers, but no steps were taken to settle up the territory. West of the Nueces, in the state of Coahuila, Beal and Grant introduced a few English colonists. After 1825 a large number of immigrants came to Texas on their own responsibility, and selected homes, and obtained titles to their land, under the provision of a general colonization law.

SECTION IV.

NATIONAL COLONIZATION LAW.—GENERAL PROVISIONS.—

QUANTITY OF LAND ALLOWED TO COLONISTS.—LAND COMMISSIONERS.

1. The law of Iturbide in 1823, and the national colonization law of 1824, guaranteed to foreigners settling in Texas security for their persons and property. Ten coast leagues, and twenty leagues bordering on the United States were reserved from location. The law of Coahuila and Texas, of 1825, reaffirmed the general provisions of the national law, which required colonists to be members of the Roman Catholic Apostolic Church. In the distribution of lands, preference was to be given: 1. To military officers having claims.

obtained contracts for settling the country on Red River? Who attempted to settle the country west of the Nueces river?

Section IV.—1. What rights were guaranteed to immigrants under the colonization law? What leagues were reserved from location? What church was established by law? To whom was preference given in the distribution of land? What kind of a certificate must the applicant present?

2. To Mexican citizens. 3. To foreigners in the order of their application. The land must be occupied and a portion brought into cultivation within six years. To procure land, the applicant must present a certificate of good moral character to the commissioner, who gave an order for the survey; and when the field notes were returned to the office, a patent was issued, upon stamped paper, signed by the empresario and land commissioner.

2. Under Austin's first contract, by previous agreement, the colonists were to pay twelve and a half cents an acre. This, however, was never collected. Under the general law, the stamped paper cost between two and three dollars, and the whole cost of a league of land amounted to about \$180. In 1832, the citizens of Bexar, in their remonstrance to the general government, complained that in Texas a league of land cost from \$100 to \$300, while in other Mexican States it could be obtained for from \$15 to \$20.

3. In the printed forms of permits given by Austin (as civil and military commander of the colony forming on the Colorado and Brazos rivers in the Province of Texas, under the government of New Spain), in 1821, to families under the first contract, there was promised to each man 640 acres, to his wife 320, to each child 160, and to each slave 80 acres. When Austin reached the city of Mexico, and applied for a section of land for each family, the Mexican officers misunderstood the term *section*, and supposed he meant township. They replied that that was too much for a single family, but that they were willing to give each one a league, *sitio*, 4,428

2. How much were Austin's first colonists to pay per acre for land? What complaint did the citizens of Bexar make to the central government?

3. In Austin's printed permits in 1821, how much land was promised each man? How much to his wife? To each child? Slave? How did the Mexicans understand the word *section*? What did they propose in place of a section? What provision was made for merchants and mechanics? How much land did the empresario receive for introducing one hundred families?

acres for grazing purposes, and an additional *labor* (*lah'bore*) 177 acres, for cultivation. A single man obtained one-third of a league, which was increased to a league if he married. If a colonist erected a mill, or made other valuable improvements for the public good, he received a handsome land subsidy. Mechanics and merchants received town lots for shops and stores, and also out-lots, with grounds for gardens and for family residences. For introducing one hundred families, the empresario was entitled to five leagues and five *labors* of land ; with this restriction, however, that one person could hold in his own right only eleven leagues. Any amount above that must be speedily disposed of, or it would revert to the government.

4. The land commissioner was an important officer ; he superintended surveys, to see that claims did not clash, and, in conjunction with the empresario, issued land titles. He laid off all towns, and was required to see that these towns had four leagues of land ; the streets to run parallel, crossing each other at right angles ; having suitable squares designated for churches, school-houses and other public buildings. The commissioners appointed *alcaldes*, *regidores*, etc. (officers corresponding with those of mayor, recorder, etc.). These civil officers constituted the *ayuntamiento* (town council, or police court). The commissioner also established ferries, and, in conjunction with the empresario, exercised all the functions of civil government.

4. Who superintended the surveys ? How many leagues of land were given to each town ? How were the streets laid off ? Who appointed officers for towns ?

SECTION V.

PROGRESS OF SETTLEMENTS.—SLAVERY.—CIVIL GOVERNMENT.—TAXATION.

1. Austin had, through various newspapers in the United States, made known the advantages of Texas, and invited immigration. A lively interest was awakened in the new enterprise, and hundreds entered the country both by land and water. Such was the rambling disposition of the colonists, that scattered settlements were soon formed from the reserved coast leagues to the old San Antonio road, and from the San Jacinto to the Navidad rivers. East Texas was also gradually filling up; new settlements were formed on the Guadalupe river, and the old town of Goliad received accessions to its population.

2. The early inhabitants endured many privations. Meat could be procured by hunting, but families were sometimes for weeks without bread, and sugar and coffee were luxuries seldom attainable. The men dressed mostly in buckskin, the women in such fabrics as could be obtained. After the first year corn was raised; garden vegetables grew luxuri-

NOTE.—While the colonists were generally satisfied with Austin's management, and grateful for the interest he had taken in selecting homes for them, and securing titles to their lands, a few distrusted his authority, and complained of having to pay twelve and a half cents per acre. Had the settlers received only a section, as Austin first promised, the price (eighty dollars) would readily have been paid; but, obtaining a league and a *labor*, it amounted to over five hundred dollars, a large sum for a poor colonist. To preserve peace, and to prove his authority to introduce immigrants, he issued an address on the first of November, 1829, giving a short history of his enterprise and the difficulties he had overcome. That his colonists might be fully assured of the validity of their titles, he annexed to his address translations from nearly thirty public documents, which fully justified his acts.

Section V.—1. By what means had Austin invired immigration? Did his colonists remain together?

2. Mention some of the hardships endured by early settlers.

antly, and domestic animals multiplied with great rapidity upon the rich and boundless prairies.

3. As we have seen, permission was given to Austin's first colonists to introduce slavery, but the colonization law of 1823 prohibited the purchase or sale of slaves, and declared the children of all slave parents free at fourteen years of age. President Guerrero, having been invested with extraordinary power to suppress an existing rebellion, issued a decree, July, 1829, abolishing slavery throughout Mexican territory. The next year Bustamente issued another, prohibiting the introduction of slaves. The law had previously enjoined that children of slaves should have the same advantages of education as other children.

4. Notwithstanding these prohibitions, colonists continued to bring negro servants, generally passing them through the Custom House at New Orleans, so that if they desired to do so, they could return with them to the United States. Masters, also, entered into contracts with their slaves as peons, and the Mexican Government recognized the binding force of these obligations. A few Africans had been smuggled into Texas, and there was some apprehension that this nefarious traffic might become extensive. At the suggestion of Judge Burnett, after considerable discussion, the convention at San Felipe, in 1833, severely denounced this trade. It was estimated that there were about five thousand slaves in Texas at the breaking out of the revolution in 1835.*

* The theory of government held in the Spanish-American provinces differed materially from that held by the Anglo-Americans. With the latter, the people were the source of all political power. They formed constitutions, enacted laws, and elected officers to carry out their sovereign will. With the Spaniards, the king was the source of all authority. He proclaimed laws, appointed officers, and held both officers and people accountable to himself. It could hardly have been expected that peoples holding such diverse theories of government could long maintain harmonious relations under the same political institutions.

3. Did the Mexican authorities encourage the introduction of slaves? At what age were the children of slave parents declared free?

4. Were negro servants still introduced? By what body was the African slave trade condemned in 1833? How many slaves in Texas in 1835?

5. In Austin's colony, up to 1828, Austin himself exercised the functions of empresario, and of civil and military governor. He held the rank of lieutenant-colonel in the Mexican army, and was authorized to call out and command the militia, when necessary to preserve the peace or repel invasion. He also held the office of Supreme Judge. In civil suits, where the amount in controversy was over twenty-five dollars, parties dissatisfied with the decision of an alcalde had the privilege of appeal to the empresario. While Austin's government was eminently conservative and paternal, he occasionally administered a severe punishment, and in some instances banished turbulent persons from his colony.

6. One of the first acts of the National Congress, assembled under the Constitution of 1824, was the erection of former provinces into states similar to those of the American Union. Texas was connected temporarily with the neighboring state of Coahuila (*co-ah-wheel'lah*). The legislative body of this united state was called a congress, and was composed of twelve members, of whom Texas was entitled to two.* A representative, if not a native of Mexico, must have resided eight years in the country, and was required to be worth eight thousand dollars, or to have an income of one thousand dollars annually. Popular elections were held on Sunday, the people not voting directly for the congressmen, but for electors, who subsequently met and elected them.

* In the Bexar remonstrance (Dec., 1832) complaint was made that Texas had but two representatives in the Legislature, while her population would entitle her to four. It is questionable if Texas ever had more than one delegate present at one time; and under the arbitrary decree of Bustamente, in 1830, the Texas delegation was expelled.

5. What authority did Austin exercise in his colony? When dissatisfied with the decision of the alcalde, to whom could the people appeal?

6. With what State was Texas temporarily connected? To how many representatives was Texas entitled?

7. Under Mexican rule there were a number of officers who exercised both civil and military functions. The one highest in authority was the Commander of the Eastern Internal Provinces, with headquarters at Monterey. By a decree of the legislature at Saltillo, February 1, 1825, the office of Political Chief was created. That officer, though nominally subordinate to the Governor, was, in reality, clothed with despotic power. He could suspend civil judges, arrest and imprison citizens, and call out and control the militia. He received a salary of eight hundred dollars a year.

8. An *alcalde* under Spanish law exercised civil jurisdiction equivalent to that of a justice of the peace under English law. In 1822 the districts of the Brazos and the Colorado were created. As population increased others were formed, until, in 1827, there were seven *alcalde's* districts, or municipalities, in Austin's colony.

9. In 1828 provision was made for the *alcaldes* of each municipality to meet three times in a year, and hold an appellate court, called an *ayuntamiento*. In 1834 three judicial districts were formed in Texas, and a supreme judge appointed.

10. Colonists entering Texas were permitted to introduce all family supplies, agricultural implements, etc., free of duty, and for six years were entirely exempt from taxation. Up to 1830-31, there were no tax-collectors or custom houses in the colony. As a consequence, the State treasury at Saltillo was often empty. Many offices remained vacant because the

7. What powers were exercised by the military commanders? By the political chief?

8. What were the duties of an *alcalde*? How many *alcalde's* districts in Austin's colony in 1827?

9. When was an appellate court formed? How many judicial districts in 1834?

10. What necessities could be introduced free of duty? How long were colonists exempt from taxation? What expedient was resorted to in Coahuila to raise money?

state was unable to pay salaries. In 1828, Austin advised the ayuntamiento of San Felipe to collect a tax to build a jail, but the advice was unheeded, and the officers had no means of keeping prisoners. In Coahuila, many expedients were adopted for replenishing the exhausted treasury, one of which was the taxing of cock pits.

SECTION VI.

INDIANS IN TEXAS.

1. The Caranchuas, from their location on the coast, in immediate proximity to the settlements, were a constant source of annoyance. They numbered about one thousand warriors, and had frequent skirmishes with the colonists, in which a few of the latter, and a still larger number of the former, lost their lives. In 1825, Colonel Austin felt sufficiently strong to expel this predatory band from his territory. Having, in connection with Captain Abner Kuykendall, collected about one hundred militia, he started to hunt the marauders. At the Menahuila (*may-nah-wheelah*), six miles east of Goliad, Austin was met by the Catholic priest of the mission, who had been sent by the Indians to make peace. It was agreed that the Indians should remain on the west side of the San Antonio river. Any Indian caught east of that stream was to be treated as an enemy. The old mission of La Bahia had been established mainly for this tribe; there many of the Indians had received baptism, and as long as the tribe remained in Texas, their children were taken to the Mission to receive this Christian rite. In 1843, some forty or fifty, the sad remnant of this once powerful tribe, emi-

Section VI.—1. How many warriors could the Caranchuas muster? What agreement did these Indians enter into in 1825? What became of this tribe?

grated to Mexico, and settled in the state of Tamaulipas, where their tribal existence was soon lost.

2. The Comanches are supposed to have had from fifteen hundred to two thousand warriors, and some kindred tribes, whose names are now hardly remembered, numbered as many more. Burnet, who spent the years 1818-19 among the Comanches, says this tribe was then true to treaty obligations. They were at peace with the United States, but at war with Mexico.

3. In April, 1822, a party of fifty-four of these Indians captured Colonel Austin on the Nueces, when on his way to Mexico. As soon as the chief of the band understood that Austin was an American, his goods were restored, and he was permitted to prosecute his journey in peace. The government of the Comanches was republican, their chiefs being elective. They seldom killed Mexicans unless in self-defence. Their lives were spared that they might raise more horses, as from them the Indians always obtained a supply. They were said to be averse to drinking whisky, pronouncing it *fool's water*, and said that it made Indian one big fool.

4. Austin, in his address, speaking of the Caranchuas, Comanches, Wacoes and Tehuacanies, pronounced them murderers. He says the smaller tribes of Lipans and Tonkawas were insolent and thievish. The smaller tribes, however, at a later period rendered valuable service to the colonists as spies and guides in campaigns against the frontier Indians. Then, as now, the small bands of Alabamas and Coshatties had their villages on the lower Trinity. "The Keechies," says Burnet, "were a peculiar race. Their language differed radically from all others known in Texas.

2. How many warriors could the Comanches muster?

3. How was Austin treated by a band of Comanches in 1822? Why did these Indians spare the Mexicans? What name did they give to whiskey?

4. What character did Austin give the Comanches, Wacoes, etc.? The Lipans and Tonkawas? What was the character of the Keechies?

The Comanches held them in singular abhorrence, believing them to be possessed, and to exercise the mysterious power of witchcraft."

5. As early as 1822, a few Cherokees, and some families of other tribes, driven by the United States from their hunting grounds east of the Mississippi, sought a home in Texas. Though the Mexican authorities gave these Indians tacit permission to remain in the country, no land titles were issued to them. It was the failure to obtain their land which induced the Cherokee chiefs so readily to join in the Fredonian movement. So far from the Mexicans giving encouragement to this Indian immigration, Colonel Bean, the agent, addressed a letter to Secretary Cass, at Washington, protesting against it. In response to this protest, President Jackson issued a proclamation to the Indians in the southwest, admonishing them not to cross the Sabine river. This immigration, however, continued to pour into Texas until the establishment of the republic.

6. During the year 1833, Josiah Wilbarger and two companions were out hunting on Walnut Creek, a tributary of the Colorado, when the party was surprised by Indians, and one of them instantly killed. Wilbarger was shot, scalped, and left for dead. The third escaped on a fleet horse into the settlement. A company who went out to bury the dead, found Wilbarger still alive. He lived twelve years, but finally died from the effects of the wound.

7. The same year S. F. Austin, D. G. Burnet, and B. E. Milam addressed an earnest remonstrance to General Bustamente, protesting against the introduction of any more In-

5. When did the Cherokees enter Texas? Did the Mexican authorities encourage this Indian immigration?

6. Give the particulars of the scalping of Wilbarger.

7. What prominent Texans remonstrated against the introduction of Indians into Texas? How many Indians were in Texas in 1834?

dians into Texas. In the Indian expeditions at this early period the colonists were ever ready to respond to the call of their chieftains. Those who were able always kept a supply of ammunition and a horse ready for immediate service. According to Almonte's estimate, there were in Texas, in 1834, four thousand five hundred friendly Indians, and ten thousand eight hundred belonging to wild tribes.

SECTION VII.

ILL TREATMENT OF THE COLONISTS.—TROUBLES AT ANAHUAC.—FIGHT AT VELASCO.—FIGHT AT NACOGDOCHES.

1. During Austin's absence in Mexico in 1822, many families, who started to his colony, settled in East Texas, in the neighborhood of Nacogdoches. Under the general colonization law these families were entitled to land, but were unable to obtain titles, because no land commissioner had been appointed for that district. In 1829, Don Juan Antonio Padilla was sent out to issue titles to these colonists. But Padilla found the same difficulties which had beset Edwards. There were conflicting claims. He manifested a disposition to deal justly with the immigrants. The Mexicans, who claimed large bodies of land, complained of the commissioner, and before he had fairly commenced issuing titles, he was arrested. The next year Francisco Madero resumed the work of assigning land to the colonists. Among other acts of Madero was that of creating the municipality of Liberty. He, too, gave offence to the Mexican officers and was suspended, and the colonists were again left with no means of procuring land titles.

Section VII.--1. How was East Texas settled? Why could not the colonists obtain land? Why was Padilla arrested? How was Madero treated?

2. On the 6th of April, 1830, President Bustamente issued a proclamation prohibiting any further immigration into Texas from the United States. In 1831, custom-houses were established at Nacogdoches, San Antonio, Copano, Velasco, and Anahuac. By decree of April 7th, 1832, foreigners (meaning Americans), were forbidden to carry on a retail trade in the country. To overawe the colonists, a considerable body of troops was sent into Texas by General Teran. Colonel Piedras, the ranking officer, had three hundred and twenty men at Nacogdoches; Colonel Bradburn one hundred and fifty at Anahuac; Colonel Ugartechea (*oo-gartay'-che-ah*) one hundred and twenty at Velasco; Colonel Bean had a small force at Fort Teran, on the Neches, and there were also companies at Tenoxticlan, Goliad, and San Antonio.

3. The first serious difficulty between the colonists and the military occurred at Anahuac. Under instructions from Teran, Bradburn arrested the commissioner, Madero. He also abolished the ayuntamiento at Liberty, and established one at Anahuac, without any warrant of law. The citizens were further annoyed by the lawlessness of Bradburn's soldiers, many of whom were discharged convicts. The commander shielded his soldiers from punishment, even after their crimes had been clearly proved. He also received and harbored runaway slaves, and when their owners demanded their return, refused to give them up, on the plea that they had already enlisted as soldiers in the Mexican army. He finally proclaimed martial law, and arrested a number of citizens for whom he had conceived a dislike, and confined them in the barracks.

2. What was the purport of Bustamente's decree of April 6, 1830? At what points were custom-houses established? At what points were soldiers stationed to overawe the citizens?

3. At what place was the first serious difficulty between the colonists and the military commander? Name some of the arbitrary acts of Bradburn.

4. Though these men had violated no law, and were ignorant of the cause of their arrest, Bradburn threatened to send them to Vera Cruz for trial. By another military decree all the ports of Texas, except Anahuac, were closed. That port was at the head of Galveston Bay, outside of Austin's colony, and accessible only to vessels of light draught. It was not to be expected that Anglo-Americans, with their inborn love of liberty, would tamely submit to such outrages. Meetings were held and measures devised to effect the release of the prisoners in the stockade.

5. A company was organized under the command of Francis W. Johnson, who demanded the immediate and unconditional release of their fellow-citizens. This company, when approaching Anahuac, intercepted and captured a scouting party of fourteen of Bradburn's soldiers. In a parley, Bradburn proposed that if the Americans would release the soldiers just captured and retire some six miles, to Turtle bayou, he would set at liberty the citizens in the stockade. Johnson agreed to this. The captives were sent into the garrison, and he retired with his command to the bayou, to await the arrival of their friends held in custody. In the meantime Bradburn heard that Piedras was approaching with reënforcements from Nacogdoches, and declined to give up his prisoners. Piedras, as soon as he ascertained the true state of affairs, superseded Bradburn (who immediately left for New Orleans), and released the prisoners.

6. Fortunately for the Texans, at this juncture news

4. Where did Bradburn threaten to send citizens whom he had arrested? What Texas ports were closed?

5. Who commanded the Texans who organized to release their fellow citizens? What befell a scouting party of Bradburn's soldiers? By whom were the prisoners finally released?

6. What news reached Texas from Mexico? Who was then the Republican leader in Mexico?

arrived of a revolution in Mexico. Santa Anna, who was just rising into favor, had pronounced against Bustamente, and proclaimed anew the Constitution of 1824. A public meeting at Turtle Bayou, June 13, 1832, gave a cordial assent to this republican movement. This placed the Americans in Texas in harmony with the liberal party of the nation.

7. In the month of May, before any of the citizens had left for Anahuac, a meeting was held at Brazoria, in which a proposition was made to first capture Colonel Ugartechea at Velasco. This failed by one vote. Ugartechea, however, gave an informal pledge that he would remain neutral. The assailing party at Anahuac needing cannon, Captains John Austin and Wm. J. Russell were dispatched to Brazoria for two at that place. Ugartechea declined to let the cannon pass Velasco. Captain Austin at once called for volunteers to capture the garrison, and one hundred and twelve men volunteered. Part of these, with the cannon, were placed on board the schooner Brazoria, in charge of Captain Russell, and floated down the river. Captain Austin conducted the remainder by land. These, when they arrived at the mouth of the river, were formed into two companies. Captain Brown, with one company, took position near the beach, where they were partially protected by drift-wood. Captain Austin, under cover of darkness, approached within a few rods of the fort, carrying palisades of plank for protection, and, working in silence, threw up temporary breastworks.

8. The battle commenced about twelve o'clock at night, June 25th. Just after daylight, a shower of rain fell, damaging the ammunition of the assailants. The breastworks not

7. What proposition was made in Brazoria at a meeting of colonists? What occasioned the fight at Velasco?

8. When did the battle commence? Give the particulars of the fight. Loss of the Mexicans. Of the Texans.

affording protection to his men, Captain Austin retired a short distance, to a more advantageous position. The party on the vessel still kept up the fight, and the riflemen were especially successful in picking off gunners who mounted the parapet to fire the cannon. After about ten hours' fighting, a white flag was raised in the fort, and soon afterward the garrison surrendered. In the fight, the Mexicans had thirty-five killed and fifteen wounded. The loss of the Texans was eight killed and twenty-seven wounded.

9. Colonel Piedras, by his course at Anahuac, had become popular with the Texans. But he was a monarchist, and did not believe the Mexicans capable of self-government. At a public meeting, at Nacogdoches, a committee was appointed to invite Piedras to join the republicans. This he declined to do, when the citizens organized a military company for his capture. On the 1st of August, Colonel Bullard, who had been chosen commander, took a position near the old stone house, which, after a severe fight, was captured by a party of Texans under Captain Bradley and Lieutenant Looney. A body of cavalry, sent by Piedras to re-capture the house, was repulsed with loss. The fight lasted until night.

10. Under the cover of darkness, Piedras cast his ammunition into wells, and silently left the place, retreating westward. He left forty killed and a number of wounded in the town. The Texans had one killed and five wounded. The next day a party of Texans intercepted the retreating Mexicans at the Angelina river. At the first fire, Marcos, one of Piedras' officers, was killed. To avoid the further effusion of blood, Colonel Piedras turned the command over to Major Medina (*may-dee'-na*), who immediately surren-

9. To what political party did Piedras belong? What course did the people of Nacogdoches pursue? What house did the Texans occupy?

10. What became of Piedras?

dered, and he and most of his men espoused the republican cause.

11. Soon after this, Colonel Souverin, a republican, who had become commander at Anahuac, collected all the Mexican soldiers he could muster from the commands of Bradburn, Ugartechea, and Piedras, and sailed for Tampico (*tahm-pee'-co*) to assist in the revolution against Bustamente. Texas was thus left without a garrison.

SECTION VIII.

CONVENTION OF 1833.—AFFAIRS IN COAHUILA.—AUSTIN IN MEXICO.—POLITICAL PARTIES.—LIVE STOCK, AGRICULTURE, AND COMMERCE.—EDUCATION.—SCHOOLS AND CHURCHES.—REFLECTIONS.

1. The attachment of Texas to Coahuila was only a temporary arrangement. The coalition was inconvenient, unnatural, and, in many respects, disadvantageous to the former, which now had a population equal to that of the smaller States of Mexico, and was in harmony with the liberal party, which, under Santa Anna, had there gained the ascendancy. This was thought to be a favorable time for inaugurating a separate State government. As early as October, 1832, a number of leading citizens met at San Felipe, and recommended the election of delegates to a Convention to form a Constitution.

2. An election was held in the different municipalities in March, 1833, and in April the Convention met in San

11. What became of the Mexican soldiers in Texas ?

Section VIII.—1. Was the connection with Coahuila advantageous to Texas ? What did the Texans desire ?

2. When did the Convention meet to form a Constitution ? Who was the author of the constitution ? Of the memorial ? Who went as Commissioner to Mexico ?

Felipe. A Constitution which was drafted by Sam Houston was adopted, and submitted to the national authorities for approval. Judge Burnet drew up an able memorial, showing the disadvantages under which Texas labored, and the necessity for a separate State government. Of the three Commissioners who were selected to proceed to the city of Mexico with the Constitution and memorial, Colonel Austin alone went.

3. In 1834, while Texas was comparatively quiet and prosperous, Coahuila was convulsed with a revolution. The seat of government had been removed from Saltillo to Monclova. Saltillo, unwilling to lose the capital, organized a revolution, and elected a governor in opposition to the one at Monclova. Both parties prepared to fight, but before actual hostilities began, referred their difficulties to Santa Anna, who ordered a new election. This state of affairs, in which the Legislature was prevented from meeting, illustrated still more forcibly the necessity of separating Texas from Coahuila.

4. When Austin reached the Mexican capital, he found a strong prejudice had been awakened against the Anglo-Americans in Texas. He failed to obtain permission to organize a separate State government, but his mission was not without good results. He secured the repeal of laws which discriminated against the Americans—especially the decree of Bustamente, prohibiting immigration from the United States—and obtained some mail facilities. In December he started for Texas, and had reached Saltillo, where he was arrested by order of Farias, the acting President, carried back to Mexico and thrown into a dungeon, in which he languished nearly two years.

3. In what condition was Coahuila in 1834? To whom did the hostile parties refer their dispute?

4. What was the state of feeling toward the Anglo-Americans when Austin arrived in Mexico? How was Austin treated?

5. During the year 1834, Colonel Almonte, one of Santa Anna's most trusted lieutenants, was sent on a visit to Texas. He was everywhere cordially received, and, on his return, published a glowing description of the country, giving a tolerably accurate estimate of its population and resources.

6. Though all parties, in 1834, wished to see the connection between Texas and Coahuila dissolved, there were differences of opinion as to the best mode of accomplishing this object. Some wanted a *de facto* local government organized at once. Others wished to await the action of the Federal authorities, and the return of Austin. And still others, comparatively few in number, but very zealous, wished at once to proclaim the independence of Texas. But as all parties were agreed in desiring a local government, to be administered by its own citizens, Texas was comparatively quiet. It was, however, a delusive peace, the harbinger of a storm.

7. The first considerable stocks of cattle brought to Austin's Colony, were by Abner Kuykendall and Randal Jones, in 1822. Ten years later, Taylor White, on Turtle Bayou, had three thousand head, and Mr. Barrow, one of Mr. White's neighbors, had several hundred head of horses and mules. There were large herds of cattle and horses owned by Mexicans in western Texas.

8. The first cotton-gin-house erected in Texas was in 1825, at the Groce plantation; the next, near the mouth of Cow Creek, in Brazoria County, by the Austins; the third, by Robert H. Williams, in Matagorda County. Cotton was then packed in fifty and one hundred pound sacks, and transported to the Rio Grande on mules, two hundred and

5. What Mexican officer visited Texas in 1834? What did he think of Texas?

6. What was the desire of all parties in Texas? How did opinions differ?

7. When were the first stocks of cattle brought to Austin's Colony?

8. When and where was the first cotton-gin-house built? When was the first cotton shipped from Texas, and what price did it bring?

fifty pounds constituting a mule load. The first cotton sent out of Texas by water was shipped from Velasco to Matamoras in 1831, and brought sixty-two and a half cents per pound. As early as 1830, Judge Williams, of Liberty County, made forty hogsheads of sugar in one year.

9. In 1834, Almonte estimated the commerce of Texas as follows:

	Exports.	Imports.
Department of Brazos	\$600,000	\$325,000
“ Nacogdoches	\$470,000	\$265,000
“ Bexar	\$10,000	

10. The Constitution of Coahuila and Texas (1827) declared “that in all the towns of the State a suitable number of primary schools shall be established, wherein shall be taught reading, writing, arithmetic, the Catechism of the Christian religion, a brief and simple explanation of this Constitution and that of the Republic, the rights and duties of men in society, and whatever else may conduce to the better education of youth.” This was a dead letter upon the statute book. There were, however, a few private schools in Texas. In 1824, S. Richardson taught in San Felipe; Henry Smith taught in Brazoria County in 1827, and Thos. J. Pilgrim in 1828. Pilgrim afterward taught in San Felipe, where he organized the first Sunday-school in Texas. Miss Trask taught in Cole’s Settlement (Independence), and other schools were opened for short periods in various neighborhoods. In 1832, the Bexar memorialists stated “that there was but one school in San Antonio, the teacher of which was paid twenty-five dollars per month by his patrons.”

11. Under the colonization laws, all colonists professed

9. Give Almonte’s estimate of the exports and imports of the different departments.

10. What provision did the Constitution of 1827 contain in favor of education? Were public schools established under this provision? Name some of the teachers of private schools.

11. What faith did the early colonists profess? What places were regularly

the Roman Catholic faith. There were, generally, regular priests at San Antonio, Goliad, and Nacogdoches. The American population had, however, no churches, and only occasional visits from priests. In 1830, Father Michael Muldoon, an Irishman, visited most of the settlements, administering baptism and marrying such as desired these rites. In the absence of a priest, parties were married by a bond. Father Henry Doyle was the regular priest at San Patricio. "In 1833," says Almonte, "the only vicar in San Antonio died of cholera, leaving but one curate to the department."

12. Texas was also occasionally visited by Protestant ministers. In 1822, Rev. Henry Stevenson (Methodist) preached in various neighborhoods. He did the same in 1824. In 1826, Rev. Joseph Bays (Baptist) preached at the house of Moses Shipman, on the Brazos. In 1832, Sumner Bacon (Cumberland Presbyterian) passed through the various settlements, acting as agent for a Bible and Tract society of Natchez. In 1833, a Baptist church was organized in Austin's Colony; a Methodist church in East Texas, near San Augustine; and a Cumberland Presbyterian church in North Texas, on Red River—this last by Rev. M. Estel. In 1834, a Methodist camp-meeting was held in Austin County, near the residence of the Rev. John W. Kinney, and a protracted meeting with the church in East Texas.

13. Notwithstanding the scarcity of schools and churches, society in Texas was unexceptionably good at the close of this period. Austin had required of all colonists a certificate of good character, and had taken great pains to keep out

supplied with priests? What priest visited Austin's Colony in 1830? In the absence of a priest how were parties married?

12. Give the names of some of the early Protestant ministers in Texas. What Protestant churches were organized in 1833?

13. What is said of the morals and social condition of Texas at the close of this period?

criminals and persons of vicious morals. As a general rule, the colonists lived in great peace among themselves, were honest in their dealings, and practiced a generous hospitality toward strangers.

14. *Concluding Reflections.*—The study of the colonial period of our history is well calculated to impress us with a sense of the undaunted courage, the indefatigable energy, and unconquerable spirit of the men who found Texas a wilderness and converted it into a garden, introducing and establishing, upon a permanent basis, our civil institutions. To avoid the appearance of self-glorification, the testimony of two intelligent foreigners is appended.

15. Kennedy, in his “History of Texas,” speaking of these pioneers, says: “They are the only people who, in defiance of all obstacles, have struck the roots of civilization deep into the soil of Texas. Even as I trace these lines, I reflect upon their progress with renewed wonder and admiration. They are, indeed, the original conquerors of the wild, uniting in themselves the threefold attributes of husbandmen, lawgivers, and soldiers.”

16. M. De Tocqueville, at a still earlier period, in his work on America, uses the following language: “It is not to be imagined that the impulse of the Anglo-American race can be arrested. Their constant progress towards the Rocky Mountains has the solemnity of a providential event. Tyrannical government and consequent hostilities may retard this impulse, but cannot prevent it from ultimately fulfilling the destiny to which that race is reserved. No power upon earth can close upon the emigrant the fertile wilderness which offers resources to all industry and a refuge from all want. Future events, of whatever nature they may be, will

14. What impression is the study of our colonial history calculated to produce?

15. Give the purport of Kennedy's reflections.

16. Of M. de Tocqueville's.

not deprive the Texans of their climate, their bays and rivers, or their exuberant soil. Nor will bad laws, revolutions, or anarchy be able to obliterate that love of posterity and that spirit of enterprise which seem to be the distinctive characteristics of their race; or to extinguish that knowledge which guides them on their way. Thus, in the uncertain future, one event is sure: At a period, which may be said to be near, the Anglo-Americans will, alone, cover the immense space contained between the polar regions and the tropics, and extending from the coast of the Atlantic to the shores of the Pacific."

