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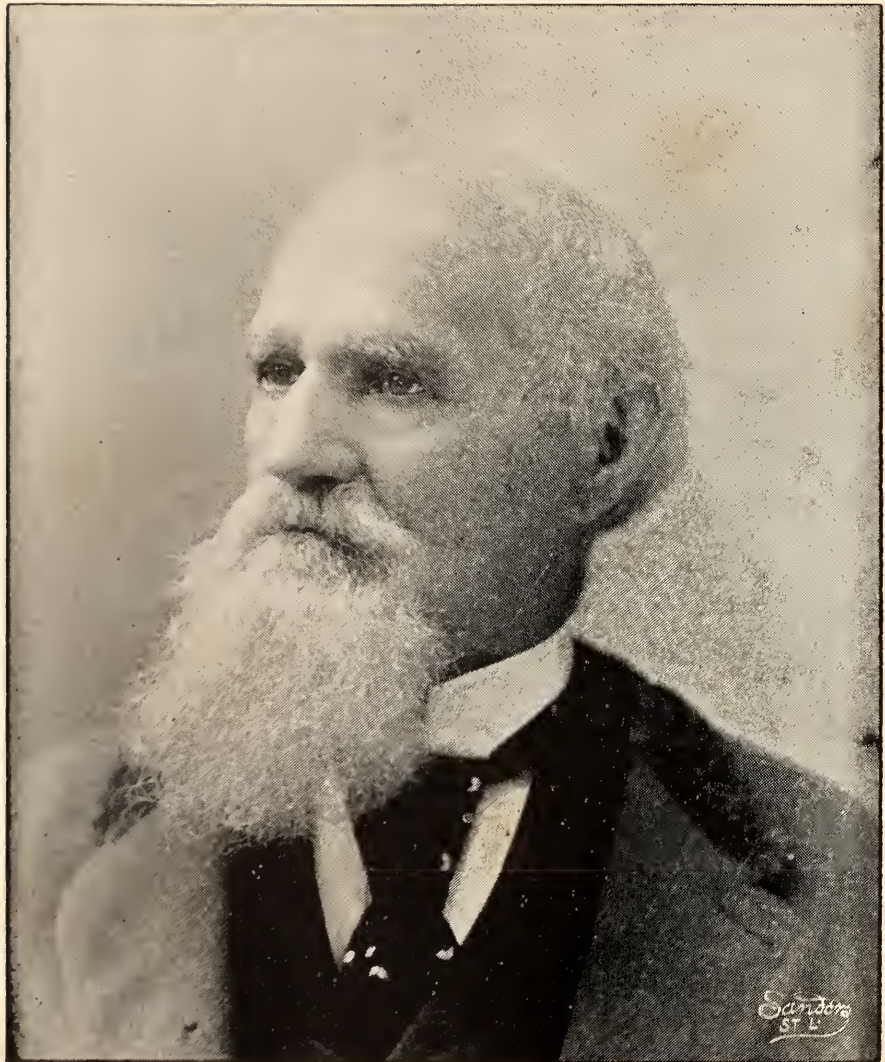
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JOHN HENRY BROWN

HISTORY OF TEXAS,

FROM 1685 TO 1892.

(IN TWO VOLUMES.)

— BY —

JOHN HENRY BROWN.

VOLUME ONE.

AUTHOR OF "TWO YEARS IN MEXICO," "EARLY LIFE IN THE
SOUTHWEST," "THE LIFE AND TIMES OF HENRY SMITH,
THE FIRST AMERICAN GOVERNOR OF TEXAS,"
"THE INDIAN WARS AND PIONEERS OF
TEXAS," ETC., ETC.

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INTRODUCTION.

The field for historical research in Texas, covering two centuries of time, is wide and, for the most part, deeply interesting. To the present and future generations, however, its chief historic value is confined to that period of time beginning about the close of the 18th and the commencement of the 19th century. Anterior to that time, outside of feeble settlements at San Antonio, Goliad and Nacogdoches and a few straggling missions, the country remained a primeval wilderness. Nor did any real progress toward reclamation occur until an effort was made to secure an Anglo-Saxon (chiefly North American) population, the first fruits of which became manifest in a few families and single men from January to December, 1822. From the latter year we trace all of Texas identified with those principles of liberty, and representative constitutional government held, at least by all English speaking people, to be essential to the continued progress and happiness of mankind. This work is undertaken with a sincere desire to give truth absolute control; to eschew every prejudice; to do justice to all who served their country with fidelity; and to guard against the great injustice of withholding merit due to some and awarding merit not due to others.

Most of the numerous books on Texas, including several published in, or prior to 1836, were too early to reach much of its most important history, and before many facts touching the then past were known, or when they were but partially known. The author, at intervals, for nearly half a century, has sought to find and preserve historical data omitted in other works, or incorrectly stated by them.

Ours is not like the history of any other State of the Union, settled and fostered by a progressive people and government,

and aided by great interior resources and means of transportation of which practically Texas had nothing. Wild barbarians infested Texas, undisturbed until its settlement by Americans, and its frontiers continued subject to all the horrors, more or less extensive, of savage warfare from the beginning in 1822, to its practical cessation in 1876, a period of fifty-four years, beside the period from 1835 to 1845, inclusive, of a state of war with Mexico.

Her history, taken as a whole, is unique and unlike that of any other member of the Union. To be understood it must be correctly given and carefully read.

The author is enabled to correct many errors — some of minor and a few of material importance — heretofore published, and to embrace numerous important facts never before given in any work; and yet, much of interest, in the very nature of things, resulting from the want of official records, the absence in large part of current newspaper files, and the failing memory of many old and patriotic men, must remain untold.

Eschewing fiction and exaggeration and guided by the spirit of truth and justice this work is given to the people of Texas by her loyal son.

The Author.

CHAPTER I.

DAWN OF TEXIAN HISTORY.

Spanish and French Claims to Texas — Rules of International Law — Regulating the Exercise of the Right of Discovery in America — The Name of Louisiana given to the Country Watered by the Mississippi and its Affluents by La Salle, in Honor of Louis XIV, and Title Thereto asserted by the Crown of France — La Salle's ill-fated Expedition — Expedition of Don Alonzo DeLeon and Fray Damien Martinez, designed to Expel Foreigners and Establish Missions — La Salle's Camps at Matagorda Bay and on the Neches visited — Men concerned in the Murder of La Salle condemned to Perpetual Servitude in the Mines of Mexico — Origin of the Names "Texas" and "Texian" — Beginning of what was Afterwards the Presidio de San Antonio de Bexar — De Leon Succeeded as Governor of the Province of Coahuila, by Don Domingo Teran — An Effort made Looking to the Actual Possession and Settlement of Texas — Franciscan Friars — Expedition of Don Gregorio Salinas — Abandonment of Texas — The Rio Grande Claimed by France as the Western Boundary of Louisiana — Anthony Crozat Conceives the idea of Establishing a French Colony in Texas and intrusts its Execution to St. Dennis — Expeditions, Adventures and Death of Jugereau St. Dennis — War declared Between France and Spain — Bernard de la Harpe's Invasion — Last Feeble Effort of France to Maintain her Claim to Texas.

Mexico belonged to Spain by right of conquest, until, by a revolution, begun in 1810, she won her independence from that country, after a destructive and bloody warfare of eleven years.

In the meantime, Texas, after her first exploration, from 1685 to 1692, remained in its primeval state, owing to want of care on the part of Spain. Feeble claims, by right of discovery, were during this period advanced by France.

The aboriginal Mexicans, subjects of the Montezumas, subjugated by Cortez in 1521, were able to gratify the avarice of their conquerors by their great mineral wealth, and the enslavement of a people in many respects little less advanced in the

aggregate of civilized life than the Spaniards themselves. Texas, on the contrary, had little to offer, and, being vast in territory and at a great distance (as distance was then computed) from the city of Mexico, nothing was done for its development, until those in power were stimulated to exertion by jealousy of the French, who claimed the Rio Grande as the southwestern frontier of Louisiana.

Although an occasional Spanish adventurer had set foot on Texas soil and had visited some of the Indian villages, and while the ever vigilant Roman Catholic missionaries (of whom Spain had established two colleges in Mexico, one at Queretaro and another in Zacatecas) had commenced their labors on the Rio Grande, the first formal claim of the Spanish crown to Texas was made in 1540 by Coronado, at the Indian village of Ysleta on the Rio Grande, now in El Paso County, Texas.

Texas is remotely indebted to the Indians then occupying the country around the Great Northern Lakes, and bordering on Canada which belonged to France, for the first attempt by the French to establish a colony within her territory. They first conveyed to the French the knowledge that a great river with many spreading branches, ran far into the south, through magnificent forests, and that the solitudes of the vast valley through which it meandered had never echoed to the footsteps of a white man.

In 1683 a few adventurers explored the Mississippi as far as the mouth of the Arkansas. Their report to the French Governor of Canada resulted in an undertaking in 1679, under a royal commission from France, to extend their explorations down that stream and take possession of the country in the name of the French King, Louis XIV. The rules of the international law established by the governments of Europe in regard to their American discoveries were :

“ 1. That when any European nation takes possession of an extent of sea-coast, that possession is understood as

extending into the interior country to the sources of the rivers emptying into the sea along that coast, and to all their branches and the country they cover, such right to be enjoyed in exclusion of all other nations.

“2. That whenever one European nation makes a discovery, and takes possession of any portion of the continent, and another afterwards discovers and takes possession of contiguous territory, a line midway between them is to be considered such boundary where the rights of dominion are not determined by an application of the principle first enumerated.

“3. That whenever any European nation thus acquires a right to any portion of territory on this continent that right can never be diminished or affected by any other power, by virtue of purchase from, grants by or conquests of, the natives within the limits thereof.”

In 1682, the Sieur Robert de La Salle, who had been connected with the second French expedition from Canada, succeeded in reaching the Gulf of Mexico, giving the name Louisiana, in honor of his King, Louis XIV, to all the country bordering on the Mississippi and its branches. Returning to Canada he went to France, where he was furnished by his government with four vessels, fitted out with 100 soldiers, 180 persons for laborers and artisans and seven Roman Catholic missionaries, for the purpose of settling a colony at the mouth of the Mississippi, and the additional purpose of converting such Indians as might be within reach of the colony.

On the 24th of July, 1684, he left France with full instructions for settling a colony in Louisiana, at the mouth of the Mississippi.

The sea was then as pathless as the western wild. There was little, if any, knowledge of the trade winds, or of the currents of the Gulf Stream which, to the navigators of to-day, are as a highway plainly laid out. So, miscalculating his distance, he sailed too far south, passed the mouth of the

Mississippi, and entered what is now known as Matagorda Bay.

He landed on the 18th of February, 1685, at the head of the bay, which he named San Bernardo and took formal possession of the country in the name of Louis XIV, and established a small garrison and a mission on the Lavaca river. This expedition terminated disastrously. One of his vessels was captured by the Spaniards; one was wrecked in the breakers on entering the bay; the largest, the Joliet, a frigate of forty guns, was taken by her commander and with her crew and stores of ammunition, carried back to France; and the Belle, a gift to La Salle by the King, was lost on the bay during the summer. Two of his men were killed by the Indians.

Still, determined to carry out his instructions, he left his little colony in charge of a trusty officer (Joutel) January, 1686, and with twenty men started on foot to cross the country in search of the Mississippi River. After various disasters, he returned from the Brazos River, having lost five men.

He had previously instructed one of his lieutenants (De Tonti) to proceed from Canada to the mouth of the Arkansas, establish a garrison and make it a depot of supplies for the colony which it was his intention to bring from France. Hoping now to find De Tonti at that point, he started in April of that year with twenty men, traveling across the country and crossing swollen streams as best he could. They had reached the Neches River, when he was prostrated with a slow fever. After his recovery he, with only eight men remaining, returned to the fort to procure fresh supplies of ammunition, the friendly Ascenas Indians furnishing them with five horses for the journey.¹

¹ Mexico was the only source of supply for horses, and as these were found as far east as the Neches, and as these Indians were at that time agriculturists, and had flocks and herds to some extent, it must be concluded that there was commerce between them and Coahuila, which province extended across the Rio Grande to the Medina.

The fort on the Lavaca, which they reached in August, was almost deserted. Remaining there until the following January, 1687, he again set out, taking with him a majority of those whom he had found in the fort — leaving seventeen persons, including women and children.

The preparations made for this journey, the solemnity of the parting (he caused mass to be celebrated and the sacrament of the Lord's supper to be administered), and the amount of treasures in silver, packages of merchandise and other stores, and the portable boat of buffalo hides he prepared for transportation on horses, indicated a final farewell.

Among his companions were his brother (a priest), a nephew, the Reverend Father Anastasia, Nika, an Indian whom he had brought from Canada as a hunter, Dehaut, DeMarne, Heines, Lietot, his servant Saget, and others whose names will occur hereafter.

They halted near their former camping ground on the Neches to procure and dry buffalo meat. A quarrel between Moragnet, La Salle's nephew, and Dehaut, a turbulent man, culminated in a conspiracy to secure revenge for grievances, imaginary or real. The next night when Moragnet, Saget, and Nika, the hunter, were asleep, Lietot knocked them in the head with a hatchet, killing them.

La Salle, becoming uneasy on account of the prolonged absence of these men, whom he had sent out to bring in part of the meat, took Father Anastasia and two Indians for guides and went in search of them, leaving Joutel in command of the camp. Dehaut concealed himself in the grass and shot LaSalle in the head. The latter fell and expired without speaking. Father Anastasia, whose hand LaSalle pressed in dying, dug his grave and buried him, and erected a cross upon the spot.

The peaceable Indians were shocked at the murders, and naturally enough thought these people were abandoned by the great spirit to self-destruction.

Dehaut took possession of the treasure, over the division of which he and Heines quarreled. He was shot in the head by Heines and killed. Rutel, a man whom La Salle had found among the Indians, and who had joined the party at the Neches, then fired on Lietot, killing him.

Heines now assumed command, and, dressing himself in LaSalle's scarlet uniform, proposed to lead the peaceable Indians in a war upon neighboring tribes, and, having possession of the treasure, may have had much to do with corrupting them, changing their industrious habits and leading finally to their dispersion as a nation.

Heines consented for the remainder of the men to return to the fort on the Illinois and furnished them horses, food, and ammunition for the journey. Seven only remained behind. Of those who continued forward DeMarne was drowned in Red River. His companions arrived at the mouth of the Arkansas, found DeTonti and his men and were gladdened by the sight of the French flag floating over the little fort. One of the men remained there, and only five returned to France, by way of Illinois and Quebec.

The fate of those remaining in the little fort at the head of the bay is not certainly known. They were dispersed or killed by the Indians. A few made their way to the Indian villages farther east where, it is said, they were afterwards found by the Spanish Governor, DeLeon, and restored to their friends.

This is a sufficient history of the first European attempt at settlement in Texas.

In 1688 the Missionary Fray Damien Martinez, of Coahuila, learned from Indians that people resembling the Spaniards in color had landed on the coast of the Gulf of Mexico, not far from the Rio Grande. He conveyed the information to Don Alonzo De Leon, then Governor of the Province of Coahuila, who made the report known to the Count de Monclova, the Spanish Viceroy of Mexico.

In obedience to a decree of Philip of Spain that no foreigner should enter the waters of the Gulf of Mexico, on pain of death, orders were immediately given to De Leon to penetrate the country with such troops as he could gather from the garrisons of Monclova and Saltillo, drive out whatever foreigners he might find, and take with him Fray Damien Martinez to establish missions among the friendly Indians.

They left Monclova March 23d, 1689, and, accompanied by friendly Indians as guides, on the 22d of April reached the point where La Salle had attempted to plant his colony.

There they found the wreck of his vessel, *La Belle*, the remains of his fort and a building with the inscription, 1685. The Carancahuas were accused of putting to death the few French who had remained to hold the fort.

De Leon extended his travels as far as the camp of La Salle, among the Indians on the Neches river, where, it is said, he caused the arrest of two of La Salle's men, whom he believed were implicated in the assassination of their leader, and condemned them to perpetual servitude in the mines of Mexico. He caused those remaining to be sent to their friends.

Returning to Coahuila from this expedition De Leon changed his route, following the course of the San Antonio River from the coast about 120 miles, when, meeting with a party of Indians who made great professions of friendship, it was proposed to establish a mission and garrison at a point on that river. These Indians, strangers to the Spaniards and to the Mexican Indians who accompanied De Leon, welcomed the Spaniards with the exclamation, "Texia!" "Texia!" (Friends! Friends!) They signified their willingness to become Catholics if the good Father would accompany them to their homes far into the interior of the country.

De Leon left a small garrison at this place, which was the beginning of what afterwards became the Presidio de San Antonio de Bexar.

In 1690 De Leon again visited Texas, and, still leaving a small garrison at San Antonio, revisited the ruins of La Salle's fort on the San Bernardo (Matagorda) Bay, where he projected a fort and a mission, which he named San Francisco, at which he caused mass to be celebrated on the 25th of May, 1690, under orders of the new Viceroy of Mexico.

De Leon was succeeded as Governor of the Province of Coahuila by Don Domingo de Teran. This new Governor left Monclova May 16th, 1691, with an expedition having for its purpose the actual possession and settlement of Texas, with officers, civil and military, soldiers, laborers and artisans. They brought seeds to plant crops, and domestic animals, with which the Spaniards had stocked Mexico; and, for the conversion of the Indians, whom they proposed to domesticate, they brought nine Franciscan friars. The names of these devoted missionaries were Francisco Hidalgo, Nicolas Recio, Miguel Estelles, Pedro Fortuny, Pedro Garcia, Ildefonso Monge, Jose Saldana, Antonio Miranda, and Juan de Garayuschea. They extended their operations as far as Red River, baptizing many thousand Indians.

On the third of May, 1693, Don Gregorio Salinas headed an expedition into Texas; but, finding that the Indians had rebelled against the rigorous military and religious discipline of the missions and that drouth had destroyed crops and cattle, advised the abandonment of the country, a movement sanctioned by King Philip II, who authorized abandonment "until such time as circumstances should offer more hope of success."

The French did not, however, relinquish their claims to Texas until after several abortive attempts to enforce them were made under the pretext that the Rio Grande was the southwestern boundary of Louisiana—an undefined extent of country.

In 1699, Iberville, the French Governor of Louisiana, was sent to found a French colony on the Mississippi. He also nominally re-asserted the claims of France to Texas.

In 1712 Louis XIV granted "all the territory watered by the Mississippi and its branches," to Anthony Crozat, an enterprising French merchant, who hoped, under this grant, to plant colonies in Texas and to establish commercial intercourse with Mexico and obtain an interest in her mines.

The expedition of Jugureau St. Dennis into Texas, in 1714, which Cadilac, the French Governor of Louisiana, styled a "piece of insanity," while at the same time he gave his consent to it, was undertaken with a view of consummating the schemes of Anthony Crozat, in which he hoped, of course, to enrich himself.

St. Dennis had brought with him from Canada a company of hunters and trappers, hardy, adventurous men, well suited to his undertaking. Leaving some of the Canadians at Natchitoches, to hold a fort which he had established there, he crossed the Sabine with about twelve men and a number of Indian guides. Traveling west he reached the Neches at the Indian village of the Ceniz, who treated him with hospitality, on account of the good will which they still cherished for the unfortunate La Salle.

Traveling west, following his Indian guides through unknown wastes and over mysterious trails, he reached San Juan Bautista, the Presidio of the Rio Grande, in August, and made known his mission to Villeseca, the commanding officer at that post. His object was ostensibly to purchase beeves, horses and commodities with which the mission was supposed to be abundantly furnished.

St. Dennis improved the delay incident to awaiting an answer from the Governor of Coahuila, by falling in love with Maria, the beautiful daughter of the hospitable Villeseca. Unfortunately the messenger was charged with the double errand of asking a privilege for St. Dennis, and bearing for the father of the lady a letter, informing the Governor (also a suitor for her hand) of the fact that she was indulging a tender passion for the handsome Frenchman, and adding

his suspicion that St. Dennis' visit had political significance. When the messenger returned he was accompanied by an armed guard of twenty-five men, with instructions to send St. Dennis to Monclova, without delay, under escort. Arriving at Monclova, St. Dennis was heavily ironed and thrown into prison. The Governor, Gaspardo de Anaya, visited him in prison and offered freedom if he would renounce his claim to the heart and hand of the young lady. This proposal was rejected with scorn. The Governor then sent a message to the Donna Maria saying that if she did not consent to marry him, St. Dennis would be immediately put to death. The reply was a positive refusal, coupled with the threat that if St. Dennis was executed by his order, or died in prison from harsh treatment, "You may tell him that by my own hand or that of a trusted friend, a dagger shall be planted in his cowardly heart."

It appears that in St. Dennis Villesecas had encountered no ordinary antagonist. To a majestic figure, trained in its movements in the French military schools, as well as in the polite circles of that polite nation, was added a strength of character, a warmth of heart, an eloquence of tongue, that won to him all with whom he came in contact. Villesecas increased the severities of his imprisonment, until at the expiration of six months, he would not have been recognized by his nearest friends. His long matted hair and beard, emaciated body and haggard face, told only too plainly his sufferings, which if prolonged would undoubtedly soon have terminated his life. An unexpected change was at hand. To the surprise of Villesecas and himself, a courier from the city of Mexico brought from the Viceroy, the Duke of Linares, a command for the prisoner to be sent immediately to that city. *Some one had evidently appealed to him.*

Still loaded with chains, St. Dennis was mounted on horseback, and with a guard of twenty armed men, started on a journey, the object and termination of which were alike a

mystery. At the expiration of about three weeks, his prison door was opened, and a young French officer entered. After a hasty examination of the cell, he said to the almost expiring prisoner: "Who are you, and why are you here?"

"My name," he replied, "is Jugereau St. Dennis; I am a gentleman by birth, a prisoner by treason, and I am waiting for justice to be rendered to me."

"Were you not born in Canada?"

"Yes."

"Raised in France?"

"Yes."

"And you went to Louisiana to make a fortune?"

"Yes."

St. Dennis, blinded by the darkness of his cell, could not see his questioner, and believed himself dreaming as he heard the jailer ordered to strike off his shackles, and found himself in the embrace of a friend.

"Who are you?" he asked faintly.

It was the Marquis of Larnage, a school-mate and intimate friend, who, like many of the young noblemen of France at that day, had taken service in the Spanish army. He had been ordered by the Viceroy to make an inspection of the Mexican prisons in search of "a man who," some unknown person had written, "is unjustly detained, and as to whose good character the good faith of your excellency has been betrayed. Before God you will be accountable for his death now that you are notified."

It is not difficult to imagine to whose intelligence and constancy St. Dennis was indebted for his release, and the country for the services he was spared to render.

Neither the charms of that gay society, which availed itself of the conquered wealth of a rich country and was brilliant in display, the company of his best friend nor the tempting offers of the Viceroy, could make St. Dennis forget his mission, or his fidelity to the woman who had saved him.

The proposed innovation upon the established rule of exclusion of foreigners could not be considered in Mexico until the King of Spain gave his consent. St. Dennis, therefore, determined to return to the Presidio. In reply to the Viceroy's renewed offer of high rank in the Spanish army, he replied: "I can serve but one God. I am a Frenchman and, as much as I esteem the Spaniards, I wish to remain a Frenchman." At parting the Viceroy expressed his admiration for him and assured him that in any emergency he might command his friendship and his sword.

The Duke of Linares provided St. Dennis liberally with funds, horses and a strong escort, for his journey. Passing through Monclova he paid a visit to the Governor, his rival, and had the satisfaction of assuring him that, as far as personal revenge was concerned, he need fear nothing. Passing to the Presidio, he had the happiness of renewing his troth with the young lady, and an opportunity to overcome the opposition of her father. He found the Presidio in confusion, and the commander, Villesecas, in the greatest consternation and absolutely held at bay. The Indians, living in five villages around the fort, had rebelled against the exactions of the Spaniards and left their reservations, and were abroad in arms. St. Dennis pursued them alone, and, as their women and children were with them and they were removing all their effects, soon overtook them. He raised his white handkerchief upon the point of his sword. It was recognized and the Indians immediately halted. They soon surrounded him, and so vividly did he picture to them the folly of abandoning their homes and going forth with not a spot of earth they could claim whereon to pitch a tent, the exposure of their women and children to the rapacity of wild beasts and still wilder and more ferocious Indians, that they soon began to hang their heads in doubt. St. Dennis, seizing this favorable moment, pledged the honor of the Spanish government that they would receive the indemnity claimed by

them, and that the burdens they complained of would be promptly removed. This appeal and promises had the desired effect, and they peacefully returned to their former homes.

The young Castilian beauty was his reward. After two years' delay, awaiting an answer from the court of Spain, which, when it came, was in the negative, he returned to Mobile, leaving his wife at the Presidio.

The unsuccessful issue of this first expedition under St. Dennis caused Anthony Crozat, disappointed of the quick returns of wealth which he had anticipated, to, in 1717, surrender his charter to a Mississippi French trading company.

St. Dennis, for the double purpose of visiting his wife and renewing his exertions in favor of opening a line of commercial communication between Coahuila and Natchitoches, where it would appear, his Canadians had been the nucleus for a fort and a town, left Mobile again to perform the hazardous journey, with three Canadians. There appears on the map a trail marked "the contraband trail, laid out in 1714, from the Presidio across the Sabine." He again paid the Cenis Indians a visit and at their camp on the Neches separated from his companions, and hastened on to the Presidio. Finding that goods which he had left there had been seized, he made that loss an excuse for going on to the city of Mexico for the alleged purpose of procuring redress. At the capital he hoped, in fact, to obtain permission to perfect and carry into effect his former plans.

His friends, however, were no longer in power. On the contrary, the new Viceroy, the Marquis of Valero, was on terms of ill-will with most of them, and especially with Linares.

St. Dennis' old enemy, Gaspardo de Anaya, still smarting under the remembrance of past humiliation, represented him as a suspicious character, whom it would be safe to imprison, as nothing short of a plot against the government could have

induced him to undertake such an unheard of and perilous journey.

He was accordingly imprisoned. Again his wife testified her devotion. In person she went to the city of Mexico, and by earnest appeals and protestations of his innocence, aroused the enemies of Valero, who were numerous, and who went in a body to the prison and forcibly released St. Dennis and afterwards compelled the Viceroy to reimburse him for his loss in double the value of his goods.

The friends of St. Dennis, proposed to furnish him with a strong escort to conduct him out of the country. This he refused, saying, "I have three means of defense against two scoundrels—my good steed, my trusty sword and the Indians." He returned to Mobile in safety. It was truly said of him: "He has the soul of a true knight, in a body of steel."

It has been said that he had great magnetic power. This was acknowledged to a wonderful degree by the Indians. He had been appointed to command the fort at Natchitoches, and was brought in contact with them far and near, and could at any time on short notice command the willing services of 6,000 or 7,000 warriors.

The Natchez particularly feared him and after the massacre of the French settlers in Louisiana by that tribe, on the 28th of November, 1729, the chiefs, believing that he would collect his friendly Indian forces and exterminate them, sent 200 warriors to entrap him. These, upon arriving near the fort (garrisoned by 30 soldiers) were discovered by the guards. The Natchez warriors sent a delegation to him, addressing him as "big chief," and begged him to make up the quarrel between them and the French. As proof of their desire for peace they proposed to surrender to him a French woman, whom they had long held a prisoner. To this St. Dennis agreed, stipulating only that but ten warriors must come within the fort to surrender the woman. The Indians retorted

that to refuse to receive them all showed a lack of confidence in them that they did not deserve. He persisted, and ordered them to instantly surrender the prisoner, for whom he promised to pay a ransom.

The Natchez, suspecting the real condition of the fort, thereupon began fortifying their camp and erected in front of their tents a funeral pyre upon which they bound the woman. St. Dennis hastily sent messengers to his friendly Indians, and with twenty men from the fort at once made a furious attack upon the Natchez. At the first onslaught all of his men but eight were killed. For two hours he fought against desperate odds, hoping that reinforcements would arrive. "He was seen," says an historian of the time, "springing like a lion among the crowd of warriors, forcing them back. He looked like an angel of vengeance accomplishing his work of destruction, invincible himself in the terrible fray. He fell at last, hit by three bullets in the head and two arrows in his breast." There were but two survivors. The Natchez ceased firing and retired.

In 1719, war having been declared between France and Spain, Bernard de La Harpe invaded Texas from Louisiana with French troops, intending to drive out all Spanish missionaries and settlers. He was met near San Antonio and driven back by a Spanish force. He had however the persistency and hardihood to stop on the Neches river among the Nasonite Indians, instead of recrossing the Sabine. This gave rise to a spirited correspondence between himself and the Spanish Governor, as to boundaries and claims.

The struggles of the French to sustain their claim to Texas, though persistent, were feeble, and ended where they began, at Matagorda Bay. The last effort was in 1721, when Belisle was sent by Bienville to plant a colony at La Salle's old fort. This also was unsuccessful.

CHAPTER II.

SPANISH MISSIONS AND MISSIONARIES.

Texas Indians, Their Haunts and Mode of Life — Objects had in View in the Establishment of Missions — The Missionaries, Monks of the Order of San Francisco de Assaesi — Rules of their Order — Methods adopted to Civilize the Indians — Father Margil, the Catholic Apostle of Mexico — Names, Location and a Brief Review of the History of a Number of Texas Missions — Texas Created a Separate Province with its own Governor.

The Texas Indians occupied separate localities, each tribe with its own chief, habits and language, and did not, like the Indians of Mexico, build cities and temples, cultivate the soil, manufacture cloths, establish schools of art, etc.

The Lipans and Carancahuas inhabited the coast country along the lower waters of the Colorado and Brazos rivers and were mostly fishermen. They were expert swimmers and, especially the Lipans, were swift of foot. Among the Lipans La Salle founded his first settlement and received from them many evidences of a kindly disposition.

The adjoining nation to the east was the Ceniz, inhabiting the San Jacinto valley, the country contiguous to Buffalo Bayou and the Trinity River, their principal villages being situated on the Trinity. When the French discovered them in 1686, they reported them as hospitable and kind, with large and populous villages. Their huts were thus described: "Trees are planted closely and their branches united above and covered with grass, some of them as high as 40 or 50 feet. Their beds are arranged around the cabins, three or four feet from the ground. The fire is in the middle. Each hut contains two families. They raise corn, and, through the Comanches, obtain from Mexico horses, money and silver-ware."

Between the Neches and the Sabine were the Ascenais, the Adaes and Aes, parts of the great Caddo nation, in disposition and habits of life resembling the Cenis.

The Toncahuas roamed between the Colorado and Guadalupe, below the mountains which separated them from their enemies, the Comanches. The Wacos (Spanish, Hueco) had their main village in the interior, their central territory being the valley of the Brazos; while, nearly allied with them, on the north and east were the Tehuacanos. Other tribes had movable villages or led a strictly nomadic life. The Comanches and Kiowas, veritable Arabs of the desert, moving quickly on their horses from point to point, as inclination or interest dictated, were mostly on the north and northwest, remote from the coast. Depredating on the Aztecs before conquest and before horses came from Spain, they transferred their depredations to the Spaniards on their advent. The Comanche and Kiowas were a murderous, thieving, bloodthirsty race. The Bedais were on the Trinity; and, in the region of Goliad, were the Anaquas, one of the earliest tribes to become extinct. Remnants yet exist of the Anadarcos, Ionies, Keechis, Wichitas, and other tribes.