CHRONOLOGICAL REVIEW QUESTIONS.

SECOND PERIOD.

When did Moses Austin obtain his first empresario contract? January 18, 1821.

When did the first colonists arrive with Stephen F. Austin? December 31, 1821.

When and where did the Fredonians organize for war? At Nacogdoches, December, 1826.

What celebrated decree was issued April 6, 1830? The decree of Bustamente prohibiting Americans from settling in Texas.

What troubles occurred in 1832? Difficulties with Bradburn at Anahuac, June 13, fight with Ugartechea at Velasco, June 25, and fight with Piedras at Nacogdoches, August 1.

What occurred in 1833? A Convention at San Felipe petitioned for a separate State government. Austin was imprisoned in Mexico.



David G. Barnett

PERIOD III.

THE REVOLUTION.

INCLUDES THE YEARS 1835 AND 1836.

SECTION I.

MEXICAN AFFAIRS.—TEXAS WITHOUT CIVIL GOVERNMENT.—
AUSTIN'S RETURN.—THE AFFAIR AT GONZALES.—GOLIAD
TAKEN BY THE TEXANS.

1. Perhaps Texas might have become, and remained, a Mexican State, had the Mexicans maintained a republican form of government. But the Republic had disappeared.

Section I.—1. Did Mexico maintain a republican form of government? Who was exercising despotic power? What State still resisted the authority of

Santa Anna had abandoned the liberal party, and was making strides toward absolute power. The Constitution of 1824 had been swept away, and the mass of the people disarmed. The last republican leader who held out against the usurper was Governor Garcia, of Zacatecas. Santa Anna was completely victorious in a bloody battle fought near that city on the 11th of May, 1835, killing some two thousand republicans, and taking twenty-seven hundred prisoners. Early in April General Cos dispersed the Legislature of Coahuila and Texas, then in session in Monclova; and in July General Ugartechea was sent to San Antonio with a garrison to overawe the Texans. On the 8th of August the Plan of Toluca was formally proclaimed, investing the President with dictatorial powers.*

2. The revolution in Mexico was completed on the 3d of October, 1835, when Santa Anna issued a decree suspending the functions of all State Legislatures, thus centralizing all power in the supreme government at the capital.

3. The state of chaos in Coahuila left Texas comparatively without civil government, though a few of the *alcaldes* still exercised their functions. But the troubles with the Indians, and the unsettled state of the country, rendered it necessary to have some means of communication between different settlements. This led to the formation of Committees of Safety in several of the municipalities. On the 17th

* In a Mexican revolution, the following is the order of proceeding: 1. A *grito*, or grumbling at the existing order of things. 2. A *pronunciado*, or denunciation of these evils at a public meeting of the disaffected. 3. A *plan* is proposed for relief. This plan derives its name from the place in which it originated, as the Plan of Vera Cruz; of Iguala; of Toluca.

Santa Anna? When was the battle of Zacatecas fought? With what result? Who dispersed the Legislature at Monclova? When was Ugartechea sent to Texas?

2. When was the revolution in Mexico completed? By what decree?

3. In what state did the revolution in Coahuila leave Texas? Why were Committees of Safety formed? When and where was the administrative council organized?

of July a number of delegates from adjoining municipalities met at San Felipe, and organized an administrative council, or committee.

4. At this period, when the public mind was unsettled, Austin re-appeared in Texas, having been released from his long confinement. At Brazoria he was greeted by a thousand citizens, who anxiously awaited his advice. His observation of the progress of events at the Mexican capital had satisfied him that the time had arrived for the Texans to act with promptness and vigor. He was immediately elected Chairman of the administrative council. To secure concert of action throughout the province, he advised the assembling of delegates from all municipalities, for a general consultation. The election was held on the 3d of October.

5. Soon after the arrival of Ugartechea at San Antonio, he sent Captain Tenorio with about twenty men to Anahuac. A misunderstanding took place between Tenorio and a party of Texans under W. B. Travis. The Mexican officers and soldiers were arrested and disarmed; but the administrative council at San Felipe, after investigation, restored Tenorio and his men to liberty, and returned their arms and papers.

6. Under instructions from headquarters, Colonel Ugartechea ordered the civil authorities in Texas to arrest certain citizens, who were obnoxious to the centralists. Santa Anna was especially anxious to secure his former friend, Zavalla, and, to capture him, sent a schooner, under Captain Thompson, into the Brazos river. A party of Texans, however, under Captain Hurd, captured Thompson and sent him to New Orleans, where he was tried for piracy. He

4. How was Austin greeted on his return? What advice did he give? When was the election held?

5. How was Captain Tenorio received at Anahuac?

6. What exiled Mexican patriot did Santa Anna order arrested?

was acquitted of the charge, and subsequently became an officer in the navy of Texas.

7. Gonzales has been denominated the Lexington of Texas. A cannon had been given the citizens for defence against the Indians. Ugartechea sent Captain Castanado, with one hundred and fifty men, to seize this gun and carry it to San Antonio. The Texans rallied under Captain Albert Martin, and resolved to retain it. On the 29th of September, the ferry boats were brought to the east side of the river, and a position taken to prevent the Mexicans from crossing. By the 30th, the Texan force, at first small, had increased to one hundred, and on the 1st of October, to one hundred and sixty-eight. A military organization took place. John H. Moore was elected Colonel, and J. W. E. Wallace, Lieutenant Colonel. The Texans manned the cannon, and on the 2d of October, crossed the river with a view of attacking the Mexicans. Castanado asked for a parley, proclaimed himself a Republican, and wanted to know for what the Texans were fighting. Colonel Moore replied, and submitted to Castanado the choice of either surrendering to the Texans, or joining their ranks. He declined both alternatives, and the Texans immediately prepared for an attack. The fight opened with a discharge from the cannon. Castanado precipitately retreated towards San Antonio, and the Texans returned in triumph to Gonzales.

8. As soon as news of the affair at Gonzales reached lower Caney, Captain George Collingsworth collected a few men among the planters of Brazoria and Matagorda Counties, for

7. What place has been denominated the Lexington of Texas? For what purpose did Castanado visit Gonzales? What steps did the Texans take to retain the cannon? With what result?

8. For what purpose did Collingsworth collect his company? When was Goliad captured?

the capture of Goliad. On the evening in which this party reached the neighborhood of the town they fortunately fell in with B. R. Milam, who had escaped from a Mexican prison and was making his way to Texas. He at once entered the ranks as a private soldier, and was foremost in the assault. The attack was made on the night of October 8th. The garrison was taken completely by surprise, and surrendered after a short engagement. The Texans took twenty-five prisoners, several pieces of artillery, three hundred stand of arms, and about ten thousand dollars in money. The place was left in command of Captain Philip Dimmit.

9. On the 3d of November Captain Westover captured a Mexican garrison of twenty men, at Lipantitlan, on the Nueces river. After Captain Westover had paroled the prisoners, he was attacked by about seventy Mexicans, whom he defeated after a sharp conflict of half an hour. The Mexicans suffered severe loss; one Texan was wounded.

SECTION II.

CIVIL GOVERNMENT.—MILITARY OPERATIONS.—INVESTMENT AND TAKING OF SAN ANTONIO.

1. October 16th was the day fixed for the meeting of the General Consultation. This name was adopted because the term Convention was peculiarly objectionable to the Mexicans. Only thirty-one members being present on the 16th, they adjourned on the next day to November 1st, part of the members going to the army, and the others remaining to act with the committee at San Felipe. On the 3d of

9. What other Mexican garrison was captured soon afterward ?

Section II.—1. What day was fixed for the meeting of the Consultation ? When was a quorum obtained ?

November a quorum was present, and the body organized by electing Branch T. Archer, President, and P. B. Dexter, Secretary. The Committee, which since the middle of July, had been exercising the functions of government, at once turned over all their papers and authority to the Consultation.

2. It was at first thought that the independence of Texas would be at once proclaimed. This, however, was deemed unadvisable; and on the 6th of November, a declaration was solemnly put forth, which asserted in the preamble that Santa Anna had, by force of arms, overthrown the federal institutions in Mexico, and that the Texans had taken up arms in defence of their rights and liberties; that Texas was no longer bound by the compact, and did not acknowledge the usurpation of Santa Anna; that she would continue the war until the Mexican soldiers were driven from the province; and that, under the circumstances, she had a right to withdraw from the Union, but would still adhere to the Constitution of 1824. Other resolutions pledged the faith of the State to defray the expenses of the army in the field, and donated land to volunteers.

3. On the 12th of November a Provisional Government was organized, with Henry Smith for Governor, James W. Robinson, Lieutenant Governor, and Sam Houston, Commander-in-Chief of the regular army. On the same day an Executive Council was elected, composed of one member from each municipality.

4. To secure men and means necessary to carry on the war, three commissioners were sent to the United States.

2. Did the Consultation proclaim the independence of Texas? What declaration was sent forth November 6?

3. Who was elected provisional Governor? Lieutenant-Governor? How was the executive council formed?

4. Why were commissioners sent to the United States? Mention some other acts of the Consultation.

The Consultation, also, before adjournment, suspended the issuing of land titles, abrogated the sale of four hundred leagues of Texas land, made fraudulently by the defunct Legislature of Coahuila; took steps to conciliate the Indians in East Texas; to establish mail lines; to collect duties; and, in general, to inaugurate civil government.

5. The Texans who had, on the first alarm of war, hastened to the West and gallantly repulsed Castanado, were not prepared for a regular campaign, and many of them soon returned to their homes. Those remaining in camp were without a recognized leader, or any definite plan of action. In this contingency the Council sent General Austin as Commander-in-Chief. He arrived at Gonzales on the 10th of October, and the soldiers at once placed themselves under his orders.

6. At San Antonio, the Mexican garrison had been strengthened by the arrival of General Cos, and numbered about one thousand men. The fortifications were repaired, and the city put in a thorough state for defense. This city was Austin's objective point. With his army he crossed the Guadalupe River on the 12th of October, and on the 20th arrived at the Mission La Espada, nine miles from the city.

7. On the 27th Austin sent a detachment of ninety-two men, under Colonels Bowie and Fannin, to reconnoitre, and, if practicable, select a camping-ground nearer the city. This party passed the night at Mission Concepcion, where they were discovered by Mexican spies. The camp of the Texans was protected on one side by the river. On the morning of the 28th they found themselves confronted on three sides by

5. Were the Texan soldiers prepared for a military campaign? Who became commander at Gonzales?

6. What was the condition of the Mexican garrison at San Antonio? What was Austin's objective point?

7. Give the particulars of the battle of Concepcion.

a large body of Mexican soldiers. The Texans took position in the low ground on the bank of the stream, out of the range of the enemy's cannon. After some severe fighting the Mexicans retreated to the city, leaving their cannon on the field. In this engagement the Texans had one man killed. The Mexican loss was not accurately known. It was said sixteen dead bodies were lying near the abandoned cannon, which had been fired but four times.

8. On the 2d of November the Texans moved up the river and took a position at the powder-house, one mile east of the city, and, soon afterward, at the old mill on the bank of the river, closely investing the place.

9. On the 26th of November General Cos sent out a party of men to cut grass for their horses. This party was attacked by the Texans, and a running fight took place, the Mexicans retreating in great disorder to their fortifications. Two days after this fight General Austin, who had been appointed Commissioner to the United States, resigned the command of the army, and was succeeded by General Burleson.

10. Burleson's army was composed of volunteers, many of whom had left home expecting soon to return. Cold weather was approaching, and they were but poorly prepared for a winter campaign. The city was strongly fortified. Most of the houses were of stone or adobe (dried brick), with small openings and flat roofs, affording good positions and protection to the besieged. On the east side of the river the old fortress of the Alamo had been thoroughly repaired, while the buildings adjoining the church and the main plaza, in the city, were carefully secured, and the streets barricaded and protected with artillery. In view of the position and

8. When did Austin's army invest the city?

9. Give particulars of the "*grass fight*." Who succeeded Austin in command?

10. Of what kind of troops was Burleson's army composed? What was the situation of San Antonio? What noted companies joined the Texans?

strength of the enemy, some of Burleson's officers thought an assault impracticable. The Texans had been reinforced by two splendid companies from New Orleans. They wore a gray uniform, and were called the "New Orleans Grays," and were under the command of Major R. C. Morris, and Captains Breese and William G. Cooke.

11. To keep the army together it was necessary to commence active operations, and, at a consultation of officers on the 2d of December, an assault upon the city was planned for the next day. General Burleson was to remain at headquarters to give general orders; Colonel Neil, with the artillery, was to divert the attention of the foe by an attack upon the Alamo; while the main attacking party was to enter the city in two divisions, one under Colonel B. R. Milam, who led the assault, and the other under Colonel F. W. Johnson. The former entered on *Acequia*, and the latter on *Soledad*, two parallel streets extending northward from the main plaza.

12. Before daylight on the morning of the 5th, Milam took possession of La Garza's house, and Johnson of Vera-mendi's. Johnson's column was first discovered, and subjected to a severe fire of grape and musketry. Soon afterward Milam's division was also fired upon by the guns of the Alamo, and also those of the main plaza. So destructive was the fire that, for a time, communication between the attacking columns was interrupted. During the first day's fight the Texans had one killed and fifteen wounded.

13. On the second day the Mexicans, from the tops of their flat-roofed houses, and from their breastworks, poured an incessant fire upon the Texans, who steadily advanced, having five wounded during the day.

11. When was the council of war held in Burleson's camp? On what day did the Texans attack the city?

12. Give the particulars of the first day's fight.

13. Of the second.

14. Severe fighting continued all the third day. About noon a detachment of the assailants under Karnes advanced, and, with a crow-bar, effected an entrance into a house, securing an advantageous position. While the brave Milam was surveying the situation with a view to ordering a final assault, he was instantly killed by a rifle ball. He was succeeded in the command by Colonel Johnson. The struggle continued, and possession of Navarro's house was obtained in the afternoon. Besides losing Milam, the Texans had two privates wounded on this day.

15. The morning of the fourth day of the fight opened with a cold, drizzling rain, and there was little firing on either side. About nine o'clock the Texans advanced from Navarro's house to the Zembrano Row, and, by openings through the walls, finally drove the enemy from this building. During the contest the Mexicans were reinforced by a regiment from the Rio Grande under Colonel Ugartechea. Late at night the Texans forced their way into the priest's house on the main plaza. The Mexicans kept up a furious cannonade all night upon the houses occupied by the assailants. The Texans had one wounded (Belden, of the New Orleans Grays,) while spiking a cannon.

16. General Cos, finding it impossible to drive the Texans from the square, just before daylight, on the morning of the 9th, abandoned the city and retreated across the river to the Alamo. At half-past six o'clock the black flags which had been floating over that fortress and the church in town were lowered, and soon afterwards a white one was raised over the Alamo. A conference was held, and a surrender of the garrison took place during the day. Liberal terms were granted

14. Of the third.

15. Of the fourth. Which party received reinforcements ?

16. To what place did Cos retire ? What terms were granted to the vanquished. Mention some of the trophies acquired by the Texans.

to the vanquished. It was said most of the reinforcements introduced by Ugartechea were liberated convicts. These he was required to take back across the Rio Grande. Mexican officers were permitted to retain their side arms and all private property. A small battery and one hundred stand of small arms were returned to the Mexicans for protection against the Indians until they reached the Rio Grande. Officers and men pledged themselves not to fight against Texas during the present war, and such soldiers as chose to do so were permitted to remain in San Antonio. The loss of the Mexicans in this fight was estimated at one hundred and fifty killed, and twelve hundred prisoners surrendered to General Burleson. The Texans captured twenty-one pieces of artillery, five hundred muskets, and a large quantity of clothing and army stores.

17. Speaking of this brilliant victory, Burnet says: "We regard the taking of San Antonio as, without exception, the most difficult, protracted, and gallant achievement that graced our revolutionary history, and as exhibiting a more patient endurance of the fatigues, privations and dangers incident to war, than is common in an army of unpaid, undisciplined volunteers, a portion of whom were strangers, having no predial interests in the country. Colonel Burleson did all that duty could require. Colonel Johnson approved himself a worthy successor to the brave and skillful Milam, while every subordinate officer and every soldier displayed an indomitable heroism." "This first essay in the field," says Kennedy, "was astonishingly successful, and the storming of Bexar will rank among the most remarkable feats of chivalric daring."

SECTION III.

THE EXECUTIVE COUNCIL.—THE CONVENTION OF 1836.—
CONDITION OF THE TEXAS ARMY.

1. The Executive Council, which was still in session at San Felipe, had adopted such measures as were deemed necessary to prosecute the war. A tariff of import and export duties was levied. Six ports of entry were established—Sabine, Galveston, Brazos, Matagorda, Lavaca, and Copano. A judiciary was organized, and two judges appointed for each municipality. A regular army was provided for, to consist of twelve hundred and twenty men. Only two companies of regulars had actually been mustered into service, but a full corps of officers was duly elected and commissioned.*

2. On the 10th of December the Council passed a decree ordering an election of delegates to a General Convention. The twenty-two municipalities were to elect fifty-six delegates; the election to be held on the 1st of February, 1836, and the Convention to meet in Washington on the 1st of March. Governor Smith vetoed the bill because it gave Bexar four delegates, and the Governor thought that the Mexican population of that municipality would oppose the movement. The objection was overruled; but the point objected to by the Governor was guarded by prohibiting all Mexicans from voting, except those who opposed a central government.

* It may be noted that but few of those actually in the army were elected officers. On the very day the attack was made on San Antonio, Sublett was elected Colonel over Burleson, and it was not until after the news of the capture of the city had been received that Johnson was elected a major.

Section III.—1. What measures did the executive council adopt?

2. What decree passed the Council December 10?

3. It was soon discovered that the Executive Council was too unwieldy for prompt action. The Governor could do nothing without the sanction of the majority. The members from the different municipalities were constantly changing, and the Governor seems to have taken no pains to conciliate their good will, or enlist their co-operation in his measures. A rupture occurred, and on the 11th of January the Council, by a unanimous vote, deposed Governor Smith, and installed Lieutenant-Governor Robinson as Governor. The Governor declined to surrender his office. A wordy controversy ensued, which was protracted until the meeting of the Convention in Washington.

4. The delegates to the Convention assembled in Washington on the 1st of March. Richard Ellis, of Red River, was elected President, and H. S. Kimble, Secretary. On the second day of the session, a declaration of independence was unanimously adopted. By the 15th a Constitution had been prepared, and on the 16th a government *ad interim*, was inaugurated, with David G. Burnet for President, and Lorenzo de Zavalla Vice-President. Sam Houston was appointed Commander-in-Chief of the forces in the field. The Convention adjourned on the 17th; and, a few days afterward, President Burnet and the members of his Cabinet removed to Harrisburg.

5. The Texan Army, at the beginning of 1836, was not in a promising condition. After General Houston had been appointed Commander-in-Chief by the Consultation in 1835, the Council authorized Colonels Grant and Johnson to raise

3. Did the executive and Council act in harmony? What act passed the Council January 11, 1836? Who became governor?

4. When did the Convention meet in Washington? What act passed March 2? Who was appointed President *ad interim*? To what place did the President and Cabinet remove?

5. In what condition was the Texan army? Why did not Houston continue in command?

an army to take possession of Matamoras. The same body also authorized Colonel J. W. Fannin, as agent, to collect an army for the same purpose. Houston considered that these acts had superseded his authority as commander, and he took his seat in the Convention at Washington as a delegate from Refugio.

6. After the capture of San Antonio, most of the Texans in Burleson's army returned to their homes, while many of the soldiers from the United States enlisted in the expedition which Johnson and Grant were getting up against Matamoras. The few troops remaining in San Antonio were under the command of Colonel John C. Neil, who was soon succeeded by Colonel W. B. Travis. Goliad, after its capture by Collingsworth, was under the command successively of Captains Dimmit, Westover, Wyatt, and Colonel J. W. Fannin.

SECTION IV.

PLANS AND MOVEMENTS OF SANTA ANNA.—SIEGE AND CAPTURE OF THE ALAMO.

1. Texas was now the only Mexican province that disputed the authority of Santa Anna, and he immediately began his preparations for its subjugation. His plan of invasion was to send his main army across the Rio Grande at Presidio, and thence to San Antonio, while a supporting column advanced along the coast from Matamoras to Goliad.

2. Santa Anna arrived at Saltillo toward the last of January, 1836. On the 16th of February he was at Guerrero,

6. What became of Burleson's soldiers after the capture of San Antonio? Who successively commanded in that city? Who were the commanders at Goliad?

Section IV.—1. After the capture of Zacatecas, to what province did Santa Anna turn his attention?

2. When did Santa Anna arrive at Saltillo? How did he propose to enter Texas?

and wrote to Tornel, Minister of War, giving the outlines of his programme in reference to Texas. It was "to drive from the province all who had taken part in the revolution, together with all foreigners who lived near the sea-coast, or the borders of the United States; to remove far into the interior those who had not taken part in the war; to vacate all land and grants of land owned by non-residents; to remove from Texas all who had come to the province, and were not entered as colonists under Mexican rules; to divide among the officers and soldiers of his army the best lands, provided they would occupy them; to permit no Anglo-American to settle in Texas; to sell the remaining vacant lands at one dollar per acre, allowing those speaking the French language to purchase five millions of acres, those speaking English the same, and those speaking Spanish without limit; to satisfy the claims of the civilized Indians; to make the Texans pay the expense of the war; and to liberate and to declare free the negroes introduced into the province." To prevent Texas from receiving aid from the United States, an order was issued by Tornel condemning as pirates all foreigners who should enter the province with arms or munitions of war.

3. While Santa Anna, with his main army, was preparing to make a demonstration upon San Antonio, General Urrea was at Matamoras, organizing an auxiliary force to march along the coast.

4. The advance of Santa Anna's army reached the heights of the Alazan, overlooking the city of San Antonio, on the 22d of February. On his approach, Colonel Travis, with one hundred and forty-four men, retired to the Alamo.

How dispose of her population? How dispose of the land? The slaves? Give the purport of Tornel's order.

3. What Mexican general was at Matamoras?

4. When did Santa Anna arrive at San Antonio? Where did Travis take refuge?

5. Santa Anna sent a summons to the garrison to surrender. This was answered by a cannon-shot from the battery. Travis had fourteen cannon, but only a limited supply of ammunition. A blood red flag, proclaiming "*No quarters*," floated over the church in the city.

6. On the 24th Travis dispatched couriers to San Felipe and to Goliad for help. The Mexicans bombarded the fort without effect.

7. On the 25th the Mexicans opened their batteries early. Toward noon Santa Anna himself crossed the river, and personally superintended the planting of cannon at the powder-house on the hill, and also near the walls of the Alamo, under the protection of some houses. Late at night the Texans sallied out and burned several buildings near the fort.

8. Early on the morning of the 26th a skirmish took place, but without decisive results. Santa Anna, having received reinforcements, drew his lines still closer around the walls, attempting to cut off the garrison from water. In this he failed. At night the Texans again sallied out and burned some buildings on the north side of the fort. A continued bombardment was kept up, but nothing important occurred for several days.

9. On the 2d of March Captain John W. Smith, with thirty-two citizen-soldiers from Gonzales, forced their way through the Mexican lines and entered the fort; and, on the 3d, Travis sent out a courier to the Convention at Washington. He says: "I am still here in fine spirits, and we'll to do. With one hundred and forty-five men I have held this

5. How was Santa Anna's summons to surrender answered?

6. What took place on the 24th?

7. On the 25th?

8. On the 26th?

9. Who entered the Alamo on the 2d of March? What word did Travis send the Convention on the 3d?

place ten days against a force variously estimated at from fifteen hundred to six thousand, and I shall continue to hold it until I get relief from my countrymen, or I will perish in its defence. We have had a shower of cannon balls continually falling among us the whole time, yet none of us have fallen. We have been miraculously preserved." During the day Colonel J. B. Bonham, who had been sent to Goliad for reinforcements, returned and rejoined his companions in the fort. At night the Texans made an unsuccessful sally in the direction of the old mill.

10. On the morning of the 4th there was cannonading on the part of the Mexicans. The Texans, being short of ammunition, seldom fired. In the evening Santa Anna convened a council of officers to deliberate upon the propriety of an assault. A majority opposed the attempt before the arrival of siege guns; but the General, whose movements had always been very rapid, was impatient at this delay, and determined to assault the fortress. His orders were very carefully and minutely given. There were to be four columns of attack under his most experienced officers. Each column was supplied with scaling ladders, crowbars and axes. His whole cavalry force was marshalled in the rear to prevent the desertion of his own unwilling troops and the escape of the besieged. Filisola mentions, as a rumor, that during the evening Travis proposed to surrender on condition that the lives of his men should be spared. This was, probably, an unfounded report.

11. All parties were required to be in their designated places, and it was Santa Anna's order that the assault should take place at midnight. Besides the main chapel of the Alamo there was a court, surrounded by a stone wall, inclos-

10. What occurred on the 4th of March? Mention Santa Anna's plan of assault.

11. At what hour did Santa Anna intend to make the assault? What were the surroundings of the Alamo?

ing two or three acres of ground. Along this wall were some stone buildings used as barracks. One of these was a two-story building, and all opened into the court-yard, though they had no connection with each other.

12. At four o'clock on Sunday morning, March 6th, the thirteenth day of the siege, the bugle sounded for a forward movement along the whole Mexican line, and a grand assault upon the beleaguered garrison. The Texans hastened to their guns, and, according to Filisola, "poured upon the advancing columns a shower of grape, and musket, and rifle balls." Filisola continues: "The three columns that attacked the west, north, and east fronts fell back, or, rather, wavered, at the first fire of the Texans. The columns of the western and eastern attacks, meeting with some difficulty in reaching the tops of the small houses forming the wall of the fort, did, by a simultaneous movement to the right and to the left, swing northward until the three columns formed one dense mass, which, under the guidance of their officers, finally succeeded in effecting an entrance into the enclosed yard. About the same time the column on the south made a breach in the wall, and captured one of the guns of the fort." This cannon was commanded by Travis in person, and it is likely he fell early in the action, as his body was found near his gun. The Mexicans immediately turned this piece upon the church, and the Texans, overpowered by numbers, finally took refuge in the various buildings, abandoning the yard to the foe.

13. After this each apartment became a separate battlefield, the Texans selling their lives as dearly as possible. Crockett was probably alone, as the bodies of no other Texans were near him. Around his corpse were a number of

12. On what day did the assault take place? Give Filisola's account of the capture of the place. Where did Travis fall?

13. Mention what is known of the death of Crockett. Of Bowre.

Mexicans whom he had undoubtedly slain in the last conflict. Bowie, who was in the last stage of consumption, was confined to his bed, where he was discovered and slain. It was reported that he, with his pistol, shot two or three Mexicans as they entered his room. The last place taken by the enemy was the church. Further resistance now seemed useless, and, according to a preconcerted arrangement, Major Evans attempted to blow up the magazine. He was shot just as he was applying the torch.

14. After all resistance had ceased, three or four Texans were found concealed in a room, who appealed for quarter, but were immediately put to the sword. Lieutenant Dickinson (one of the officers who had assisted Johnson in the capture of the city) had his family with him in the barracks. With a child on his back he attempted to leap from one of the upper rooms. Both were shot, and fell lifeless to the ground. The only persons spared were Mrs. Dickinson and daughter (the latter known as the "Child of the Alamo"), Mrs. Alsbury and child, and a negro servant belonging to Travis.

15. The garrison numbered about one hundred and eighty. A monument, standing at the entrance of the capital, at Austin, states that "Thermopylæ had its messenger of defeat; the Alamo had none." General Andrade, the officer immediately appointed commander in San Antonio, reported the Mexican loss at eight officers killed, and eighteen wounded; enlisted men, fifty-two killed, and two hundred and thirty-three wounded. Well-informed Texans put the loss of the enemy at from one hundred and fifty to two hundred killed, and about twice that number wounded.

14. How were those treated who appealed for quarter? Give the fate of Lieutenant Dickinson. Who were spared?

15. How many Texans fell in the Alamo? What was the probable loss of the enemy?

The bodies of the Texans were collected in heaps and burned.*

SECTION V.

URREA.—SAN PATRICIO.—GRANT.—MASSACRE AT REFUGIO.—
GOLIAD EVACUATED.—BATTLE OF COLETA.—MASSACRE
AT GOLIAD.

1. Simultaneously with the advance of Santa Anna, General Urrea proceeded along the coast. The advance of his column reached San Patricio on the 28th of February. Colonel Johnson, with a few Texans, was completely surprised, as he had no intimation of the proximity of the foe. But the Mexican population of the place had received notice of the approach of Urrea's cavalry, and were instructed to keep lights burning in their houses, as a signal to their friends. Fortunately Johnson was writing until late, and, having a light burning in his room, was not discovered by the enemy, and he and three companions made their escape. From prisoners captured at San Patricio the Mexicans learned that Colonel Grant, Major Morris, and about forty other Texans, were out on a scout for horses. The next day this party was discovered and surrounded by a large cavalry force, and all the officers, and all but two of the privates, killed.

2. As soon as Fannin, whose headquarters were at Goliad, heard of the approach of Urrea, he sent Captain King

* On the 25th of February, 1837, Colonel John N. Seguin superintended the collection and proper interment of the bones of these heroes.

Section V.—1. When did Urrea reach San Patricio? How did Colonel Johnson escape? What became of Grant and his companions?

2. Who was sent to Refugio by Colonel Fannin on the 3d of March? Who on the 12th? What took place on the 14th? Why did King and Ward separate?

(March 3) to Refugio, to remove the women and children. Fannin, not hearing from the first detachment, on the 12th of March sent Captain Ward, with one hundred and twenty men, to King's assistance. On the 14th the Texans at Refugio were attacked by Captain Portelia. The Mexicans were repulsed with loss. Three of Ward's men were wounded. That night a misunderstanding arose between Ward and King as to which was entitled to the command, when the latter, with forty-one men, withdrew from the fort to reconnoiter. After King's withdrawal Ward received orders to fall back, and rejoin Fannin at Victoria. As it was impossible to transport his three wounded men, he supplied them with water and left them in the old mission.

3. In the darkness of the night King and his company were lost, and, in crossing the river, their ammunition was seriously damaged. In this condition, the next morning (March 16), he was surrounded by the enemy, and, seeing no other alternative, surrendered his men as prisoners of war. They were marched back to Refugio, and, six hours afterwards, by an order of Urrea, taken out a few rods from the mission and shot! The three wounded men left by Ward suffered the same fate.

4. During the siege of the Alamo Fannin attempted to go to its relief, but was unable to do so for want of teams to transport his cannon. In the meantime he received orders from General Houston to fall back to Victoria, and at once prepared for a retreat. On the 16th of March he dismounted his guns, throwing some into the river, intending to move early next morning. Just at night Captain Horton, of the cavalry, reported a strong force of the enemy in the immediate neighborhood. Fannin remounted his

3. What became of King and his men?

4. Why did Fannin not go to the relief of Travis? When did he retreat from Goliad?

guns and prepared for defence. No attack was made. The morning was foggy, and, there being no enemy in sight, about ten o'clock Fannin, with several pieces of artillery and about four hundred men, crossed the river and took up the line of march for Victoria. After crossing the Menahuila (*may-nah-wheel'-lah*) Creek, and proceeding about eight miles, a halt was ordered to permit the oxen to graze.

5. The march had been resumed, and the Texans were within two miles of a skirt of timber on the Coleta Creek, when the enemy was discovered in front of them and a little to their left, issuing from a point of timber. While the Texans halted, a body of Mexican cavalry had passed around for the purpose of intercepting their march. The Texan cavalry had been sent forward, and, being now completely separated from the command, were too few in number to cut their way through the enemy's lines and rejoin their comrades. The Texans halted and made hasty preparations for defence. After some manœuvring, Urrea ordered a cavalry charge. This was gallantly repulsed by Fannin's artillery. After the retreat of the cavalry the Texan cannon was turned upon their infantry, which also retired out of range. Another vigorous charge was repulsed, the Mexicans losing heavily. Toward night a company of Campeachy Indians, concealing themselves in high grass, crawled up within rifle-shot of Fannin's camp. The fire from this invisible foe was, for a time, quite destructive; but the Texan sharpshooters succeeded in dislodging them, and, before dark, all firing ceased, the enemy retiring out of reach. Fannin had lost seven killed, seven mortally, and sixty badly wounded.

6. When the fire slackened the Texans improved the time

5. At what point was Fannin's army when the Mexicans appeared in their front? Where was the Texan cavalry? Give the particulars of the battle of Coleta.