The establishment of Missions in Texas was a means resorted to by the Spaniards to obtain control of and convert the Indians from dangerous neighbors to profitable vassals, and to create formidable barriers to the intrusion of foreigners into the country. At the same time it was hoped that the spread of the Roman Catholic religion among the aborigines would have the same beneficent effect morally, as was claimed for it in Mexico. The missionaries, monks of the order of San Francisco, were eminently qualified for the gloomy undertaking. Originally, they were from Naples. Afterwards, becoming divided into sects, they extended into Spain. San Francisco de Assaesi, their founder, prohibited learning. His principal injunctions to them was to "preach and beg." The severe discipline prescribed by him and the command

respecting intellectual culture were afterward relaxed and many men of learning have emanated from their colleges. Monks of this order accompanied Cortez to Mexico, and to their zeal the country was indebted for the founding of the Franciscan colleges at Zacatecas and Queretaro. In coming to their work in Texas these friars had little temptation to violate the rules of their order "to go barefoot, wear coarse woolen frocks, fastened about the body with a string, wear a scourge or knotted rope suspended from the waist; deny themselves all social family intercourse, and claim for their own no earthly possession."

It was to be expected that their wants, which in Mexico had gone far beyond their necessities, would at first be supplied from the abundance which was so rapidly enriching the church in that country.¹

It was not the duty of the priest or soldier to labor with his hands — enough that the former brought the cross and the latter the sword.

As a first step toward christianizing the Indians, it was necessary to induce them to adopt settled habitations, and abandon their customary hunting, fishing and predatory expeditions. To accomplish this they were gathered about the Missions and an effort made to convert them into tillers of the soil.

It is hard to understand by what subtle method the monks first enticed these Arabs of the hills and plains of Texas within reach of their teachings, and compelled them to the observance of regular and rigid rules of living; but images of saints, gorgeously attired, pictures illustrative of the passion of the Savior, the awe-inspiring elevation of the Host, illuminations, feast days, presents of food and clothing, medical attention for the sick and care of the aged and infirm, all

¹ In 1685, La Salle brought from Rochelle, France, as part of his colony on Matagorda Bay, a missionary force of seven priests — four of them Recollect fathers, and three priests of St. Sulpitius.

congenial to the natural superstition and cupidity of the Indians, were doubtless the chief inducements used. "First," wrote a venerable father, "we have to transform these savages into men and then labor for their conversion to Christianity."

In the beginning the Mission buildings were, many of them, temporary structures and, scattered over an immense stretch of sparsely settled territory, their existence was often precarious.

To nothing can the comparison — "Like the baseless fabric of a dream" — be more appropriately applied than to the labors of the missionaries in Texas. Here and there voiceless ruins, within whose walls once knelt throngs of worshipers; or a ditch for conveying water through their fields, silently reminded the living of their century and a half of toil. Here and there Time's effacing fingers have spared (much affected by decay) statuary and bits of carving that attest the artistic skill and patience employed in the construction of many of the Missions. And the Indians, too, are gone. It remains for us, as a tribute to the memory of the self-sacrificing Franciscan monks, to consult the few and almost obliterated records that they have left and to convey some general idea as to their work; what they accomplished and what they attempted to accomplish with sword and crozier.¹

It was the custom of the Spaniards, in taking formal possession of a place, to erect a cross, celebrate mass and the communion and baptize all the inhabitants who could be induced to receive that ordinance. Such places became the nuclei for churches, which, if properly located, were garrisoned for defense. Grounds were then added, as occasion required, and they in time became presidios, or cathedrals. Bodies of land, amounting sometimes to twenty-five miles square, were appropriated to each Mission for purposes of

¹ In 1794, when the control of the presidios was taken from the Franciscan friars and they were placed under pastors, their archives were taken to Mexico with the friars.

agriculture and raising stock. Each Presidio or military garrison attached to a Mission of the highest order, had usually about two hundred and fifty soldiers governed by a commandant. The buildings at a Mission were arranged around a square, and consisted of a church, residences for officers, priests and soldiers and store houses and prisons. Houses designed for protection against wild Indians were usually inclosed within walls of strong masonry or stones. Huts for the converted Indians were situated outside such walls. Unmarried Indians of either sex occupied separate huts which were locked at night, the priests carrying the keys. A certain amount of labor was exacted from them, and they were required to conform strictly to the ceremonies of their religion. Any failure upon their part was punished by whipping inflicted by the soldiers — the women being chastised privately, the men in public. Favored Indians were exalted to the position of proselyters. The skilled artisans among the friars taught them to work on the buildings, and husbandry was taught them as well as it was then understood.

In 1690, having left a few men in San Antonio in 1689, De Leon again visited Texas and established a temporary Mission on the Trinity; and in 1691 Teran, with the nine Franciscan friars, established Missions as far east and northeast as Red River.

The friars at the Mission at Nacogdoches and the Missions among the Asinaes, Adaes and Aes Indians, in the same region, were mostly dispersed during the contentions between the French and Spaniards, and, with their Indians, removed to San Antonio.

When Don Domingo Ramon came through the country with St. Dennis in 1714, leaving twenty-five men at San Antonio, he took back to these Missions the priests whom La Harpe and other French leaders had driven off.

In 1716, the great Catholic apostle of Mexico, Fray Don Antonio Margil de Jesus, established, with other priests, six

missions in the northern part of Texas. In that year, Ramon, from the Mission of Nacogdoches, sent an express to Valero, Viceroy of Mexico, beseeching him to supply the settlers at that place with food, as they were on the point of starvation. Subsistence, soldiers and artisans were forwarded, with instructions to teach trades to the Indians. Father Margil was a successful minister, teacher and father to his flocks, and to his labors, more than to those of any other friar, are due the conversion and civilization of large numbers of Indians.

In June, 1719, during the war between France and Spain, the missionaries and their flocks again retired from the east to San Antonio, but these Missions were afterward re-established and made more secure by Viceroy Valero, who ordered Miguel de Aguayo to take the priests and their flocks, back, and 500 cavalry soldiers to divide among them. Thus protected, settlers congregated around the Missions, and they enjoyed a measure of prosperity.

In 1703 the Alamo was founded on the Rio Grande as the mission of San Jose. It was then moved into the interior and named San Ildefonso; then back to the Rio Grande and named San Francisco Solane. Seventeen or eighteen years later, it was removed by Father Margil to San Antonio de Bexar and located at San Pedro Springs, under the name of San Antonio de Valero. In 1732, it was moved to the Military Plaza and in 1744 it was moved to its present locality and afterwards christened The Alamo.

The Mission of Concepcion, on the left bank of the San Antonio River, about two miles below the city, dates back to March 5th, 1731, the day of laying the corner stone by Captain Perez, of the garrison, and Father Bargarro.

The San Jose Mission, standing on the right bank of the San Antonio River, four miles below the city, was founded in 1720, by Father Margil, and was fifty-three years in reaching completion, before which time the reverend Father died and was buried in the city of Mexico. The beautifully carved

images which adorned it were made by an artist named Huicar (We-kar) who was sent over from Spain for the purpose.

The Mission of San Juan Capistrano and San Francisco de Espada (with its sword shaped tower) respectively situated eight and twelve miles below San Antonio, were also founded by Father Margil.

San Saba Mission, on the San Saba River, in Menard County, was founded in 1734, by a company of Fathers from Santa Fé, for the special spiritual benefit of the Comanche Indians, and gave great encouragement to the Fathers until the opening of the San Saba silver mines in the neighborhood of the Fort. The opening of these mines resulted in the demoralization of the Indians. Seizing an opportunity, when the few soldiers stationed at the Mission were absent, they turned upon the missionaries, and put all of them to death. The present handsome Cathedral of San Antonio is a new front added in 1868 to the parish church of San Fernandez, built in 1732, and named for Ferdinand, King of Spain. The last Mission which the Franciscans established in Texas, was that of Refugio, in the present town of that name, in 1790.

In 1727 Texas, with the Medina for its western boundary, became a Province, with its own Governor, Don Juan Antonio Bustillos y Cevallos.

CHAPTER III.

San Antonio laid out into blocks and by Don Antonio de Villa and Senor y Sanchez — Town of San Fernando on opposite side of River — Colonization at the National Expense recommended by the Marquis de Aguayo — Colonists from the Canary Islands and elsewhere — Expense of introducing immigrants so great as to prevent the further prosecution of the scheme — Settlers harassed by the Comanches — Comanches chastised by Governor Cevallos — Sandoval appointed Governor of the New Philipinas — The Honda Creek agreed upon as the Boundary between Texas and Louisiana — Boundary Disputes — Persecution of Sandoval by Franquiz and the new Viceroy, Vizaroni — Condition of the country after Sandoval's removal — Barter and sale of Colonies — Disastrous Flood — Harsh immigration rules retard Settlement — Spanish jealousy revived by Claims made by the United States founded on La Salle's Exploration.

San Antonio — or the Presidio de Bexar — was laid out and divided into blocks, by streets, for settlers by Don Jose Antonio de Villa and Senor y Sanchez, Comptroller-General of the Royal Accounts of Quick-silver and Cosmographer of the Kingdom of New Spain, or Mexico. De Castro says, "It is the capital of the Province of Texas, although the fort or Presidio of our Lady del Pilar de los Adaes should be the capital on account of being situated nearer the frontier."

The Fort or Presidio of San Antonio had then a garrison composed of a Captain, Don Antonio Perez de Almazan ; one Lieutenant, one Ensign, one Sergeant, and forty-seven soldiers. Contiguous to it on the opposite side of the river, was the town of San Fernando, laid out in 1731 by the order of the Marquis of Casa Fuerte, Viceroy of Mexico.

Previous to this, the Marquis de Aguayo, the Governor General of Coahuila, had the sagacity to report to the King of Spain his belief that Texas could never be settled permanently

by priests and soldiers, and to recommend colonizing at the national expense.¹

Accordingly he petitioned for four hundred immigrant families to be introduced, the government to support them for one year. The Canary Islands, then belonging to Spain, had been repeopled in the latter part of the fifteenth century with Spaniards, and from this source, in part, it was proposed to draw the new colonists, and in part from Tlascala in Mexico.

The Province of Coahuila was called New Estremadura, and Texas received the name of New Philipenas, after the colonists from those islands arrived to settle in it in 1731. Sixteen families from the Canary Islands arrived and in July of that year petitioned the captain, Almazan, for a partition of irrigable lands, which was granted. Several Mexican settlers also arrived.

The great expense of this immigration scheme prevented its repetition, the sum of \$72,000 having been already expended. Added to this was the expense of keeping up the garrisons. There could be no immediate returns in money. The Spanish government accordingly sought to reduce expenditures. It suppressed the fort on the Neches, and reduced the military force over the whole province from 243 to 145 men. They were stationed at the garrisons at Adaes, Matagorda Bay and San Antonio.

The settlers at San Antonio soon began to experience the ill effects of this unwise policy in renewed forays of the Comanches and Apaches, who could bring into the field ten thousand mounted warriors familiar with the use of fire-arms as well as the use of bows and arrows. The chief villages of the Comanches and Apaches were situate in the passes of the mountains from 50 to 100 miles from San Antonio. These

¹ The Franciscan Fathers were succeeded in their work by Pastors, who were, in about 1839, furnished partly from Kentucky and Missouri.

Indians however traveled at will over all the country as far as Santa Fe.

In 1732 Governor Cevallos conducted a vigorous campaign against the Indians and surprised them and administered chastisement that they did not soon forget. Many of the prisoners were added to the Church and a period of peace followed in which the colonists substantially improved their condition.

The Marquis of Casa Fuerte, the Viceroy of Mexico and friend of Texas, in 1734 appointed Don Manuel de Sandoval Governor of the new Philipinas. Sandoval was a Spanish soldier, who had risen from the rank of cadet to that of captain of grenadiers. He had been Governor of Coahuila for seven years. He immediately inaugurated campaigns against the Indians, and kept them in check. Having irrigable lands around San Antonio, the labors of the husbandmen were amply rewarded and their horses, cattle and sheep multiplied.

Sandoval, more soldier than statesman, while pursuing his military expeditions kept his headquarters at San Antonio, when he should have been at Adaes, watching the French, who had a mission among the Natchitoches Indians on the right bank of Red River. He stationed at Adaes, however, Lieutenant Don Jose Gonzales, whose duty it was to keep him informed of the movements of the French, and of whatever else might demand official attention.

Pending a final settlement of the controversy as to territorial limits, the Honda creek, a tributary of Red river, was agreed upon as the boundary between Louisiana and Texas.

It happened that after a heavy rain, the spot on which the French mission stood was overflowed. Orders were immediately given by the French Governor to remove the buildings and they were erected by St. Dennis at a point a few miles nearer Adaes. This action was followed by remonstrances on the part of Spain and a spirited revival of the claims of France, the latter founded upon the explorations of La Salle. In the meantime, the good Viceroy, Casa Fuerte, died, and

Vizaroni, Archbishop of Mexico, became Viceroy. He, to provide a place for Don Carlos de Franquiz, who had been disappointed of a situation in Tlascala, Mexico, sent him to Texas to take Sandoval's place as Governor. Franquiz reached San Antonio in September, 1736, and entered upon the discharge of his official duties by insulting the priests, opening and reading private correspondence, and beginning a series of persecutions, directed against Sandoval, that resulted in the first lawsuit instituted in the Province.

Under his orders Sandoval was arrested and put in irons, and criminal charges preferred against him. The accusations were :

First. That Sandoval had permitted the trespass of the French upon Texas soil; to which he answered by producing his remonstrances with St. Dennis and the correspondence that followed.

Second. That he had kept his official residence at San Antonio instead of at Adaes; to which he answered that he could not carry on Indian campaigns and stay in his office.

Third. That he had not kept the records of the garrison; to which he answered by showing the official memoranda kept.

Fourth. That he had reduced the number of paid missionaries, in order that he might increase his own exchequer. On examination, a balance was found due him of \$1,300. These charges were investigated by a special commissioner sent from Nuevo Leon for that purpose.

The first charge involved the question of boundary and could not be sustained without further testimony. On the second, he was fined \$500; on the third and fourth he was acquitted. The commissioner deposed Governor Franquiz. Sandoval, however, had to pay all the costs, which with the fine amounted to about \$3,500, as the deposed Governor had no money. In 1738 he made complaint that injustice had been done him, and the complaint and a copy of the trial record were sent to the Attorney-General in Mexico. During the

pendency of these proceedings Sandoval removed to Vera Cruz.

On the fourteenth of July, 1740, an order was sent to Governor Boneo, successor to Franquiz, to take testimony at Adaes on the following points: (1) How far is it from Adaes to the French post on Red River? (2) What houses or forts have the French erected there? (3) When where they erected? (4) Who was Governor of Texas at the time? (5) What diligence did he use to prevent the trespass? (6) Did he neglect his duty? (7) What was his duty? (8) Was free passage or contraband trade allowed by him?

The commissioner was also instructed to secure any and all information bearing on the questions at issue.

Among the numerous witnesses examined were many old soldiers, who had been at the post for twenty years. They testified that the Arroyo Honda Gran Montana, half way between the two posts, had always been considered the boundary by both parties; that when the Spaniards established Adaes they found the French at Natchitoches and in possession of the country on the bank of the Red River as far as the Honda; that although Sandoval had used all lawful means to prevent the trespass of the French, he had never claimed farther than the Honda, and, lastly, that notices forbidding contraband trade had been everywhere set up. On this evidence Sandoval was acquitted, but the matter was not suffered to rest. The old Archbishop was succeeded as Viceroy by Duke de la Conquista. Franquiz applied for new proceedings and Sandoval was arrested in Vera Cruz and thrown into prison, where he remained four months before being tried and acquitted by a new Viceroy. The latter issued an injunction forbidding farther proceedings against him. The transcript of these proceedings (thirty volumes of manuscript) was sent to the King of Spain, and in the discussion between the Spanish government and the United States, in 1805-1811, with regard to the boundary of Texas, was brought forward and utilized.