6. How did the Texans improve the night? What reinforcements did Urrea receive? Give the particulars of the surrender.

in throwing up a temporary breastwork and digging a shallow trench. Before daylight Urrea received heavy reinforcements, including a park of artillery. Without any adequate protection against the enemy's cannon, destitute of water (for which the wounded, especially, were suffering intensely), situated in a bald prairie, and surrounded by an army five times as large as their own, the 'Texans saw no alternative but to surrender. A white flag was hoisted, and terms of capitulation agreed upon. After nine days' detention, such of Fannin's men as wished to return were to be sent to the United States. The prisoners were marched back to Goliad and confined in the old Mission.

7. Captain Ward, who expected to join Fannin at Victoria, did not reach that place until it was in the possession of the Mexicans. He tried to avoid the enemy, but was discovered, and, with eighty men, surrendered as prisoners of war. They, too, were sent to join their companions at Goliad.

8. Most of these prisoners were from Georgia, and constituted what was known as the "Georgia battalion." The time for their release was at hand, and they were in fine spirits, expecting soon to embark for the United States. While these brave men, on the night of March 26, were singing "Home, sweet Home," a messenger arrived from Santa Anna with orders for their execution! This order was too faithfully executed the next morning, Palm Sunday, March 27th. Without warning, the privates, in four columns, were simultaneously marched out in different directions, each one strongly guarded. When at a short distance from the fort, at a given signal, all were halted and shot. The most of them were instantly killed. Some, who were only

7. What became of Ward and his companions?

8. From what State were most of Fannin's men? Give the particulars of the horrible massacre. How many Texans were slain?

wounded, were dispatched with sabres, and a few, by fergning death, escaped it. After the privates had been put to death, the officers and the wounded were murdered in the fort. All the bodies were left unburied, though partially burned in a brush fence. Eight physicians and attendants were spared; twenty-seven made their escape; three hundred and thirty were slain. Late in the summer General Rusk had the remains of the victims of this massacre collected and honorably interred.

SECTION VI.

**SANTA ANNA'S NEW ADVANCE.—HOUSTON RETREATS.—
CROSSES THE BRAZOS.—CAMPS AT THE MOUTH OF THE
SAN JACINTO.—SKIRMISHING, APRIL 20TH.**

1. After the capture of San Antonio and Goliad, Santa Anna considered Texas subjugated, and intended himself immediately to return home, leaving his generals to re-establish Mexican laws and institutions. Almonte, however, to whom the task of governing Texas was to be committed, and Filisola, the military commander, reminded the President that all the Texans yet encountered were recent volunteers from the United States, and that the real strength of the colonists was unimpaired.

2. Feeling the force of these observations, Santa Anna prepared to push three parallel columns into the heart of the country. General Urrea, with seventeen hundred men, was to proceed along the coast to Brazoria and Galveston; Gen-

Section VI.—1. What did Santa Anna think the capture of San Antonio and Goliad had effected?

2. How many columns did he determine to push into the interior? Who commanded the northern division? The central?

eral Gaona, with seven hundred and fifty men, to take the upper route, by Bastrop, to Nacogdoches; while the central column, of about four thousand, was to advance to Gonzales, San Felipe, and Harrisburg. Next to the commander-in-chief, Filisola was the ranking officer of this division. The troops were put promptly in motion, General Sesma commanding the advance of the central column.

3. General Houston arrived at Gonzales on the 11th of March, and found about five hundred men in the army, most of whom had been in the campaign of 1835. The same evening news reached the camp of the fall of the Alamo, and the expected advance of Santa Anna. As Houston's force was inadequate to cope with the enemy, he ordered a retreat. This was commenced about midnight, March 12, the families removing with the army. In the confusion resulting from this hasty evacuation, most of the buildings in town were burned. The Texans reached the Navidad on the 14th, and the Colorado, at Burnham's, on the 17th. When he crossed the Colorado, Houston's army had increased to six hundred men.

4. He descended the river, on the east side, to the old Atascosita crossing (Columbus), where he remained until the 25th. Recruits continued to arrive until he had an army of twelve hundred to fifteen hundred men. On the 26th the Texans took up the line of march for San Felipe. Many of the soldiers, whose homes were west of the Brazos, then left, to secure the safety of their families. Instead of crossing the river at San Felipe, Houston changed his course up the stream, crossed Mill Creek, and camped in the Brazos bottom, opposite Groce's, from the 29th of March until the 12th of April.

3. When did Houston arrive at Gonzales? Retreat from that place? Arrive at the Colorado?

4. Where was Houston on the 25th? Where did he camp March 29?

5. While Houston was camped at the Colorado, the advance column of the enemy, under Sesma, reached Columbus. On the day that Houston crossed Mill Creek, Santa Anna started the bulk of the central column from San Antonio to follow Sesma. The general himself and his personal staff left the city March 31, and arrived at Columbus on the 5th of April. Leaving the heavy ordnance and most of the infantry to follow, Santa Anna hastened on, and reached San Felipe on the 7th. A small company of determined Texans, under Captain Mosely Baker, disputed the passage of the river, and Santa Anna turned down to seek another crossing. He arrived at Cole's, on the Bernard, on the 9th, rested on the 10th, and sent out a foraging party to the neighboring plantations at Egypt, to procure supplies of corn, sugar, bacon, etc.*

6. On the 11th Santa Anna reached Powell's, and expected to arrive at Richmond and surprise the place before daylight on the 12th; but, being deceived as to the distance, the morning was well advanced before he entered the town. There were two ferries at the "Old Fort," as the place was then called. The upper ferry, kept by Mr. Thompson, was guarded by a company of forty-six men, under Captain Martin. When the alarm was given, men were sent to Morton's ferry to sink the boat. But it was too late. A negro, having crossed over, gave the boat up to the Mexicans. Captain Martin, unable to repel so large a force, hastened

* While at Cole's, a negro prisoner was brought in. Santa Anna released him and told him to go and tell Houston that he (Santa Anna) knew where Houston was, up in the bottom, and, as soon as he had cleaned out the land thieves down about Harrisburg, he would come back and smoke him out. The negro reached Houston when he was at Donaho's, and faithfully delivered Santa Anna's message.

5. When did the Mexican advance reach the Colorado? When did Santa Anna reach San Felipe? Why did he not cross? Where was he on the 10th?

6. Where was he on the 11th? What Texan officer guarded the crossing at Richmond? How did the Mexicans succeed in crossing? Whose gin-house was burned on the 15th? When did Santa Anna reach Harrisburg?

up the river to join Houston. On the 15th Santa Anna dined at Stafford's, and obtained a fresh supply of bacon and corn. Before leaving, the gin-house was burned. Late that night the Mexicans reached Harrisburg.

7. On the same days that Santa Anna's party crossed the Brazos at Richmond (April 12 and 13), General Houston crossed at Groce's. The steamboat *Yellowstone* was impressed to facilitate the crossing of troops, horses, and baggage. At Donaho's, on the 15th, Houston received a couple of guns.*

8. The Texans made forced marches to intercept the enemy, camping at Roberts's on the night of the 16th, and at Mrs. McCurley's, at Spring Creek, on the 17th, and at Harrisburg on the 18th. Here the sick, the camp baggage, and a small guard were left, while the main army crossed the bayou and hastened on to Lynchburg, reaching their camp, opposite the mouth of the San Jacinto, on the forenoon of the 20th.

9. Santa Anna, after remaining two days at Harrisburg, marched with his advanced column down to New Washington. On the morning of the 20th he started a small boat, loaded with provisions, up to Lynchburg, where he, perhaps, intended to cross his army and march eastward. The boat fell into the hands of the Texans, and furnished an acceptable supply to hungry soldiers. About 9 o'clock in the morning (April 20th), Santa Anna's scouts notified him of the arrival of Houston's army at Lynchburg. This was the

* These guns had been sent as "*hollow ware*," from Cincinnati, and taken from Galveston up to Harrisburg on the schooner "*Kosciusko*," Captain Burns. They were the "*Twin Sisters*," and, in 1861, were at Baton Rouge, La.

7. Where and on what days did Houston's army cross the Brazos?

8. Where did the Texans camp on the 16th? On the 17th? 18th? When did Houston's army reach the San Jacinto battle-ground?

9. Where was Santa Anna on the 20th? How was he affected when he heard of the approach of Houston? At what time did he reach the battle-ground?

first intimation the Mexican commander had that the Texans really intended to meet him in battle. The line of defence furnished by the Guadalupe, the Colorado, and the Brazos rivers, had been passed without difficulty, and he believed the Texans would continue their retreat to the Sabine. According to the statement of his own officers, when Santa Anna learned the proximity of Houston's army, that veteran general became very much excited, entirely losing his usual presence of mind. The Mexicans were ordered immediately to Lynchburg, a few miles distant. About the middle of the day the Mexican scouts came in sight of the camp of the Texans, and, by the middle of the afternoon, the whole force, with the commander, had arrived and camped within about a mile of the Texans.

10. Toward evening, the artillery of the Mexicans, supported by cavalry, was deployed in front and a little to the right of the Texan camp. The "Twin Sisters" were placed in position, and General Sherman, in command of the Texas cavalry, marched out to repel this threatened attack. The discharge of the Texan cannon, and the gallant charge of Sherman, checked the advance of the enemy. In this action there were some heroic feats of individual daring. Walter P. Lane being nearly surrounded by a squad of Mexican cavalry, M. B. Lamar dashed over one Mexican horseman, disarmed and dispatched another, and thus secured Lane's escape. In this skirmish the Texans had one man wounded, and several horses killed.

10. Give the particulars of the skirmish on the afternoon of April 20.

SECTION VII.

BATTLE OF SAN JACINTO.—BATTLE-CRY OF THE TEXANS.—
THEIR CHARGE.—TOTAL ROUT OF THE ENEMY.—CAPTURE
OF SANTA ANNA.

1. About 9 o'clock on the morning of April 21st, 1836, General Cos arrived at the Mexican headquarters with five hundred additional troops, swelling Santa Anna's force to about sixteen hundred men. To meet this army, General Houston had seven hundred and eighty-three men. Soon after the arrival of Cos, Deaf Smith was dispatched from the Texan camp to burn Vince's bridge, across Sim's Bayou. The whole Mexican army had crossed this bridge, and knew of no other chance of retreat.

2. About 12 o'clock M., a council of officers met in the Texas camp. A little after 3 o'clock in the afternoon, the troops were paraded for action. The First Texas Regiment, under Burleson, occupied the centre, having the Mexican breastworks and cannon immediately in front. The Second Regiment, under Sherman, was at Burleson's left; on his right was the artillery, commanded by Hockley, supported by four companies of regulars under Millard, and by the cavalry under Lamar.

3. At the sound of the bugle, about 4 o'clock, the whole Texas line shouted the battle-cry, "*Remember the Alamo!*" "*Remember Goliad!*" and rushed impetuously upon the

Section VII.—1. After the arrival of Cos, how many soldiers had Santa Anna? How many had Houston? Who was sent to burn Vince's bridge?

2. What took place at Houston's headquarters at 12 o'clock M., April 21? Give the disposition of the Texas troops for the battle.

3. At what hour did the bugle sound the charge? What was the battle-cry of the Texans? How did the Mexicans receive the charge? What is said of Castrillon? What became of most of the higher officers? To whom did Almonte surrender?

foe. The Mexicans, at that late hour, were not expecting an attack. Many of them were taking their evening *siesta*. Santa Anna confessed he was asleep. Only a few, comparatively, were brought into action. Before their lines were formed, the Texans had charged over their breastworks, taking their cannon. The Mexicans fled in confusion, leaving their camp and baggage to the victors. With the battle-cry of "The Alamo!" and "Goliad!" ringing in the ears of the Texans, there was a fearful slaughter of the foe as long as there was any show of resistance. A few Mexican officers displayed heroic courage. Among them, General Castrillon fell, trying in vain to rally his men. Many of the flying Mexicans were overtaken in a marsh in the rear of their camp. Most of their higher officers, including Santa Anna, contrived to escape from the field. Almonte, who was better acquainted with the character of the Americans than the others, collected some two hundred and fifty of the Guerrero battalion, and surrendered them as prisoners of war to General Rusk.

4. Most of the flying Mexicans made their way towards Vince's bridge. A few succeeded in crossing the boggy bayou, but the most of them, when they found the bridge burned, scattered in the prairie, or concealed themselves in clumps of bushes along the bank. Santa Anna spent the night in one of these thickets. Towards morning he left it, and concealed himself in the long grass on the prairie, where, disguised as a private soldier, he was found by a party of Burleson's men who had been sent in pursuit of the fugitives. A fine gold button in his shirt induced his captors to suspect that their prisoner was an officer, but they had no idea of his rank until they entered the camp, when the other Mexicans cried out "*El Presidente*."

4. In what direction did the Mexicans flee? Where did Santa Anna pass the night? By whom was he discovered?

5. The Texans lost eight killed, and (including General Houston, severely wounded in the ankle) twenty-five wounded. The loss of the Mexicans was six hundred and thirty killed, two hundred and eight wounded, and seven hundred and thirty prisoners, including the President of Mexico, the boasted Napoleon of the West. The Texans captured all the artillery and camp stores of the enemy, and the military chest containing twelve thousand dollars in specie. The personal property of Santa Anna, and of other officers, was restored. The specie and stores were divided equitably among the victors. General Houston had been grievously complained of for his Fabian policy of retreat, but the result of the battle of the 21st fully vindicated his course, and immortalized the field of SAN JACINTO.

6. "The victory," says Yoakum, "was physically and morally complete. The blow was given at the proper time, and in a vital part. In looking back upon the events of the campaign, we can see no time when it could have succeeded so well. Providence seemed in every way to favor the result. It was a full retribution for past outrages. Santa Anna had presided over a feast of blood at the Alamo; he had ordered a second at Goliad; and he was made to behold another at San Jacinto."

SECTION VIII.

RETREAT OF FILISOLA.—PRESIDENT BURNET.—TREATY WITH SANTA ANNA.—AFFAIRS IN EASTERN TEXAS.—TEXAS NAVY.

1. Filisola had just crossed the Brazos at Richmond, when

5. How many did the Texans lose in the battle? What was the Mexican loss? How much specie fell into the hands of the victors?

6. Give Yoakum's reflections on the victory.

Section VIII.—1. Where was Filisola when he heard of the battle? How

he heard of the disaster of the 21st. At General Houston's suggestion, Santa Anna wrote a letter to this officer, advising him to fall back across the Colorado and await orders. On the 25th, four days after the battle, Gaona's division from Bastrop, and Urrea's from Matagorda, joined Filisola at Powell's, on the Bernard. Filisola then had an army of four thousand and seventy-eight men. But his ammunition had been damaged by rain, and he was short of provisions. A council of officers advised a retreat across the Colorado; but the prairies were boggy and the waters high, and it was the 9th of May before they succeeded in crossing the river at Columbus. At Victoria, on the 14th of May, Filisola was joined by General Andrade, with the troops left at San Antonio. The retreating army reached Goliad on the 26th of May, and during the month of June re-crossed the Rio Grande, leaving no Mexican soldiers in Texas except those held as prisoners of war.

2. President Burnet, at Harrisburg, was busily employed in putting the machinery of civil government in motion, when the approach of Santa Anna rendered it necessary that he should make provision for the safety of his family, then at his home on San Jacinto Bay. He just escaped being captured at Harrisburg, and at New Washington incurred a still greater hazard. He was placing his family in a little boat for Galveston, when a squad of Mexican cavalry, under Almonte, galloped up. The boat was pushed off and sail hoisted, he standing with his rifle at the stern, ready for defence.

3. As soon as the President at Galveston ascertained that

many men did he have on the 25th? What course did his officers advise? When did he cross the Colorado? Where and when was he joined by Andrade? When did he cross the Rio Grande?

2. How was President Burnet employed? How did he escape from Almonte?

3. How did he aid the army? How long was it before he received news of the battle? When did he and his cabinet reach the battle-ground?

the Texas army was on Buffalo Bayou, he, in conjunction with Robert Potter, Secretary of the Navy, loaded some small steamers with supplies, and started them for Lynchburg. The machinery of one of these vessels got out of order, and another ran aground on Red Fish Bar, so that neither of them arrived at the Texas camp until after the battle. Under the supervision of Colonel A. Huston, of the staff, and Colonel James Morgan, cannon had been brought from the Brazos, and from Matagorda Bay, and Galveston Island fortified for defense. In these days of telegraphs and railroads, it seems incredible that the news of the glorious victory at San Jacinto did not reach Galveston, forty miles distant, for six days! As soon as the President heard of the victory, he started for army headquarters, accompanied by the members of his cabinet then with him. They arrived at Lynchburg, May 1st, and, after a full consultation, entered into an armistice with Santa Anna on the 3d of May. The outlines of a treaty were also agreed upon.

4. General Houston gave up the command of the army on the 5th, that he might visit New Orleans for surgical aid. He was succeeded by General Rusk, while Lamar took Rusk's place as Secretary of War.

5. For better accommodation, on the 8th of May President Burnet and cabinet, and Santa Anna with his personal staff, took a steamer for Galveston, and thence to Velasco. At the latter place, on the 14th of May, a definite treaty was agreed upon with Santa Anna. By this treaty the Mexicans were to evacuate the country, and all prisoners, on both sides, to be released. Santa Anna was to be sent to Vera Cruz, where he pledged himself to use his best endeavors to induce Mexico to acknowledge the independence of Texas.

4. Why did Houston resign the command of the army? Who succeeded him?

5. To what place did the President remove? Mention some of the provisions of the treaty with Santa Anna.

6. Though East Texas was not actually invaded, it was known there that Gaona's division had started for Nacogdoches. At the latter place were many Mexicans believed to be in sympathy with Santa Anna, and to cherish a special hatred toward the Americans. Many Indians were also in the neighborhood. These maintained a position of "armed neutrality." It was, moreover, believed that if a reverse should befall the army under Houston, the defenseless inhabitants would become a prey to these semi-barbarous tribes. John A. Quitman, with a small company, arrived at Nacogdoches on the 12th of April, and found the citizens in such a state of alarm that he tendered his company to protect the town and aid families in crossing the Sabine. As the most of these Indians had immigrated from the United States, and were properly under the jurisdiction of that government, General Gaines, then in command at Natchitoches, was preparing to cross the Sabine to overawe them, but the decisive battle at San Jacinto rendered this precaution unnecessary.

7. Among the defensive measures adopted by the President was one for the organization of a navy. Three vessels were procured and put in commission: the *Invincible*, Captain Brown, and the *Brutus*, Captain Hurd, each mounting eight guns, and the *Independence*, Captain Hawkins, having eight guns and a nine-pounder pivot. Early in April the *Invincible* had a two hours' fight with the *Montezuma*, a Mexican war vessel, in which the latter was disabled and stranded near Brazos Santiago. A few days afterwards Captain Brown captured the *Pocket*, a vessel laden with stores for the Mexican army, and took her

6. What was the situation in East Texas? Who offered to protect the citizens of Nacogdoches? Where were these Indians from?

7. How many vessels were procured for a navy? Mention some of its captures. How did these captures aid the army?

into Galveston. It furnished a very opportune supply for the Texans and their Mexican prisoners. These vessels nearly swept Mexican commerce from the Gulf, and, by cutting off Filisola's supplies, compelled that general to hasten his departure from Texas.

8. During the summer, Major Isaac W. Burton, who had a few soldiers at Copano, succeeded in capturing three Mexican transports. From these captures his company received the name of "horse marines."

SECTION IX.

AN EMBARRASSING QUESTION.—TREATMENT OF SANTA ANNA.—DIPLOMATIC RELATIONS WITH THE UNITED STATES.
—INAUGURATION OF CONSTITUTIONAL GOVERNMENT.

1. A QUESTION which now seriously disturbed Texas was the proper disposal of the captive President of Mexico. Not a few thought he ought to be tried by a drum-head court-martial and shot. Others were in favor of retaining him as a prisoner, to be disposed of as future circumstances might dictate. A few others thought, with President Burnet and the majority of his cabinet, that he should be sent to Vera Cruz, as had been agreed upon in the treaty. In accordance with that agreement, Santa Anna, Almonte, and a few other Mexican officers, were, on the 1st of June, placed on board the *Invincible*, then lying in the harbor of Velasco, to be sent home. He was to be accompanied by Vice-President Zavalla, and Secretary of the Treasury Hardeman, who went as commissioners to negotiate a treaty with the Mexican gov-

8. What name was given to Major Burton's command?

Section IX.—1. What question seriously agitated the country? What was done with Santa Anna on the 1st of June?

ernment, and to secure the acknowledgement of Texan independence.

2. When it was known that Santa Anna had been placed on one of the vessels of the navy to be sent home, a most intense excitement was created throughout the country. To add to this excitement, on the 2d of June a large number of volunteers arrived from the United States under Colonel Thomas Jefferson Green. These men, who had heard of the bloody massacres at the Alamo and Goliad, joined in the demand for the disembarkation of Santa Anna and his suite. President Burnet, who was powerless to resist the clamor, finally yielded, and the prisoners were again brought on shore and placed in charge of Major Patton, of the army.*

3. The Texas army, under General Rusk, followed the retreating Mexicans to the west, to see that they evacuated the country according to the treaty. Large numbers of recruits arrived from the United States, and, notwithstanding the discharge of those who had participated in the great battle of San Jacinto, as their terms of service expired, Rusk soon had about two thousand men. The country was destitute of resources to support such an army. The soldiers complained of the neglect of the government, and especially of President Burnet. This dissatisfaction was so great that, at a mass meeting in camp, the President was ordered under arrest.

* In his "History of the Government," *ad interim*, President Burnet says that "from this time forward he neither assumed, or pretended to assume, any control over the prisoners. The military had seized them, and were alone responsible for having subsequently put Santa Anna in irons. The civil government was powerless. The appearance of a strange schooner in the Brazos River induced the belief that an attempt would be made to rescue the prisoner. Hence he was removed, first to Columbia, then to Orizaba, the residence of Dr. Phelps, twelve miles above Columbia, and placed in irons. At the meeting of Congress his irons were removed, and, after the adjournment of that body, General Houston released him and sent him, at his own request, to Washington."

2. Why was he again brought on shore? In whose charge was he placed?

3. How was the army employed? Of what did the soldiers complain?

4. Fortunately the officer sent to Velasco did not attempt forcibly to carry out his informal orders. On the other hand, the people complained bitterly of the soldiers, parties of whom, passing through the country without officers to control them, took whatever they needed, sometimes pressing oxen and horses from before the plow, and, in some instances, killing milch cows for beef, or taking the last bushel of corn a family had reserved for seed or for bread. The President and his co-laborers in the cabinet did all in their power to supply the wants of the army, to afford protection to the people, and to sustain civil government.

5. The agents sent out by the convention having returned to Texas in May, President Burnet despatched Messrs. Peter W. Grayson and James Collingsworth as envoys to establish diplomatic relations with the United States, secure the recognition of Texan independence, and ascertain the practicability of the annexation of Texas to the Union. In return, President Jackson sent Henry M. Morfit as commissioner to Texas, to inquire into the condition, resources, and population of the country, and to report.

6. On the 23d of July, President Burnet issued a proclamation ordering an election for President, Vice-President, and members of Congress. The people were also to vote on the adoption of the Constitution which had been framed by the convention in March, and also on the question of annexation. The President had revoked all letters of marque and reprisal, and all commissions of officers of the army and navy not in actual service. The unsettled state of Mexico secured Texas from danger from that quarter. Propitious rains had fallen, and, notwithstanding the late planting, the farmers made good crops.

4. Was the President arrested? Of what did the people complain?

5. What country was the first to establish diplomatic relations with Texas?

6. When did the President issue his proclamation for an election? What was the condition of the country?

7. A settlement had been formed by the Parker family, and a fort erected near where Springfield now stands, in Limestone county. On the 19th of May, 1836, this fort was surrounded by about three hundred Comanche Indians. There were thirty-three persons in the fort, but only five able to bear arms. These were all killed. One white woman was wounded; two others, and three children, were taken prisoners. The others escaped, and were six days in the wilderness without food.

8. At the election, held in September, Sam Houston was elected President, and M. B. Lamar, Vice-President. The Constitution was adopted by an almost unanimous vote, and the vote was equally strong for annexation.

9. Congress met at Columbia on the 3d of October, and, though the Constitution had fixed the second Monday in December for the inauguration of the new government, the President and Vice-President resigned, and, on the 22d of October, Generals Houston and Lamar were duly installed in their respective offices. Thus closes our Revolutionary Period, a period that furnishes the darkest and the brightest page in Texas history.

7. Give the particulars of the fight at Parker's fort.

8. Who was elected President? Vice-President?

9. When and where did Congress meet? When were the newly elected officers installed?

CHRONOLOGICAL REVIEW QUESTIONS.

THIRD PERIOD.

When and where did the first fight of our Revolution take place? October 2, 1835, at Gonzales.

When did the Texans take Goliad? October 9, 1835.

Date of the battle of Concepcion? October 28.

When did the general consultation meet? November 3. When organized a provisional government? On the 12th.

When was the "grass fight"? November 26.

When did the Texans begin the attack on San Antonio? December 2, and the city surrendered December 9.

When did Santa Anna arrive at Bexar? February 22, 1836.

Date of the *Declaration of Texas Independence*? March 2, 1836.

Date of the massacre of the Alamo? March 6.

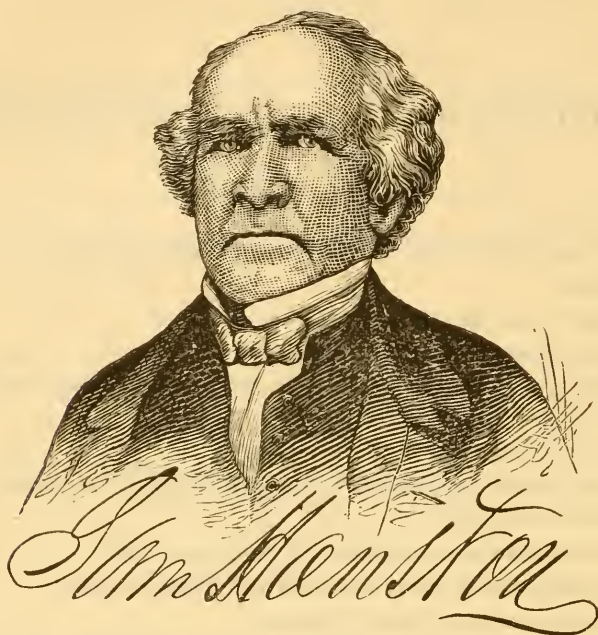
Of the organization of the government *ad interim*? March 16. On the same day King's men were killed at Refugio by Urrea.

Date of battle of Coleta? March 17.

Of Fannin's massacre? March 27.

Of the *Battle of San Jacinto*? April 21.

Where and when did the first Congress of Texas meet? At Columbia, October 3, and the constitutional government was organized October 22, 1836.



PERIOD IV.

TEXAS A REPUBLIC.

FROM 1837 TO 1845.

SECTION I.

HOUSTON'S FIRST ADMINISTRATION.—INDEPENDENCE
RECOGNIZED BY THE UNITED STATES.

1. THE President, after his inaugural address to Congress, delivered to the Speaker of the House his sword, saying, "It now becomes my duty to make a presentation of this sword,

Section I.—1. Who was the first President under the Constitution? Sam Houston. What disposition did Houston make of his sword?

the emblem of my past office. I have worn it with some humble pretensions in defense of my country; and should the danger of my country again call for my services, I expect to resume it, and respond to that call, if needful, with my blood and life.”

2. He found Congress fully organized, and its committees at work on the subjects recommended by President Burnet at the opening of the session. The duties devolving upon this body were responsible and arduous, and its members applied themselves to their work with commendable zeal and fidelity. After a three months' session, Congress adjourned, to meet in the new town of Houston, on Buffalo Bayou.

3. Congress authorized the President to negotiate a loan of \$500,000, and provision was also made for the collection of an *ad valorem* tax, and a small impost duty. The loan was not effected, the President receiving no proposals which he thought advisable to accept. The public debt was estimated at \$2,000,000.

4. The public domain of Texas constituted its principal resource for paying the revolutionary debt. Liberal grants were made to every soldier in the campaign of 1836. In view of the paucity of population, it was also deemed advisable to continue to grant homesteads to immigrants. Since the breaking out of the revolution in 1835, the land office had been closed. It was believed a great many fraudulent and forged land certificates were in circulation, and it was expected that, as soon as the land office was re-opened, these illegal claims would be presented for titles. Surveys had not been carefully made. Every man located his certificate

2. Upon what was Congress engaged? To what place did Congress adjourn?

3. What laws passed to raise a revenue?

4. What disposition was made of the public land? What is said of fraudulent land certificates?

wherever he found vacant land that suited him; but, in many instances, an earlier location covered part of the same tract. This produced a conflict in titles.

5. President Houston was very anxious to see a reform introduced, and the land surveyed in townships and sections instead of leagues and *labōrs*; but most of the old colonists, who had league claims, opposed this measure, and it was not carried out. To prevent fraudulent locations, Congress appointed a Board of Land Commissioners, and a County Surveyor for each county; the commissioners to see that no titles were issued upon fraudulent certificates, and the surveyor to prepare a map of the land surveys, and see that conflicting patents were not issued.

6. As soon as the news of the battle of San Jacinto reached Mexico, the acting President repudiated the treaty of Santa Anna, and when the liberated chief returned home, he was powerless to secure its fulfilment, even if he had been disposed to do so. Filisola was severely censured by Tornel for his hasty retreat, and was superseded by Urrea. But Mexico was in the throes of another revolution, and Urrea, a republican, could not be entrusted with so important and comparatively independent a command. He was superseded by Bravo. The latter general, however, found employment near the capital, in watching the movements of the new republican leader Moctezuma, and Filisola was restored to his old command.

7. Early in 1837, Filisola had collected about five thousand men between Matamoras and San Luis Potosi, and was preparing for a spring campaign in Texas. Bustamente, after

5. What change did the President desire in the land surveys? What steps were taken to detect fraudulent claims?

6. How was Santa Anna's treaty regarded in Mexico? What prevented Mexico from again invading Texas?

7. How many men had Filisola on the Rio Grande in 1837? What again saved Texas from invasion?

his inauguration as President, assured the troops, in the neighborhood of the capital, that they would soon have an opportunity to enter Texas and wipe out the disgrace which the San Jacinto campaign had brought upon the national arms. But, fortunately for Texas, the revolution under Moeztzuma furnished ample employment at home for the Mexican army, and Texas escaped invasion.

8. The independence of Texas was acknowledged by the United States, March 2, 1837, one year after its declaration. One of the last official acts of President Jackson was to sign the Texas bill. During the year 1838, commercial treaties were formed with France and Great Britain, though the latter government insisted upon regarding Texas as a province of Mexico.

9. The government possessing but very inadequate means to support an army in the field, and the President believing there was no immediate danger of an invasion, issued an order permitting the soldiers to return to their homes on furlough, and thus the army was virtually disbanded.

10. After the battle of San Jacinto, the schooner *Liberty* was despatched to New Orleans. After remaining at anchor for some time in the Mississippi River, she was sold to defray her expenses. When President Houston was inaugurated, the schooners *Invincible* and *Brutus* were in New York, detained for want of funds. Henry Swartwout, then collector of customs in that city, generously stepped forward and furnished means to relieve these vessels and equip them for a voyage. Captain H. L. Thompson was placed in command of the *Invincible*, and Captain J. D. Baylor, of the *Brutus*.

8. What nation first recognized the independence of Texas? With what nations were treaties formed?

9. How did the President dispose of the army?

10. What became of the schooner *Liberty*? Who furnished the means to equip the *Invincible* and the *Brutus*? Name the captains.

11. Both vessels left New York in April, 1837. Arriving in the Gulf, the *Invincible* captured the Mexican schooner *Alispa*, and the *Brutus* the schooner *Telegraph*. After a cruise of some three months along the Mexican coast, making various landings and occasional captures, the two vessels arrived at Galveston Bar, August 25, being pursued by two Mexican brigs. The *Brutus* succeeded in entering the harbor, but the *Invincible* was wrecked on the Bar, the crew escaping to the island. The *Brutus* was lost in a gale in Galveston harbor, October 6, 1837.

12. On the 17th of April, the schooner *Independence*, commanded by Captain Wheelwright, sailing from New Orleans with a crew of thirty-one men and about one hundred passengers, was overhauled near Velasco by a Mexican brig, and, after a severe action, in which Captain Wheelwright was wounded, his vessel was captured and taken to Matamoras. At the close of 1837 there was but one vessel, the receiving ship *Potomac*, in commission. On the 13th of November, 1838, under a law of Congress and the instruction of President Houston, S. M. Williams contracted with Frederick Dawson, of Baltimore, for one ship, two brigs, and three schooners, for a new navy.

13. It is difficult to ascertain the precise number of Indians in Texas at this time. Mr. Morfit, in his report to Secretary Forsyth, in the fall of 1836, estimated the whole number at fourteen thousand two hundred, as follows: Wacoos, four hundred; Tehuacanas, two hundred; Tonkawas, eight hundred; Coshatties, three hundred and fifty; Alabamas, two hundred and fifty; Comanches, two thou-

11. When did these vessels leave New York? What became of the *Invincible*? Of the *Brutus*?

12. How was the *Independence* lost? Who entered into a contract to furnish vessels for a new navy?

13. How many Indians were then in the State?

sand ; Caddoes, five hundred ; Lipans, nine hundred ; small bands eight hundred ; to which add the Cherokees and their twelve associate bands, eight thousand.

14. President Houston's well-known pacific policy toward the Indians served to keep most of them quiet during his administration. But the opening of the land office, and appearance of the surveyors marking off the land, aroused the hostility of some frontier tribes. On the 7th of January, 1837, fourteen rangers encountered, in the upper part of Robertson's Colony, a body of hostile savages. After a severe fight, in which the Texans had two killed, the rangers were compelled to retreat. In May following, a still larger band entered the same colony, and came in sight of Nashville. This party killed five Americans on Little River, and captured their wagon.

15. In October, 1837, Lieutenant Van Benthuyzen, with eighteen men, left Fort Smith, on Little River, for a scout. When far above the settlements on the waters of the Trinity, this company encountered a considerable force of Wacoes and Towash. After a severe fight, in which the Texans lost one lieutenant and nine privates killed, and as many wounded, they retired toward the settlements.

16. The next year, the Kickapoos becoming troublesome, General Rusk collected some volunteers, and destroyed their village, killing eleven Indians, and having a few of his men wounded. Near San Antonio two surveyors were killed ; and a party of thirteen whites that followed the Indians were drawn into an ambuscade, and all but one either killed or wounded. Those who ventured at that time out upon the frontier, did so at the peril of their lives and property.

14. What was Houston's Indian policy ? What exasperated the Indians ? Give the result of the fight, January 7, 1837. What depredations were committed in May ?

15. Give the particulars of Van Benthuyzen's fight.

16. Who chastised the Kickapoos ?

17. Congress effected a radical change in the judicial department, substituting the English for the Spanish system of jurisprudence. The Republic was divided into four judicial districts. One chief justice was appointed, and the district judges acted as associate justices of the supreme court. These judges were elected by joint ballot of both houses of Congress, and held their office for four years. Provision was also made for the organization of county and magistrates' courts, and a system of laws passed similar to those in the United States.

18. By a provision of the constitution, the first President was to hold his office but two years. After the first, the Presidential term was three years.

19. At the election held September 3d, 1838, Mirabeau B. Lamar was elected President, and David G. Burnet, Vice-President.

SECTION II.

LAMAR'S ADMINISTRATION.—AUSTIN MADE THE CAPITAL.—
THE INDIANS.—SANTA FÉ EXPEDITION.

1. The new President was inaugurated in the presence of Congress, at Houston, December 10th, 1838. The administration opened most auspiciously. Immigration continued; new settlements were formed; schools and churches were established; and there was a rapid growth of commerce in the various seaports.

2. By an Act of Congress, of January 14th, 1839, commissioners were appointed to locate a new seat of government.

17. What change was effected in the judiciary department?

18. What was to be the length of the Presidential term?

19. Who was elected President?

Section II.—1. Who was the second President? Mirabeau B. Lamar. How did the administration open?

2. What act passed Congress, January 14, 1837? Where was the capital located?

They selected the village of Waterloo, on the east bank of the Colorado, then in Bastrop county. The new city received the name of Austin.

3. In 1840 France and Belgium recognized the independence of Texas.

4. Early in 1839, Mr. Dawson delivered to the government the schooners *San Jacinto*, *San Antonio*, *San Bernard*, and the brig *Colorado*, and, later in the year, the sloop *Austin*, and the brig *Dolphin*. General James Hamilton purchased the steamship *Zavalla*. The *Potomac* was still used as a receiving ship.*

5. The policy of President Lamar toward the Indians was very different from that of his predecessor. He desired the expulsion of all Indian tribes. In his inaugural message he said that, "the sword should mark the boundaries of the Republic." An official report made to him, estimat-

* There was a floating population on the frontier of Texas, ready for new adventures, and, in 1839, an army was organized for establishing the Republic of the Rio Grande. Among the American leaders of this enterprise were Colonels S. W. Jordan, Reuben Ross, and William S. Fisher. The Mexican commanders were Colonels Canalis, Gonzales, Zapata, and Juan N. Seguin.

The Republicans left Lipantitlan, September 20th, 1839, crossed the Rio Grande on the 30th, and taking possession of Guerrero on the 1st of October, marched to Mier the next day. On the 3d, at Alcantara, they gained a decisive victory over Parbon, the Centralist commander. In December, an ineffectual attempt was made to gain possession of Matamoras. When Canalis retreated from the city, the Texans left.

A new organization was effected at Guerrero in January, 1840; and at Moralis, on the 15th of March, the Republicans were badly defeated by the Centralists under Arista. They again rallied and reorganized at San Patricio, about the 1st of June, and crossed the Rio Grande at Laredo. Near Saltillo, on the 23d of October, they encountered Vasquez, with about one thousand soldiers. The Republicans had three hundred and thirty-five. Early in the action, Lopez and Molano, two Mexican officers, deserted to the Centralists. For some time the Texans, with a few Mexican rancheros, maintained the bloody conflict, losing five killed and seven wounded. Vasquez lost about four hundred.

Soon after this fight, the Texans returned to their homes, and Canalis surrendered to Arista, stipulating, however, for the safety of his companions in arms. Thus ended the Republic of the Rio Grande, an enterprise which, though unauthorized by the Texas government, served for the time to keep the Centralists employed on the south side of the Rio Grande.

3. When did France and Belgium recognize the independence of Texas?

4. What vessels did Mr. Dawson deliver to the government? Who procured the *Zavalla*?

5. How did Lamar's Indian policy differ from Houston's? Give the number of warriors of the principal Indian tribes.

ed the number of warriors belonging to Texas Indians, as follows: East Texas, eighteen hundred ; on the waters of the Trinity and Wichita Rivers, fifteen hundred. (The Santa Fé expedition passed through the villages of some of these tribes. Kendall says the Wacoes had large fields in cultivation in corn, beans, etc., possessed large herds of cattle, and had comfortable houses, supplied with rude furniture.) The number of warriors of the Comanches and Apaches was estimated by the same report at sixteen hundred, probably over their actual number.

6. Among the old Mexican families in the neighborhood of Nacogdoches, a few were dissatisfied with the government of Texas. Cordova, the leader of this party, fled to the Rio Grande, and was employed by Filisola to visit the prairie Indians on the head waters of the Colorado and Brazos, and induce them to make war upon the Americans. In February, 1839, Canalizo, who had succeeded Filisola in command at Matamoras, sent Manuel Flores (another dissatisfied Mexican) to Cordova, with instructions to treat with the various Indian tribes, and excite them to hostility against Texas.

7. The Texans having heard of Cordova's movements in March, Burleson raised a company and started in pursuit. He found Cordova's party on the Guadalupe River, attacked him, and killed a number of his men. After this fight Cordova left his usual haunts, and Flores failed to find him. As the latter was passing the Colorado near where Austin now stands, he was overtaken by a company of rangers under Lieutenant James O. Rice. Flores and two other Mexicans were killed, and Canalizo's instructions to Cordova captured.

6. What is said of some of the Mexicans at Nacogdoches ? For what purpose was Cordova employed by Filisola ?

7. What Texas officer pursued Cordova ? Where was he found ? Who defeated Flores ?

8. In these despatches, the Indians were exhorted "not to cease to harass the Texans, to burn their habitations, and lay waste their fields"; and the Indians were told to expect nothing of these greedy adventurers for land, "who wish even to deprive them of the sun that vivifies them, and who would not cease to injure them while grass grows and water runs." The killing of Flores and the defeat of Cordova broke up the proposed alliance between the prairie Indians and the Mexicans.

9. President Lamar believed the Cherokees and their associate bands in East Texas were intruders, and that their presence obstructed the settlement of that portion of the Republic. They were accused of committing depredations and murders, and of being in league with the party of Cordova. Their removal became an object of prime importance, and the President sent Vice-President Burnet, and the Secretary of War, General A. S. Johnston, to make a treaty with them, purchase whatever improvements they had made, and induce them to return to the territory of the United States. Anticipating that the Indians might decline to remove, three regiments of troops had been sent to their immediate neighborhood, under Colonels Burleson, Rusk, and Landrum, all under the command of Brigadier-General Douglass. After vain attempts to induce the Indians to leave, all negotiations were broken off, July 15th, 1839, when General Douglass gave orders for an attack. The Indians abandoned the main Cherokee village, on the Angelina River, and made a stand at a point of a hill well suited for defense.

10. After a severe engagement, in which the Texans lost

8. How long were the Indians exhorted to harass the Texans?

9. How did the presence of the Cherokees affect East Texas? What steps did the President take to secure their removal? How many regiments were collected in the neighborhood? When were negotiations broken off?

10. How many Texans were killed in the first day's fight? How many Indians? Give the particulars of the second day's fight.

three killed and five wounded, and the Indians had eighteen killed, the latter retreated. The next morning they were overtaken within half a mile of the Neches River, strongly posted in a ravine. After some skirmishing, the Texans charged their camp. The battle lasted an hour and a half, when the Indians again retreated in disorder, having lost about one hundred killed and wounded. Among the killed was the famous Cherokee chief, Bowles. The loss of the Texans was five killed and seventeen wounded. After this fight the Indians abandoned Texas, leaving their fine lands in possession of the whites.*

11. In the spring of 1839, a Mr. Webster, who had located his head-right upon the North Gabriel, started from the Colorado with fourteen men, his wife and three children, and a negro woman, to form a settlement on his land. When he arrived at the place where he designed erecting his house, he found it occupied by an Indian encampment. He hastily retreated to Brushy Creek. At sunrise, the next morning, he was surrounded by a party of Comanches. Webster and his companions drew up their wagons so as to form a square for protection. They were charged by the Indians and all were killed, except Mrs. Webster, two of her children, and the negro woman, who were taken prisoners.

12. Early in 1840 a party of Comanches visited San Antonio, and proposed to make a treaty. They were told to return to their tribe, bring in all their prisoners, and the whites would gladly make peace. On the 19th of March, sixty-five Indians returned, including some women and

* Some of these Indians must have returned to the frontier of Texas, as on Christmas day, 1839, Burleson had a fight with a party of them on Cherokee Creek, San Saba county, killing six and capturing five women and children, including the family of Bowles.

11. Give the particulars of the killing of Webster and his party.

12. For what purpose did the Comanches visit San Antonio?

children, bringing, however, but one prisoner, although they were known to have several others.

13. Twelve chiefs entered the city court-room, used as a council house. With a view, perhaps, of intimidating the Indians, and inducing them to bring in the other captives, Captain Thomas B. Howard was ordered to surround the house with his company of rangers. The chiefs, still declining to bring in their captives, were told that they were prisoners, and would be held as hostages until the whites in their possession were delivered up. The chiefs instantly drew their bows and knives, and a bloody hand-to-hand fight ensued. The men, and even the women in the yard, fought desperately until all the warriors (thirty-two in number), three women and two children, were killed, and twenty-seven women and children were made prisoners. The Texans lost seven killed and eight wounded.*

14. During the summer the Comanches made a serious invasion into the settlements. On the night of August 4, 1840, about four hundred warriors crossed Plum Creek, in Caldwell County, and reached Victoria on the 6th. After committing some depredations they proceeded to Linnville, on Lavaca Bay. They burned this place on the morning of the 8th, while most of the male population were absent. A few, including three families, escaped by going on board a

*Among the captives which the Comanches were reserving, perhaps for a large ransom, were Mrs. Webster and two of her children. She once made her escape, and had reached the neighborhood of Austin, when she was recaptured by a band of Caddoes, and taken back to her Comanche masters. She was with the band that visited San Antonio when the above fight took place, and with a young child escaped from the Indians, leaving, however, a little boy, who was afterwards recovered. She and her child nearly perished for water, and she had almost given up in despair, when the crying of her child induced her to make one more effort. Water was found, and soon afterwards she discovered a trail which led into San Antonio.

13. Give the particulars of the fight in the council house. How many Indians were killed? How many Texans?

14. What Indians descended to the coast in 1840? What towns were burned by them?

small vessel lying in the bay. Major Watts, the collector of customs, was killed, and Mrs. Watts taken prisoner.

15. The Indians hastily retreated. They had killed some twenty-one persons at Victoria and Linnville. As soon as the news of this raid reached Austin, Dr. Archer, Secretary of War, sent couriers down the Colorado, ordering out the militia. But so improbable was the report deemed that, after Colonel J. B. Robertson had collected several hundred men at Lagrange, they were permitted to disperse, under the impression that it was a false alarm. Other companies, however, ascertaining the truth, hastened to intercept the savages. Captain Ben McCulloch was the first to overtake them at the Casca Blanca Creek, about fifteen miles from Victoria. He was joined by Clarke L. Owen, with a company from Texana. The Texan force was increased by the arrival of the companies of Burleson, Caldwell, Bird, Ward, Jones, Wallace, and Hardeman, the whole under the command of General Felix Huston.

16. On the morning of the 12th of August, just after the Indians had left their camp on Plum Creek, they were surprised by the Texans, and instantly formed in line of battle, sending their pack-mules in advance. The Texans charged with such valor and determination that the Indians were everywhere routed. Finding they could not carry off Mrs. Watts, they shot an arrow into her breast and left her to die, but, fortunately, she recovered. Mrs. Crosby, however, another female captive, was killed. The Indians lost from fifty to eighty in killed and wounded, and left a large share of their booty, and most of their horses, in the hands of the Texans.

15. Before commencing their retreat, how many persons had the Indians killed? Whose company first intercepted them? What other companies soon joined McCulloch? Who commanded the Texans?

16. Give the particulars of the battle of Plum Creek. How many Indians were killed and wounded?

17. In October following, Colonel John H. Moore, with ninety Texans and twelve Lipans, while scouting on the head waters of the Colorado, came across a party of Comanches and captured their village. About one hundred and twenty Indians were killed, the village destroyed, and thirty-four prisoners and a number of horses captured. In this village the Texans found goods that had been taken from Linnville the previous summer.

18. Besides the battles mentioned, there were many skirmishes. On the 3d of January, 1839, the house of Mr. Marlin, near the Falls of the Brazos, was attacked. The Indians were repulsed and driven off. A party of whites pursued and fell into an ambuscade; ten of their number were killed, and seventeen wounded. Colonels Burleson, Moore, and Hays had frequent skirmishes, generally chastising the savages. Colonel Hays, on the 17th of April, 1841, in a fight near Laredo, captured Captain Ignacio Garcia and twenty-five Mexican raiders.

19. Though Texas laid claim to the territory of New Mexico lying east of the Rio Grande, no effort had ever been made to extend the laws of the republic over that distant region. Between Santa Fé and St. Louis a lucrative trade was springing up, which the Texans were anxious to divert to their own Gulf ports. The Santa Fé expedition was organized in the spring of 1841, to open a communication with New Mexico. General Hugh McLeod was appointed commander. The expedition included two hundred and seventy soldiers, and about fifty traders, adventurers, and teamsters.

20. The cavalcade started from Brushy on the 20th of

17. Give the incidents of Moore's fight on the Colorado.

18. When was Mr. Marlin's house attacked?

19. What territory did Texas claim on the upper Rio Grande? For what purpose was the Santa Fé expedition organized? Who commanded it?

20. When did it start? What difficulties were encountered?

June, 1841. Many difficulties were encountered, and delays occurred from the very start. The guides were not well acquainted with the route, and, after wandering about for some time, finally mistook the Wichita for Red River, and became bewildered in the Wichita mountains. Provisions gave out, water was scarce, and the Indians troublesome, occasionally stampeding their horses, and picking off stragglers.

21. On the 11th of August Messrs. Howland, Baker, and Rosenberg were sent forward to procure supplies. They were taken prisoners by the Mexicans, and two of them subsequently shot for attempting, as was alleged, to make their escape. On the 10th of September the advance party reached the settlement of Anton Chico, on the Galinas, a tributary of the Rio Grande. Here a supply of provisions was obtained. On the 14th Captain Lewis, with Kendall, Van Ness, and some others, started for San Miguel. They had heard that the first party sent forward had been arrested, but did not doubt that when the authorities were assured of the pacific objects of the expedition, they would be favorably received. In this they were disappointed.

22. The second party shared the fate of the first, and even Kendall, who had a passport from the Mexican Consul at New Orleans, fared no better than the rest. All were disarmed and thrown into prison. Colonel Cooke, not knowing the fate of Kendall and his companions, also started for San Miguel. When near the village of Anton Chico, Cooke found himself suddenly surrounded by about five hundred Mexican soldiers under an officer named Salezar. As Cooke saw Captain Lewis in the company, he supposed all was

21. What occurred August 11? How were Howland and his companions treated by the Mexicans? When did the advance party reach Anton Chico?

22. What became of the second party sent forward? How was Colonel Cooke captured?

right until he was invited to give up his arms, as he was assured all traders were required to do before entering Santa Fé. Then, when too late to escape, he discovered that Captain Lewis was a traitor, and that he and his men had been betrayed!

23. General McLeod and his party were still at the Laguna Colorado, some thirty or forty miles distant. Here he was met by Governor Armijo and a Mexican army. McLeod had but a few men fit for service; their horses had nearly all perished, or been stolen by the Indians; many of the soldiers had thrown away their guns, being too weak to carry them; and, under the promise of good treatment, the Texans surrendered as prisoners. These unfortunate men, after being disarmed and plundered, were tied in companies of four and six, and marched first to San Miguel, then to Santa Fé, and finally to the city of Mexico, and confined in the prisons of St. Jago, Puebla, and Perote, where they languished for nearly two years. In the spring of 1842 the most of them were released, though Señor Navarro was confined in the castle of San Juan de Ulloa until the revolution of 1844, when he, too, was set at liberty.*

24. Financially, the administration of Lamar was not a success, though his most bitter opponents never accused either the President, or the members of his cabinet, of dishonesty. The public credit was low when he commenced his administration, and continued rapidly to decline. The currency of the country (called *red backs*, from the color of

* Kendall assigned several reasons for the failure of the Santa Fé expedition. 1st. It started too late in the season. 2d. There was an insufficient supply of food, and of teams to haul merchandise. 3d. They failed to get the Lipan Indians for guides. 4th. The distance was much greater than it was thought to be. 5th. The Indians were troublesome. 6th. Arriving there, divided and dispirited, they were the victims of treason.

23. Where was McLeod with the main army? Why did he surrender? How were they treated?

24. In what condition was the public credit?

the paper upon which it was printed) was, at the close of the presidential term, hardly worth ten cents on the dollar. Numerous military campaigns had interrupted the industrial pursuits of the people and interfered with commerce. Nominally, the expenditure for the year 1841 amounted to \$1,176,288. It is true this was in currency, but the receipts, also in currency, had fallen off nearly fifty per cent. in one year, showing that the finances of the country were in a deplorable condition.

25. The public debt, at the close of 1841, was not accurately known, but it was supposed to amount to about eight million dollars. Part of this debt was created during the revolution in 1836, a part of it was due for the new naval vessels, and it had been largely increased in fitting out the Santa Fé expedition.

SECTION III.

HOUSTON'S SECOND ADMINISTRATION.—RAIDS OF VASQUEZ AND WOLL.—REMOVAL OF SEAT OF GOVERNMENT.—THE MIER EXPEDITION.—THE NAVY.—REGULATORS AND MODERATORS.

1. At the election held in 1841 Sam Houston was elected President, and Edward Burleson, Vice-President. The inauguration took place December 13th. President Houston enforced a rigid economy, dispensing with all unnecessary officers, and using all practicable means to improve the national credit. Congress, however, failed to provide for the close collection of the taxes, and most of the goods con-

25. What was the amount of the public debt ?

Section III.—1. Who was elected President in 1841 ? What steps did Houston take to improve the finances ?

sumed in the eastern part of the State were smuggled across the Sabine. The currency, however, gradually improved.

2. To keep up the shadow of a claim upon Texas, the Mexican Government sent small military parties into the country, though with no intention or expectation of permanent occupancy. Early in 1842, General Vasquez, with about seven hundred men, paid a hasty visit to San Antonio, reaching that city on the 7th of March. Colonel Hays, with his company of rangers, retired to the Guadalupe River. Vasquez, after a short stay in that city, in which he remodelled the city government, appointing alcaldes and other Mexican officers, returned again to the Rio Grande, taking with him such citizens as chose to leave. About the same time Refugio and Goliad were temporarily occupied by small parties of Mexicans.

3. In September a still more formidable invasion took place under General Adrian Woll, who entered San Antonio with about two thousand men. The District Court was in session at the time, and so complete was the surprise, that Woll captured Judge Hutchinson, and a number of members of the court. On the Guadalupe River, Colonels Hays and Caldwell collected troops to meet the invaders. Woll sent out a party towards Cibolo Creek. The Texans, under Caldwell, met this force on the Salado, six miles from San Antonio. A severe battle was fought, in which the Mexicans were defeated, losing some sixty killed and as many wounded. The Texans had one killed and nine wounded. After the fight the Mexicans retreated to the city.

4. The Mexicans, in returning to San Antonio, fell in

2. For what purpose did Mexico send parties of soldiers into Texas? Who entered San Antonio early in 1841?

3. What Mexican general took possession of San Antonio in September? Which party was defeated in the battle of Salado?

4. Give the particulars of Dawson's defeat.

with Captain Dawson's company of fifty-three men, from Fayette County. After severe fighting, the Texans, finding themselves surrounded by overwhelming numbers, hoisted a white flag. It was fired upon. They then renewed the fight with desperate valor. Thirty-six of them were left dead upon the field. A few escaped, and the lives of a few who surrendered were spared. After this fight, Woll immediately commenced his retreat, and soon re-crossed the Rio Grande.

5. Immediately after the Vasquez raid, President Houston, with the officers of his cabinet, removed to the city of Houston. Soon afterward he issued a proclamation convening Congress in extra session, at that place, on the 27th of June.*

6. In the fall the President convened Congress in extra session at Washington. A number of the members from the West refused to go to the place designated, and it was some weeks before a quorum was obtained.

7. Many in Texas were anxious to invade Mexico in retaliation for the raids of Vasquez and Woll. Several squads of soldiers made their way to San Antonio with a view of organizing for a march across the Rio Grande. These soldiers generally desired that Vice-President Burleson should lead them, but President Houston appointed General Alexander Somervell to the command. He was late in arriving at headquarters, and rather tardy in his movements. This increased the dissatisfaction, and many abandoned the army.

*The citizens of Austin, exasperated at this abandonment of their city, organized a military company and an archive committee. The books and papers belonging to the various offices were seized, placed in boxes, and securely guarded. The Commissioner of the General Land Office had access to the papers of his department, and during this period some business was transacted in that office.

5. To what place did the President and cabinet remove?

6. Where did Congress convene in the fall?

7. Why did the Texans wish to invade Mexico? Who was appointed commander?

Somervell left the Medina for the Rio Grande on the 25th of November, 1842. For some reasons, never properly explained, he deflected from the main route of travel, and soon found himself in flat, boggy prairies, in which it was almost impossible to proceed.

8. He reached Laredo on the 8th of December, and took possession of the place without opposition. After a few days' rest, the army was again in motion ; but instead of crossing into Mexico, turned down the river on the Texas side. A night was spent in a dense thicket. To test the fidelity of the troops, the general required them all to obligate themselves to obey orders. Out of seven hundred men, five hundred agreed to the obligation, and the other two hundred were permitted to return to their homes under the command of Colonel Bennett.

9. Somervell then marched down the river to a point opposite Guerrero, when Colonel Hays, with his company, crossed into Mexico. On the morning of December 16th the whole army crossed, and took possession of the town, Colonel Canalis withdrawing on the approach of the Texans. The next day Somervell's army re-crossed the river into Texas, and on the 19th, to the astonishment of the troops, an order was issued for them to return to the Nueces River, where they would be disbanded. About two hundred of the men returned with Somervell, while three hundred remained on the Rio Grande, and reorganized by electing Colonel William S. Fisher to the command. Mier was selected as the point of attack. Boats were secured, a portion of the troops embarked and descended under the command of

8. When did Somervell reach Laredo ? How did he test the fidelity of his troops ? How many left ?

9. To what point did he then march ? What order was issued December 19 ? How many returned ? Who was elected to command those who remained ? What town did Fisher prepare to take ?

Thomas J. Green, while Colonel Fisher, with the main body, marched down the river.

10. On the 21st of December a small detachment of Texans entered the town, and made a demand for provisions and clothing, taking the alcalde as a hostage until the supplies should be furnished. The Texans waited three days in camp on the river for their stores. In the meantime General Ampudia, with an army of twenty-two hundred men, had entered the place, and of course would not permit supplies to be furnished the Texans. Colonel Fisher prepared to advance. The hostile armies met on the Alcantra Creek, a short distance from the city. A severe fight ensued, in which the Mexicans were worsted, and in the darkness retreated to the town. The fight continued during the night of the 25th, the Texans steadily advancing toward the main plaza.

11. About noon, on the 26th, Ampudia hoisted a white flag for a parley. In the fight the Texans had lost sixteen killed and twenty-five wounded. Among the latter was Colonel Fisher, who was weak from the loss of blood. The Mexican loss was much greater. Still, Ampudia had a vastly superior force to the Texans. The white flag was a successful ruse upon the part of the Mexicans. Colonel Fisher, having been severely wounded, was unable to command longer, and perhaps thought it best to surrender; but before any general understanding was had among the Texans, a few individuals, and then squads of four and five, under promise of good treatment, marched over to the Mexican lines, and laid down their arms. This process went on until the few who were left had no alternative but to surrender as prison-

10. What demand was made? What Mexican general entered the town? Give the particulars of the fight on Christmas day.

11. Who hoisted the white flag? Which party had sustained the greatest loss? What was the effect of hoisting the white flag? How were the prisoners treated?

ers of war. They did so under the promise from Ampudia that they should remain on the Rio Grande. But those able to travel were immediately started on foot for the city of Mexico.

12. At Salado, one hundred miles south of Saltillo, on the 11th of February, 1843, the main body of these prisoners rose upon the guard and made their escape. The men, however, failed to act in concert, and, instead of remaining together and hurrying back to the Rio Grande, separated into small squads and straggled off into the mountains, where, after suffering incredible hardships from thirst and hunger, the most of them were recaptured and taken back to Salado. Here, on the 24th of March, by order of Santa Anna, every tenth man was shot. There were one hundred and seventy-six of them. One hundred and fifty-nine white beans and seventeen black ones were placed in a box, and the men marched up and ordered to draw. Those drawing the black beans were immediately shot. The survivors were taken to Perote and other Mexican prisons. A few died; occasionally one made his escape, and a few others were released at the solicitation of friends. Finally, on the 16th of September, 1844, just after the death of his wife, Santa Anna ordered them all set at liberty. The number released was one hundred and four.

13. In 1841 the Texas navy was in the service of the revolutionary government of Yucatan, but that government having failed to furnish the necessary funds to keep the vessels in commission, the most of them repaired to New Orleans. Here Commodore Moore expended considerable sums in refitting them and getting ready for a cruise. In August, 1842, the schooner *San Antonio* was dispatched to Yuca-

12. What took place at Salado? Did they succeed in reaching Texas? How many were shot at Salado? What became of the survivors?

13. How was the navy employed in 1841? What became of the *San Antonio*?

tan for supplies. She was lost in a storm, and all on board perished.

14. The spring of 1842 passed away, and the navy still remained idle. President Houston expected the vessels would sail, in July, to the coast of Mexico, to enforce a blockade. As Commodore Moore failed to get to sea, he was ordered to bring his ships to Galveston, and to report in person to the Secretary of the Navy, at Washington. The commodore, however, alleged that he had expended his private means in refitting the ships, and declined either to bring them to Galveston or to report in person at Washington.

15. In January, 1843, Congress secretly passed an act for the sale of the navy, and President Houston immediately sent two commissioners to seize the vessels and sell them. The commodore declined to deliver them up, but agreed to sail for Galveston, taking Colonel Morgan, one of the commissioners, on board. When the ships *Wharton* and *Austin* arrived at the mouth of the Mississippi, they received such information as induced Colonel Morgan to assent to a change of course and a cruise on the coast of Yucatan. As soon as this was known to President Houston, he issued a proclamation suspending Commodore Moore from command, and ordering the ships to Galveston. When this proclamation reached the commodore it was promptly obeyed, and the vessels entered Galveston harbor in July. In the fall steps were taken looking to a sale of the navy under the Act of Congress, but the people protested against it, and the sale was not made. The act requiring a sale was repealed in February, 1844. The steamship *Zavalla* was wrecked in a storm while in the harbor at Galveston.

14. How did the President wish the navy employed? What order was sent to Commodore Moore? Did he obey it?

15. What act passed Congress in January, 1843? Were the ships delivered up? From what coast did they sail? What proclamation did Houston issue? When did the ships arrive at Galveston?

16. There was comparative quiet upon the frontier, but there were occasional Indian forays. In the fall of 1842, while many of the citizens of Austin were at a camp-meeting near Webberville, the Comanches, on Sunday morning, dashed into the city and carried off two children of Mrs. Simpson; the girl, fourteen years old, was killed about six miles from Austin. The little boy was subsequently reclaimed at one of the Indian agencies. In September, 1843, the representatives of eight tribes met at Bird's Fort, on the Trinity, and entered into a treaty.

17. The route followed by traders going from St. Louis to Santa Fé, passed through Texas. It was ascertained, early in the winter of 1843, that a caravan of Mexican merchants, with a large quantity of goods, would pass along this trail. Some Texans were anxious to secure so rich a prize, and President Houston commissioned Colonel Jacob Snively to raise a company of three hundred men for this purpose. The men were to equip themselves, operate only on Texas soil, to make their captures only in honorable warfare, and deposit one-half the spoil taken in the Texas treasury.

18. On the 27th of April Colonel Snively, with one hundred and eighty men, left his camp at Georgetown, near Dennison, on Red River, and reached the route of the caravan, near the Arkansas River, on the 27th of May. While waiting for the expected train, some of the men became restless, and finally insubordinate. Seventy-five of them selected Captain Chandler as a leader, and, June 29th, started homeward.

19. Soon after the departure of Chandler and his party,

16. What Indians visited Austin in 1842?

17. What route followed by traders passed through Texas? What was the object of the Snively expedition?

18. When did Snively leave his camp on Red River? What occurred May 27?

19. What United States officer arrested Snively and his men? How did Cooke treat the Texans? When did they reach Bird's Fort?

Snively's command was surrounded by a company of United States dragoons under Captain Philip St. George Cooke. Cooke contended that Snively and his party were in the territory of the United States. The Texans were disarmed. Captain Cooke gave them their choice either to go under an escort to St. Louis, or return to Texas. About fifty chose to go to St. Louis, the others preferred returning to their homes. Cooke gave this party guns and a supply of ammunition, with which to protect themselves. After some skirmishing with Indians, Snively's men overtook the party under Chandler, and all reached Bird's Fort on the 6th of August.

20. Among the prisoners taken by Woll, in San Antonio, was the former Lieutenant-Governor, J. W. Robinson. While in prison, Robinson wrote to Santa Anna suggesting possible terms for an adjustment of the difficulties between Mexico and Texas. The result of the correspondence was that Robinson was released and sent home with propositions from Santa Anna to Mr. Houston. As this document spoke of Texas as a province of Mexico, it was, of course, generally repudiated by the people of Texas.