Many of the best Spanish families of San Antonio are descended from the Canary Island *emigres*. The false economy which prevented the further introduction of these desirable colonists, and reduced the soldiers at the military garrisons to a number insufficient for protection against the Indians, together with the removal of Sandoval from office, was followed by results that might have been anticipated.

The massacre of the San Saba missionaries by the Indians, in 1758, although the Indians were severely punished in that year by an expedition under Padillo, was a heavy blow. The frequent changes of government, and the want of security to life and property, were also depressing.¹ The people were without means for the sale or exchange of the products of their lands and the increase of their flocks and herds and commerce with Louisiana (which offered an inviting market) was so jealously guarded as to amount to prohibition, except to smugglers. All the resources of the country, however, were taxed to pay the annual tribute demanded by Spain. To render the situation still more deplorable, not a dollar of the public revenue could be used for the benefit of the colonies, without the consent of the parent country. This was never obtained, as the expenses of the colonial government were supposed to be regulated and defrayed by the crown, and the revenues never found their way back from the Spanish treasury.

The barter and sale of colonies without their consent that often attended the wars and peacemakings of European states furnished an additional source of uneasiness. An illustration in points is the transfer of Louisiana to Spain in November, 1762. This event was kept secret from the people of the territory affected for eighteen months. In the new adjustment of frontier defenses which followed the transfer, the troops at Adaes were withdrawn, the mission broken up, and the settlers re-

¹ In 1765 the Comanches compelled the soldiers to move their tents within the walls of the mission.

moved to San Antonio, where a labor (177 acres) of irrigable land was divided among them, called the "Labor de los Adaesenos."

When Don Jose Galvez was Viceroy, in 1785, the port of Copano in Texas was open for trade, and a small commerce begun, which it was said, soon developed into smuggling.

In the division of the military department of the Internal Provinces of Mexico, in 1788, by a decree of the Viceroy, Antonio Flores, into the western and eastern departments, Texas was attached to the eastern department, with military headquarters at Santa Rosa, province of Coahuila. Under this plan, in 1789, Colonel Don Juan do Ugaldo (not Uvalde), commander of the Eastern Internal Provinces, pursued the Indians into the canon of Ugaldo and killed several hundred of them, insuring peace to Texas for many years. Nine years later, Mexico was divided into ten military brigades, and Texas was attached to the tenth, with military headquarters at San Luis Potosi. This period of prosperity (during the continuance of which many rancheros occupied portions of fine grazing land), was followed by a disastrous flood that, among other damage wrought, inundated Padre's Island, destroying 50,000 head of cattle.

Under the Spanish policy, population increased but slowly. Mexico, though swarming with inhabitants, did not furnish emigrants. Texas, with its numerous tribes of hostile Indians, its isolation from markets, and the dangers of travel across its waters, did not possess attractions for a people accustomed to go to convenient marts, carrying their wares on their backs, or when considerable, on pack mules, and for whose subsistence the trees of the forests and esculent roots afforded an ever ready supply of food. A mule trail stretched from Adaes to San Antonio, the Rio Grande river, Saltillo, San Luis Potosi, Queretaro and the city of Mexico. This was the only highway in the country open for traffic, and to make the journey on mule-back required

two months and a half. This trail across Texas passed through a territory swarming with Indians.

Foreigners were prohibited from entering the country under penalty of imprisonment or death, and no vessels were permitted on the Gulf of Mexico except those flying the Spanish flag. The population of the settlements at San Antonio, Nacogdoches (to which place, in 1778, several wealthy families from Louisiana had immigrated), La Bahia (Goliad), Mound Prairie, Orquisaco and perhaps other small cantonments (aside from a few ranches), with the converted Indians, is said not to have exceeded 1,500 souls.

In 1803, when Bonaparte sold the territory of Louisiana to the United States, the jealousy of the Spaniards with regard to the eastern boundary of Mexico was revived by the United States affecting to recognize and found its boundary claims upon La Salle's claim in the name of the French King to Matagorda Bay and all the adjoining country. Under new prohibitory orders, several small parties were arrested, and the Spaniards tore down the United States flag which had been hoisted at a little Caddo village, just north of Natchitoches, at which place President Jefferson had ordered Major Porter to garrison a fort.

CHAPTER IV.

Don Juan Quintero — Ill-fated Expedition of Philip Nolan — Extracts from Musquiz' diary — List of Nolan's followers.

Most that was formerly known and deemed authentic in regard to the adventures and ill-fated end of Philip Nolan in Texas, from his first expedition in 1797 to his death in 1801, was derived from the narrative of one of his companions, Ellis P. Bean (a youth of twenty-two years at the time of Nolan's death) who, after twelve years' imprisonment in Mexico, took part in the revolution against Spain, survived that contest and held rank as an officer in the Mexican army after its triumph. Of him more will be said farther on. But to the translation of old Spanish documents in Mexico by Don Juan A. Quintero, a worthy Cuban exile, well known to the author of this work and many others in Texas, we are now indebted for valuable introductory explanations and the Spanish official account of Nolan's career and the fate of his men.

“ Philip Nolan, of Irish origin and a citizen of the United States, residing in Natchez, Mississippi, obtained a passport from the Baron de Carondelet, Governor of Louisiana, July 17th, 1797,” says Quintero, “ to go to Texas for the purpose of buying horses for the Louisiana regiment then being organized at New Orleans. He repaired to San Antonio de Bexar, where he made the acquaintance of the Governor of Texas, Don Manuel Munoz, and, through the kind offices of the latter, entered into correspondence with General Pedro de Nava, then commanding the eastern Spanish provinces, with headquarters at the city of Chihuahua.

A permit was granted Nolan to obtain the horses desired in the Province of Texas and New Santander (now Tamaulipas,

Mexico), and about the end of July, 1798, he took with him 1,297 head, which he kept for a while on the pasture grounds of the Trinity River. Soon after, he returned to Natchez.

The Viceroy of Mexico, Marquis Branciforte, on the 12th of February, 1798, transmitted a communication from the Governor of Louisiana, Don Manuel Gayoso de Lemos, successor of Baron de Carondelet, to General Nava, requesting him, as a matter of great import, to arrest any foreigners who might go into the Spanish Provinces, as he had been informed that it was the intention of a number of Americans to visit the country for the purpose of becoming friendly with the Indians and instigating revolt. He desired Nolan to be closely watched. At that time the movements of the English and Americans had created suspicion, and it was thought that even the French designed to invade Louisiana, then held by Spain.

On the 1st of June, 1799, the Governor of Louisiana, Gayoso de Lemos, addressed an official communication to the commanding general, Don Pedro Nava, recommending that no American be permitted to reconnoitre the territory, and stating that he knew that a number of strangers had gone into Texas, and that the most dangerous intruder was Philip Nolan, who, through deception, had obtained a passport from his predecessor, the Baron de Carondelet. He alleged that Nolan was a hypocrite and sacrilegious man; that he professed to be a Catholic among Spaniards, and laughed at the Catholic religion when among Americans; that he was commissioned by General Wilkinson (who had raised and educated him), to reconnoitre the country, draw maps, and make offers to the friendly Indians to induce them to rebel against the Spaniards, and that it would be important to secure and dispose of him in such a manner that he might never again be heard of.

On the 8th of August, 1800, the commanding general ordered the Governor of Texas to arrest Nolan, in case he

returned to the Province. On the 6th of October, 1800, the commander of the fort at Concordia, Louisiana, addressed an official communication to the military commander at Nacogdoches, informing him that Philip Nolan, under the pretext of chasing wild horses, was organizing an expedition of thirty or forty armed men to enter the territory of Texas; and that he had remonstrated with the authorities at Natchez, Miss., but was satisfied they would not discountenance the plans of Nolan.

The communication was forwarded from Nacogdoches to the commanding general at Chihuahua, and was by him transmitted to the Viceroy, at the city of Mexico.

The commander at Concordia, under date of December 13th, 1800, forwarded a copy of the voluntary statement of Mordecai Richards, in which the latter declared, before the above mentioned military authority, that he left Natchez with Nolan and about thirty-four armed Americans and six or seven Spaniards; that at Nogales (Walnuts) they crossed the Mississippi, and Nolan told him that he relied on him to guide them, as he was well acquainted with the territory of Texas, which he promised to do on account of the advantageous offers made him by Nolan; that thence they directed their course to the northwest; that during their march he was obliged to hunt for the party; that about six miles from the Washita post, Nolan was detained for a time by a party of militiamen, and sent a letter to the commander of the post by the officer in command of the party and that after the militiamen left he asked Nolan the reason why they had been stopped, and Nolan assured him that he had a permit to go into Texas, and called him aside and said: "You are a man on whom I rely to carry out my plans, and for that reason I have appointed you third in command. If we succeed, you will make your fortune. My plan is to travel northwest, and, passing the settlements of the Caddo Indians, at a certain distance therefrom build a fort, to protect us from

attack. Then we will sally forth to explore the country and its mines, and, after obtaining a sufficient number of horses, we can proceed to Islas Negras and Kentucky without finding any obstacles. There we will find many friends awaiting our arrival, and by that time I will receive authority to conquer the Province of Texas. I will be the general, Mr. Fero the second officer, and you the third in command."

Richards further said that he became alarmed, and, soon after this conversation occurred, began to see the dangers of the expedition and determined to desert Nolan's party, which he did, although he had a son and a nephew in it.

After the events which we have briefly mentioned, Lieutenant M. Muzquiz was ordered to start in pursuit of Nolan and left Nacogdoches on the 4th of March, 1801. The following is a diary of his march with 100 men, 68 regulars from the army and 32 volunteers.

"March 4th, 1801. Left Nacogdoches early in the morning. Took the road leading to San Antonio, and camped at the Rancho de la Botija.

"5th. Continued my march on the same road and camped on La Rais creek.

"6th. Arrived at the Terroros creek.

"7th. Continued my march on the same road. About nine o'clock in the morning arrived at the Angelina river, which, having risen, I ordered rafts to be made to cross it. Camped on its banks.

"8th. At daybreak sent a corporal and six men to repair a wooden bridge on the Neches river so as to facilitate our march. Left with the troops at eight o'clock in the morning. At one in the afternoon reached the Neches, and, the bridge being repaired, I crossed.

"9th. Left the Neches at seven in the morning. About nine o'clock I quitted the San Antonio road, and, taking a course between north and west, I arrived at San Pedro creek, where I camped for the night.

“ 10th. Started early in the morning, camped for the night at La Laguna (a lake).

“ 11. Left at seven in the morning, traveling west. About 10 a. m. arrived at the Trinity river, which, having risen, I ordered ten rafts to be made to cross it. At sun down six Texas Indians joined us.

“ 12. At daybreak I sent four volunteers to the settlement of the Tehuacano Indians, on the Brazos river, in order that they might bring with them a captain of the Texas Indians called El Blanco (The White) to show me the spot where Nolan was. This warrior refused to give me the information desired. Continued traveling west. About noon passed a lagoon, and between it and the Keechi settlement I camped for the night.

“ 13. Continued traveling west. Passed, about nine in the morning, an abandoned settlement of the Keechi Indians. About 3 p. m. arrived at Santa Maria de Garcia creek.

“ 14. Traveled from morning until 1 o'clock p. m. when I arrived at Las Piedras creek, and camped.

“ 15. Traveled north until about 12 o'clock m., when I turned west. About 4 p. m. I arrived at La Vibora creek, where I spent the night.

“ 16. Started at sunrise, course south. Passed through an abandoned settlement of Tehuacano Indians, whence I wended my way west. About 3 o'clock p. m. I arrived at the head of the Navasota.

“ 17. At daybreak I started, course west. About 8 a. m. I was informed by the sergeant commanding the rear guard that two persons on horseback had been seen, and that they had suddenly hidden themselves in a thicket. I sent after them and they were soon found and brought before me. They proved to be two Indians. After some questions I asked them, they informed me that there were in that region about twenty-five men, with Nolan, all of whom had long beards and that if I traveled fast, course west, I would get to the place where they

were about sundown. The Indians told me they would guide me on a route between north and west, so that I could get, without being seen, to the place where Nolan was. They said that the place was between the Monte Grande and the Brazos river. I camped for the night at the Arroyo del Atole.

“18th. Started at daybreak, course between north and west. Traveled until 2 o'clock p. m. when I camped close to a spring.

“19th. Traveled, course north, until about 6 o'clock p. m. Then I took a course west, and stopped on the bank of the Blanco river. I sent seventeen men with the interpreter, Mr. Barr, to explore the place where Nolan was. They returned before daybreak, and informed me that Nolan had a wooden intrenchment and a pasture ground, with some horses, on the banks of the Blanco. I immediately started, wending my way between west and south.

“20th. At daybreak I arrived at the wooden intrenchment, and detained two Indians, who informed me that Nolan and his men were at a place between a creek and some hills, and that they had a house without a roof. As soon as night closed, I started, guided by two Tahuaya Indians; and, traveling all night, I arrived before daylight where Nolan was, and, concealing our men behind a hill, waited for the morning to act.

“21st. At sunrise, having divided my force into three bodies, one commanded by me and carrying a four-pounder, I marched on Nolan's intrenchment. When I arrived at about thirty paces from it, ten men sallied from the intrenchment, unarmed. Among them was Nolan, who said in a loud voice: “No lleguen porque seremos muertos unos otros.” (“Do not approach, because either one or the other will be killed.”) Noticing that the men who accompanied Nolan were foreigners, I ordered Mr. William Barr, an Irishman who had joined my command as interpreter, to speak to them in English, and say to

them that I had come for the purpose of arresting them, and that I expected them to surrender in the name of the King. Nolan had a brief conversation with Barr, and the latter informed me that Nolan and his men were determined to fight. Nolan immediately re-entered his intrenchment, followed by his men, and I observed that two Mexicans (Juan Jose Martinez and Vicente Lara) escaped from the rear of said intrenchment. Soon after they joined us, stating that they had brought Nolan's carbine, which they handed me. At daybreak Nolan and his men commenced firing. The fight lasted until 9 o'clock a. m., when, Nolan being killed by a cannon ball, his men surrendered. They were out of ammunition. His force at the time of the engagement was composed of 14 Americans, 1 Creole of Louisiana, 7 Spaniards, or Mexicans, and 2 negro slaves. Nolan had three men wounded and several horses killed. His men had long beards. After the surrender, I learned that they had left Natchez with supplies for two months, and had been in the woods and prairies of Texas over seven months, living on horse-meat. Nolan's negroes asked permission to bury their master, which I granted, after causing his ears to be cut off, in order to send them to the Governor of Texas.

“ 22d. Remained at same place.

“ 23d. Started for Nacogdoches.”

Here ends the diary of Lieutenant Musquiz, as translated by Mr. Quintero. Opinions differ as to where Nolan was captured. The precise spot is of no historical importance. From the diary of the Spanish Lieutenant, however, it was evidently northwest of, and quite a distance from the head of the Navasota and east of the Brazos; most probably in Johnson County, on what is now known as Nolan Creek. Musquiz names the stream on which the capture occurred the Rio Blanco, or White River. If Nolan Creek is not the Rio Blanco mentioned by Musquiz, the alternative probability is that the clear fork of the Trinity, in Tarrant or Parker

county, is the stream referred to by him. The following is a list of Nolan's followers:—

Stephen Richards, from Pennsylvania, aged 20 years; Simon McCoy, from Pennsylvania, aged 25; Jonah Walters, Virginia, aged 26; Solomon Cooley, Kentucky, aged 25; Ellis P. Bean, North Carolina, aged 22; Joseph Reed, Pennsylvania, aged 26; William Danlin, Pennsylvania, aged 27; Charles King, Maryland, aged 27; Joel J. Pierce, North Carolina, aged 22; Thomas House, Virginia, aged 27; Ephraim Blackburn, Maryland, aged 35; David Fero, New York, aged 24; Vincente Lara, Mexico, aged 38; Juan Jose Martinez, Mexico, aged 31; Jose Jesus Santos, Mexico, aged 21; Lorenzo Hinojosa, Mexico, aged 34; Jose Barben, Mexico, aged 20; Luciano Garcia, aged 42; Juan Bautista and Robert, negro slaves, and Refugio de la Garza, Mexico, aged 30.