21. There was now, in the United States, a growing sentiment in favor of annexation. This the British minister in Mexico saw, and wished to counteract. Great Britain desired to see peace between Texas and Mexico. The French minister also interested himself in the negotiation. After considerable discussion, an armistice between Mexico and Texas was proclaimed on the 13th of June, 1843, to continue "until due notice of an intention to resume hostilities (should such intention thereafter be entertained by either

20. What distinguished Texan had been taken prisoner by Woll? For what purpose was Robinson released and sent home?

21. What was the state of feeling in the United States? What was the wish of Great Britain? When was the armistice proclaimed?

party) should be formally announced through Her Britannic Majesty's *Chargé d'Affaires* at the respective governments." This measure relieved Texas from all fear of an invasion, and from the burden and excitement consequent upon getting up military expeditions.

22. George W. Hockley and Samuel M. Williams were appointed commissioners on the part of Texas to meet commissioners appointed by Santa Anna to agree upon terms of peace. The commissioners met at Sabinas. Señors Lande-ras and Jaunequi had been appointed on the part of Mexico. The negotiation was brought to a hasty termination by the prospect of annexation. The commissioners, however, signed an agreement on the 18th of February, 1844. This was repudiated silently by the Texas government, as, in the document, Texas was still spoken of as a "department of Mexico."

23. In some counties of Eastern Texas resolutions were passed, at popular meetings, denouncing the payment of customs. A party arose in the Redlands calling themselves *Regulators*. This party took upon itself the arrest and punishment of criminals without the warrant of law. This high-handed measure led to the formation of another party styled *Moderators*. Excitement rose so high between them that, at one time, it was supposed a thousand men were in arms. In Harrison county an armed mob prevented the holding of the district court. In 1844, after many lives had been sacrificed, President Houston instructed General James Smith to call out the militia. Peace was gradually restored, though the effects of this feud continued for some time.*

* According to Yoakum, Wat Moorman was captain of the Regulators, and John

22. Who were the commissioners sent by Texas to negotiate a treaty? Why did Texas reject the agreement?

23. To what did the people of East Texas object? For what purpose was the party of the Regulators formed? The Moderators? How was peace finally restored?

SECTION IV.

JONES'S ADMINISTRATION. — FOREIGN RELATIONS. — FINANCES OF THE COUNTRY.—ANNEXATION OF TEXAS TO THE UNITED STATES.

1. At the election held September 2d, 1844, Anson Jones was elected President, and Kenneth L. Anderson, Vice-President. The inauguration took place on the 9th of December. Jones had filled the office of Secretary of State during the whole of the preceding administration, and was thoroughly acquainted with all the details of the executive department.

2. At no period since the settlement of Texas did the frontier suffer so little from Indian depredations as during Jones's administration. Even the Comanches sent in a deputation of chiefs, and entered into a treaty of peace.

3. It was a difficult and delicate task to maintain amicable relations with England, France, and other European powers while agitating the great measure of annexation. This was, however, happily done, notwithstanding the jealousy of those powers toward each other, and toward the United States.*

M. Bradley of the Moderators. In the summer of 1844, just after a congregation had been dismissed, Moorman killed Bradley at the door of the church in San Augustine, and, a few years later, Moorman was killed in a ferry boat by a Dr. Burns, while crossing the Sabine River.

* President Jones, in his autobiography, intimates that the most serious embarrassment of his administration grew out of an attempt of Mr. Donelson, United States Minister, Ex-Governor Yell, of Arkansas, Hon. C. H. Wickliffe, of Kentucky, and Commodore Stockton, seconded by some zealous Texans, to precipitate a war with Mexico. General Sherman, of the Texas militia, was to command the land forces, while Commodore Stockton, with the United States navy, promised to aid in a descent upon Matamoras. President Jones foresaw that a war with Mexico might

Section IV.—1. Who was elected President in 1844?

2. What was the condition of the frontier?

3. What delicate task devolved upon the President?

4. In relation to the finances of this period, President Jones says: "There was not a single defalcation, nor a dollar lost; the expenses of the government were brought within its receipts, and no debts incurred; the exchequers (currency) rose to par; Texas passed from a paper to a metallic currency; and after defraying the expenses of an extra session of Congress, and of a convention, repairing the public buildings, and removing the government to Austin, there was a surplus in the treasury sufficient to support the State government for two years."

5. By the terms of the treaty of annexation, the navy of Texas was to be transferred to the United States, and its officers incorporated in the navy of that government. The vessels so transferred were the ship *Austin*, the brigs *Wharton* and *Archer*, and the schooner *San Bernard*.

6. The great question of this administration was that of annexation to the United States. In 1836 that government had declined to take Texas, as the ability of the latter to maintain its independence was considered doubtful. The question was again introduced into the United States Senate by Mr. Calhoun, in April, 1844. That body, by a vote of thirty-five to sixteen rejected the measure the second time. After this second rejection, Mr. Van Zandt, the Texas minister at Washington, formally withdrew the proposition. This was under instruction from the Texas State Department.

7. About this time the course of Mr. Elliott, the British

result from annexation, and he determined that great measure should not be placed in jeopardy by a premature conflict brought on in Texas. By his policy he maintained peace until after annexation, when the Pacific coast witnessed the heroism of Commodore Stockton, and General Taylor, instead of General Sherman, led the forces against Matamoras.

4. In what condition were the finances?

5. What vessels were transferred to the navy of the United States?

6. What was the great question of Jones's administration?

7. What was the wish of Great Britain? What question entered into the presi-

minister to Texas, showed that Great Britain was very anxious to obtain a controlling influence over the Republic. France, too, was eagerly watching the progress of events. These movements awakened a profound interest in the United States, and the Texas question entered largely into the Presidential election in 1844. Mr. Polk, the annexation candidate, was elected. But it was still doubtful whether a sufficient vote could be secured to carry the measure in the form of a treaty. It was therefore proposed to accomplish the object by a simple joint-resolution of Congress. This passed on the 1st of March, and received the signature of President Tyler, as one of the last acts of his administration.

8. President Jones convened an extra session of Congress on the 16th of June, 1845. That body promptly passed a bill assenting to annexation in the form in which it had passed the United States Congress. He had previously ordered an election of delegates to a convention to finally decide the question of annexation, and form a State Constitution.

9. The convention met in Austin on the 4th of July, 1845, and on the same day passed the annexation bill. This, with the new constitution, was submitted to a vote of the people, October 13th. The measure was ratified almost unanimously. On the third Monday in December, a general election was held for State officers and members of the legislature. That body assembled in Austin, and on the 19th of February, 1846, Anson Jones, the last President of the Republic of Texas, handed over the executive authority to J.

dential election in 1844? When did the annexation resolution pass the United States Congress?

8. When did the Congress of Texas assent to this bill?

9. When did the Texan convention pass the annexation bill? On what day did President Jones surrender the executive department to Governor Henderson?

Pinckney Henderson, first governor of the State. On the 29th of December, 1845, President Polk signed the bill extending the laws of the United States over Texas; and the same day on which Governor Henderson was inaugurated, the postal service of the Union was extended over the State, and the custom houses and other public property of the late Republic relinquished to the United States. Thus annexation was consummated, and the "Lone Star," the emblem of the youngest born of Republics, was merged in the constellation of the American Union.

CHRONOLOGICAL REVIEW QUESTIONS.

FOURTH PERIOD.

When was Houston inaugurated President? October 22, 1836. Lamar? December 10, 1838.

When did Austin become the seat of government? In 1839.

When were the Cherokees expelled from East Texas? In the summer of 1839.

What occurred in 1840? The Comanches descended to the coast, burning Victoria and Linnville, but were totally defeated in the battle of Plumb Creek, August 12.

At what time did the Santa Fé expedition start? June 20, 1841

When was Houston inaugurated the second time? December 13, 1841

What was the date of Vasquez's raid? March 5, 1842.

What was the date of Woll's raid? September 11, 1842.

When was the battle of Mier fought? December 25, 1842.

When was Jones inaugurated President? December 9, 1844.

When did the Convention of Texas accept annexation? July 4, 1846.

When was annexation consummated? February 19, 1846.



Thomas B Risk

PERIOD V.

TEXAS A STATE OF THE UNION.

FROM 1846 TO 1875.

SECTION I.

HENDERSON'S ADMINISTRATION.—WAR WITH MEXICO.—
BATTLES OF PALO ALTO AND RESACA DE LA PALMA.

1. TEXAS, having been admitted as a State of the Union, was no longer compelled to maintain a navy, a corps of diplomatic agents, or a postal system. The legislature addressed itself to the passage of such laws as were necessary

Section I.—1. Who was the first governor? J. Pinckney Henderson. From what burden was the State relieved? Mention some of the acts of the Legislature.

to preserve public order and develop the resources of the country. The land office was continued in operation, and provision made for establishing a penitentiary. Twenty-nine new counties were created, and two congressional and eight judicial districts formed.

2. When the bill for annexation passed the United States Congress, Almonte, the Mexican Minister at Washington, entered his protest against it, demanded his passports, and thus cut off all diplomatic intercourse between the two nations. During the pendency of the question, the United States had kept two regiments of cavalry and one of infantry, as an army of observation, near the Sabine river. On the 26th of June, 1845, this force, under General Taylor, sailed from New Orleans to Corpus Christi, and there established headquarters.

3. About the same time, General Twiggs took a regiment across Texas by land. In March, 1846, Taylor's army started for the Rio Grande. The first fighting of the war was done by Captain James Gillespie, of the Texas Rangers, who captured the town of Laredo, before joining Taylor at the mouth of the Rio Grande. The American army gained the battle of Palo Alto on the 8th of May, and that of Resaca de la Palma on the 9th, after which it crossed the Rio Grande into Mexico. Governor Henderson, who was authorized by the legislature to command the Texans mustered into the service of the United States, was appointed by General Taylor a brigadier-general of volunteers. During his absence Lieutenant-Governor Horton filled the office of Governor.

2. Against what did the Mexican Minister at Washington enter his protest? Why had the United States kept troops on the Sabine? When did Taylor sail for Corpus Christi?

3. What General passed through Texas by land? When did Taylor start for the Rio Grande? Give the date of the battle of Palo Alto. Of Resaca de la Palma. Who commanded the Texans?

SECTION II.

WOOD'S ADMINISTRATION.—THE PUBLIC DEBT.—SANTA FÉ
CONTROVERSY.

1. The settlement of the public debt began to engage the serious attention of the legislature. Nominally it amounted to over \$11,000,000. Reduced to its equitable value, it was \$5,528,195. While the creditors were clamorous for their pay, they felt that it was well secured, as the whole public domain was pledged for its liquidation.

2. The frontier was harrassed by Indian raids; and though the legislature had made no provision for its defence, Governor Wood mustered a few companies of rangers into the service of the State.

3. Texas claimed the Rio Grande river as her southwestern and western boundary. This included a portion of New Mexico, the same territory that had been ceded to the United States in the treaty at Guadalupe Hidalgo, and which General Kearney had taken possession of in 1846. A territorial government had for some time been established there.

4. In 1847 Governor Henderson, in his message, called the attention of the Legislature to the claim of Texas to Santa Fé. In 1848 the Legislature passed a bill extending the laws of Texas over the disputed territory, and Judge Beard was sent out to organize a District Court. When he arrived, finding it impracticable to hold a Texas Court, he

Section II.—1. Who was the second governor? George T. Wood. What subject engaged public attention?

2. What was the condition of the frontier?

3. What did Texas claim as her western boundary? What did this include?

4. Who had previously called attention to this subject? What bill was passed in 1848?

commenced the practice of law before the courts already established. For this the Legislature suspended him from office, and threatened him with impeachment. Governor Wood thought Texas should take forcible possession of New Mexico, and asked that the whole military power of the State be placed at his disposal for this purpose.

5. In the mean time, under instructions from Washington, Colonel Munroe, commander at Santa Fé, ordered an election, and a territorial delegate was sent to Congress. This increased the excitement in Texas. It was contended that, if the delegate from New Mexico was admitted to his seat, our Congressmen should at once retire; and if the Government at Washington insisted on retaining possession of Santa Fé, Texas should withdraw from the Union and resume her nationality. Governor Wood remonstrated with President Taylor against the course of the United States. To this the President made no reply. This question was still unsettled when Governor Wood's official term expired.

SECTION III.

BELL'S ADMINISTRATION.—SALE OF SANTA FÉ TO THE UNITED STATES.

1. The first subject that engaged the attention of Governor Bell related to Santa Fé; while Fillmore, having become president, declared that if the Texans attempted to exercise

5. What officer was in command in Santa Fé? What election was ordered? Did the Texans object?

Section III.—1. Who was the third governor? P. Hansborough Bell. What question first engaged his attention? For what purpose was the Legislature convened in 1850?

any authority in New Mexico they would be treated as intruders. Governor Bell, in 1850, convened the Legislature in extra session to consider this subject. In his message he advised the military occupation of Santa Fé, but suggested that Texas might be willing to sell the vacant land there, provided the territory was still left under the jurisdiction of our State. This question agitated the whole nation, and threatened, at one time, to create a serious disturbance. The Southern States generally pledged a support to the claim of Texas.

2. As a compromise measure, Colonel Benton introduced a bill into the United States Senate proposing to pay Texas \$15,000,000 for Santa Fé, and, out of the remainder of the State, to form two new States. This proposition was modified by the Pearce bill, which finally became a law. This left the question of the division of Texas entirely with her own people. The United States agreed to pay \$10,000,000 for Santa Fé, one-half to be retained in the United States treasury to liquidate the public debt of the Republic of Texas.

3. In Texas, Pearce's bill was at first opposed by leading journals and politicians. They objected to it because it implied a distrust of the good faith of the State in dealing with her own creditors. The question was submitted to a popular vote, and, after a full discussion, the people, with singular unanimity, sanctioned the measure. After this expression of the popular will, the Legislature accepted the proposition.*

* As this definitely settled the north-western boundary of the State, we give the section fixing said boundary: "The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and shall run from said point due west to the meridian of

2. Give Mr. Benton's proposition. Mr. Pearce's bill.

3. Why was Pearce's bill at first opposed in Texas? Was it finally adopted?

4. Heretofore the State had used the old buildings belonging to the republic. A portion of the money derived from the sale of Santa Fé was expended in building a new capitol, land office, and treasury building.

SECTION IV.

PEASE'S ADMINISTRATION. — PROGRESS. — SCHOOL FUND. —
PUBLIC DEBT PAID. — STATE AID TO RAILROADS.

1. The period of Governor Pease's administration (1853 to 1857) was one of rapid progress and great prosperity. A new and improved criminal code and code of criminal procedure were adopted; two millions in United States bonds were set apart for a school fund; laws were passed for the establishment of asylums for lunatics, for the blind, the deaf and dumb, and for orphans, and one hundred thousand acres of land given to each. All, except the last, went into operation during Pease's official term.

2. It appearing that the \$5,000,000 reserve in the United States treasury was not sufficient to pay the principal and interest of the public debt of Texas, Congress, in February, 1855, passed a bill appropriating \$2,750,000 in addition to the \$10,000,000 previously paid for Santa Fé. Every creditor of the old Republic of Texas was soon equitably paid.

one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of thirty-two degrees north latitude to the Rio Bravo del Norte, and thence, with the channel of said river, to the Gulf of Mexico."

4. How did the State use part of the money for which Santa Fé was sold?

Section IV.—1. Who was the fourth governor of Texas? Elisha M. Pease. What was the condition of the State? What amount was set apart for a school fund? What asylums founded?

2. What was the sum finally paid by the United States for Santa Fé?

3. On the recommendation of the Governor the Legislature passed a general railroad law, granting sixteen sections of land for each mile of completed road, and loaning to railway companies \$6,000 per mile from the school fund, taking a first mortgage upon the roads as security.

4. Heretofore elections in Texas had depended, almost entirely, upon the personal popularity of candidates. The Democratic party had introduced Texas into the Union, and the mass of the people belonged to the Democracy. In 1854 the Know-Nothing party was organized. General Houston committed himself, for a time, to this organization, and, in 1855, L. D. Evans was elected to Congress upon this ticket. But the excitement growing out of the Kansas-Nebraska bill introduced into the United States Senate by Mr. Douglass, in 1853, soon diverted public attention from all other questions. Three great political parties sprung into existence: a Free-Soil party, a Conservative or Union party, and a States-Rights Democratic party. Pease, the Democratic candidate, was re-elected governor in 1855.

5. Many slaves had escaped from Texas into Mexico. It was thought a portion of the Mexican population in Western Texas aided in their escape. Public meetings were held in Gonzales, Austin, and other places, at which planters were advised not to employ Mexican laborers. The Mexicans, however, continued to come into the State, and many of them were employed as teamsters in transporting goods from the seaports to the interior. This produced an excitement in Goliad and Karnes counties. The Mexican trains were assailed by bands of armed men, and, in some instances, goods

3. Give the provisions for the railroad law.

4. What political party introduced Texas into the Union? What party arose in 1854? Who was elected governor in 1855?

5. Of what were some of the Mexicans in the west suspected? What caused the cart war?

were destroyed and the drivers killed. After visiting San Antonio and inquiring into the facts in reference to the "Cart War," as it was called, Governor Pease called out a company of seventy-five men to protect the cartmen. Peace was thus restored.

6. The interest on the \$5,000,000 United States bonds accumulating in the treasury furnished means to defray the expenses of the State government, and the Legislature remitted to the several counties the taxes from 1851 to 1857. Most of the counties expended this money in building court-houses and jails.

7. The people of Texas generally disapproved the vote given by Senator Houston on the Kansas-Nebraska bill. It was evident that he would not be re-elected to the Senate, and he became a candidate for Governor. H. R. Runnels, the regular Democratic nominee, was elected by a majority of 8,924 in a total vote of 56,180.

SECTION V.

RUNNELS' ADMINISTRATION. — NORTHERN BOUNDARY LINE DEFINED.—INDIAN RESERVATIONS, ETC.—TROUBLE FROM CORTINA.—EVIDENCES OF PROGRESS.

1. A part of the northern boundary line of Texas, on Red River, had never been accurately defined. In 1857 Congress appropriated \$80,000 to defray the expense of marking this line, and Major Emory of the army was sent

6. By what means were the expenses of the State government defrayed? For how many years were State taxes relinquished to the counties?

Section V.—1. Who was the fifth governor? Hardin R. Runnels. What boundary line was marked?

to make the survey. At the 99° west longitude, near the corner of Wilbarger and Wichita counties, Pease river enters the main Red river. Major Emory at first contended that Pease river should constitute the line, but at the remonstrance of the Texas commissioner, finally consented to extend Texas to the North Fork of Red river. This left a large and valuable scope of country in the State.

2. In 1854 the Legislature placed temporarily under the control of the United States two tracts of land upon which Indians, claiming a domicil in the State, might be located. Both of these reservations were on the Brazos river, in Young land district. One contained four, and the other eight leagues. Under the management of Major Neighbors, the agent, large numbers of Comanches were collected at the upper Reserve, and remnants of the Caddoes, Tonkawas, Wacoos, and other tribes at the other.

3. The Report for 1858 represented these Indians as doing well, and as rapidly acquiring the habits of civilized life. At the lower Reserve there was a school with fifty pupils, six hundred acres of land were in cultivation, and the Indians had a good supply of horses, cattle, hogs, etc. While some of the white settlers lived on friendly terms with these Indians, others were constantly involved in difficulties with them. The country around the Reservations was susceptible of settlement, and it soon became manifest that the Indians must be removed.

4. At the request of the citizens of the surrounding country the United States Government promised that they should be transferred to the Indian territory north of Red river

2. Where did the Legislature provide reservations for Indians?

3. What was the condition of the reserve Indians in 1858? Why was it necessary that the Indians should be removed?

4. To what point did the government promise to take them? What occurred early in 1859? On May 3? When were they finally removed?

This not being promptly done, a party of about twenty whites attacked a small band of Indians, killing seven. Among those killed was an influential chief, whose boast was that he had ever been faithful to the whites. This was in December, 1858. Early in 1859 hundreds of citizens assembled at Stephenville, and threatened forcibly to expel the Indians. Governor Runnels, anxious to prevent bloodshed, and believing the government would in due time remove them, issued a proclamation requesting the citizens to disband, and refrain from all unlawful interference with the Reserves. For a time this quieted the excitement; but the government failing to redeem its promise, a considerable number of citizens, on the 3d of May, attacked the upper Reserve, killing fifteen Indians. Finally, in August, 1859, Major George H. Thomas, of the United States Army, removed these Indians across Red river, and placed them in the Wichita agency.

5. In the early part of 1858, Colonel John S. Ford, with a company of Texas Rangers, penetrated the Indian country, and had a severe fight on the Canadian river, killing some seventy of the savages. Soon after Ford returned, Major Earl Van Dorn, with a company of dragoons, went on a scouting expedition into the Indian range. When near the Wichita village he had a severe fight, killing fifty-six Indians. The Major was himself wounded, and had one of his lieutenants killed in this fight.

6. During 1859 there were some disturbances upon the Rio Grande frontier. On the 1st of October, Juan N. Cortina, a partisan Mexican leader, crossed the river and took military possession of the city of Brownsville. He was confronted by Ford of the Rangers, and Heintzleman of the

5. Give the particulars of Ford's expedition in 1858. Of Van Dorn's.

6. Who created a disturbance on the Rio Grande in 1859? Of what city did Cortina take possession?

United States Army, and after some skirmishing, driven back into Mexico. Subsequently to this, Cortina captured one of the Rio Grande steamers, and committed other offenses.

7. Finally, Colonel Robert E. Lee, who had been assigned to the command on the Rio Grande, threatened that if Cortina did not cease his depredations he would send a sufficient military force to capture and punish the guerrilla chieftain wherever found. This threat had the effect to restore quiet.

8. During Governor Runnel's administration Texas continued to prosper. There was a rapid increase of population and wealth. Various companies were engaged in improving the navigation of her bays and rivers; railroads made satisfactory progress; and schools and churches multiplied throughout the State. Runnels received the Democratic nomination for re-election. Houston again ran as an independent candidate, receiving out of 64,027 votes cast, a majority of 8,770.

SECTION VI.

HOUSTON'S ADMINISTRATION.—FRONTIER PROTECTION.—POLITICAL EXCITEMENT.—THE CONVENTION.—SECESSION.

1. Perhaps, to divert attention from the intense sectional excitement at home, Governor Houston, in his inaugural message, advocated the establishment of a protectorate over Mexico, a measure he had previously proposed in the

7. Who finally restored quiet on that frontier?

8. Mention some evidences of prosperity.

Section VI.—1. Who was the sixth governor? Sam Houston. What did Houston recommend in his inaugural?

United States Senate. Soon after his inauguration, he sent two commissioners to the Rio Grande to inquire into the state of affairs on that frontier, but public attention was soon engrossed by more important events, and Mexico and the Rio Grande frontier, were, for the time being, lost sight of.

2. The year 1860, was one of feverish excitement in Texas. The Indians were more daring and barbarous than ever before. The Legislature authorized the Governor to call out a regiment of Rangers for frontier protection. Nine companies were mustered into service, under the command of Colonel M. T. Johnson, but no adequate appropriation had been made for their support, and they were soon disbanded. The Governor then authorized the formation of minute companies in frontier counties, which were to be furnished with arms by the State, and ready on short notice to pursue the savages. They received pay only for the time actually employed in scouting.

3. During the summer many houses were burned in Texas, believed to have been the work of incendiaries. The air was rife with rumored attempts at poisoning and assassination. It was generally believed that there would be an outbreak among the negroes on the day of the general election in August. The election, however, passed off without any extraordinary disturbance. The election of Mr. Lincoln, as President, and the action of some of the Southern States, intensified the agitation in Texas.

4. Governor Houston was known to be opposed to secession. He addressed a circular letter to the Governors of other Southern States, proposing a consultation for joint

2. What can you say of the year 1860 ?

3. What occurred in the summer ?

4. What course did Houston recommend to governors of other Southern States ?
When did the Legislature convene ?

action. This met with no response. On the 17th of December, he issued a proclamation convening the Legislature on the 21st of January. By common consent, the people, on the 8th of January, elected delegates to a State convention.

5. The Governor, in his message to the Legislature, strongly advocated what were called the "Tennessee Resolutions," which looked to a coöperation with the border States. But a large majority of the members of the Legislature were for secession, and that body promptly recognized the convention which met in Austin, January 28th, 1861, and which, on the 1st of February, by a vote of one hundred and sixty-six to seven, passed the ordinance of secession, subject to ratification or rejection by the people. The vote was taken on the 23d of February, thirty-nine thousand four hundred and fifteen voting for, and thirteen thousand eight hundred and forty-one against the measure. Immediately after the election the convention re-assembled, and on March 14th all officers of the State were required to take an oath to support the new Confederacy, which had been formed at Montgomery, Alabama. Governor Houston protested against this act, and he and Major Cave, Secretary of State, declined to take the oath, and were displaced from office, Lieutenant Governor Clark being installed Governor. All other State officers, on taking an oath to the Confederacy, continued in their respective positions.

5. What resolutions did Houston recommend? When did the Convention meet? When pass Secession ordinance? What was required March 14? Did Houston take the oath?

SECTION VII.

CLARK'S ADMINISTRATION.—WAR MEASURES.—TEXAS PORTS
BLOCKADED.

1. The public mind was engrossed with preparations for a gigantic war. The Legislature authorized the issuing of five hundred thousand dollars in State bonds. In April, Governor Clark divided the State into eight military districts, for camps of instruction. Soon afterwards he formed three others; and in August he appointed thirty-two brigadier generals of the militia. By the 1st of August, Texas had ten thousand men in the Confederate army; and by the 7th of November, the number had increased to fifteen thousand. In the meantime, Texans were prohibited from paying debts due in the North, and all commerce ceased, except through blockade running.

2. When the war broke out, there were about twenty-five hundred United States soldiers guarding the frontier of Texas, consisting of twenty-two companies of infantry, ten of cavalry, and five of artillery. One of the first measures adopted by the newly instituted government, looked to the capture of these troops, and the possession of the public property.

3. On the 16th of February, General Twiggs surrendered to the Texas Commissioners, the arsenal and army stores in San Antonio, estimated at one million two hundred and twenty-nine thousand five hundred dollars. In

Section VII.—1. Who was the seventh governor? Edward Clark. What subject engrossed public attention?

2. How many United States soldiers were on the Texas frontier?

3. When was the public property in San Antonio surrendered? Under what stipulations?

surrendering the troops, General Twiggs stipulated that officers should retain their side arms, and all should be permitted to proceed to the coast, and embark for the North in Federal transports. The United States sent the transport steamer *Star of the West* to remove these soldiers. * The vessel was captured April 17th, off Pass Cavallo, by Colonel Earl Van Dorn. No Federal transport reaching Indianola, the officers chartered a couple of schooners, upon which the soldiers were embarked. These schooners, containing four hundred and fifty men, under Major Sibley, were surrounded and captured by Van Dorn, in Matagorda Bay, April 24th. On the 9th of May, Van Dorn also captured, near San Antonio, three hundred and sixty-six United States soldiers, who were making their way to the coast from the frontier.

4. The various military posts on the lower Rio Grande, surrendered to Colonel John S. Ford. Colonel William C. Young collected a company, crossed Red river, and captured Fort Arbuckle in the Indian territory, Major Emory, the commander, retreating to Kansas. On the 26th of July, Colonel John R. Baylor, with a small force, took possession of the town of Mesilla, and on the 1st of August issued his proclamation as Governor of Arizona.

5. On the 2d of July, Galveston was blockaded by Federal gun-boats, and soon afterwards all the ports of Texas were similarly closed. These gun-boats captured many merchant vessels engaged in blockade running. On the 3d of August, the schooner *Dart*, running within range of the forts on Galveston island, was fired upon. Captain Aldeu, of the blockading fleet, returned the fire, killing one man on the Island.

4. To whom were the military posts on the Rio Grande surrendered? Who captured Fort Arbuckle? Who took possession of Mesilla?

5. When was Galveston blockaded?

SECTION VIII.

LUBBOCK'S ADMINISTRATION.—TEXAS PROSPEROUS.—CONFEDERATES EVACUATE GALVESTON.—MAGRUDER RECAPTURES THE CITY.—DEFENCE OF SABINE PASS.

1. The year 1861 was favorable for crops, and provisions were abundant. Large quantities of cloth were manufactured. Cotton, transported to the Rio Grande, found a ready sale, and returning teams brought back such supplies as were not produced at home. Salt was procured from the salt lagoons on the coast, and upon the whole, the people of the State were in a prosperous condition.

2. The Legislature constituted the Governor, Comptroller, and State Treasurer, a Military Board, to purchase cotton for export, and to import such supplies as were needed in the State. Before the close of Governor Lubbock's administration, it was estimated that Texas had ninety thousand men in the Confederate army, while the men at home, not subject to conscription, were enrolled as State troops. In 1863 the Legislature appropriated six hundred thousand dollars for soldiers' families, eight hundred thousand dollars for frontier protection, and two million dollars for hospitals.

3. In the fall of 1861, General Sibley, with a brigade of three regiments, left San Antonio for the Rio Grande. He arrived at Fort Bliss on the 16th of December, and proclaimed the Confederate laws over the Texas side of the val-

Section VIII.—1. Who was the eighth governor? Francis R. Lubbock. For what was 1861 favorable? Where was cotton taken for sale? Where was salt procured?

2. Who constituted the State military board? How many men had Texas in the Confederate army?

3. When did the Arizona brigade start for the Rio Grande? Mention the three battles fought.

ley of the Rio Grande. On the 21st of February, 1862, the battle of Val Verde was fought, the battle of Glorietta on the 27th of March, and the battle of Peratta on the 23d of April. After this, finding it not practicable to remain in the distant region, the brigade returned to Texas.

4. May 17th, 1862, Commodore Eagle of the Federal Navy, demanded possession of Galveston. It was not surrendered. On the 4th of October the demand was repeated, and four days given for the removal of women and children. The Confederates withdrew to Virginia Point, six miles distant, spiking such guns as they could not remove. The Federalists landed two hundred and sixty men of the 42d Massachusetts, who occupied one of the wharves. In November, General Magruder, the commander in Texas, called for five thousand State troops for the defence of the coast. The new levies, added to the Arizona brigade, furnished Magruder with a large force, and he at once commenced preparing for the recapture of Galveston. There were five Federal gun-boats in the harbor and channel.

5. About midnight, December 31st, a division of Magruder's army silently entered the city, and was posted at proper strategic points. A little later, two bayou steamboats, which had been barricaded with cotton, moved down to aid in the attack. After a short engagement, the Harriet Lane, lying at the wharf, was boarded by the assailants and captured, after her commander and first lieutenant had been slain.

6. The Westfield, the flag-ship of Commodore Renshaw, was aground. To prevent her from falling into the hands of

4. What occurred May 17, 1862? When was the demand repeated? When did Magruder assume command in Texas? For what did he at once commence preparations?

5. When did the attack take place? Give the particulars of the fight.

6. What became of the Westfield?

the Confederates, she was blown up, and by a premature explosion, the Commodore and fifteen men lost their lives. The Federal troops on the Island surrendered, and the other gun-boats left the harbor.

7. The next engagement on the coast of Texas was at Sabine Pass. A small fort had been erected to guard the Pass, which was garrisoned by only forty-one men. This small company successfully resisted an attempted invasion under General Franklin, and captured the steamer Clifton and the gun-boat Sachem, gaining one of the most surprising victories of the war.

SECTION IX.

MURRAH'S ADMINISTRATION.—COTTON BUREAU.—FEDERALS AT BROWNSVILLE.—FIGHT WITH THE KICKAPOOS.—DISBANDING OF THE CONFEDERATE ARMY.—GENERAL GRANGER IN COMMAND.

1. Texas continued to make overwhelming crops. It was estimated that the cotton crop for 1863 amounted to 300,000 bales, about half the amount raised in all the Confederate States. The Military Board at Austin was re-organized, and, with the Police Court of each county, authorized to export cotton and import supplies. Six hundred thousand yards of cloth from the penitentiary, and all the surplus thread of that institution, were reserved from sale except to soldiers and their families.

2. There was also organized at Houston, the military

7. Give the particulars of the fight at Sabine Pass.

Section IX.—1. Who was the ninth governor? Pendleton Murrah. What was the amount of the cotton crop?

2. For what purpose was the cotton bureau organized?

headquarters, a Confederate Cotton Bureau, with authority to impress cotton for the use of the army. When the planter gave up one half of his cotton, he obtained a permit to export the other half. The Cotton Bureau, which was organized in December, 1863, had, by the middle of May, realized the sum of \$151,490, specie, for cotton sold, not counting some \$70,000 lost by one of its agents, by a robbery near Clinton, DeWitt county. Soon after this robbery, the operations of the bureau were suspended.

3. On the day Governor Murrah was inaugurated, 5th November, 1863, General Bee evacuated Brownsville, retreating before a large Federal army under General Banks, who advanced along the coast, reaching Aransas Pass on the 17th of November, and Pass Cavallo, November 30th. Major Ireland, in command, evacuated Fort Esperanza on the advance of the Federals. The Union troops occupied Indianola, December 13th, and Lavaca, December 26th.

4. On the night of December 29th, the company of Captain Rugely, of Matagorda county, attempted to pass in small boats from the main land to the Peninsula; they encountered a severe norther, in which fourteen of the men perished with cold.

5. On the 13th of March, 1864, the Federals evacuated Matagorda Bay. A garrison, however, was left at Brownsville, on the Rio Grande. The last battle of the war was fought near the old Palo Alto battle-ground, May 13th, 1865.

6. On Christmas day, 1864, a force of about four hundred frontier soldiers and militia left camp McCord, on the Colo-

3. When did General Bee evacuate Brownsville? When did the Federals reach Aransas? Pass Cavallo? Indianola? When did they occupy Lavaca?

4. What misfortune happened to Rugely's company?

5. When did the Federals leave Matagorda bay?

6. Give the incidents of the Kickapoo fight.

rado, on an Indian scout. On Dove Creek, a tributary of the North Concho, a body of Kickapoo Indians was discovered on the 8th of January, 1865. Their camp was in a dense thicket, and there were no means of ascertaining their numbers. A desperate fight ensued, in which the soldiers displayed great heroism, frequently charging into the thicket. At night the assailants withdrew, having lost seventeen killed and twenty-five wounded. It was intended the next morning to renew the fight, but a cold rain rendering it impracticable to do so, they returned to camp Colorado, and reported having killed fifty-three Indians, including two women and two children.*

7. In the summer of 1864, General E. Kirby Smith was in command of the trans-Mississippi Department, and General J. G. Walker in Texas. Nothing, however, of great importance occurred in this Department, as the most of the Federals had been withdrawn to coöperate with Sherman in his march to the sea, or with Grant, who was drawing his lines around Richmond. Lee surrendered on the 9th of April, 1865, Joseph E. Johnston on the 26th of the same month, and Taylor on the 6th of May.

8. On the 25th of May, Governor Murrah issued three proclamations: one commanding civil officers to preserve public property; another convening an extra session of the Legislature, July 6th; and a third ordering an election, June 19th, for delegates to a convention. The last two were set aside by the Federal commander.

* The Kickapoos, on their arrival at Piedras Negras, gave a report of this fight, which may interest the reader. They said about one thousand of them were passing through an uninhabited portion of Texas to their new homes in Mexico, when they were attacked by a body of Texans, and had fourteen of their warriors killed and eight wounded. The Kickapoos gave a great deal of trouble to the inhabitants along the Rio Grande, until 1874-5, when the agents of the United States conveyed them again to their former homes.

7. Who was in command in Texas in 1864?

8. What proclamation did Governor Murrah issue, May 25?

9. On the 23d of May, the soldiers in Galveston, Houston, and other places, threw off the control of their officers. They took possession of the public property, guns, ammunition, clothing, and all kinds of army stores, and large packages of Confederate money were scattered profusely through the streets, every one taking what he could carry away. At Navasota, either through carelessness or design, a lighted match was thrown upon a pile of powder, and an explosion followed by which eight lives were lost, several buildings burned, and nearly all the windows in the town broken. The damage amounted to \$70,000.

10. At first private property was respected, but as the spirit of lawlessness spread throughout the State, teams returning from the West with goods were seized, and in some instances stores were entered. At Austin, among other articles distributed, were 50,000 pairs of cotton and woolen cards. On the 11th of June the State Treasury was broken open and robbed. At Brownsville, the soldiers of Benavides's command compelled the Custom-house officers to pay them off in specie. The citizens of Huntsville, hearing that the Penitentiary was to be plundered, organized a strong guard and protected it, confining the prisoners in their cells until the danger passed.

11. On the 30th of May, Generals Smith and Magruder went on board a Federal vessel in Galveston harbor and formally surrendered the trans-Mississippi Department. On the 19th of June, General Granger, United States Army, arrived in Galveston and assumed command. He announced

9. When did the soldiers throw off the control of their officers? How was the public property disposed of? What happened at Navasota?

10. Was private property respected? What happened at Austin? At Huntsville?

11. When was the trans-Mississippi department formally surrendered? Who assumed command June 19?

the emancipation of slaves in Texas, and suspended all legislative enactments inconsistent with the laws of the United States.

SECTION X.

HAMILTON'S ADMINISTRATION.—FIRST RECONSTRUCTION.— CONVENTION OF 1866.

1. On the 17th of June, President Johnson appointed Andrew J. Hamilton Provisional Governor of Texas. Governor Hamilton arrived in Galveston on the 21st of July, and on the 25th issued a proclamation announcing his appointment, and assuming the duties of his office. In this he foreshadowed the policy to be pursued in restoring the State to the Union. The freedmen were advised to remain with their former masters and gather the growing crop, receiving a reasonable compensation for their labor. A good crop was raised, cotton bore an unusually high price, and the year was one of financial prosperity. As soon as practicable, the civil officers of the State were filled by those believed to be loyal to the government, and persons were appointed in the various counties to administer the amnesty oath prescribed by President Johnson.

2. On the 15th of November, Governor Hamilton issued his proclamation for an election to be held January 8th, 1866, for delegates to a State Convention. For the first time in the history of Texas, voters were required to be registered. By direction of President Johnson, this convention "was to be chosen by that portion of the people of Texas who were

Section X.—1. Who was the tenth governor? Andrew J. Hamilton. What advice did Hamilton give the freedmen?

2. When was the election held for delegates to a convention?

loyal to the United States, and none others." The number of delegates was to be equal to the number of members of the House of Representatives. The Governor invited the people cordially to engage in the work of reconstructing local government.

3. The Convention met on the 10th of February, 1866, completed its work, and adjourned on the 2d of April. On the 4th of June the people voted on the adoption of the Constitution, and elected State officers and members of the Legislature. The Constitution was adopted by a vote of forty-eight thousand five hundred and nineteen; seven thousand seven hundred and nineteen voting against its adoption. The Legislature met on the 9th of August, and on the 13th, Governor Hamilton relinquished the executive department of the State to his successor, J. W. Throckmorton.

SECTION XI.

THROCKMORTON'S ADMINISTRATION. — INDIAN DEPREDATIONS.—GOVERNMENT IN TEXAS PROVISIONAL.—THROCKMORTON REMOVED BY GENERAL SHERIDAN.

1. The Legislature which was in session when Governor Throckmorton was inaugurated (August 13th, 1866), elected United States Senators, divided the State into four districts, and ordered an election for Congressmen. It also adopted such measures as were deemed necessary for the complete restoration of the civil law.

2. The frontier had suffered fearfully from Indian depredations.

3. When did the convention meet? When did the Legislature meet?

Section XI.—1. Who was the eleventh governor? James W. Throckmorton. Mention some of the acts of the Legislature.

2. What was the condition of the frontier?

dations. A committee of the Legislature reported that within two years from the close of the war, one hundred and sixty-two persons had been killed by Indians, twenty-four wounded, and forty-three carried into captivity. Of this number, twenty-nine were reclaimed. On the Indian and Rio Grande frontier, between thirty and forty thousand head of cattle and horses had been stolen. The Legislature passed a law for organizing three battallions of State troops for frontier protection; but, as the Federal commander objected, they were never called into service.

3. Governor Throckmorton entered zealously upon the duties of his office. He was an original Union man, and in the convention of 1861, voted against secession. It was thought he would be entirely acceptable to the authorities at Washington. But, whatever may have been the feeling personally towards the Governor, many of the acts of the Legislature were severely criticised; and, on the 2d of March, 1867, Congress passed a law reducing Louisiana and Texas to the condition of territories, declaring their present governments provisional and under the control of the commander of the Fifth Military District.

4. On the 15th of April, under instructions from General Sheridan, General Griffin issued an order forbidding all civil elections in Texas. On the 17th he ordered Judges to put colored men upon juries; and on the same day established fifteen registration districts, corresponding with the judicial districts of the State.

5. Finally, on the 30th of July, General Sheridan issued an order removing Governor Throckmorton, and appointing E. M. Pease in his place.

3. How had Governor Throckmorton voted on the question of secession? What act passed Congress, March 2, 1867?

4. When were elections prohibited in Texas?

5. When was Throckmorton removed?

SECTION XII.

PEASE'S ADMINISTRATION.—SECOND RECONSTRUCTION.—
CONVENTION OF 1868-9.

1. Under the reconstruction law the Governor was merely an adviser of the Military Commander, who alone was responsible for the administration of the government, and whose "orders" gave validity to laws, interpreted them, or set them aside.

2. Soon after General Sheridan removed Governor Throckmorton, he was himself removed to another department by President Johnson, and General Griffin assumed command. General Griffin died with yellow fever, and was succeeded, for a short time, by General Mower. On the 29th of November General Hancock was assigned to the Fifth Military District. During the short period in which he was in command, military officers were prohibited from interfering with the civil authorities. He also disapproved the "secret instructions" which had been issued by General Griffin to Registrars, instructions that prevented the registration of persons who had held minor offices before the war, and afterwards voluntarily joined the Confederate army. Except for a short period in the spring of 1869, when General Canby was in command, General Reynolds was the commander in Texas during nearly the whole of Pease's administration.

3. In the fall of 1867 there was, under military orders, a general registration of voters. This included the colored

Section XII.—1. Who was the twelfth governor? Elisha M. Pease? What was the position of the governor?

2. Who were the successive military commanders of the fifth district? Who commanded in Texas during the most of Pease's administration?

3 When were the freedmen permitted to register? When was the election held?

people. There were registered 56,678 white, and 47,581 colored voters. About 25,000 whites were not registered, either through indifference or from disfranchisement. At the election held February 10th to 14th, 44,689 votes were cast for a Convention, and 11,440 against it. If those voting in the negative had refrained from voting the measure would have failed, as the law required that, to call the Convention, a majority of those registered must vote on the question.

4. The Convention met on the 1st of June, and, after a three months' session, took a recess until the 7th of December, when it sat for two months longer. After its work was about completed, a number of members left, a quorum could not be obtained, and General Canby, then in command, arranged the constitution and journals for publication.

5. The election, which had been fixed by the Convention for July, was deferred, by order of President Grant, to the 30th November and three following days. Governor Pease tendered his resignation, which was accepted September 30, 1869, and, for three months, an Adjutant in charge of civil affairs performed the duties pertaining to the office of Governor of Texas. Edmund J. Davis was elected Governor.

SECTION XIII.

DAVIS'S ADMINISTRATION.—SENATORS AND REPRESENTATIVES ADMITTED TO CONGRESS.—VARIOUS LEGISLATIVE ACTS.—INCREASE OF POPULATION.—GENERAL ELECTION OF 1873.

1. As soon as the returns of the election reached Austin,

4. When did the convention meet?

5. When was the general election held?

Section XIII.—1. Who was the thirteenth governor? Edmund J. Davis. When did Davis enter upon his office?

General Reynolds appointed General Davis, Governor. He reached Austin and entered upon his executive duties January 18, 1870.

2. By order of General Reynolds the Legislature convened on the 8th of February. As a condition precedent to the restoration of Texas to the Union, the law of Congress required that the Legislature should ratify the XIIIth, XIVth, and XVth amendments to the Constitution of the United States. After ratifying these amendments and electing United States Senators, the Legislature adjourned February 24th.

3. On the 30th of March the bill accepting the Constitution of Texas passed Congress and received the signature of President Grant, when the Texas Senators and Representatives were admitted to their seats; and, on the 16th of April, General Reynolds relinquished all jurisdiction over the civil affairs of Texas, thus restoring the supremacy of civil law.

4. On the 26th of April the Legislature again assembled in what was denominated a "called session," and continued in session until the 15th of August. For frontier protection, the Governor was authorized to call out twenty companies of rangers; and to sell bonds of the State to defray the expense. He was also authorized to organize a State police of about two hundred and sixty officers and men, of which the Adjutant-General was, *ex officio*, the chief. The Legislature further invested the Executive with authority, in certain cases, to suspend the writ of *habeas corpus*; and, under this authority, martial law was, in three instances, declared during his administration.

2. When did the Legislature meet? What bills were passed?

3. When did the bill pass Congress accepting the Constitution of Texas? When did Reynolds relinquish control of civil affairs?

4. When did the Legislature again meet? Mention some of its acts.

5. A homestead bill, as required by the Constitution, became a law during this session. To heads of families destitute of land, one hundred and sixty acres were given, and eighty acres to single men.

6. On the 10th of January, 1871, the Legislature re-assembled. Among the more important laws enacted was one authorizing counties and cities to grant subsidies to works of internal improvement. Another prohibited the carrying of deadly weapons, except in counties exposed to Indian raids. Provision was also made for a Bureau of Immigration, and for the establishment of Public Free Schools.

7. At the general election held in November, 1872, the Democratic party elected all the Congressmen to which the State was entitled, and a majority of both branches of the State Legislature.

8. The Superintendent of Immigration estimated that during the year 1872 ninety-one thousand six hundred immigrants landed in Texas, amounting to ten per cent. of our whole population.

9. The Legislature met the 14th of January, 1873. The tone of the Governor's message was conciliatory. After the organization Mr. Flanagan, a Republican, resigned the presidency of the Senate, to which he had been elected at the previous session, and Mr. Pickett, a Democrat, was chosen in his place. All parties manifested a disposition to repeal or change obnoxious laws, reduce public expenses, and improve the finances of the State. The law creating a State police, and one authorizing the Governor to proclaim martial law,

5. How much land did the homestead bill give the head of a family ?

6. Mention some of the more important legislative acts.

7. Which party triumphed at the election in 1872 ?

8. How many immigrants entered Texas in 1872 ?

9. When did the thirteenth Legislature meet ? What disposition was manifested by all parties ?

were repealed; while the election law and the school law were materially modified.

10. The next general election took place on the 2d of December, 1873, the democrats electing State officers, Congressmen, and a majority of both branches of the Legislature. After the election a case was brought before the Supreme Court on a writ of *habeas corpus*, in which the constitutionality of the election law was incidentally involved. The court decided the law unconstitutional, and Governor Davis, on the 12th of January, 1874, issued a proclamation forbidding the assembling of the Legislature. On the 13th the two houses met and organized. The Governor, however, refused to recognize them.

11. On the night of the 13th the lower story of the capitol building, including the offices of the Governor and Secretary of State, was guarded by colored soldiers under command of the Adjutant-General, while the upper story, comprising the halls of the two houses, was occupied by the Sergeants-at-Arms with a large number of deputies, including a military company. Serious fears were entertained of a collision, but, fortunately, no blood was shed. President Grant, who had been appealed to, declined to interfere, and, under a protest, the Secretary of State permitted a committee of the Legislature to take from his office the returns of the late election. The votes were counted, and Richard Coke and R. B. Hubbard, the newly-elected Governor and Lieutenant-Governor, were duly installed.

10. When did the general election take place? Which party triumphed? What question was brought before the Supreme Court? What proclamation did Davis issue?

11. How was the capitol occupied on the night of January 13? How were the returns of the election procured?

SECTION XIV.

**COKE'S ADMINISTRATION.—SUPREME COURT RE-ORGANIZED
—CONSTITUTIONAL CONVENTION PROVIDED FOR.—PRO-
GRESS OF THE STATE IN POPULATION.—AGRICULTURAL
PRODUCTS, LIVE STOCK, AGGREGATE WEALTH, ETC.**

1. Under the amended Constitution the Supreme Court was re-organized with five Justices instead of three, and the Legislature directed that its sessions should be held alternately at Austin, Galveston, and Tyler.

2. At the second session of the fourteenth Legislature, in March, 1875, provision was made for calling a Constitutional Convention. The convention met on the 6th of September. At a general election held February 15, 1876, the new Constitution was adopted, and Mr. Coke was re-elected Governor for a term of two years. His second inauguration took place April 22d, 1876.

3. A few figures will serve to illustrate the progress of the State during this period. The exact population in 1846 is unknown. In 1847 there were reported 100,508 whites, and 35,073 slaves. In 1870 the United States census gives the population of Texas at 567,700 whites, and 253,475 colored. The present population is largely over a million. In 1846 the corn crop was about 3,000,000 bushels; in 1874

Section XIV.—1. Who was the fourteenth governor of Texas? Richard Coke.

2. When did the Constitutional Convention meet, and who was elected governor under the new Constitution? When was he inaugurated?

3. What will illustrate the progress of the State? What was the population of Texas in 1847? In 1870? Corn crop of 1846? Of 1874? Cotton crop of 1846? Of 1874? Number of horses and mules in 1846? In 1873? Number of cattle in 1846? In 1873? Assessed value of property in 1846? In 1873?

30,000,000. In 1846 about 80,000 bales of cotton were produced; in 1874 the crop was near 500,000 bales. In 1846 there were 35,648 horses and mules; the Comptroller's report for 1873 placed the number at 718,247, valued at \$21,605,546. In 1846 the number of cattle was 382,783; in 1873 over 3,000,000, valued at \$14,361,518. In 1846 the assessed value of all property in the State amounted to \$34,391,175; in 1864 the amount reached \$358,101,886 (including 200,000 slaves, valued at \$100,000,000). As a result of the war, in 1866 the assessed value of property had fallen to \$122,749,123; but, in 1873, the aggregate amount assessed was \$241,841,860. In 1846 there were thirty-six organized counties. There are now one hundred and forty-seven organized, and twenty-seven unorganized, counties.

4. The Buffalo Bayou, Brazos and Colorado railway was commenced at Harrisburg in 1852, and completed to Richmond in 1855. The Houston and Texas Central was commenced in 1853.

5. On the 1st of February, 1860, trains crossed the bridge connecting Galveston with the main land, opening up railway communication between Houston and Galveston. In 1859 the Texas Pacific was built from Shreveport, Louisiana, to Marshall, Texas, and the next year a road was opened from Lavaca to Victoria. The Texas and New Orleans road was commenced at Houston in 1859, and completed to Orange, one hundred and eight miles, in 1861. The two roads last mentioned suspended after the war.

6. At the close of the civil war the following roads were in operation: Galveston, Houston and Henderson, fifty miles;

4. When was the B. B. B. and C. Railway commenced? The H. and T. Central?

5. When did trains first cross the Galveston bridge?

6. How many miles of railway were in operation at the close of the war? When was the International chartered? What controversy arose between this company and the State?

the Buffalo Bayou, Brazos and Colorado, from Harrisburg to Alleyton, eighty miles; the Houston and Texas Central, from Houston to Millican, eighty miles; the western branch, from Hempstead to Brenham, twenty-two miles; and the Southern Pacific, from Shreveport to Marshall, forty-one miles—in all, two hundred and seventy-two miles. In 1870 the Legislature chartered the International Company to construct a road diagonally across the State from Red River to the Rio Grande. To this company the State agreed to issue bonds at the rate of \$10,000 per mile. The road was commenced at Hearne, and, when fifty miles were completed, the Governor signed the bonds for \$500,000 due the company. To these bonds the Comptroller refused his signature. Suit was brought, and, in 1874, the Supreme Court decided that it had no jurisdiction in the case.

7. In March, 1875, the Legislature passed a bill substituting twenty sections of land per mile instead of the bonds, and exempting the land and the property of the company from taxation for twenty-five years. This compromise was accepted by the company. Pending this controversy the road had been extended, in 1873, to Longview, one hundred and seventy-two miles; the Tyler branch, built from Troupe to Mineola, forty-four miles; and the road extended across the Brazos, from Hearne to Rockdale, thirty miles.

8. In 1871 the Houston and Texas Central extended its western branch to Austin, and completed the Waco Tap road; and, in 1873, its main trunk line formed a junction with the Missouri, Kansas and Texas road, at Red river, opening railroad communication with St. Louis. In August, 1873, the Texas and Pacific reached Dallas. In January, 1874, the trans-continental branch of this road was opened

7. How was this settled?

8. When did the railroad reach Austin? When was communication opened with St. Louis?

from Marshall to Texarkana, forming a junction with the Cairo and Fulton road. A section of this road was also built from Sherman to Brookston.

9. The Houston and Great Northern Road was commenced at Houston in 1871, and completed the next year to Palestine, with a short branch to Huntsville. In 1874 it was extended from Houston southwest to Columbia.

10. In 1873 the road from Columbus westward, under the name of the Galveston, Harrisburg and San Antonio Road, was built to Shulenberg, and in 1875 to Kingsbury.

11. The Gulf, West Texas and Pacific Road, was built from Indianola to Victoria in 1872, and to Cuero in 1873.

12. The Rio Grande Railway was built from Point Isabel to Brownsville in 1873. During the year 1873 four hundred and eighty-five miles of railroad were built in Texas. We now have in operation in our State (1876) about sixteen hundred miles of railway.

13. A telegraph line was opened between Galveston and Houston, January 24, 1860. The wires were gradually extended, and now all the principal cities are connected by telegraph. In March, 1875, Congress appropriated \$88,000 for a telegraph line along the frontier, connecting all the military posts. This line was completed in 1876.

14. In 1854 a canal was opened connecting Galveston Bay with the Brazos river; and the same year an outlet was opened for Old Caney Creek into Matagorda Bay. In 1856, the Legislature made liberal appropriations for the improve-

9. Give the commencement and progress of the H. and G. N. road.

10. Progress of the road from Columbus westward.

11. When was the road built from Indianola to Cuero?

12. What points are connected by the Rio Grande road?

13. When was telegraphic communication opened between Galveston and Houston?

14. When was Galveston bay connected with the Brazos river? What appropriations were made in 1856? When was the ship channel opened to Corpus Christi?

ment of Texas rivers and bays. Individuals and counties added to these sums ; but the succeeding dry years rendered most of our rivers unfit for navigation. In 1874 a ship channel was opened from Aransas Pass to Corpus Christi.

15. In 1869-70 the Houston Ship Channel Company commenced work at Morgan's Point and at Red-fish bar. In 1874 this work was transferred to Charles Morgan, who agreed to open a channel nine feet deep to the neighborhood of Houston ; Congress, in 1874, and again, 1875, appropriated small sums for the improvement of Red-fish bar and Galveston bay and harbor.

16. Texas enjoys internal peace and prosperity, society is improving, schools and churches are multiplying, and a ceaseless and swelling tide of immigration is flowing in upon us. The future is hopeful. With the rapid increase of population and wealth, and the development of our agricultural and mineral resources, may we not hope to see Texas rise to the first rank among the States of the American Union ?

15. When was work commenced at Morgan's point ?

16. What is said of the condition of Texas, and its promise for the future ?

CHRONOLOGICAL REVIEW QUESTIONS.

FIFTH PERIOD.

When was Henderson inaugurated governor? February 16, 1846.

When was Wood inaugurated? December 21, 1847.

When, Bell? December 21, 1849.

When did Texas sell Santa Fé? In 1850.

At what price? \$10,000,000: but the United States finally paid \$12,750,000, liquidating the entire debt of Texas.

When was Pease inaugurated? December 21, 1853.

When, Runnels? December 21, 1857.

When, Sam Houston? December 21, 1859.

Date of ordinance of secession? February 1, 1861.

When did Clark become governor? March 16, 1861.

When, Lubbock? November 7, 1861.

Date of battle of Galveston. January 1, 1863.

Date of battle of Sabine Pass. September 8, 1863.

Date of Murrah's inauguration. November 5, 1863.

When did the Confederate soldiers in Texas disband? May 23, 1865.

When did Hamilton become governor? July 25, 1865. Throckmorton? August 13, 1866.

When was Throckmorton removed? July 30, 1867.

Who was then appointed governor? E. M. Pease.

When did Davis become governor? January 18, 1870.

Date of Coke's inauguration? January 13, 1874.

PERIOD VI.

TEN YEARS' PROGRESS.

FROM 1876 TO 1885.

SECTION I.

CHANGES IN STATE CONSTITUTION.—SUCCESSION OF GOVERNORS.—STATE LEGISLATURES.

1. THE close of the great Civil War left the civil institutions and administration of the State government in an unsettled and unsatisfactory condition. The Government was partly civil and partly military. During the ten years from 1866 to 1875, no less than three conventions were held for modifying our State Constitution.

2. The changes introduced into our fundamental law by the Constitution of 1869 were material and radical. The great bulk of the tax-paying voters of the State were disfranchised because of their participation in the war between the States, and had no voice in the formation of that Constitution. It declared secession a heresy, and gave the Governor power to declare martial law in any county of the State, and suspend the writ of Habeas Corpus. It also provided that the Judges of the Supreme and District Courts

Section I.—1. In what condition was the State Government after the close of the war? In ten years how many Constitutional conventions were held?

2. Did these conventions materially change our fundamental laws? Mention some of the features of the Constitution of 1869—of the Constitution of 1875.

should be appointed by the Governor. The constitution of 1875 withdrew these extraordinary powers from the Governor ; declared that the judges of the Supreme and District Courts should be elected by the people ; limited the privileges of corporations, and protected the public domain and lands belonging to public schools.

3. Judges of the Supreme Court and of the Court of Appeals hold office six years, Senators and Judges of District Courts four years. The Governor, members of the House of Representatives, and all other State and county officers hold office two years.

4. Richard Coke was the second time inaugurated Governor, April 22, 1876. Soon after his inauguration he was elected to the United States Senate, and on the first of December following, he resigned the executive office, and the Lieutenant-Governor, Richard B. Hubbard, became Governor. Mr. Hubbard was the fourteenth Governor, since the annexation of Texas, and he held office during the years 1877 and 1878.

5. Oran M. Roberts was the fifteenth Governor, and held office during two terms, including the years 1879, 1880, 1881, and 1882. His first inauguration took place January 21, 1879.

6. The sixteenth Governor was John Ireland, inaugurated January 17, 1883 ; and inaugurated the second time January 19, 1885. His official term included the years 1883, 1884, 1885 and 1886.

3. For what length of time is the Governor elected? Senators? Justices of the Supreme Court? Other judges? Other officers?

4. Why did Coke resign the office of Governor? Who was the fourteenth Governor? When was he inaugurated?

5. Who was the fifteenth Governor? When was he inaugurated? How many terms did he fill the office?

6. Who was the sixteenth Governor? When inaugurated? How many terms did he fill the office?

7. The leading historical incidents will be considered in the following pages ; these events will be presented under topical heads.

8. The State Legislature is composed of two Houses, and holds biennial sessions ; but may be called together in extra session, whenever the Governor thinks it necessary. In extra sessions it can only consider such topics as the Governor recommends. The Senate is composed of thirty-one Senators, and can never have a greater number. The present House of Representatives has one hundred and six members, and without a change in the organic law can never exceed one hundred and fifty.

9. The XVth Legislature : 1876-78. When Hubbard became Governor, Wells Thompson was elected President of the Senate, and thus became Lieutenant-Governor. Thomas R. Bonner was Speaker of the House of Representatives.

10. XVIth Legislature : 1879-1880. Joseph D. Sayers was Lieutenant-Governor and President of the Senate ; John H. Cochran Speaker of the House of Representatives. This Legislature provided for a high court, denominated "Commissioners of Appeals," and adopted a new civil code, penal code, and code of criminal procedure, prepared by a previously appointed commission of learned lawyers.

11. XVIIth Legislature : 1881-1882. Leonidas J. Story, Lieutenant-Governor and President of the Senate ; George

7. How will the leading events of the ten years' progress be presented ?

8. What two bodies constitute the State Legislature ? Of how many members is the Senate composed ? The House ?

9. Who was President of the Senate during the XVth Legislature ? Who Speaker of the House ?

10. Who was Lieutenant-Governor and President of the Senate of the XVIth Legislature ? Speaker of the House ? What was one of the principal acts of the XVIth Legislature ?

11. Who were the officers of the XVIIth Legislature ? During what years ?

R. Reeves, Speaker of the House. An extra session was held, commencing April 6, 1882.

12. XVIIIth Legislature : 1883—1884. Marion Martin, Lieutenant-Governor and President of the Senate ; C. R. Gibson, Speaker of the House ; convened in extra session, January 8, 1884.

13. XIXth Legislature : 1885—1886. Met in regular session, January 13, 1885 ; Barnett Gibbs, Lieutenant-Governor, President of the Senate ; L. L. Foster, Speaker of the House.

SECTION II.

STATE DEBT.—STATE FINANCES.

1. When Coke was inaugurated Governor in 1874, the debt of the State, for which bonds had been issued, amounted to \$3,425,328. Other claims were presented and new obligations incurred, so that in 1875 the bonded debt was \$5,551,337. In 1876 it amounted to \$6,067,836.

2. When Hubbard became Governor, in 1877, the debt was \$6,116,634. The next year, 1878, it was reduced to \$5,121,911.

3. When Roberts was inaugurated the debt was \$5,014,620. In 1881 it was reduced to \$4,755,620 ; in 1882, to \$4,487,030.

4. When Ireland was inaugurated, in 1883, the debt was

12. Who was President of the Senate during the XVIIIth Legislature ? Speaker of the House ?

13. When did the XIXth Legislature meet ? Who was Lieutenant-Governor ? Who Speaker of the House ?

Section II.—1. What was the amount of the bonded debt of the State when Coke became Governor ?

2. How much under Hubbard's administration ?

3. How much under Roberts' ?

4. How much under Ireland's ? What was the public debt on August 31, 1884 ?

\$4,119,898. On August 31, 1884, the whole debt amounted to only \$4,119,899.

5. The condition of the finances of the State, as presented in the figures representing the State debt, excited the profound solicitude of Governor Coke and his successors. In his message to the XVth Legislature, Governor Coke recommends various measures : 1. The refunding of the State debt at a lower rate of interest ; 2. A revision of the tax-laws so as to include in assessments a vast amount of property which had heretofore escaped taxation.

6. These measures were carried forward during Hubbard's administration, so that there was a manifest improvement in the State finances, and the State was no longer compelled to sell bonds to pay current expenses.

7. When Governor Roberts was inaugurated, he distinctly announced that his policy would be to "pay as you go," and to reduce the expenses of the Government so that the income from taxation should cover them. The Legislature again appropriated one-fourth of the general revenue for the support of public free schools, and he, on the 23d of April, 1879, vetoed certain items in the appropriation bill.

8. The items thus vetoed were : 1. that making an appropriation for the support of the public free schools ; 2. that setting apart a sum to pay the interest on the public debt ; 3. the amount appropriated for a sinking fund.

9. At the extra session of the Legislature in June, 1881, a bill was passed reducing the proportion of the revenue appropriated to free schools from one-fourth to one-sixth ; pro-

5. What was the financial condition ? What measures did the Governor recommend ?

6. When were these measures carried into effect ?

7. Who introduced the pay-as-you-go policy ?

8. What items did Governor Roberts veto in the appropriation bill ?

9. What measures did the Legislature adopt to reduce expenses ?

vision was made for paying the interest on the public debt, and reducing expenses in almost every branch of the public service.

10. Taxable values increased rapidly ; the country continued in every respect to grow in prosperity ; under Coke's administration the tax-laws were revised and so improved that little property escaped taxation, and there was a handsome increase in the revenues. All State bonds bearing a high rate of interest were called in, and bonds of a lower rate substituted ; and at the close of Governor Roberts' term, aside from the bonded debt, all legitimate expenses of the Government had been met, and a considerable surplus was left in the treasury.

11. The state of the treasury warranting such expenditure, Governor Roberts, in his Message, January, 11, 1881, recommended an enlargement and improvement of the State asylums, especially that for the lunatics. Liberal appropriations were accordingly made ; and by subsequent legislation the tax-laws were modified, and the State-tax reduced from forty cents on the one hundred dollars to thirty cents. And by the Constitution this reduced county taxes in the same proportion.

12. The charitable institutions of the State being wholly inadequate for the admission of those who were, under the law, entitled to be cared for by the State, and many lunatics being confined in the county jails, Governor Ireland recommended the enlargement of all these institutes, and especially the erection of a new asylum for the insane. The

10. How were the tax laws improved ? What was the condition of the Treasury ? What was the condition of the country ?

11. What did the Governor advise in reference to the State asylums ? What change was made in the rate of taxation ?

12. What did Governor Ireland recommend concerning State Institutions ? What did the Legislature do ? What effect did this action have on the Treasury surplus ?

Legislature carried out this recommendation, and by additions to the institutes for the Deaf and Dumb, Blind and Insane, and by the erection of a new Asylum for the Insane, at Terrill, completely exhausted the surplus revenue in the treasury.