The following, although belonging to Nolan's command, escaped from the prison at Nacogdoches soon after the surrender: Robert Ashley, of South Carolina, aged 38 years; John House, Virginia, aged 21, and Michel Moore, Ireland, aged 25.

Nolan's men were tried at Chihuahua by the Spanish authorities, as invaders. Don Juan Jose Ruiz de Bustamente was the prosecuting attorney for the government, and Don Pedro Ramos de Vereas, counsel for the defendants. The judge, Don Pedro Galindo de Navarro, on the 23d day of January, 1804, ordered the release of the prisoners; but as General Nemesis Salcedo, commanding the provinces, objected, they were detained. The proceedings were sent to the King of Spain, and he, by a royal decree, dated at El Pardo, February 23, 1807, ordered the authorities to hang one out of five of the prisoners and condemn the others to ten years' hard labor.

Simon McCoy, Stephen Richards and Thomas House, who were not within the intrenchment and offered no resistance at the time of the attack, were not to draw lots. Those who

were to draw lots were: Luciano Garcia, Jonah Walters, Solomon Cooley, Ellis P. Bean, Joseph Reed, William Danlin, Chas. King, Joseph Pierce, Ephraim Blackburn and David Fero.

Judge Galindo's removal from office was decreed but death anticipated the royal mandate and he slept peacefully with his fathers.

When the King issued his decree to have one out of every five of Nolan's men executed, he was under the impression that the ten prisoners, above enumerated, were alive; but as one of them (Joseph Pierce) had died, the new judge decided that only one of the nine remaining should suffer the penalty of death, and this legal opinion was approved by General Salcedo.

CHAPTER V.

(TRANSLATION.)

The fate of Nolan's comrades — An outline of the remarkable career of Ellis P. Bean.

“ In the town of Chihuahua, on the 9th day of the month of November, 1807, in compliance with the decree of his majesty the King of Spain, transmitted to the commanding General of these provinces with a royal order of the 23d of February of said year and, Don Antonio Garcia de Tejado, Adjutant Inspector of the Internal Provinces of New Spain, proceeding to the barracks of said town, together with Don Pedro Ramos de Vereas, counsel for the foreigners who invaded the country under Philip Nolan, and Don Juan Jose Diaz de Bustamente, prosecuting attorney, and having caused the nine prisoners confined in said barracks to assemble in a room in order to draw lots, so that one of them might be executed, after they knelt, I read the decree of his majesty the king.

“ The prisoners, having heard the same, agreed to throw dice and that the oldest of them should throw first, and that the one who threw the smallest number should be hanged.

This agreement being made, a drum, a crystal tumbler and two dice were brought, and I ordered the prisoners to kneel before the drum and be blindfolded.

Ephraim Blackburn, being the oldest among the prisoners, first took the glass. The throwing was as follows:—

Ephraim Blackburn, 3 and 1, making 4; Luciano Garcia, 3 and 4, making 7; Joseph Reed, 6 and 5, making 11; David Fero, 5 and 3, making 8; Solomon Cooley, 6 and 5, making 11; Jonah Walters, 6 and 1 making 7; Charles King, 4 and 3, making 7; Ellis P. Bean, 4 and 1, making 5; William Dandlin, 5 and 2, making 7.”

Blackburn, after baptism by a priest, was hanged on the Plaza de los Urangos, November the 11th, 1807."

Of what befell the eight remaining prisoners we have no record save in the autobiography of Ellis P. Bean, a collection of imperfect notes jotted down by him while temporarily sojourning on Red River, near Natchitoches, in 1817, and left among his kindred. The author of this work, in 1846, had possession for some time of this manuscript, the same from which Yoakum afterward wrote his sketch of Bean. Bean's illiteracy, as regards the English language, rendered the narrative, as prepared by him, difficult to understand. In Spanish he was far more proficient, and subsequent association with Americans, both in Mexico and Texas, greatly improved his knowledge of English.

Early in 1807, prior to this episode in Chihuahua, Capt. Zebulon M. Pike, of the United States army (while held in duress during his exploring expedition), met in Santa Fe Solomon Cooley (written by him Colly), one of the nine prisoners before named; and, in Chihuahua, David Fero, another of the number, who had been an ensign under Pike's father. He also found at Chihuahua Nolan's negro man Cæsar (not held as a prisoner) who was very useful to him.

In connection with the translations made by Mr. Quintero, he says:—

"The diary kept by Nolan and many of his letters, which are in my possession, show conclusively that he was not only a gallant and intelligent gentleman, but an accomplished scholar. He was thoroughly acquainted with astronomy and geography. He made the first map of Texas, which he presented to the Baron de Carondelet, on returning from his first trip to Texas, in 1797."

In here closing the history of Nolan's enterprise, a brief outline of the career of Bean, although somewhat a digression, will be interesting to the reader. Bean died in 1846, forty-six years after Nolan set forth from Natchez on his last

expedition. Portions of Bean's narrative savor of the improbable, not to say the marvelous. More particularly is this true when we scrutinize the very full and unquestioned recital of the military operations of the patriot General Morelos, under whom Bean served until his departure for the United States, in 1814, made by William D. Robinson, in his history of the Mexican revolution, from 1810 to 1816-17, and in which the name of Bean does not appear. This history in nowise, however, contradicts Bean's statements as to his having rendered important services, but does indicate that he had not won the distinction claimed.

That an unlettered back-woods boy of twenty-two, with no means of perfecting his education from the time of his capture to the commencement of his career as a Mexican soldier, should understand how to make hats, and be able to teach the Mexicans how to manufacture gunpowder, blast rocks, drill soldiers, etc., seems to be an overdraft on credulity. There is enough in Bean's narrative, which may be accepted as true history, to render it deeply interesting to those who would be familiar with the events that marked the overthrow of despotism in Mexico and the achievement of liberty for Mexico and Spanish America. With these precautionary suggestions, a summary of Bean's narrative is here submitted.

The command surrendered on the 22nd of March, 1801, under an agreement that it should be escorted to the frontier and allowed to return to the United States. On their part, the prisoners promised to never enter Texas again. They were taken to Nacogdoches. After remaining about a month in that place, they were manacled and marched to San Antonio and there imprisoned for three months. They were then conducted to San Luis Potosi, where they spent sixteen months in prison. During that period Bean and Charles King made shoes and earned enough money to buy clothing. The prisoners were taken to Chihuahua and either imprisoned or kept under surveillance for about five years; in fact, until the order

came under which the dice were thrown and Blackburn executed, viz., the 11th of November, 1807, six years, seven months and twenty days after their capture.

The survivors were next marched to the city of Mexico, where, for some reason, they hoped to be released ; but instead, they were marched to Acapulco, on the Pacific, and imprisoned. Here Bean was separated from his companions and of their fate we know little more.

The unfortunate Americans, in all probability, arrived at Acapulco in the spring of 1808. Bean, condemned to solitary confinement, and subsisting on a scanty allowance of beef, bread and water, amused himself with the companionship of a white lizard, that he tamed and fed with flies.

He feigned sickness to get into the hospital, hoping for an agreeable change of fare. There, however, in addition to his irons, his legs were put into the stocks, and his quantum of meat reduced to a chicken's head. An angry answer being returned to his complaints by the friar who brought him this scanty allowance, Bean at once aimed a blow at the head of the reverend father and inflicted a painful wound. For this assault upon the holy man, Bean's head was placed in the stocks and he was kept with head and limbs thus pinioned for fifteen days. Recovering from a real fever, he was glad to learn that he was to return to his cell. On the way to his old place of confinement he escaped from the guards and made his way to the woods, where he filed off his irons with a piece of steel used by him in striking fire.

At night he returned to Acapulco to procure provisions, and met an English sailor. It was agreed between them that Bean should go on board a vessel and lie concealed in a water cask. He succeeded in getting aboard the ship, but before it set sail was betrayed by the Portuguese cook and taken back to his cell, where he spent further eighteen months in solitary confinement.

One day, overhearing a conversation between a party of

officers about blasting rock, and professing to be an expert in this work, he offered his services, which were accepted, and an opportunity offering soon after, again made his escape. Wending his way north along the coast, he was retaken, brought back and chained to a gigantic mulatto criminal, who was instructed to chastise him whenever he needed it. The mulatto exhibiting a belligerent spirit, Bean knocked him down and gave him a sound beating. The mulatto pleaded to be released from his dangerous companion, although by obtaining such release he would forfeit the remission of one year of his sentence. They were accordingly separated, much to the mulatto's delight and Bean's secret satisfaction. Bean was sent back to his cell and the companionship of his lizard. During his imprisonment in Acapulco the Mexican revolution against Spain broke out in all its fury, and the prisons were emptied to recruit the Spanish army. He alone was left in his dungeon. He assured an officer that he would gladly fight for the King if afforded an opportunity. He was thereupon released and a gun and sabre given him. He was loyal for about two weeks, when an opportunity offering, as he had intended it should, he joined the republican forces under Morelos, taking a large number of the royalist soldiers and munitions of war with him. In fact, according to his account, he planned the affair with Morelos and marched with his men into a preconcerted trap. Such was the confidence in him which his valuable services in due time inspired, that Morelos, on leaving Acapulco with the main body of the army, placed him in command of the forces besieging that place. About the close of that year (1812), Bean had the satisfaction of taking the town and its garrison by force of arms and making a prisoner of the Governor of the castle who had been his master in captivity. We find this singular career continued until the latter part of 1814, when he was dispatched by General Morelos on a mission to the United States, to procure aid for the patriot cause

in Mexico. At the port of Nautla, on the gulf coast above Vera Cruz, he found one of Lafitte's vessels, Captain Dominic, master. He informed Dominic of his mission and was taken aboard and landed on the island of Barrataria, below New Orleans, where he met Lafitte, who conducted him, by a short route, to New Orleans. There he found General Jackson, who, being an old friend of his family, invited him to share in the glories of the 8th of January. He embraced the offer and fought by the side of Lafitte with his accustomed gallantry. After the battle of New Orleans Lafitte furnished him transportation to Nautla for himself and the munitions of war procured for the patriot army.

We cannot follow Bean in his subsequent career to the close of the Mexican revolution, in 1821; but it may be said that during that time he made two other trips to the United States, in one of which he brought to this country to be educated, the illegitimate son of the patriot priest and martyr, General Morelos, Juan N. Almonte. Bean was retained as an officer in the Mexican army, under the Republic, and, as will be seen elsewhere, was for a time after the Americans settled in Texas in command at Nacogdoches, with an agency among the Indians. He married Senorita Anna Gorthas, owner of the rich hacienda of Banderillas, near Jalapa, and lived happily with her until his death, October 3, 1846.

CHAPTER VI.

Explorations of Capt. Zebulon M. Pike—Wilkinson and Cordero—The country between the Sabine and the Arroyo Honda declared neutrae ground pending the settlement of the question of Boundary—Charges against Wilkinson—Fears excited by Aaron Burr's Expedition.

The adventures of Captain Zebulon M. Pike helped to favorably direct the attention of the people of the United States to Texas, prior to that time virtually a terra incognita. Between April and August, 1805, he was employed by President Jefferson to explore the sources of the Mississippi. After executing this commission, he, in July, 1806, acting under orders from General Wilkinson, proceeded to explore the Arkansas and Red rivers and established what friendly relations he could with the Comanche Indians. The appointment of Pike for this purpose aroused the suspicions of Spanish residents in St. Louis, and they at once corresponded with the commander at Nacogdoches. He forwarded their communications to Governor Cordero at San Antonio. Cordero promptly notified the government at Coahuila, and a formidable expedition under command of Fecundo Malagres, consisting of 100 dragoons of the regular army and 500 mounted militia, supplied with pack animals and rations for six months, was immediately fitted out to intercept Pike. The only result was a march of 600 miles along Red River, the establishment of friendly relations with the Indians along their route, and the return of the troops in October, without finding the object of their search. Captain Pike, separated from his company, with twenty-three men, missed his route and was found by Mexican troops near the Rio Grande, was captured and conducted to Santa Fe. Here he was deprived of his

papers, and sent to General Salcedo at Chihuahua, from whence after a short detention, he was escorted back to Natchitoches. He afterwards published a journal of his adventures with copious descriptive notes. In view of the difficulties of his situation it is remarkable that he should have observed and faithfully recorded so much concerning the Mexican people of all stations, the various phases of Mexican politics and the gayeties of social life in San Antonio and Nacogdoches — where, he said, the families of the government officials, civil and military, successfully imitated fashionable life in Mexico. In Nacogdoches (population about 700), in addition to the military, he found Americans of wealth and polish, who, braving proscription, had established ranches on the Angelina and Trinity rivers. In San Antonio, from the Governor's levee down to gatherings of the half-breed Indians, the pleasures of the dance and social life occupied, he said, a large part of the time of the people.

In October, 1806, from 1,000 to 1,500 Spanish troops arrived in Texas from the Provinces of Nuevo Leon and New Santander, under command of Colonel Don Simon de Herrera and the Governor of Coahuila, Manuel Salcedo. These were distributed between Nacogdoches, Adaes (the old fort abandoned in 1763 to be rebuilt), and the crossing of the Atascosita, Matagorda Bay and the Trinity, on which several ranches had been established. The last was made a depot of supplies for the army. Ensign Gonzales held the forces at Adaes, to which place Captain Turner, from Natchitoches, advanced and demanded Gonzales' immediate withdrawal to the other side of the Sabine. This was promised, but the next day, Captain Turner, finding the troops not withdrawn, required and obtained a written pledge from Gonzales for their withdrawal within six days. Spanish troops were arriving in the meantime, and concentrating on the right bank of the Sabine. Early in the spring of 1806, the small garrison at Natchitoches had received reinforcements from Fort Adams, of three com-

panies of infantry under Lieutenant Kingsbury, with four pieces of artillery.

In July, General Herrera and Cordero, Governor of Texas, with about 1,300 troops, arrived in the vicinity of the Sabine, which they crossed on the 1st of August, whereupon Governor Claiborne called out the Louisiana State militia, under General Wilkinson, who, with troops from New Orleans, rendezvoused at Natchitoches. Colonel Cushing addressed an official letter to Cordero, announcing their arrival and demanding the return without delay of the whole Spanish force to the west bank of the Sabine. Commanders on both sides had been instructed to avoid a collision of arms, if an amicable adjustment of difficulties could be reached. Cordero recrossed the Sabine, where Wilkinson soon afterwards confronted him. They held a consultation, the secrets of which have never been made public. It resulted, however, in a pledge to withdraw the Spanish troops to Nacogdoches; and, in pursuance of an order to that effect, the next morning, November 6, 1806, the United States troops evacuated their camp and returned to Natchitoches, under command of Colonel Cushing. The two armies thus separated, and the country between the Sabine and the Arroyo Honda was, by mutual agreement, declared neutral ground, to so continue while negotiations between Spain and the United States for the settlement of the question of boundary were pending.