13. During Governor Ireland's first term the tax for general revenue was reduced to $17\frac{1}{2}$ cents on the hundred dollars, and the school tax raised to $12\frac{1}{2}$ cents on the hundred dollars, thus giving the public schools 5 cents more than former tax levies, and at the same time reducing the aggregate tax $2\frac{1}{2}$ cents on the hundred dollars.

SECTION III.

WEALTH AND POPULATION.—OUR PUBLIC LANDS.—PUBLIC FREE SCHOOLS.

1. In 1874 the aggregate wealth of the State was two hundred and forty-four millions five hundred and ten thousand nine hundred and seventy-nine dollars, and in 1884 it was six hundred and three millions sixty thousand nine hundred and fifty-seven dollars.

2. In 1870 the population of the State was eight hundred and eighteen thousand five hundred and seventy-nine, and in 1880 one million five hundred and ninety-two thousand five hundred and seventy-four.

3. During the period of reconstruction our public domain was in a measure withdrawn from the market. Sales were made only in small tracts, and to actual settlers.

13. What is said of taxes for public schools and the reduction of taxes for general revenue purposes ?

Section III.—1. What was the aggregate wealth of the State in 1874 ? In 1884 ?

2. What the population in 1870 ? In 1880 ?

3. What restrictions were placed upon the sale of land just after the war ?

4. The XVIIth Legislature so modified these laws as to open nearly the entire public domain to purchasers. The frontier being safe from Indian depredations, in an incredibly short period of time nearly all the vacant land in the State was covered by certificates, and passed into the hands of private parties and moneyed corporations.

5. In the report of the Commissioner of the General Land Office, for the year ending August 31, 1884, he showed that the State had issued certificates for 6,745,723 acres in excess of public domain, exclusive of the area of inland bays. Many of these certificates are unlocated.

6. Heretofore the unappropriated public domain, and the land set apart for public schools, and for the university and State asylums, had afforded free range for stock of every description.

7. But after so large a proportion of the land had passed into the possession of private parties and corporations under the laws passed by the XVIIth Legislature, those parties proceeded to inclose them with wire fences. These pastures varied in size from a few thousand to hundreds of thousands of acres.

8. Within these inclosures were thousands of acres of land belonging to the public free schools and State institutions, from which the State derived no income.

9. Serious evils resulted from these immense pastures :
1. In some instances small tracts of land belonging to other parties were inclosed, and thus rendered comparatively worthless ; 2. Public highways were obstructed ; 3. Out-

4. What change was made in the law by the XVIIth Legislature ?

5. What was the effect of this law ? Is there any public land now to dispose of ?

6. How had the public domain been used ?

7. What did the purchasers of large tracts of land do ?

8. What other lands were inclosed ?

9. What evils resulted from these large pastures ?

side herds of cattle, sheep and horses were excluded from their usual watering-places.

10. The XVIIIth Legislature (April, 1883) passed a bill creating a Land Board composed of the Governor and other heads of departments, with authority, under certain restrictions, to sell or lease the land belonging to the State institutions and public schools.

11. These evils flowing out of the Land policy pursued by the XVIIth and previous legislatures were not patiently borne. Parties who felt themselves aggrieved and wronged resorted to violence, and in many instances cut and destroyed the pasture fences.

12. To remedy these evils the Legislature (January, 1884), called in extra session for the purpose by Gov. Ireland, passed laws in accordance with the Governor's recommendation: 1. Giving redress to private parties whose lands were inclosed without their consent; 2. Opening and keeping open public roads; 3. Compelling the owners of pastures to erect gates every three miles in the line of their fences; 4. Making it a felony to cut pasture fences.

13. The enactment and enforcement of these laws soon restored quiet to the country.

14. The Constitution directed the Legislature "To establish and make provision for the support and maintenance of an efficient system of free public schools."

15. The Constitution further provided that the permanent

10. What is said of the Land Board?

11. How did aggrieved parties seek redress?

12. What remedies did the Legislature provide? 1. For private parties? 2. For public roads? 3. For passways through the pastures? 4. For protecting the pastures?

13. What was the effect of these laws?

14. What is the duty of the Legislature in reference to free schools?

15. How was the school fund to be invested?

school fund should be invested in bonds of the State or of the United States, and that the money derived from the sale of school lands should be set aside for a permanent fund, and invested in a similar manner.

16. As these bonds yielded a very low rate of interest, and as there was a large amount of the school money lying unproductive in the treasury, in 1883 an amendment was made to the Constitution, on the recommendation of Governor Ireland, authorizing the investment of this money in county bonds.

17. In one month after the adoption of this amendment, \$710,529 had been withdrawn from the treasury, and interest-bearing county bonds substituted in its place. As money belonging to the school fund comes in, other bonds are bought.

18. Besides the permanent fund thus invested, there has been set apart for school purposes 32,716,101 acres of public land. Of this amount there had been sold, in 1884, 3,037,804 acres, and leased about 2,000,000 acres. The money derived from the lease of these lands becomes a part of the available school fund.

19. Other funds for the support of schools are derived from : 1. An annual poll tax ; 2. One-fourth of the occupation taxes ; 3. A general tax on values ; 4. Special taxes voted by the property holders of school districts and cities.

20. The general school system is administered by the

16. How may it now be invested ?

17. Were the counties willing to sell their bonds ?

18. How much land has been set apart for our public free schools ? How much of this has been sold ? How much leased ?

19. From what other sources is the school fund derived ?

20. To whom is the administration of our State system of public schools committed ? Who manage the schools in counties ? In cities ? By what Legislature was the office of Superintendent created ? On whose recommendation ? Who was the first Superintendent ?

Superintendent of Public Instruction, from whose decisions appeals lie to the State Board of Education. In the counties, the County Judge, and in cities, the Mayor and Aldermen, or Boards of Trustees elected by the people, are the chief school officers. The office of Superintendent was created by the XVIIIth Legislature, on the recommendation of B. M. Baker, who was at that time Secretary of the Board of Education. Governor Ireland appointed Mr. Baker Superintendent in May, 1884. In November, 1884, he was elected to the same office by the people for a term of two years.

SECTION IV.

STATE INSTITUTIONS OF LEARNING.—CHARITABLE INSTITUTIONS. —PENITENTIARIES.

1. Agricultural and Mechanical College. This institution, near Bryan, was the first put in operation under the control of the State. It owes its existence to a donation from the United States Congress of 180,000 acres of land scrip, which was sold in 1871 for \$156,000.

2. The State procured a tract of 2,200 acres of land, and appropriated money for the erection of suitable buildings. The Constitution makes this college a branch of the State University.

3. The second institution inaugurated under the auspices of the State was the Sam Houston Normal Institute, at Huntsville. Here a certain number of students, selected from different parts of the State, receive gratuitous instruc-

Section IV.—1. To what does the Agricultural and Mechanical College owe its origin? Where is it located?

2. Of what is it a branch?

3. What is the object of the Sam Houston Normal Institute?

tion, to prepare themselves for teaching. A limited number also have their board paid by the State. This Institute has heretofore received from the Peabody fund \$6,000 annually.

4. The Prairie View Normal School, near Hempstead, is a similar institution, supported by the State to educate colored teachers for colored schools. A limited number of colored pupils have their board paid by the State at this Institute.

5. There are also Summer Normal Institutes held for the instruction of teachers, in different parts of the State. These are supported altogether by the State.

6. The Constitution required the Legislature, as soon as practicable, to establish and provide for the maintenance of a State University for the promotion of literature and the arts and sciences.

7. The bill for the establishment of this University passed the Legislature in March, 1881, and was approved by Governor Roberts. At a popular election in September following, the Literary and Law Departments were located at Austin, and the Medical Department at Galveston.

8. A beautiful design for University Buildings having been selected, in the years 1882 and 1883 the west wing was erected on a hill long known as College Hill, in the northern part of the city of Austin. The faculty was appointed by the board of Regents, and the University opened for the reception of students, September 15, 1883.

4. Of the Prairie View school ?

5. How are the summer normal institutes supported ?

6. What duty did the Constitution impose on the Legislature ?

7. When was the law passed for its establishment ? Where were the literary and law departments located ? The medical department ?

8. When was the institution opened for students ?

9. The State has four charitable institutions under its supervision and support.

10. Two of these are for persons of unsound mind ; one, beautifully located, supplied with buildings admirably adapted for the purpose of the Institution, is situated about three miles north of the city of Austin. Buildings for a second Asylum have been erected at Terrell. Governor Ireland especially recommended the establishment of this Asylum.

11. An Asylum for the Deaf and Dumb has been in operation for twenty-seven years. It is located on the west side of the Colorado River, in full view of the city of Austin. A State printing-office has been established in this asylum, of which the inmates are the compositors.

12. The Asylum for the Blind is located in the north-eastern suburbs of Austin.

In his message to the XIXth Legislature, Governor Ireland speaks in terms of highest commendation of the management of all these State charities.

13. During the period under review, the Penitentiary at Huntsville has been enlarged to three times its former capacity, and further provision made for utilizing the labor of the convicts in profitable employments.

14. A second Penitentiary has been put in operation at Rusk, Cherokee County, and buildings erected for various manufactories, especially in iron.

15. In 1883, there were reported over 2,600 convicts

9. How many charitable institutions has the State ?

10. What can be said of the lunatic asylums ? Where is the new one situated ?

11. What can be said of the Deaf and Dumb Asylum ?

12. Of the Asylum for the Blind ? Of the management of these State charities ?

13. What is said of the Huntsville Penitentiary ?

14. Of that at Rusk ? What industries are provided for there ?

15. How many can be accommodated in the walls of the penitentiaries ? Are the penitentiaries now an expense to the State ?

in the State, of whom not more than about sixteen hundred could be accommodated in the two institutions. During the year 1884, the labor of the convicts paid the expenses of the two penitentiaries. The most profitable labor was that of convicts hired outside of the walls.

16. While there is a constant increase in the number convicted of crimes in our courts, and sentenced to the penitentiaries, the percentage of crime to population is on the decrease, and not greater than that of other States and countries.

SECTION V.

STATE CAPITOL.—RAILROADS.—CONCLUSION.

1. The State-house, erected in 1852 at the head of Congress Avenue, was destroyed by fire on the 6th of November, 1881.

2. In 1882 a building was erected on Congress Avenue to be used as a temporary capitol.

3. But previous to this, in 1875, the Constitutional Convention had set apart 3,000,000 acres of public land for the erection of a new capitol.

4. Work was commenced upon the foundation in 1883, and had progressed so far that, on the 2d of March, 1885, the corner-stone was laid with imposing ceremonies.

5. The edifice will be of the best material, with granite

16. What is said of the number of convictions for crime ? Of the percentage of crime to population ?

Section V.—1. When was the old State House burned ?

2. When a temporary one erected ?

3. What provision had the Constitution of 1875 made for a new State House ?

4. When was the corner-stone of the new structure laid ?

5. Describe the new State House ?

water-table and columns, and, according to the plan, will rise three stories above the basement, the dome reaching a height of 311 feet ; its greatest length 560 feet ; its width 288. It will contain in all fifty-one rooms, affording accommodation for both branches of the Legislature, for the higher courts, for executive offices, committee rooms, etc. etc. Two elevators afford convenient access to the upper stories.

6. In 1874 there were about fifteen hundred miles of railway in operation in Texas, and but one road connecting our State with the great North-west.

7. In 1885, there are over six thousand miles of railway, the lines penetrating almost every section of the State, connecting Texas with the Northern, Eastern, and Western States. Two roads cross the entire State from east to west, leading to California, and three roads point to the city of Mexico, crossing the Rio Grande at El Paso, Eagle Pass, and Laredo, connecting the most important centers of trade and population in the United States with those of our sister republic.

8. A general railroad law fixes the price of passenger fare on all roads at three cents per mile. The roads favor immigration by carrying immigrants at about one cent per mile.

9. CONCLUSION.—(1.) During the period under review, the wealth and population of the State have more than doubled.

6. How many miles of railways in Texas in 1874 ?

7. How many roads in 1885 ? How many forming Eastern and Northern connections ? How many with the Pacific Coast ? How many roads cross the Rio Grande ?

8. What is the price of railway fare per mile ? What the general fare for introducing immigrants ?

9. What is said (1) Of the increase in wealth and population ? (2) Of the improvement in the educational system ? (3) Of our live stock and agricultural products ? (4) Of our State asylums ? (5) Of our increased railway facilities ? (6) In general of the improvement in our State ?

(2.) A State University and State Normal schools have been established, and our free school system greatly improved.

(3.) Our live stock and agricultural products have increased more than a hundred-fold.

(4.) Our asylums have been enlarged and improved.

(5.) Our railway facilities have been increased more than four fold, connecting Texas with all parts of the United States, and a large portion of Mexico.

(6.) In general, there is great improvement in all the institutions of civil society, and in the administration of the laws.

CONSTITUTION
OF THE
STATE OF TEXAS.

ADOPTED BY THE CONSTITUTIONAL CONVENTION CONVENED AT
AUSTIN, SEPTEMBER 6, 1875, AND RATIFIED BY THE PEOPLE,
FEBRUARY 15, 1876.

PREAMBLE.

Humbly invoking the blessing of Almighty God, the people of the State of Texas do ordain and establish this Constitution.

ARTICLE I.

BILL OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare :

SECTION 1. Texas is a free and independent State, subject only to the Constitution of the United States; and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government unimpaired to all the States.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform, or abolish their government in such manner as they may think expedient.

SEC. 3. All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.

SEC. 4. No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

SEC. 5. No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

SEC. 6. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

SEC. 7. No money shall be appropriated or drawn from the treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

SEC. 8. Every person shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers investigating the conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 9. The people shall be secure, in their persons, houses, papers, and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. In all criminal prosecutions, the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or counsel, or both; shall be confronted

with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor. And no person shall be held to answer for a criminal offence, unless on indictment of a Grand Jury, except in cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

SEC. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found, upon examination of the evidence in such manner as may be prescribed by law.

SEC. 12. The writ of *habeas corpus* is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law.

SEC. 14. No person, for the same offence, shall be twice put in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offence after a verdict of not guilty in a court of competent jurisdiction.

SEC. 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

SEC. 16. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made.

SEC. 17. No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

SEC. 18. No person shall ever be imprisoned for debt.

SEC. 19. No citizen of this State shall be deprived of life, liberty, property, privileges, or immunities, or in any manner disfranchised, except by the due course of the law of the land.

SEC. 20. No person shall be outlawed; nor shall any person be transported out of the State for any offence committed within the same.

SEC. 21. No conviction shall work corruption of blood, or forfeiture of estate; and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

SEC. 22. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 23. Every citizen shall have the right to keep and bear arms in the lawful defence of himself or the State; but the Legislature shall have power by law to regulate the wearing of arms, with a view to prevent crime.

SEC. 24. The military shall at all times be subordinate to the civil authority.

SEC. 25. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 27. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and apply to those invested with the power of government for redress of grievances or other purposes, by petition, address, or remonstrance.

SEC. 28. No power of suspending laws in this State shall be exercised except by the Legislature.

SEC. 29. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to an-

other; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

SEC. 2. The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of Representatives shall consist of ninety-three members until the first apportionment after the adoption of this Constitution, when, or at any apportionment thereafter, the number of Representatives may be increased by the Legislature, upon the ratio of not more than one Representative for every fifteen thousand inhabitants; *provided*, the number of Representatives shall never exceed one hundred and fifty.

SEC. 3. The Senators shall be chosen by the qualified electors for the term of four years; but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the Senators shall be chosen biennially thereafter.

SEC. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election.

SEC. 5. The Legislature shall meet every two years, at such time as may be provided by law, and at other times, when convened by the Governor.

SEC. 6. No person shall be a Senator, unless he be a citizen of the United States, and at the time of his election a qualified elector of this State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

SEC. 7. No person shall be a Representative, unless he be a citizen of the United States, and at the time of his election a qualified elector of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. Each House shall be the judge of the qualifications and election of its own members ; but contested elections shall be determined in such manner as shall be provided by law.

SEC. 9. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President *pro tempore*, who shall perform the duties of the Lieutenant-Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant. The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a Speaker from its own members ; and each House shall choose its other officers.

SEC. 10. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

SEC. 11. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offence.

SEC. 12. Each House shall keep a journal of its proceedings, and publish the same ; and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the journals.

SEC. 13. When vacancies occur in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies ; and should the Governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened shall be authorized to order an election for that purpose.

SEC. 14. Senators and Representatives shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

SEC. 15. Each House may punish, by imprisonment, during its sessions, any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings ; *provided*, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 16. The sessions of each House shall be open, except the Senate, when in executive session.

SEC. 17. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting.

SEC. 18. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created or the emoluments of which may have been increased during such term; no member of either House shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the Legislature; and no member of either House shall vote for any other member for any office whatever, which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided. Nor shall any member of the Legislature be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 19. No judge of any court, Secretary of State, Attorney-General, clerk of any court of record, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the Legislature.

SEC. 20. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been entrusted.

SEC. 21. No member shall be questioned in any other place for words spoken in debate in either House.

SEC. 22. A member who has a personal or private interest in any measure or bill, proposed, or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

SEC. 23. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in Section 13 of this Article.

SEC. 24. The members of the Legislature shall receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not exceeding five dollars per day for the first sixty days of each session; and after that not exceeding two dollars per day for the remainder of the session; except the first session held under this constitution, when they may receive not exceeding four dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem the members of each House shall be entitled to mileage in going to and returning from the seat

of government, which mileage shall not exceed five dollars for every twenty five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes; and the Comptroller of the State shall prepare and preserve a table of distances to each county seat now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

SEC. 25. The State shall be divided into senatorial districts of contiguous territory, according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one Senator, and no single county shall be entitled to more than one Senator.

SEC. 26. The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed; *provided*, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate representative district, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives, such Representative or Representatives shall be apportioned to such county, and for any surplus of population it may be joined in a representative district with any other contiguous county or counties.

SEC. 27. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 28. The Legislature shall, at its first session after the publication of each United States decennial census, apportion the State into senatorial and representative districts, agreeably to the provisions of Sections 25 and 26 of this Article; and until the next decennial census, when the first apportionment shall be made by the Legislature, the State shall be and it is hereby divided into senatorial and representative districts, as provided by an ordinance of the Convention on that subject.

PROCEEDINGS.

SEC. 29. The enacting clause of all laws shall be, "Be it enacted by the Legislature of the State of Texas."

SEC. 30. No law shall be passed except by bill, and no bill shall be so amended in its passage through either House as to change its original purpose.

SEC. 31. Bills may originate in either House, and when passed by such House, may be amended, altered, or rejected by the other.

SEC. 32. No bill shall have the force of law until it has been read on three several days in each House, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals.

SEC. 33. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 34. After a bill has been considered and defeated by either House of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

SEC. 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 36. No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length.

SEC. 37. No bill shall be considered, unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

SEC. 38. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the journals.

SEC. 39. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

SEC. 40. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

SEC. 41. In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

REQUIREMENTS AND LIMITATIONS

SEC. 42. The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

SEC. 43. The first session of the Legislature under this Constitution shall provide for revising, digesting, and publishing the laws, civil and criminal; and a like revision, digest, and publication may be made every ten years thereafter; *provided*, that in the adoption of and giving effect to any such digest or revision, the Legislature shall not be limited by Sections 35 and 36 of this Article.

SEC. 44. The Legislature shall provide by law for the compensation of all officers, servants, agents, and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant, or public contractors, after such public service shall have been performed or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the treasury of the State, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law; nor employ any one in the name of the State unless authorized by pre-existing law.

SEC. 45. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

SEC. 46. The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.

SEC. 47. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises, in this State, as well as the sale of tickets in lotteries, gift enterprises, or other evasions involving the lottery principle, established or existing in other States.

SEC. 48. The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of the State ;

The erection and repairs of public buildings ;

The benefit of the sinking fund, which shall not be more than two per centum of the public debt ; and for the payment of the present floating debt of the State, including matured bonds for the payment of which the sinking fund is inadequate ;

The support of public schools, in which shall be included colleges and universities established by the State ; and the maintenance and support of the Agricultural and Mechanical College of Texas ;

The payment of the cost of assessing and collecting the revenue ; and the payment of all officers, agents, and employees of the State government, and all incidental expenses connected therewith ;

The support of the Blind Asylum, the Deaf and Dumb Asylum, and the Insane Asylum, the State Cemetery, and the public grounds of the State ;

The enforcement of quarantine regulations on the coast of Texas ;

The protection of the frontier.

SEC. 49. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of the revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt ; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

SEC. 50. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State in aid of, or to any person, association, or corporation, whether municipal or other ; or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

SEC. 51. The Legislature shall have no power to make any grant, or authorize the making of any grant, of public money to any individual, association of individuals, municipal or other corporation whatsoever ; *provided*, that this shall not be so construed as to prevent the grant of aid in case of public calamity.

SEC. 52. The Legislature shall have no power to authorize any county, city, town, or other political corporation, or subdivision of the State, to lend its credit or to grant public money or thing of value, in aid of or to any individual, association, or corporation whatsoever ; or to become a stockholder in such corporation, association, or company.

SEC. 53. The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into, and performed in whole

or in part; nor pay, nor authorize the payment of, any claim created against any county or municipality of the State, under any agreement or contract, made without authority of law.

SEC. 54. The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in anywise change the tenor or meaning, or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 55. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any incorporation or individual to this State, or to any county, or other municipal corporation therein.

SEC. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing:

The creation, extension, or impairing of liens;

Regulating the affairs of counties, cities, towns, wards, or school districts;

Changing the name of persons or places; changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering, or maintaining of roads, highways, streets, or alleys;

Relating to ferries and bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets, or alleys;

Relating to cemeteries, graveyards, or public grounds not of the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns, or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election, or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or enquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates, or constables;

Regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes;

Fixing the rate of interest ;
Affecting the estates of minors, or persons under disability ;
Remitting fines, penalties, and forfeitures, and refunding moneys legally paid into the treasury ;
Exempting property from taxation ;
Regulating labor, trade, mining, and manufacturing ;
Declaring any named person of age ;
Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability ;
Giving effect to informal or invalid wills or deeds ;
Summoning or impanelling grand or petit juries ;
For limitation of civil or criminal actions ;
For incorporating railroads or other work of internal improvements ;
And in all other cases where a general law can be made applicable, no local or special law shall be enacted ; *provided*, that nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

SEC. 57. No local or special law shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

SEC. 58. The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the Seat of Government.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department of the State shall consist of a Governor, who shall be the chief Executive Officer of the State, a Lieutenant-Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney-General.

SEC. 2. All the above officers of the Executive Department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

SEC. 3. The returns of every election for said Executive Officers, until otherwise provided by law, shall be made out, sealed up, and transmitted by the returning officers prescribed by law, to the seat of government, di-

rected to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives, as soon as the Speaker shall be chosen; and the said Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both Houses of the Legislature. The person, voted for at said election, having the highest number of votes for each of said offices respectively, and being constitutionally eligible, shall be declared by the Speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by joint vote of both Houses of the Legislature. Contested elections for either of said offices shall be determined by both Houses of the Legislature in joint session.

SEC. 4. The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

SEC. 5. He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars, and no more, and shall have the use and occupation of the Governor's mansion, fixtures, and furniture.

SEC. 6. During the time he holds the office of Governor he shall not hold any other office, civil, military, or corporate; nor shall he practice any profession, and receive compensation, reward, fee, or the promise thereof, for the same; nor receive any salary, reward, or compensation, or the promise thereof, from any person or corporation, for any service rendered or performed during the time he is Governor, or to be thereafter rendered or performed.

SEC. 7. He shall be commander-in-chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, repel invasions, and protect the frontier from hostile incursions by Indians or other predatory bands.

SEC. 8. The Governor may, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place in case that should be in possession of the public enemy, or in case of the prevalence of disease thereat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

SEC. 9. The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He

shall account to the Legislature for all public moneys received and paid out by him from any fund subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 10. He shall cause the laws to be faithfully executed; and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other States and with the United States.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment, and pardons; and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason, and to this end he may respite a sentence therefor, until the close of the succeeding session of the Legislature; *provided*, that in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment, or pardon, he shall file in the office of the Secretary of State his reasons therefor.

SEC. 12. All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate; but may appoint some other person to fill the vacancy until the next session of the Senate, or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

SEC. 13. During the session of the Legislature the Governor shall reside where its sessions are held, and at all other times at the seat of government, except when, by act of the Legislature, he may be required or authorized to reside elsewhere.

SEC. 14. Every bill which shall have passed both Houses of the Legislature shall be presented to the Governor for his approval. If he approve he shall sign it; but if he disapprove it, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections

at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other House, by which likewise it shall be reconsidered; and, if approved by two-thirds of the members of that House, it shall become a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return; in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation, he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session he shall transmit to the House in which the bill originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each House, the same shall be part of the law, notwithstanding the objections of the Governor. If any such bill, containing several items of appropriation, not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

SEC. 15. Every order, resolution, or vote to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both Houses; and all the rules, provisions, and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

SEC. 16. There shall also be a Lieutenant-Governor, who shall be chosen at every election for Governor by the same electors, in the same manner, continue in office the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant-Governor. The Lieutenant-Governor shall by virtue of his office be president of the Senate, and shall have, when in Committee of the Whole, a right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal

from office, inability, or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor until another be chosen at the periodical election, and be duly qualified; or until the Governor impeached, absent, or disabled, shall be acquitted, return, or his disability be removed.

SEC. 17. If, during the vacancy in the office of Governor, the Lieutenant-Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached or absent from the State, the president of the Senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant-Governor. The Lieutenant-Governor shall, while he acts as president of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more; and during the time he administers the government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The president, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office.

SEC. 18. The Lieutenant-Governor or president of the Senate succeeding to the office of Governor shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

SEC. 19. There shall be a Seal of the State, which shall be kept by the Secretary of State, and used by him officially under the direction of the Governor. The Seal of the State shall be a star of five points, encircled by olive and live-oak branches, and the words, "The State of Texas."

SEC. 20. All commissions shall be in the name and by the authority of the State of Texas, sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 21. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall continue in office during the term of service of the Governor. He shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars, and no more.

SEC. 22. The Attorney-General shall hold his office for two years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially enquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight, or wharfage, not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law; *provided*, that the fees which he may receive shall not amount to more than two thousand dollars annually.

SEC. 23. The Comptroller of Public Accounts, the Treasurer, and the Commissioner of the General Land Office shall each hold office for the term of two years, and until his successor is qualified; receive an annual salary of two thousand and five hundred dollars, and no more; reside at the capital of the State during his continuance in office; and perform such duties as are or may be required of him by law. They and the Secretary of State shall not receive to their own use any fees, costs, or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the State treasury.

SEC. 24. An account shall be kept by the officers of the executive department, and by all officers and managers of State institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may, at any time, require information in writing from any and all of said officers or managers, upon any subject relating to the duties, condition, management, and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers, and public funds; and any officer or manager who, at any time, shall wilfully make a false report or give false information, shall be guilty of perjury, and so adjudged and punished accordingly, and removed from office.

SEC. 25. The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and.

providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

SEC. 26. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of notaries public for each county, who shall perform such duties as now are or may be prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court, in a Court of Appeals, in District Courts, in County Courts, in Commissioners' Courts, in Courts of Justices of the Peace, and in such other courts as may be established by law. The Legislature may establish Criminal District Courts, with such jurisdiction as it may prescribe, but no such court shall be established unless the district includes a city containing at least thirty thousand inhabitants, as ascertained by the census of the United States or other official census; *provided*, such town or city shall support said Criminal District Courts when established. The Criminal District Court of Galveston and Harris counties shall continue with the district, jurisdiction, and organization now existing by law, until otherwise provided by law.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be at the time of his election a citizen of the United States and of this State, and unless he shall have attained the age of thirty years, and shall have been a practising lawyer or a judge of a court in this State, or such lawyer and judge together, at least seven years. Said Chief Justice and Associate Justices shall be elected by the qualified voters of the State at a general election, shall hold their offices for six years, and shall each receive an annual salary of not more than three thousand five hundred and fifty dollars. In case of a vacancy in the office of Chief Justice or Associate Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State; but shall only extend to civil cases of which the District Courts have original or appellate jurisdiction. Appeals may be allowed from interlocutory judgments of the Dis-

trict Courts, in such cases and under such regulations as may be provided by law. The Supreme Court and the judges thereof shall have power to issue, under such regulations as may be prescribed by law, the writ of *mandamus*, and all other writs necessary to enforce the jurisdiction of said court. The Supreme Court shall have power, upon affidavit or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall sit for the transaction of business from the first Monday in October until the last Saturday of June of every year, at the seat of government, and at not more than two other places in the State.

SEC. 4. The Supreme Court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by said court for good cause entered of record on the minutes of said court.

SEC. 5. The Court of Appeals shall consist of three judges, any two of whom may constitute a quorum, and a concurrence of two judges shall be necessary to a decision of said court. They shall be elected by the qualified voters of the State at a general election. They shall be citizens of the United States and of this State; shall have arrived at the age of thirty years at the time of election; each shall have been a practising lawyer, or a judge of a court in this State, or such lawyer and judge together, for at least seven years. Said judges shall hold their offices for a term of six years, and each of them shall receive an annual salary of three thousand five hundred and fifty dollars, which shall not be increased or diminished during their term of office.

SEC. 6. The Court of Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases, of whatever grade, and in all civil cases, unless hereafter otherwise provided by law, of which the County Courts have original or appellate jurisdiction. In civil cases its opinions shall not be published unless the publication of such opinions be required by law. The Court of Appeals and the judges thereof shall have power to issue the writ of *habeas corpus*; and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Appeals shall have power, upon affidavits, or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The Court of Appeals shall sit for the transaction of business from the first Monday of October until the last Saturday of June of every year, at the capital, and at not more than two other places in the State, at which the Supreme Court shall hold its sessions. The court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in

such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by the said court for good cause, entered of record on the minutes of said court.

SEC. 7. The State shall be divided into twenty-six judicial districts, which may be increased or diminished by the Legislature. For each district there shall be elected, by the qualified voters thereof, at a general election for members of the Legislature, a judge, who shall be at least twenty-five years of age, shall be a citizen of the United States, shall have been a practising attorney or a judge of a court in this State for the period of four years, and shall have resided in the district in which he is elected for two years next before his election; shall reside in his district during his term of office; shall hold his office for the term of four years; shall receive an annual salary of twenty-five hundred dollars, which shall not be increased or diminished during his term of service; and shall hold the regular terms of court at one place in each county in the district twice in each year, in such manner as may be prescribed by law. The Legislature shall have power by general act to authorize the holding of special terms, when necessary, and to provide for holding more than two terms of the court in any county, for the dispatch of business; and shall provide for the holding of District Courts when the judge thereof is absent, or is from any cause disabled or disqualified from presiding.

SEC. 8. The District Court shall have original jurisdiction in criminal cases of the grade of felony; of all suits in behalf of the State to recover penalties, forfeitures, and escheats; of all cases of divorce; in cases of misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land, and for the enforcement of liens thereon; of all suits for trial of right to property levied on by virtue of any writ of execution, sequestration, or attachment, when the property levied on shall be equal to or exceed in value five hundred dollars; and of all suits, complaints, or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to five hundred dollars, exclusive of interest; and the said courts and the judges thereof shall have power to issue writs of *habeas corpus* in felony cases, *mandamus*, injunction, *certiorari*, and all writs necessary to enforce their jurisdiction. The District Courts shall have appellate jurisdiction and general control in probate matters over the County Court established in each county for appointing guardians, granting letters testamentary and of administration, for settling the accounts of executors, administrators, and guardians, and for the transaction of business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by the Legislature. All cases now pending in the Supreme Court, of which the Court of Appeals has

appellate jurisdiction under the provisions of this Article, shall, as soon as practicable after the establishment of said Court of Appeals, be certified, and the records transmitted to the Court of Appeals, and shall be decided by such Court of Appeals as if the same had been originally appealed to such court.

SEC. 9. There shall be a clerk for the District Court of each county, who shall be elected by the qualified voters for the State and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the judge of the District Court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

SEC. 10. In the trial of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be impanelled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature.

SEC. 11. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degree as may be prescribed by law, or where he shall have been counsel in the case. When the Supreme Court, or the Appellate Court, or any two of the members of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the District Judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices shall be filled, as prescribed by law.

SEC. 12. All judges of the Supreme Court, Court of Appeals, and District Courts shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of "The State of Texas," and conclude "against the peace and dignity of the State."