Remote as the supposed reason for this sudden peace appears, no other was given than that it was brought about by fears awakened by the threatened conspiracy of Aaron Burr, in which the fate of Texas was supposed to be involved. It was charged that Wilkinson so far succeeded in alarming Herrera that he not only promised to remove his troops, so that Wilkinson could hasten with his forces to put New Orleans in a state of defense against this so-called conspiracy, but that a private errand of Wilkinson's aid-de-camp, Walter Burling, to the city of Mexico, was undertaken for the pur-

pose of procuring a large sum of money promised Wilkinson for the defense of Texas, in case of an invasion by Burr. It was also charged that Herrera was himself to share in these pecuniary benefits. The immediate ground of alarm was the fact, that Aaron Burr and his associates were on their way down the Mississippi River in flat boats loaded with agricultural implements and laborers for the cultivation of the Ouachita lands which they had purchased from the Baron de Bastrop. New Orleans was much agitated, suspected persons were arrested and extensive military arrangements were made for defense.

CHAPTER VII.

THE MAGEE-GUTIERREZ INVASION OF 1812-13.

Texas in 1812-1813 — The Magee invasion — Capture of Goliad — Siege of the royalists — Their final retreat — Battle of Salado — Defeat of the royalists — The brutal murder of Spanish officers — Battle of Alazan and defeat of the royalist General Elisondo — Advance of Gen. Arredondo — Battle of Medina and the utter defeat of the patriots and close of this expedition.

From the time of the treaty between Herrera and Wilkinson (November, 1806), making neutral ground of the country between the Sabine and the Arroyo Honda, until 1812, the neutral ground had been acquiring a population of a character that made it necessary to guard traders and especially mule trains passing to and from Louisiana. General Overton kept a force at Natchitoches for this purpose, and it found plenty to do. In the United States service at this Post, was First Lieutenant of Artillery Augustus W. Magee, a native of Massachusetts, and graduate of West Point (class of 1809), a man of undoubted courage, high-minded and honorable. Magee was sent at one time to aid the civil authorities in arresting a band of robbers rendezvousing in the neutral ground. He succeeded in effecting the arrest of about twenty-five members of the band. To compel the prisoners to reveal the whereabouts of their uncaptured comrades, he had a number of them soundly flogged, but they stoutly refused to divulge the desired information.

This period was auspicious for revolutionary adventures. Leading spirits were not wanting and Texas offered an inviting field. Owing to reverses sustained by the republican

armies in Mexico, fugitives often took refuge in Louisiana. Among these was Bernardo Gutierrez de Lara. With him as nominal commander (a position given him in order to win Mexicans to the cause) Magee conceived the project of revolutionizing Texas, wresting the Province from the Spaniards, and establishing an independent Republic. He resigned his office as Lieutenant in the United States army, collected what men he could from the neutral ground, Nacogdoches and Louisiana, and, having perfected his plans by July, 1812, took undisputed possession of Nacogdoches, where he remained recruiting until the following September. Then, with about three hundred men, he took the La Bahia road and crossed the Trinity below Robbins' Ferry. Here he remained awaiting reinforcements until October, and then marched directly on La Bahia. Crossing the Colorado near the present town of Columbus, the advance guard learned from a Mexican (a resident of La Bahia) who was arrested as a spy, that Governor Salcedo and General Herrera were at San Antonio in full force. The Mexican proved not to be a spy, and afterwards fought bravely in the American ranks. Arriving at La Bahia on the 1st or 2d of November, and finding the town vacated, the invaders immediately began fortifying and preparing the place for defense. They found in the town but one cannon, an old nine-pounder, which they managed to mount on one of the bastions. On the 7th of November they found themselves suddenly surrounded by Spanish troops, with Salcedo and Herrera commanding in person.

Supposing that Magee would take the old San Antonio road from Nacogdoches to the former place, the Spanish troops had left La Bahia intending to intercept the Americans at San Marcos, but discovering their calculation to be erroneous, returned, by a near cut, to La Bahia, where they arrived on the 7th. The royal troops were posted in three divisions around the fort; one on the East, one on the West and one at the Mission on the North side of the San Antonio River. On

the evening of the 7th, Magee attacked the division at the mission. A skirmish followed that lasted until nightfall.

Finding they could effect nothing against the strong walls of the Fort without heavier artillery, Salcedo and Herrera waited until about the 15th for the arrival of nine brass cannon. This artillery, capable of throwing shot a long distance, having been received and put effectively to work, the Spanish generals drew nearer and nearer and finally entered the town. Magee's force consisted of about three hundred and sixty-five men. There occurred within the limits of the town on the 20th of November a severe engagement that lasted from 8 in the morning until 2 in the afternoon, when the Royal troops retreated from the town after suffering heavy loss in killed and wounded. The Americans had only seven men wounded and one man killed. The attacking force decided to starve the garrison into submission, closely invested the place and maintained a state of siege until the 16th of February. Magee found abundance of corn in the Fort, and, as beeves were plentiful in the surrounding country could, so far as concerned food, have held out for a long time. On the 24th of January was fought what was called the battle of the White Cow. Magee's men were attempting to capture a white cow. She ran toward the enemy. Skirmishing ensued, both sides re-inforced, the two armies encountered, and a battle that lasted two hours followed, resulting in the killing of two hundred Mexicans and a loss on the part of Magee of one man killed and six wounded.

On the 10th of February, a party from the Fort fired upon a picket of the enemy just before day. This brought on a fierce general engagement that continued until 4 o'clock in the afternoon. Three times the enemy gained possession of the Fort and were as often repulsed, with severe loss. Finally, being driven to the opposite side of the river, they made no further attempt, but raised the siege on the 15th and retreated to San Antonio.

During the progress of these events, the health of Magee, who was a consumptive, rapidly declined, and he died on the 1st of February. Colonel Kemper, second in command, had, in fact, conducted most of the operations during the siege, and now the command devolved on him.

Early in January, Magee had sent Major Reuben Ross to the east to contradict a rumor that had been put in circulation to the effect that he and all his men had been captured. This rumor had the effect of dispersing a number of bands, on their way to join him. Ross was directed to bring back with him all the recruits possible, but only succeeded in bringing twenty-five Americans, commanded by Captain James Gaines, and thirty Coohsattie Indians from the Trinity, under their chief, Charles Rollins, a half breed whose father was a soldier in Magee's army. Thus re-inforced, Kemper set out on the 21st of February to pursue the enemy to San Antonio. General Herrera, learning of his approach, marched out with all his force to meet him and took position below the Salado on the road leading from San Antonio to La Bahia. The Americans had taken the left hand road by way of the Missions of Espada and San Juan. The enemy were posted not far above the forks of the two roads and their presence was first made known on the 2d of March, 1813, by the American right being fired upon by a picket. The signal for a simultaneous attack was to have been the tap of a drum, to be followed immediately by a charge. The Indians, not understanding the arrangement, charged too soon and rode furiously into the midst of the enemy. They suffered severely in the hand to hand fight that followed, but, in their desperation, killed a great number of the enemy. Meantime the Americans came up from the center and left and the engagement became general and in twenty minutes the enemy were routed and flying in disorder, despite every effort of their officers to rally them. Their loss was three hundred and thirty men left dead on the field, sixty prisoners, six pieces of artillery and all their bag-

gage. Herrera had received re-inforcements in San Antonio, and had twenty-five hundred men in this battle, known as the battle of Salado. The officers of his army behaved with the utmost gallantry. Some of them, seeing they could not bring their men to fight, rushed forward, sword in hand, determined to sell their lives as dearly as possible; consequently a disproportionate number of Spanish officers were found among the dead. The American loss was but six killed and twenty-six wounded.

The Royal army having retreated to San Antonio, and the Americans having taken possession of the Mission of Concepcion, the latter proceeded on the 3d to invest San Antonio. On the 4th, Salcedo sent a flag of truce and requested a parley. Colonel Kemper refused all terms except the surrender of the beleaguered army as prisoners of war and the delivery of the city into his possession. These terms were finally accepted, and on the 6th the Americans marched into the city, the royalists at the same time marching out, leaving their arms stacked.

Gutierrez de Lara immediately organized a Republican government. On the 7th occurred the atrocious butchery of fourteen Spanish officers, including Salcedo, Herrera, and Cordero, by order of Gutierrez de Lara. He obtained possession of these prisoners from the guard by showing an order signed by Kemper, couched in language calculated to allay apprehensions of foul play if any had existed. They were delivered up to Juan Delgado and taken to the battle ground of Salado, where with one exception, their throats were cut and their bodies thrown into the river. One of the prisoners was shot, a fate granted in compliance with his earnest entreaties. Delgado, in his defense at his subsequent trial, urged in extenuation of his crime, that his father, while fighting under Hidalgo, had been executed by order of Salcedo after having surrendered, and that he (Delgado) had the order from Gutierrez de Lara. Gutierrez was tried and removed

from command. This shocking piece of brutality so inspired the American officers with horror and disgust that many of them, among the number Kemper himself, soon after left the service.

Diverse accounts of this expedition have been given by different historians who gathered them more or less from tradition, or other vague and unreliable sources. So far the author of this work has adopted the clear and unquestioned narrative of Warren D. C. Hall, written thirty years ago. He was a captain in the expedition, a young lawyer from Natchitoches, and became an early settler in Austin's colony in Brazoria county and maintained the character of a high-minded gentleman and sterling patriot throughout the struggle of Texas for independence.

We continue the narrative, after sifting the various accounts and adopting those statements which bear evidence of truth.

On the retirement of Kemper and others, Ross was elected to command. But when, on the 17th of June, General Don y Elisondo appeared on the Alazan Creek, a mile west of San Antonio, with about three thousand troops, regulars and rancheros, Ross, warned that his Mexican allies contemplated desertion, urged a retreat, which the Americans stoutly rejected, upon which he, and a few others, left and returned to Louisiana. His place was immediately supplied by the election of Perry.

Elisondo sent in a demand for the surrender of the place, with the condition that the Americans might peacefully retire to their own country, but that Gutierrez and the Mexicans should be surrendered and held to account for the atrocious murder of the fourteen Spanish officers. This demand speedily removed any latent defection that may have existed among the Mexicans and united all in favor of meeting Elisondo with unyielding firmness.

Perry therefore returned a blunt refusal to the demand, and during the succeeding night, June 17th, cautiously moved out

in such close proximity to the Spaniards, that, at dawn on the 18th, while they were engaged at their morning devotions (matins) he burst upon them with the utmost fury, completely surprising them and producing consternation from which their commanders never fully rallied them. Perry led the Americans, and Gutierrez de Lara nominally commanded the Mexicans, but their real chief was Manchaca, a native, whose heroism inspired his followers with a courage worthy of veterans. The contest, with varying fortunes, continued about four hours, when in much disorder, the Spaniards fled from the field, Elisondo barely escaping capture. His loss was four hundred in killed and wounded, and a large amount of munitions and stores. Perry, incredible as it may seem, lost only twenty killed and forty-four wounded. This was partly due to the superiority of the American rifles to the muskets then in use by the Spanish troops. Elisondo lost no time in recrossing the Nueces. His withdrawal left not an armed royalist in Texas.

Participation in this affair seems to have closed Gutierrez de Lara's career at San Antonio and he retired with his family to the Sabine.

General Don Jose Alvarez Toledo, a Cuban Spaniard by birth, now appeared upon the scene. He had been a member of the improvised Spanish Cortez in Mexico, and manifesting sympathy with the patriot cause, had been banished from the country, and had taken up his abode in Louisiana. He was not only familiar with the operations of the republicans in Texas, but had aided in forwarding recruits to San Antonio.

In July, 1813, he set out from Louisiana and arrived at San Antonio shortly after the departure of Gutierrez de Lara. He was warmly welcomed by the Americans; but, being a Spaniard, was regarded with jealousy by Manchaca and the Mexicans.

Toledo, both civilian and soldier, proceeded at once to restore order to the civil department of the government, as well

as to introduce a degree of discipline in the army, measures doubly unpalatable to the Mexicans, as they emanated from a Gachupin. Well knowing the royalists would not give up a place so important as San Antonio, Toledo adopted precautions to prevent a surprise. On the 26th of July General Don Joaquin Arredondo, commanding the Internal Provinces of Mexico, left Laredo with four thousand troops for the purpose of recapturing La Bahia and San Antonio. At Canada Verde, a creek west of the Nueces River, he was joined by Elisondo and his remaining force. Approaching San Antonio his scouts reported that Toledo was advancing to meet him, whereupon he halted six miles south of the Medina, threw up breast-works in the form of a V with the open space towards San Antonio, and deployed about six hundred of his troops in front of his position.

Colonel Kemper had returned and, with Judge Bullock and some six or seven Americans, joined Perry, whose command consisted of about 300 Americans, a band of Cooshattie Indians and about six hundred Mexicans under Toledo and Manchaca.

On the 17th day of August, 1813, the Republican army left San Antonio to meet Arredondo. Crossing the Medina on the 18th and approaching Arredondo's ambuscade, they were opposed by the six hundred deployed troops and advanced with impetuosity. The enemy yielded ground and retreated in good order, until, such was the fierceness of the pursuit, that they turned, fled pell-mell, abandoned their cannon and rushed in confusion into the lines of their works. Toledo, discovering the intended ambuscade and seeing that the Americans were entering it, ordered a retreat. Confusion followed. The left wing obeyed, but Kemper, Perry and Manchaca swore there should be no retreat and with their center far in front, their right wing supporting, advanced rapidly and were soon reeling under a destructive enfilade fire from front, right and left, delivered at close range and

with deadly effect from along the entire line of breast-works. The Mexicans fell into disorderly retreat, but the Americans and Cooshattie Indians did not flinch. They fought with such desperation that Arredondo's cavalry was on the point of retreating, when treachery gave him the day. Musquiz, a deserter from Toledo's ranks, carried his company over with him to the enemy, and represented that the Americans had been abandoned and were fainting from heat and parching with thirst. He declared that their ammunition was nearly exhausted, and that, if the battle was prolonged, their defeat was certain. Arredondo accordingly made a furious assault with his reserve companies upon the Americans, who were checked, thrown into confusion and compelled to yield.

Then the work of slaughter commenced. The bones of the dead were to be seen for many years scattered over the battle ground. Most of those who escaped from the field were pursued and slain in their retreat toward Louisiana. Elisondo, glad of the opportunity to avenge his former defeat, followed the fugitives, and at the crossing of the Trinity at Spanish Bluff, overtook and captured seventy or eighty men and marched them to a grove. Here a deep ditch was dug for a grave. Across this a piece of timber was laid. After tying the prisoners, ten at a time, he had them placed on the beam and shot—their bodies falling into the trench; among the victims were Manchaca and Delgado. Perry escaped to figure elsewhere and to meet an equally tragic fate. General Toledo escaped to the United States and declared that with 2,000 such troops as the Americans under Perry he could plant the Republican standard in the city of Mexico. In 1815 he was tried in the district court of Louisiana for violating the neutrality laws, but was acquitted.

In 1822 Colonel Jose Felix Trespalacios, Governor of Texas under the new government, had the skulls, bleaching on the battle field of the Medina, collected and interred with military

honors, and placed on a large oak tree a tablet bearing this inscription: "Here lie the braves who, imitating the immortal example of Leonidas, sacrificed their fortunes and their lives contending against tyrants." ¹

Two days after the battle of Medina, General Arredondo, having his wagons loaded with wounded and dying, marched in triumph into San Antonio. He there seized and imprisoned seven hundred citizens and confined three hundred in one room during the night of August 20, eighteen of whom died of suffocation. He arrested five hundred females, members of the best families, and compelled them to cook for his army. The property of the insurgents was confiscated.

Many of the principal families of San Antonio left their homes and sought refuge across the Sabine. The town of Trinidad at Spanish Bluff was entirely desolated. The republicans of Nacogdoches fled to Louisiana. Thus closed the year 1813 in Texas.

¹ In January, 1843, the author of this work with others saw some of the bones lying about the battle field.

CHAPTER VIII.

Operations of Aury, Perry and Mina — Death of Perry — Galveston Island — The Lafitte — An account of the career of Jean Lafitte in so far as it is connected with the History of Texas — Attempt of Generals Lallemand and Bizand to found a Settlement in Texas.

Francisco Xavier Mina was a young Spanish soldier, of good family and chivalrous character, and served his country with conspicuous gallantry in the Peninsular war, fighting against the great Napoleon. After the restoration of the Bourbons in Spain, he was proscribed as a republican and compelled to flee. He resolved to lend the patriot cause in Mexico his sword and aid the people of that country in their struggle for liberty. In due time he reached Baltimore. He determined to make Galveston Island his base of operations, and, while busy with the work of organization at Baltimore, corresponded with Don Jose Manuel Herrera, commissioner of the revolutionary or Morelos government, to the United States. Herrera thoroughly appreciated the advantages of Galveston Island as a place of rendezvous for the privateers which his government contemplated introducing into the waters of the Gulf for the purpose of crippling Spanish commerce, and, therefore, eagerly accepted the proffered services of Mina, granted him necessary commissions and urged a vigorous prosecution of the intended enterprise. He also co-operated with that gallant and accomplished naval officer, Don Luis Aury, who at this time appeared on the scene. In the service of the revolutionists of Mexico, Venezuela, La Plata, and New Granada, Aury had commanded a squadron of twelve or fifteen small vessels, and at the memorable siege of New Granada, broke through a royalist squadron of thirty-

five sail and bore away on his vessels to places of safety in the West Indies, hundreds of men, women and children.

Herrera set sail for the island with Aury on the 1st of September, 1816. They landed, and on the 12th of September, organized a government and unfurled the flag of Independence. Aury was made civil and military governor of Texas and Galveston Island and took the oath of fealty to the Republic of Mexico. It was agreed that he could, if he thought necessary, change his base of operations to Matagorda. The vessels of Commodore Perry soon swept Spanish shipping from the Gulf.

On the 24th of November, Mina arrived at Galveston with a few small vessels and about two hundred men, disembarked his troops and laid out an encampment to the westward of an earthwork fort built by Aury. Colonel Perry, who participated in 1812-13, in the victories of La Bahia, Salado and Alazan, and the disastrous defeat near the Medina on the 18th of August, 1813, commanded one hundred men on Bolivar Point. Organization and training were vigorously prosecuted. Skeletons of regiments were formed and officers appointed. It was expected that the ranks would be filled by the people of Mexico; thus, Colonel Young, a gallant officer of the war of 1812, between the United States and Great Britain, was made commander of the Guard of Honor; Colonel Myers, commander of the artillery; Colonel, the Count de Ruuth, commander of the cavalry; Major Sarda, commander of the first regiment of the line, etc.

Altogether the republican cause seemed in a promising way at this time.

Mina had frequent interviews with Commodore Aury and sought his co-operation; but the latter, holding a commission from Minister Herrera, as Governor of Texas and a General in the republican army of Mexico, had with him about two hundred men, including those with Perry, and, being wedded to the idea of invading Texas, declined the

overtures of Mina. In the meantime Mina visited New Orleans in his newly acquired brig-of-war, *El Congreso Mexicano*. During his absence a dispute arose between Perry and Aury, causing the former to abandon the latter and resolve to join Mina. Aury had him placed in irons, but Perry's men at once demanded and obtained his release, and, without further opposition, he and his followers joined forces with Mina. At New Orleans Mina purchased the ships *Cleopatra* and *Neptune*, and, on arriving at Galveston, on the 16th of March, found his command embarked and ready to set sail.

Having failed to open communication with the Mexican General, Guadalupe Victoria, on the coast of Vera Cruz, he determined to effect a landing at the mouth of the river Santander, north of Tampico, and forty-eight miles distant from Soto La Marina, a town situated on that stream. Accompanied by Aury and Perry he sailed from Galveston on the 27th of March, 1817, with the following vessels:

An armed schooner, *Commodore Luis Aury*, having aboard a company of artillery and cavalry, under Colonel, the Count de Ruuth; the ship *Cleopatra*, Captain Hoover, having aboard General Mina and staff, the Guard of Honor and the first regiment of the line; two prize brigs (recently captured by Aury), having aboard the Regiment of the Union under Colonel Perry; the *Neptune*, Captain Wisset, conveying the commissariat and stores; the schooner *Ellen Tooker*, which arrived at Galveston on a trading voyage on the eve of departure and joined the expedition, and, a sloop commanded by Captain Williams. The fleet consisted of seven vessels.

The entire force, properly belonging to Mina's command, was three hundred men. After a stormy voyage it disembarked on the 15th of April, at the mouth of the Santander. A disagreement arising as to who should command, Aury abandoned the enterprise and sailed for Texas with a few followers. Mina ascertained that the royalist commander of the district, General Don Felipe La Garza, was stationed in

the neighboring town of Soto La Marina, and, mounting a portion of his men, rapidly penetrated into the interior, winning victories at several places, as at El Valle de Maiz, in the Province of San Luis Potosi, at the hacienda of Peotillos and other points. The fortunes of the Mexican revolutionists were then, however, at such a desperate strait that Mina's ranks were not recruited as he had confidently anticipated and finally yielding to overwhelming numbers, he was compelled to surrender, on the 11th of November, 1817.

Colonel Young and a few of his companions survived to see the independence of Mexico finally and firmly established. Mina's two ships were captured by the Spanish navy. The men left by him to build and garrison a mud fort at Soto La Marina, after a long and heroic defense, signalized by great loss of life to the enemy, surrendered at last to General Arredondo, as prisoners of war, and were foully butchered.

Colonel Perry became dissatisfied before Mina's departure for the interior, and, with fifty-one followers, including Major Gordon, abandoned the expedition, and began a march toward Matagorda Bay, 300 leagues distant in Texas, and after encountering innumerable hardships and dangers, reached the garrisoned town of La Bahia, the scene of his former exploits. This strong position he attacked.

So furious and resolute was this assault, that the Spanish commander was at the point of surrender, when receiving unexpected reinforcements, he renewed the fight with such determination that every man of Perry's command was killed. Perry, closely pursued, ran a short distance, and reaching the shade of a tree, deliberately blew out his brains.

There is some variance in the accounts of this affair and of the death of Perry, but the highest and decidedly most reliable authority (Robertson's memoirs of the Mexican revolution), gives the facts as here stated.

Until about the year 1816 the island of Galveston remained in its primeval state — a low island formed in process of time

by the sea throwing up sand and marine shells and receding with the accretion of the soil. In width the island varied from about a mile and a half to a little over two miles. Its length was about thirty miles. Near its southwest end, separated from it by a channel of perhaps twelve feet in depth and less than a mile in width, was a small island that bore the name of San Luis, but when or by whom it was named is not known. The name of Galveston (properly Galvez-ton) was conferred in honor of Col. Galvez, Spanish Governor of Louisiana; Galveston Island was covered by marsh grass along the lower levels and by long prairie grass on higher elevations and was well stocked with deer and wild fowl. Water, more or less brackish, was found in the sand of the higher portions from one to three feet below the surface of the soil. The conjecture that La Salle visited this island during his brief stay in Texas is without reasonable foundation, and is built upon the theory that he conferred upon the adjacent island the name of San Luis. That he did so is improbable, for the reason that San Luis is a Spanish name. It is further a duly authenticated fact that he styled his fort and proposed settlement on Matagorda Bay St. Louis.

Galveston Island had probably been occasionally visited by shipwrecked and other mariners, and from its abundance of fish, fowl and deer, it doubtless had long been a favorite resort and hunting ground for the Carancahua Indians, the once powerful and war-like tribe inhabiting so much of the coast of Texas, but it is believed that La Salle and his companions made no landing there. Beyond these facts little or nothing of historic interest is known of the island prior to 1816.

Jean Lafitte was a Frenchman, born in Bayonne. The family removed to the West Indies. During an insurrection of the negro slaves they took refuge, as many others were forced to do, in New Orleans. Jean and his brother Pierre were blacksmiths. Their shop was on St. Philip street, be-

tween Bourbon and Dauphin. The old building was standing until a few years ago. They were men of striking appearance, tall, erect and handsome. A stranger never passed Jean without turning to take a second look at him. When, in the course of time, it suited their purpose, they became agents in New Orleans for smuggling vessels that brought merchandise and slaves into the bayous along the coast of Louisiana.

Jean kept the trade of New Orleans in a demoralized condition until 1814, in which year his fort on the island of Barrataria (utilized as headquarters for their smuggling enterprises) was broken up by Commodore Patterson of the United States navy.

At that time a war between the United States and Great Britain was in progress and Lafitte was offered a commission in the British navy. It was while considering this matter that Bean fell in with him. He declined the British offer, and as Bean had come from Nautla, Mexico, on one of his vessels, determined to accompany him to New Orleans and tender his services to General Jackson. This, after some preliminary correspondence and promises, he did, as we have seen, and in the battle of New Orleans, January 8, 1815, acted with such gallantry and rendered such important service, that President Madison granted him full pardon for whatever misdeeds he may have committed prior to that time.

The next authentic account we have of Lafitte places him on Galveston Island, just after its abandonment by Commodore Aury and General Mina, late in 1816, an account of which will be found further on. Lafitte held letters of marque and reprisal from the revolutionary government of Venezuela or Carthagená, as it is sometimes called, authorizing him to prey upon the commerce of Spain. He had a number of vessels and quite a force of adventurers. He also assumed to be Governor of Texas under the revolutionary government of Mexico, probably having received some such authority from Herrera, the Mexican commissioner in New Orleans.

As Governor, he required all persons in the island, and the captains and owners of the vessels then in the harbor to take the oath of allegiance to the Republic of Mexico. The government established by him consisted of a Military Commandant; Judge of Admiralty; Notary Public; Marine Commandant; Secretary of State and Treasury; Administrator of Revenue, and Mayor du Place. The formation of this government took place on board the schooner Carmelita Gray, at anchor in the harbor. No papers authorizing the formation of a government were produced, nor had the notary a seal.

His purpose was to capture Spanish vessels. Sailing under the flag of the Mexican republic, the pirates called themselves privateers. Soon after, other vessels having come in, a reorganization of the government followed, and regulations were added providing for the distribution of gains and the payment of the salaries of the officers. Lafitte and his comrades bound themselves to pay all the debts of Aury's administration, provided the creditors were not non-residents. By the close of the year 1817, the population of Galveston had increased to nearly 1,000. The inhabitants were of various nationalities. Many of them had fled with their families from justice or oppression, to find refuge and employment in the prosperous colony of the pirate chieftain. The United States and Spain found cause for complaint, but Spain feared that the former would lay claim to the island, if the pirates were dispersed by the American naval establishment, and the United States did not feel called upon to take action owing to the attitude assumed by Spain. Consequently, for the time being, Lafitte was left to the undisturbed enjoyment of his self-constituted dominion.

A party of his men having kidnaped a Carancahua squaw, the Indians, until that time friendly, determined to avenge the deed and, crossing over to the island, ambuscaded a party of pirates, who were out hunting, and killed four of the number.

Lafitte marched against them. About three hundred were encamped at the *Three Trees*, a point on the island. He attacked them with two hundred men and two pieces of artillery. After a sharp skirmish the Indians retreated to the main land. The Indian loss was 30 killed and a large number wounded. None of Lafitte's men were killed, but a number were badly wounded with arrows.

In 1820, among other depredations committed by Lafitte's cruisers, an American vessel was taken, plundered and scuttled in Matagorda Bay. A commission was sent by the United States to examine into the affair, which resulted in the United States government dispatching an armed vessel under Lieutenant Kearney to break up the establishment at Galveston.

Lafitte crossed the bar to meet the Lieutenant, escorted him to the Red-House, his domicile, and endeavored as he well knew how, to overpower him with politeness. But the Lieutenant's orders were peremptory, and Lafitte was obliged to yield.

With his favorite Lieutenant, Wm. Cochrane, and sixty men, he went aboard the *Pride*; and, the other vessels comprising his fleet being placed in readiness and sails spread to the breeze, he moved out of the harbor and bade final adieu to Texas.

The pirates continued their depredations upon Spanish shipping for some years. In 1822 Lafitte visited Charleston, South Carolina. He made occasional visits to the port of Sisal, in Yucatan, and the island of Margarita, near the mouth of the Orinoco River. It is said that he died in 1826, at Sisal, a town situated about thirty miles from Merida, and lies buried in the Campo Santo of that town.

The futile attempts of a few Frenchmen under Generals Lallemand and Bizand, after the downfall of Napoleon, to found a colony on the Trinity River was of too brief existence to merit especial notice. During their short stay, how-

ever, they secured the good-will of the Cooshatties on the Trinity and the Carancahuas on the coast. Upon leaving Texas they repaired to the United States, where General Lallemant wrote a treatise on Artillery Service, which long remained a standard authority.

CHAPTER IX.

Long's first and second Expeditions — Surrender of Long — His assassination in the City of Mexico by a Mexican soldier acting under orders from Trespelacios — Attempt of Milam, Christy, John Austin and others to avenge the murder.

Lafitte did not continuously reside on Galveston Island, but was often absent for considerable periods, ostensibly engaged in maritime depredations on Spanish shipping, and it was during such intervals of temporary abandonment that Aury, Mina and Long rendezvoused there.

The careers of Lafitte, Aury and Mina had no appreciable influence upon the fortunes of Texas. The enterprises of Long, however, were undertaken shortly before Moses Austin took the first steps that led to the establishment of American colonies in the Province, and were not without minor effect. Many of Long's men at a later date became valued citizens of the Province, Republic and State.

Dr. James Long was a native of Tennessee. He had been a surgeon in Carroll's brigade in the war of 1812-15, serving as such in the battle of New Orleans. He owned a plantation near Natchez and soon after the war married Miss Jane Wilkinson of that vicinity. Residing in the region which had been in 1800, and again in 1812-13, the headquarters, first of Philip Nolan and next of Magee, Kemper, Perry and other leaders, he became imbued with the idea of Americanizing Texas and found no difficulty in drawing to his standard a large number of adventurers. On the 17th of June, 1819, he left Natchez with seventy-five men, and very soon his force numbered about three hundred. Colonel Samuel Davenport, Bernard Gutierrez (heretofore mentioned) and other refugees from

Texas, joined his standard. Arriving at Nacogdoches, a provisional government was organized, consisting of a supreme or plenary council, and a proclamation issued, declaring Texas to be an independent republic. Liberal laws were enacted providing for the disposition of the public lands. A newspaper, edited by Horatio Bigelow, was established. Trading houses on the Trinity, and at the Falls of the Brazos, were established by David Long (brother of the leader) and Capt. Johnson: Captain Walker erected a fort a few miles below the present town of Washington and Major Cook a block-house at Pecan Point, on Red River. Captain Smith, with forty-nine men, was stationed at the Cooshattie village, on the Trinity.

Long (the leader) sent James Gaines to Galveston Island to solicit the co-operation of Lafitte, but that dignitary, referring to the failure of all previous attempts of the kind, declined the overture. Long then determined to visit Lafitte in person, but on reaching the Cooshattie village he received the startling and, to him, unexpected news of the advance of a large royalist force under Colonel Perez. He at once sent instructions to his wife to abandon Nacogdoches and recross the Sabine, which she promptly obeyed.

On the Brazos, Perez surprised and captured Johnson and ten of his men. Those of his men who escaped hastened to Walker's camp, below the mouth of the Navasota. The fugitives were pursued, and Walker's camp, attacked with such suddenness that its occupants, abandoning everything except their arms, with difficulty succeeded in reaching Smith's camp at Cooshattie. The camp and trading post of David Long on the Trinity were next attacked and Long killed. His men fled to Nacogdoches with the news of these three quickly succeeding disasters which produced such a panic that the whole garrison and population — men, women and children — fled across the Sabine into Louisiana. Long, learning of these disasters, hastened back to Nacogdoches to find the place

depopulated. As speedily as possible he crossed the Sabine to find his wife and the refugees in safety on the east side.