SEC. 13. Grand and petit juries in the District Courts shall be composed

of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony, in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; *provided*, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SEC. 14. The Judicial Districts in this State and the time of holding the courts therein are fixed by ordinance forming part of this Constitution, until otherwise provided by law.

SEC. 15. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a County Judge, who shall be well informed in the law of the State; shall be a conservator of the peace, and shall hold his office for two years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

SEC. 16. The County Court shall have original jurisdiction in all misdemeanors, of which exclusive original jurisdiction is not given to the Justice's Court, as the same are now or may be hereafter prescribed by law, and when the fine to be imposed shall exceed two hundred dollars; and they shall have exclusive original jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars, and not exceed five hundred dollars, exclusive of interest; and concurrent jurisdiction with the District Courts, when the matter in controversy shall exceed five hundred and not exceed one thousand dollars, exclusive of interest; but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which Justice's Courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed twenty dollars, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from Justice's Courts, there shall be a trial *de novo* in the County Court, and when the judgment rendered or fine imposed by the County Court shall not exceed one hundred dollars such trial shall be final; but if the judgment rendered or fine imposed shall exceed one hundred dollars, as well as in all cases, civil and criminal, of which the County Court has exclusive or concurrent original jurisdiction, an appeal shall lie to the Court of Appeals, under such regulations as may be prescribed by law. The County Courts shall have the general jurisdiction of a Probate Court.

They shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons, and to apprentice minors, as provided by law. And the County Courts, or judges thereof, shall have power to issue writs of *mandamus*, injunction, and all other writs necessary to the enforcement of the jurisdiction of said courts; and to issue writs of *habeas corpus* in cases where the offence charged is within the jurisdiction of the County Court, or any other court or tribunal inferior to said court. The County Court shall not have criminal jurisdiction in any county where there is a Criminal District Court, unless expressly conferred by law; and in such counties appeals from Justice's Courts and other inferior courts and tribunals, in criminal cases, shall be to the Criminal District Courts, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such District Courts to the Court of Appeals. Any case pending in the County Court, which the County Judge may be disqualified to try, shall be transferred to the District Court of the same county for trial; and where there exists any cause disqualifying the County Judge for the trial of a cause of which the County Court has jurisdiction, the District Court of such county shall have original jurisdiction of such cause.

SEC. 17. The County Court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term-time or vacation, as may be provided by law; and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the County Attorney, or by affidavit, as may be provided by law. Grand juries impanelled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts, or other inferior courts having jurisdiction to try them, for trial; and if such indictment be quashed in the County or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be impanelled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

SEC. 18. Each organized county in the State, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present County

Courts shall make the first division. Subsequent divisions shall be made by the Commissioners' Court, provided for by this Constitution. In each such precinct there shall be elected, at each biennial election, one Justice of the Peace and one Constable, each of whom shall hold his office for two years, and until his successor shall be elected and qualified; *provided*, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two Justices of the Peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected, by the qualified voters thereof, one County Commissioner, who shall hold his office for two years, and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge, as presiding officer, shall compose the County Commissioners' Court, which shall exercise such powers and jurisdiction over all county business as is conferred by this Constitution and the laws of this State, or as may be hereafter prescribed.

SEC. 19. Justices of the Peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the District or County Courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the County Courts shall be allowed in all cases decided in Justice's Courts where the judgment is for more than twenty dollars exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the Justices of the Peace shall be *ex-officio* notaries public; and they shall hold their courts at such times and places as may be provided by law.

SEC. 20. There shall be elected for each county, by the qualified voters, a County Clerk, who shall hold his office for two years, who shall be Clerk of the County and Commissioners' Courts and Recorder of the county, whose duties, perquisites, and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners' Court, until the next general election for county and State officers; *provided*, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of District and County Clerk.

SEC. 21. A County Attorney, for counties in which there is not a resident Criminal District Attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor, and hold his office for the term of two years. In case of vacancy, the Commissioners' Court of the county shall have power to appoint a County Attorney until the next

general election. The County Attorneys shall represent the State in all cases in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a District Attorney, the respective duties of District Attorneys and County Attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of District Attorneys in such districts as may be deemed necessary, and make provision for the compensation of District Attorneys and County Attorneys; *provided*, District Attorneys shall receive an annual salary of five hundred dollars, to be paid by the State, and such fees, commissions, and perquisites as may be provided by law. County Attorneys shall receive as compensation only such fees, commissions, and perquisites as may be prescribed by law.

SEC. 22. The Legislature shall have power, by local or general law, to increase, diminish, or change the civil and criminal jurisdiction of County Courts; and in cases of any such change of jurisdiction the Legislature shall also conform the jurisdiction of the other courts to such change.

SEC. 23. There shall be elected by the qualified voters of each county a Sheriff, who shall hold his office for the term of two years, whose duties, and perquisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners' Court until the next general election for county or State officers.

SEC. 24. County Judges, County Attorneys, Clerks of the District and County Courts, Justices of the Peace, Constables, and other county officers, may be removed by the Judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

SEC. 25. The Supreme Court shall have power to make rules and regulations for the government of said court, and the other courts of the State, to regulate proceedings and expedite the dispatch of business therein.

SEC. 26. The State shall have no right of appeal in criminal cases.

SEC. 27. The Legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in District Courts, over which jurisdiction is given by this Constitution to the County Courts, or other inferior courts, to such County or inferior courts, and for the trial or disposition of all such causes by such County or other inferior courts.

SEC. 28. Vacancies in the office of judges in the Supreme Court, of the Court of Appeals, and District Court, shall be filled by the Governor until the next succeeding general election; and vacancies in the office of County Judge, and Justices of the Peace, shall be filled by the Commissioners' Court, until the next general election for such offices.

ARTICLE VI.

SUFFRAGE.

SECTION 1. The following classes of persons shall not be allowed to vote in this State, to wit :

First.—Persons under twenty-one years of age.

Second.—Idiots and lunatics.

Third.—All paupers supported by any county.

Fourth.—All persons convicted of any felony, subject to such exceptions as the Legislature may make.

Fifth.—All soldiers, marines, and seamen employed in the service of the army or navy of the United States.

SEC. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector ; and every male person of foreign birth, subject to none of the foregoing disqualifications, who, at any time before an election, shall have declared his intention to become a citizen of the United States in accordance with the Federal Naturalization Laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector ; and all electors shall vote in the election precinct of their residence ; *provided*, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes.

SEC. 3. All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective officers ; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town ; *provided*, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

SEC. 4. In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets, and make such other regulations as may be necessary to detect and punish fraud, and preserve the purity of the ballot box ; but no law shall ever be enacted requiring a registration of the voters of this State.

SEC. 5. Voters shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

ARTICLE VII.

EDUCATION.—THE PUBLIC FREE SCHOOLS.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands, and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made, or that may hereafter be made to railroads, or other corporations, of any nature whatsoever; one-half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual school fund.

SEC. 3. There shall be set apart annually not more than one-fourth of the general revenue of the State, and a poll tax of one dollar on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.

SEC. 4. The land herein set apart to the public free school fund shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to the purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of this State, if the same can be obtained, otherwise in United States bonds; and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained on terms advantageous to the school fund.

SEC. 5. The principal of all bonds, and other funds, and the principal arising from the sale of the lands hereinbefore set apart for said school fund, shall be the permanent school fund; and all the interest derivable therefrom, and the taxes herein authorized and levied, shall be the available school fund, which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to, or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population, and applied in manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for education or schools, are of right the property of said

counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the Commissioners' Court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually.

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. The Governor, Comptroller, and Secretary of State shall constitute a Board of Education, who shall distribute said funds to the several counties, and perform such other duties concerning public schools as may be prescribed by law.

ASYLUMS.

SEC. 9. All lands heretofore granted for the benefit of the Lunatic, Blind, Deaf and Dumb, and Orphan Asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance, and improvement of said asylums. And the Legislature may provide for the sale of the lands and investment of the proceeds in manner as provided for the sale and investment of school lands in Section 4 of this Article.

UNIVERSITY.

SEC. 10. The Legislature shall, as soon as practicable, establish, organize, and provide for the maintenance, support, and direction of a university of the first class, to be located by a vote of the people of this State, and styled "The University of Texas," for the promotion of literature, and the arts and sciences, including an agricultural and mechanical department.

SEC. 11. In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter to be made, and all grants, donations, and appropriations that may hereafter be made by the State of

Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the Treasury of the State (together with such sums, belonging to the fund, as may now be in the Treasury), shall be invested in bonds of the State of Texas, if the same can be obtained, if not, then in United States bonds; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section; *provided*, that one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the Legislature of February 11, 1858, entitled "An act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent university fund.

SEC. 12. The land herein set apart to the university fund shall be sold under such regulations, at such times, and on such terms, as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of university lands, heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith. And the Legislature shall, at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The Legislature shall also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people; *provided*, that no tax shall be levied, and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart and appropriated, for the endowment, maintenance, and support of said University and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations, and the proceeds invested in the same manner as is provided for the sale and investment of the permanent University fund; and the Legislature shall not have power to grant any relief to the purchasers of said lands.

ARTICLE VIII.

TAXATION AND REVENUE.

SECTION 1. Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; *provided*, that two hundred and fifty dollars worth of household and kitchen furniture, belonging to each family in this State, shall be exempt from taxation; and *provided* further, that the occupation tax levied by any county, city, or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business.

SEC. 2. All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the Legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes (and the necessary furniture of all schools), and institutions of purely public charity; and all laws exempting property from taxation other than the property above mentioned, shall be void.

SEC. 3. Taxes shall be levied and collected by general laws and for public purposes only.

SEC. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party.

SEC. 5. All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation; and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality.

SEC. 6. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money

be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the Sixteenth Legislature.

SEC. 7. The Legislature shall not have power to borrow, or in any manner divert from its purpose any special fund that may, or ought to, come into the treasury; and shall make it penal for any person or persons to borrow, withhold, or in any manner to divert from its purpose any special fund, or any part thereof.

SEC. 8. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the road-bed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the Comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets.

SEC. 9. The State tax on property, exclusive of the tax necessary to pay the public debt, shall never exceed fifty cents on the one hundred dollars valuation, and no county, city, or town shall levy more than one-half of said State tax, except for the payment of debts already incurred, and for the erection of public buildings, not to exceed fifty cents on the one hundred dollars in any one year, and except as in this Constitution is otherwise provided.

SEC. 10. The Legislature shall have no power to release the inhabitants of, or property in, any county, city, or town from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city, or town, when such release may be made by a vote of two-thirds of each House of the Legislature.

SEC. 11. All property, whether owned by persons or corporations, shall be assessed for taxation, and the taxes paid in the county where situated, but the Legislature may, by a two-thirds vote, authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

SEC. 12. All property subject to taxation in, and owned by residents of unorganized counties, shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties, and lands lying in the territory, not laid off into counties, shall be assessed and the taxes thereon collected at the office of the Comptroller of the State.

SEC. 13. Provision shall be made by the first Legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid, and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud; *provided*, that the former owner shall, within two years from date of purchaser's deed, have the right to redeem the land upon the payment of double the amount of money paid for the land.

SEC. 14. There shall be elected by the qualified electors of each county, at the same time and under the same law regulating the election of State and county officers, an assessor of taxes, who shall hold his office for two years, and until his successor is elected and qualified.

SEC. 15. The annual assessment made upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent taxpayer, shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

SEC. 16. The sheriff of each county, in addition to his other duties, shall be the collector of taxes therefor. But in counties having ten thousand inhabitants, to be determined by the last preceding census of the United States, a collector of taxes shall be elected to hold office for two years, and until his successor shall be elected and qualified.

SEC. 17. The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed in such manner as may be consistent with the principles of taxation fixed in this Constitution.

SEC. 18. The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation (the County Commissioner's Court to constitute a board of equalization); and may also provide for the classification of all lands, with reference to their value in the several counties.

ARTICLE IX.

COUNTIES.

SECTION 1. The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First.—In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square

miles, in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population, and attached, for judicial and land-surveying purposes, to the most convenient organized county or counties.

Second.—Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each House of the Legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles, by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third.—No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

COUNTY SEATS.

SEC. 2. The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical centre of the county shall be removed, except by a vote of two-thirds of all the electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from the geographical centre of the county to a point within five miles of such centre, in either case the centre to be determined by a certificate from the Commissioner of the General Land Office.

ARTICLE X.

RAILROADS.

SECTION 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with

railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with, or cross any other railroad ; and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

SEC. 2. Railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State ; and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties.

SEC. 3. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporations, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually, under oath, to the Comptroller or Governor, their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 4. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals ; and the Legislature shall pass no laws exempting any such property from execution and sale.

SEC. 5. No railroad or other corporation, or the lessees, purchasers, or managers of any railroad corporation, shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line ; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

SEC. 6. No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

SEC. 7. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 8. No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 9. No railroad hereafter constructed in this State shall pass within a distance of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills, or mountains; *provided*, such town or its citizens shall grant the right of way through its limits, and sufficient ground for ordinary depot purposes.

ARTICLE XI.

MUNICIPAL CORPORATIONS.

SECTION 1. The several counties of this State are hereby recognized as legal subdivisions of the State.

SEC. 2. The construction of jails, court-houses, and bridges, and the establishment of county poor-houses and farms, and the laying out, construction, and repairing of county roads shall be provided for by general laws.

SEC. 3. No county, city, or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

SEC. 4. Cities and towns having a population of ten thousand inhabitants or less, may be chartered alone by general law. They may levy, assess, and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed, for any one year, one-fourth of one per cent., and shall be collectable only in current money. And all license and occupation tax levied, and all fines, forfeitures, penalties, and other dues accruing to cities and towns shall be collectable only in current money.

SEC. 5. Cities having more than ten thousand inhabitants may have their charters granted or amended by special act of the Legislature, and may levy, assess, and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful, for any one year, which shall exceed two and one-half per cent. of the taxable property of such city; and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent. thereon.

SEC. 6. Counties, cities, and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess, and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed, and collected for current expenses of municipal government, and shall when levied specify in the act of levying the purpose therefor; and such taxes may be paid in the coupons, bonds, or other indebtedness for the payment of which such tax may have been levied.

SEC. 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two-thirds of the taxpayers therein (to be ascertained as may be provided by law) to levy and collect such tax for construction of sea walls, breakwaters or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county, unless provision is made at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent. as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.

SEC. 8. The counties and cities on the Gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is especially authorized to aid by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of sea walls, or breakwaters, such aid to be proportioned to the extent and value of the works constructed, or to be constructed, in any locality.

SEC. 9. The property of counties, cities, and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used or intended for extinguishing fires, public grounds, and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation; *provided*, nothing herein shall prevent the enforcement

of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

SEC. 10. The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at any election held for that purpose, two-thirds of the taxpayers of such city or town shall vote for such tax.

ARTICLE XII.

PRIVATE CORPORATIONS.

SECTION 1. No private corporations shall be created except by general laws.

SEC. 2. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

SEC. 3. The right to authorize and regulate freights, tolls, wharfage, or fares levied and collected or proposed to be levied and collected by individuals, companies, or corporations, for the use of highways, landings, wharves, bridges, and ferries, devoted to public use, has never been and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

SEC. 4. The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the Attorney-General and District or County Attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges as freight, wharfage, fares, or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

SEC. 5. All laws granting the right to demand and collect freights, fares, tolls, or wharfage shall at all times be subject to amendment, modification, or repeal by the Legislature.

SEC. 6. No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

SEC. 7. Nothing in this Article shall be construed to divest or affect rights guaranteed by any existing grant or statute of this State, or of the Republic of Texas.

ARTICLE XIII.

SPANISH AND MEXICAN LAND TITLES.

SECTION 1. All fines, penalties, forfeitures, and escheats, which have heretofore accrued to the Republic and State of Texas, under their constitutions and laws, shall accrue to the State under this Constitution; and the Legislature shall provide a method for determining what lands have been forfeited, and for giving effect to escheats; and all such rights of forfeiture and escheats to the State shall, *ipso facto*, inure to the protection of the innocent holders of junior titles, as provided in Sections 2, 3, and 4 of this Article.

SEC. 2. Any claim of title or right to land in Texas, issued prior to the 13th day of November, 1835, not duly recorded in the county where the land was situated at the time of such record, or not duly archived in the General Land Office, or not in the actual possession of the grantee thereof, or some person claiming under him, prior to the accruing of junior title thereto from the sovereignty of the soil, under circumstances reasonably calculated to give notice to said junior grantee, has never had, and shall not have, standing or effect against such junior title, or color of title, acquired without such or actual notice of such prior claim of title or right; and no condition annexed to such grants, not archived, or recorded, or occupied as aforesaid, has been, or ever *shall* be released or waived, but actual performance of all such conditions shall be proved by the person or persons claiming under such title or claim of right in order to maintain action thereon, and the holder of such junior title, or color of title, shall have all the rights of the Government which have heretofore existed, or now exist, arising from the non-performance of all such conditions.

SEC. 3. Non-payment of taxes on any claim of title to land, dated prior to the 13th day of November, 1835, not recorded or archived, as provided in Section 2, by the person or persons so claiming, or those under whom he or they so claim, from that date up to the date of the adoption of this Constitution, shall be held to be a presumption that the right thereto has reverted to the State, and that said claim is a stale demand, which presumption shall only be rebutted by payment of all taxes on said lands, State, county, and city or town, to be assessed on the fair value of such lands by the Comptroller, and paid to him, without commutation or deduction for any part of the above period.

SEC. 4. No claim of title or right to land, which issued prior to the 13th day of November, 1835, which has not been duly recorded in the county where the land was situated at the time of such record, or which has not been duly archived in the General Land Office, shall ever hereafter be deposited in the General Land Office, or recorded in this State, or delineated

on the maps, or used as evidence in any of the courts of this State, and the same are stale claims; but this shall not affect such rights or presumptions as arise from actual possession. By the words, "duly recorded," as used in Sections 2 and 4 of this Article, it is meant that such claim of title or right to land shall have been recorded in the proper office, and that mere errors in the certificate of registration, or informality, not affecting the fairness and good faith of the holder thereof, with which the record was made, shall not be held to vitiate such record.

SEC. 5. All claims, locations, surveys, grants, and titles, of any kind, which are declared null and void by the Constitution of the Republic or State of Texas, are, and the same shall remain forever, null and void.

SEC. 6. The Legislature shall pass stringent laws for the detection and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

SEC. 7. Sections 2, 3, 4, and 5 of this Article shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of headrights of colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

ARTICLE XIV.

PUBLIC LANDS AND LAND OFFICE.

SECTION 1. There shall be one General Land Office in the State, which shall be at the seat of government, where all land titles which have emanated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the Land Office self-sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

SEC. 2. All unsatisfied genuine land certificates barred by Section 4, Article 10, of the Constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the Land Office by the first day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the General Land Office within five years after the adoption of this Constitution, or be forever barred; and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the General Land Office within five years after issuance, or be forever barred; *provided*, that all genuine land certificates heretofore or hereafter issued shall be located, surveyed, or patented only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sover-

eighty of the State, evidence of the appropriation of which is on the county records or in the General Land Office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

SEC. 3. The Legislature shall have no power to grant any of the lands of this State to any railway company except upon the following restrictions and conditions:

First.—That there shall never be granted to any such corporation more than sixteen sections to the mile, and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second.—That no land certificate shall be issued to such company until they have equipped, constructed, and in running order at least ten miles of road; and on the failure of such company to comply with the terms of its charter, or to alienate its land at a period to be fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the State and become a portion of the public domain, and liable to location and survey. The Legislature shall pass general laws only, to give effect to the provisions of this Section.

SEC. 4. No certificate for land shall be sold at the Land Office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

SEC. 5. All lands heretofore or hereafter granted to railway companies, where the charter or law of the State required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or shall not hereafter be alienated, in conformity with the terms of their charters, and the laws under which the grants were made, are hereby declared forfeited to the State and subject to pre-emption, location, and survey, as other vacant lands. All lands heretofore granted to said railroad companies, to which no forfeiture was attached on their failure to alienate, are not included in the foregoing clause; but in all such last-named cases it shall be the duty of the Attorney-General, in every instance where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the State, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the seat of government is situated, to forfeit such lands to the State, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the State and become a part of the vacant public domain, liable to pre-emption, location, and survey.

SEC. 6. To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon condition that he will select and locate said land, and occupy the same three years, and pay

the office fees due thereon. To all single men of eighteen years of age and upwards shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

SEC. 7. The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

SEC. 8. Persons residing between the Nueces river and the Rio Grande, and owning grants for lands which emanated from the government of Spain, or that of Mexico, which grants have been recognized and validated by the State, by acts of the Legislature, approved February 10, 1852, August 15, 1870, and other acts, and who have been prevented from complying with the requirements of said acts by the unsettled condition of the country, shall be allowed until the first day of January, 1880, to complete their surveys, and the plats thereof, and to return their field-notes to the General Land Office; and all claimants failing to do so shall be forever barred; *provided*, nothing in this section shall be so construed as to validate any titles not already valid, or to interfere with the rights of third persons.

ARTICLE XV.

IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the House of Representatives.

SEC. 2. Impeachment of the Governor, Lieutenant-Governor, Attorney-General, Treasurer, Commissioner of the General Land Office, Comptroller, and the Judges of the Supreme Court, Court of Appeals, and District Court, shall be tried by the Senate.

SEC. 3. When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 4. Judgment in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this State. A party convicted on impeachment shall also be subject to indictment, trial, and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The Governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 6. Any Judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge, or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing upon the oaths, taken before some Judge of a Court of Record, of not less than ten lawyers, practising in the courts held by such judge, and licensed to practise in the Supreme Court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to the facts of creditable witnesses. The Supreme Court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

SEC. 7. The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution.

ADDRESS.

SEC. 8. The Judges of the Supreme Court, Court of Appeals, and District Courts, shall be removed by the Governor on the address of two-thirds of each House of the Legislature, for wilful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment; *provided, however*, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the journals of each House; *and provided further*, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defence before any vote for such address shall pass; and in all such cases, the vote shall be taken by yeas and nays, and entered on the journals of each House respectively.

ARTICLE XVI.

GENERAL PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I, (——) do solemnly swear (or affirm), that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ——, according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State; and I do further solemnly swear (or affirm), that since the adoption of the Constitution of this State, I being a citizen of this State, have not fought a duel with deadly weapons,

within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending. And I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected (or if the office is one of appointment, to secure my appointment). So help me God."

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who may have been or shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be protected by laws regulating elections, and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice.

SEC. 3. The Legislature shall make provisions whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs, shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

SEC. 4. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 5. Every person shall be disqualified from holding any office of profit or trust in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 6. No appropriation for private or individual purposes shall be made. A regular statement, under oath, and an account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

SEC. 7. The Legislature shall, in no case, have power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

SEC. 8. Each county in the State may provide, in such manner as may be prescribed by law, a manual-labor poorhouse and farm, for taking care of, managing, employing, and supplying the wants of its indigent and poor inhabitants.

SEC. 9. Absence on business of the State, or of the United States, shall

not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

SEC. 10. The Legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 11. The legal rate of interest shall not exceed eight per cent. per annum, in the absence of any contract as to the rate of interest; and by contract parties may agree upon any rate not to exceed twelve per cent. per annum. All interest charged above this last-named rate shall be deemed usurious, and the Legislature shall, at its first session, provide appropriate pains and penalties to prevent and punish usury.

SEC. 12. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

SEC. 13. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 14. All civil officers shall reside within the State; and all district or county officers within their districts or counties, and shall keep their offices at such places as may be required by law; and failure to comply with this condition shall vacate the office so held.

SEC. 15. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 16. No corporate body shall hereafter be created, renewed, or extended with banking or discounting privileges.

SEC. 17. All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 18. The rights of property and of action which have been acquired under the Constitution and laws of the Republic and State shall not be divested; nor shall any rights or actions which have been divested, barred, or declared null and void by the Constitution of the Republic and State, be re-invested, renewed, or reinstated by this Constitution; but the same shall remain precisely in the situation in which they were before the adoption of

this Constitution, unless otherwise herein provided ; and provided further, that no cause of action heretofore barred shall be revived.

SEC. 19. The Legislature shall prescribe by law the qualification of grand and petit jurors.

SEC. 20. The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, justice's precinct, town, or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.

SEC. 21. All stationery and printing, except proclamations and such printing as may be done at the Deaf and Dumb Asylum, paper, and fuel used in the legislative and other departments of the government, except the judicial department, shall be furnished, and the printing and binding of the laws, journals, and department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the Legislature, and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price, and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contracts ; and all such contracts shall be subject to the approval of the Governor, Secretary of State, and Comptroller.

SEC. 22. The Legislature shall have the power to pass such fence laws, applicable to any subdivision of the State, or counties, as may be needed to meet the wants of the people.

SEC. 23. The Legislature may pass laws for the regulation of live stock and the protection of stock raisers in the stock-raising portion of the State, and exempt from the operation of such laws other portions, sections, or counties ; and shall have power to pass general and special laws for the inspection of cattle, stock, and hides, and for the regulation of brands ; *provided*, that any local law thus passed shall be submitted to the freeholders of the section to be affected thereby, and approved by them, before it shall go into effect.

SEC. 24. The Legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures, and convict labor to all these purposes.

SEC. 25. That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service, of or to any cotton, grain, or any other produce or article of commerce in this State, paid, or allowed, or contracted for to any common carrier, shipper, merchant, commission merchant, factor, agent, or middle-man of any kind, not the true and absolute

owner thereof, are forever prohibited, and it shall be the duty of the Legislature to pass effective laws punishing all persons in this State who pay, receive, or contract for or respecting the same.

SEC. 26. Every person, corporation, or company that may commit a homicide, through wilful act, or omission, or gross neglect, shall be responsible, in exemplary damages, to the surviving husband, widow, heirs of his or her body, or such of them as there may be, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 27. In all elections to fill vacancies of office in this State, it shall be to fill the unexpired term only.

SEC. 28. No current wages for personal service shall ever be subject to garnishment.

SEC. 29. The Legislature shall provide by law for defining and punishing barratry.

SEC. 30. The duration of all offices not fixed by this Constitution shall never exceed two years.

SEC. 31. The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to any schools of medicine.

SEC. 32. The Legislature may provide by law for the establishment of a Board of Health and Vital Statistics, under such rules and regulations as it may deem proper.

SEC. 33. The accounting officers of this State shall neither draw nor pay a warrant upon the treasury in favor of any person for salary or compensation as agent, officer, or appointee, who holds at the same time any other office or position of honor, trust, or profit under this State or the United States, except as prescribed in this Constitution.

SEC. 34. The Legislature shall pass laws authorizing the Governor to lease or sell to the government of the United States a sufficient quantity of the public domain of the State, necessary for the erection of forts, barracks, arsenals, and military stations, or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature.

SEC. 35. The Legislature shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals, and other similar public works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company, or individual for whose benefit the work is done, responsible for their ultimate payment.

SEC. 36. The Legislature shall, at its first session, provide for the payment, or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools, by the State, for service rendered prior to the first day of July, 1873, and for the payment by the school districts in the State of amounts justly due teachers of public schools by such district to January, 1876.

SEC. 37. Mechanics, artisans, and material men, of every class, shall have a lien upon the buildings and articles made or repaired by them, for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 38. The Legislature may, at such time as the public interest may require, provide for the office of Commissioner of Insurance, Statistics, and History, whose term of office, duties, and salary shall be prescribed by law.

SEC. 39. The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, paintings, and documents of historical value.

SEC. 40. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public, and Postmaster, unless otherwise specially provided herein.

SEC. 41. Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. And any member of the Legislature, or executive or judicial officer who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand, and receive any such money or other advantage, matter, or thing aforesaid for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be held guilty of bribery, within the meaning of the Constitution, and shall incur the disabilities provided for said offences, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

SEC. 42. The Legislature may establish an Inebriate Asylum for the cure of drunkenness and reform of inebriates.

SEC. 43. No man or set of men shall ever be exempted, relieved, or discharged from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

SEC. 44. The Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for two years, and until their successors are qualified; and shall have such compensation as may be provided by law.

SEC. 45. It shall be the duty of the Legislature to provide for collecting, arranging, and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas, as may be now in the possession of parties willing to confide them to the care and preservation of the State.

SEC. 46. The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 47. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 48. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the United States, or to this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation or shall be amended or repealed by the Legislature.

SEC. 49. The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

SEC. 50. The homestead of a family shall be, and is hereby protected from forced sale for the payment of all debts, except for the purchase-money thereof, or a part of such purchase-money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife, given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for the purchase-money therefor, or improvements made thereon, as hereinbefore provided,

whether such mortgage, or trust deed, or other lien shall have been created by the husband alone, or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

SEC. 51. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town, or village shall consist of lot, or lots, not to exceed in value five thousand dollars, at the time of their designation as the homestead, without reference to the value of any improvements thereon; *provided*, that the same shall be used for the purpose of a home, or as a place to exercise the calling or business of the head of a family; *provided also*, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

SEC. 52. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction, to use and occupy the same.

SEC. 53. That no inconvenience may arise from the adoption of this Constitution, it is declared that all process and writs of all kinds which have been or may be issued and not returned or executed when this Constitution is adopted, shall remain valid, and shall not be in any way affected by the adoption of this Constitution.

SEC. 54. It shall be the duty of the Legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the State, under such regulations and restrictions as the Legislature may prescribe.

SEC. 55. The Legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers, in the war between Texas and Mexico, from the commencement of the revolution in 1835, until the 1st of January, 1837; and also to the surviving signers of the Declaration of Independence of Texas; and to the surviving widows continuing unmarried of such soldiers and signers; *provided*, that no such pension be granted except to those in indigent circumstances, proof of which shall be made before the County Court of the county where the applicant resides, in such manner as may be provided by law.

SEC. 56. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this State.

SEC. 57. Three millions acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State capitol and other necessary public buildings at the seat of Government, said lands to be sold under the direction of the Legislature; and the Legislature shall pass suitable laws to carry this section into effect.

ARTICLE XVII.

MODE OF AMENDING THE CONSTITUTION OF THIS STATE.

SECTION 1. The Legislature, at any biennial session, by a vote of two-thirds of all the members elected to each House, to be entered by yeas and nays on the journals, may propose amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county, in which such a newspaper may be published; and it shall be the duty of the several returning officers of said election to open a poll for, and make returns to the Secretary of State, of the number of legal votes cast at said election for and against said amendments; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast have been cast in favor of any amendment, the said amendment so receiving a majority of the votes cast shall become a part of this Constitution, and proclamation shall be made by the Governor thereof.

Done by the delegates of the people of Texas, in Convention assembled, in the city of Austin, on this the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventy-five.

In testimony whereof we hereunto subscribe our names:

EDWARD B. PICKETT,
President of the Convention.

LEIGH CHALMERS,
Secretary of the Convention.

AMENDMENTS

TO THE

CONSTITUTION OF THE STATE OF TEXAS.

Proposed by the Legislature of the State convened at Austin, January 9, 1883, and ratified by the people, August 14, 1883, pursuant to the 18th Article of the Constitution.

ARTICLE V.

ADDITIONAL SECTION.

SECTION 29. The county court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the commissioners' court of the county under authority of law, and such other terms each year as may be fixed by the commissioners' court; provided, the commissioners' court of any county having fixed the times and number of terms of the county court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is, or may be, provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the county court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.

ARTICLE VII.

SECTIONS 3, 4 AND 6 AMENDED SO AS TO READ AS FOLLOWS:

SECTION 3. One-fourth of the revenue derived from the State occupation taxes, and a poll tax of one dollar on every male inhabitant of this State be-

tween the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools, and, in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year ; and the Legislature may also provide for the formation of school districts within all or any of the counties of this State, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional annual ad valorem tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein ; provided that two-thirds of the qualified property tax-paying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year twenty cents on the one hundred dollars valuation of property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

SEC. 4. The lands herein set apart to the public free school fund, shall be sold under such regulations, at such times, and on such terms as may be prescribed by law ; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law ; and the State shall be responsible for all investments.

SEC. 6. All lands heretofore, or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners' court of the county. Actual settlers residing on said lands, shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein ; said proceeds to be invested in bonds of the United

States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon, and other revenue, except the principal, shall be available fund.

ARTICLE VIII.

SECTION 9 AMENDED SO AS TO READ AS FOLLOWS:

SECTION 9. The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes; and not to exceed fifteen cents, for roads and bridges, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of this amendment, and for the erection of public buildings, street, sewer and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this Constitution otherwise provided.

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