Perez, finding Nacogdoches evacuated, sent a detachment in pursuit of the refugees, but too late to overtake them before they crossed the Sabine. At the head of his principal force Perez by an oblique counter-march proceeded to the Cooshattie village where Capt. Smith, reinforced by the refugees from Walker and Johnson on the Brazos, had about seventy-five men. He retreated down the valley of the Trinity, but was closely pursued and overtaken by Perez, and a severe fight ensued, in which Smith lost several men and inflicted considerable loss on Perez when he retreated, and being pursued no farther formed a camp on Bolivar Point.

This, about October, 1819, was the termination of Long's first expedition to Texas.

Without unnecessary delay, Long, accompanied by a few followers, took the coast route from Louisiana, joined his friends under Smith at Bolivar Point, and began the erection of a mud fort. To secure additional aid, in men and munitions, he went to New Orleans in an open boat, was cordially received by General Ripley and other men of wealth and prominence, and met, for the first time, Colonel Benjamin R. Milam, John Austin, Colonel Christy of New Orleans, and General Don Felix Trespalcacios, the latter an exile from Mexico, who was seeking to fit out an expedition to aid his countrymen, and with whom Milam, Christy and Austin were co-operating. An agreement was entered into, under which, with three or four small vessels, loaded with supplies and having aboard Mrs. Long and child and a few daring spirits, the adventurers sailed for Bolivar Point.

Arriving there, it was agreed that Trespalcacios, Milam and Christy, with a small force should sail down the coast in one of the sloops, effect a landing somewhere in the region of Tampico and endeavor to raise an army with which to move north to meet and co-operate with Long in his contemplated

descent southward from La Bahia. They sailed accordingly before the departure of Long from Bolivar Point, and successfully effected a landing, but of their movements thereafter, until their reappearance in this narrative in the city of Mexico, there exists no reliable account.

Before Long left Bolivar Point, a French sloop, freighted with wines and other supplies, stranded on Galveston Island, near the present city of that name. Carancahua Indians, to the number of two hundred, were encamped in the immediate vicinity and at once attacked and butchered the crew, plundered the sloop, and engaged in a drunken jollification and war dance. Long determined to chastise them. After nightfall, with thirty men, he passed over to the island in small boats and while the orgies were at their height, poured a destructive volley into the midst of the savages. The Carancahuas, although taken by surprise, outnumbered the whites seven to one and being heated with wine, rallied and stood their ground. The combatants fought for a time hand to hand. Long was compelled to retreat to his boats. Three of his men were killed and two were severely and several slightly wounded. Thirty-two Indian warriors were left dead upon the field. In this fight Long captured and retained two Indian boys, one of whom was afterwards accidentally killed.

Among Long's men was Mordella, a nephew of Trespalacios. Mordella attempted to organize a conspiracy against the expedition. Exposure followed and he was tried, convicted and executed on the east end of Galveston Island.

Long left in the fort at Bolivar Point his wife¹ and child, a negro servant girl, Mrs. Dr. Allen, Dr. Edgar and three or

¹ Mrs. Long gave birth to a child soon after the departure of her husband, and remained at the fort, although finally left alone with her negro servant girl, until the latter part of 1821 or early in 1822, when she was visited by the brothers Randall and Henry Jones, who escorted her to San Antonio and thence to Natchez. A few years later she again located in

four men (whose names are now unknown), a mounted cannon, small arms, munitions and a supply of provisions.

All things being now in readiness he set sail for La Bahia. His entire force consisted of fifty-two men, of whom the names of thirty-two are here given:

James Long, commander; Major Burns, an Englishman; Captain John Austin; Captain Johnson; Captain Williams of Kentucky; Lieutenant Egan, a New Yorker; Lieut. Robertson, a Tennessean; E. Stanley Williams, aid-de-camp, a native of Connecticut, late from Virginia; Lieut. Elliot, an Englishman; Lieuts. Chase and Toby, of Massachusetts; Sergeant Robertson, a Scotchman (subsequently a traitor); Dr. Allen, an Irish surgeon and ex-surgeon in the British navy, and Patton.

Privates: Ebenezer Lathrop, of Massachusetts, accidentally killed at La Bahia; James Wilson, of Tennessee (afterwards a traitor); — White, afterwards known in Texas as “Old Blanco”; — Smith; another Smith, a jeweler; Frank Kellar, of Massachusetts; John Wyatt and George Early, of Pennsylvania; Henry Nall, an Englishman; — Black, of Louisiana; two Irishmen (father and son, both blacksmiths and both traitors at Monterey), known as Big and Little Patrick; Lincoln, a daring and talented young man from Massachusetts; — McDonald, from Maryland; Captain Browne, a gallant Swede, intended to become a naval officer; Lieut. Rosenberg, a German; Bliker, a Russian, and Hamstein, a German (both traitors at Monterey), and John McHenry,¹ an Irishman.

Texas and resided successively at San Felipe, Brazoria and Richmond. She reached the ripe age of four score years. She was a true heroine and one of the most estimable women and noble mothers known to the early annals of Texas. She remained a widow, loyal to the memory of her ill-fated husband. Her only child to reach maturity became the wife of Hon. James S. Sullivan, of Richmond, Texas.

¹ It was my fortune in early life to be a neighbor and enjoy the sincere friendship of that true-hearted son of Ireland, Captain John McHenry, and to receive from him in my home in Indianola, Texas, in 1853, the facts here-

Long's fleet consisted of a schooner and two sloops. They entered Matagorda Bay, passed through what is now known as McHenry's Bayou into the Bay of Espritu Santo and proceeded to Mesquit Landing, on the west bank of the Guadalupe and fifteen miles above the mouth of that stream. Here Long and his men disembarked, and leaving the boats in charge of the elder Black, marched upon La Bahia. Black was murdered a few days later by Spanish scouts. Long's party reached La Bahia and surrounded the fort at night, unperceived by its occupants, and at dawn made their attack, shouting the slogan "Republicans." The resistance was feeble, and the garrison soon surrendered. Long and his men remained in quiet possession of the town and fort for three days. On the morning of the fourth they were aroused by the reveille of the royalists — seven hundred cavalry from San Antonio and irregular troops

in chronicled. I wrote the account, submitted it to his critical review and it was published in De Bow's New Orleans Review in December, 1853.

Only in regard to precise dates did his memory seem uncertain. The facts seemed distinct in his mind. He also gave me the list of names and remarks thereon. He was a man utterly incapable of deception or falshood, a true patriot and a friend to both public and private virtue. He was born in County Antrim, Ireland, in 1798; arrived at New Orleans in 1812; in 1816 or 1817, while Lafitte held a commission as privateer under the revolutionary government of Venezuela, he joined him on a cruise on the gulf and in the Caribbean sea; but, at the end of a few months, learning that Lafitte's commission had expired, and that he was virtually a pirate on the high seas, he and forty others demanded and received one of the vessels (the brig General Victoria), and returned to New Orleans. He took part in Long's expedition and, returning from that in 1822, with one hundred and fifty others in the sloop of war Eureka, Captain Pelott, commanding, participated in an expedition organized in aid of the revolutionists in South America, taking part in the siege and capture of Porto Caballo. A year or so later, migration having begun to Texas, he entered the trade between New Orleans and the Texas coast, as owner and commander of a schooner. In 1826 he settled permanently on the Lavaca River, where he reared a family and lived until his death, passing through the revolutionary and Indian wars as a brave man and honorable citizen. He died honored by those who had known him for half a century. Hence, I adopt his statements without reserve.

from the immediate vicinity, commanded by Francisco Perez and Fernando Rodriguez. The Spanish troops had with them four pieces of artillery and, crossing the river, attacked Long and were repulsed with severe loss. Perez and Rodriguez then sent in a message saying that they did not wish to shed blood, and if Long would surrender, he would be kindly treated. Long refused to surrender and expressed his willingness to settle the contest by single combat with any man in the royalist camp, a proposition that was promptly declined. About this time, Garcia, who commanded the fort when it surrendered to Long, fired a pistol shot at the general, the bullet grazing his person.

The battle was at once renewed and vigorously kept up for two hours. The Spanish soldiers occupied house-tops and were protected by palisades. The Americans during the engagement dealt death to all who exposed themselves on the roofs.

The royalists again sounded a parley, and sent in the following message: "We have made a mistake; we thought you were royalists. We are patriots, too. We wish to receive you as friends."

General Long asked them why they were fighting under the Spanish flag. "Because," said they, "there is a large royalist force near at hand and we wish to deceive them if it becomes necessary."

Matters remained in this condition for two days, when they succeeded in deceiving Long and inducing him to receive them into the fort as friends. Under the flimsy pretext of quieting the fears of the women and children of La Bahia, they next induced him to lay down his arms, a piece of folly inexcusable in view of the well-known perfidy and inhumanity that had at all previous times characterized the conduct of the royalist commanders toward revolutionists. By the terms of the agreement, Long was to have an escort to conduct him south to Trespalacios, and his men were to follow, when he sent back an express with orders to that effect.

As soon as the Americans laid down their arms the Spaniards embraced them warmly, professing sincere friendship. Horses and an escort were provided, and Long, Burns and John Austin were sent forward to San Antonio.

The Americans remaining at La Bahia were then ordered into line, and each man was required to give his name, age and place of nativity, avowedly in order that they might be assigned places of residence among the families in the town. The house in which they were assembled was then suddenly surrounded by a large body of soldiers, the bells rang, loud huzzas were heard outside and they were told that they were prisoners. They were removed to a filthy prison and fed with beef and half cooked corn, producing a sickness from which two of their number (Patton and Egan) died. They were then hurried on to San Antonio. After remaining there three days they were sent with Long, Burns and Austin, under a strong guard, to Laredo, where, in February or March, 1820, they were transferred from the control of Perez to that of a younger and more humane officer. The royalists now held undisputed sway in Texas. Some historians have erroneously said that Long's second invasion occurred in 1821 and others have declared that it was contemporaneous with the final triumph of the Mexican revolution, creating the radically erroneous belief that Long surrendered to republican troops. In fact at this time the revolutionary cause, although its successful issue was near at hand, seemed almost hopeless.

At Laredo, where they were detained for a considerable time, the prisoners were kindly treated, the people giving them presents. They were finally conducted to Monterey, where General Lopez, royalist commander of the Eastern Provinces, had his headquarters.

After a time Long, Burns and John Austin were allowed to proceed to the city of Mexico, and arrived there in October, 1821, just as Iturbide's government was organized, and they

were received and treated as friends. There they met Trespalcacios, Milam and Christy, who had left them at Bolivar Point the year before. Long speedily won friends. Trespalcacios received an appointment as Governor of Texas and soon manifested towards Long a jealous and hostile spirit. Entering the Old Inquisition, on a visit to the commissioner from Chili, Long was confronted and shot dead by a soldier whom Long's friends believed to be an assassin hired by Trespalcacios. Milam, Christy and John Austin indignantly left the city and rejoined their friends in Monterey. To them they freely expressed the belief that Trespalcacios had instigated the murder. It was resolved to avenge Long's death upon the anticipated arrival of Trespalcacios, en route to Texas; but Wilson and Miller, two of their companions, betrayed them. These men secretly repaired to Saltillo, where they intercepted Trespalcacios and warned him of the impending danger. Milam, Christy, Austin and their associates were at once arrested and conveyed to the city of Mexico, by way of Saltillo, San Luis Potosi and Queretaro, proceeding by slow marches and stopping a few days in those towns. At the capital they were cast into prison, where they remained about ten months.

Following the successful installation of Iturbide's government, the Congress of the United States, on the recommendation of President Monroe, on the fourth of May, 1822, acknowledged the independence of Mexico; whereupon President Monroe ordered Joel R. Poinsett,¹ of South Carolina,

¹ Misapprehensions have existed on this subject. The facts are as stated. Mr. Poinsett was ordered in 1822 to pass through Mexico on his way to Chili, to which country he was accredited as minister or envoy — the first sent by the United States to that country. After the establishment of a republican government in Mexico, under the constitution of 1824, Mr. Poinsett was recalled from Chili and appointed minister to Mexico. On the first day of May, 1825, he presented his credentials to Guadalupe Victoria, the first President of Mexico.

Through the courtesy of the then minister, the Hon. Thomas Henry

then recently appointed envoy to Chili, to pass through Mexico, while en route to his mission, make careful observations and inquire and report on the condition of the country.

Lopez treated Long coolly for a time, but gradually became quite gracious, declaring that if heaven was anti-republican, Long, if resident therein, would try to revolutionize it. Between Long and a brother of Lopez, a warm friendship arose.

A political revolution in favor of a constitutional monarchy was evolved in Spain at this time and its effects were speedily felt in Mexico, giving new hope to the republicans, and creating divisions and dismay among the royalist officers. Of two regiments then under Lopez, at Monterey, one was known to be affected with disloyalty and strongly inclined to seize on the first pretext to declare for the side, not so much of the republicans, as of national independence for Mexico, and a constitutional monarchy such as transpiring events indicated the people of Spain were seeking to obtain for themselves. To these causes, beyond question, Long and his party were indebted for far better treatment than they would have otherwise received.

Mr. Poinsett, learning the facts connected with Long's expedition, and the imprisonment of his countrymen, secured their unconditional release and an escort for them to Tampico, where, by his instructions, the United States sloop of war, John Adams, was in waiting to convey them home. The officers of the John Adams generously furnished them clothing and money to meet their immediate necessities. From Havana, where they touched, Captains McHenry and Keller proceeded to New Orleans. Milam, Christy, Austin and the other members of the expedition were landed at Norfolk, Virginia, in December, 1822.

Nelson of Indiana, I was permitted to examine the archives of the American legation in the city of Mexico, in 1869, and gathered the facts there set forth.

CHAPTER X.

BEGINNING OF ANGLO-AMERICAN COLONIZATION.

Condition of Texas in 1820 — Life and Death of Moses Austin — Stephen F. Austin — Loss of the Lively — Arrival of Settlers — Beginning of Indian Hostilities — Departure of Austin for the City of Mexico to Secure a Confirmation of the Grant made to his Father.

An official report exists, among the Spanish archives of San Antonio, on the condition of Texas, May 1, 1821, made by the Ayuntamiento of that municipality, in obedience to an order of the King of Spain, issued July 22, 1820. It demonstrates the correctness of the assertion, previously made in this history, that the royalists held possession of Texas to a later time than that fixed by a majority of writers. That report, after reciting many urgent reasons for prompt and effective action by the King, says: "Since 1813, when this Province was reconquered (*i. e.*, the date of the royalist victory at the Medina), it has advanced with astonishing rapidity toward poverty and ruin, owing to the increasing hostility of the savage tribes, and the recklessness and violence of our own troops. These (the troops) deprived of supplies, naked and starving, have drained the country of its resources, by laying their unrestrained hands, far and wide, on everything that can sustain human life. Hence, what the revolution left us and the wild Indians failed to wrest from us, our own soldiery have appropriated; and to the people but little else now remains but destitution, hunger and nakedness. * * * The distribution of lands cannot be made by reason of the uninterrupted war of the savages against the settlements, which leave the people scarcely sufficient time for the cultivation of such acres as have already been granted. * * *

There are four Missions in the vicinity of this

capital: Concepcion, San Jose, San Juan and Espada. They were for a long time in a very flourishing condition, and effected many conversions among the Indians through the apostolic zeal of their clergy, aided in their work by escorts of soldiers. But since 1790, owing to the little attention paid them by the Governors and owing too, perhaps, to an abatement of zeal on the part of the missionaries, who have had them in charge, for the propagation of the faith, they have declined to such an extent that one of them (Concepcion) has been entirely deserted, and its costly and magnificent church, with its holy altar and all its appendages, has been left to become a ruin, and be the subject of insolent desecration on the part of roving savages. The three others are still inhabited by some Spaniards and a few descendants of evangelized Indians, and are in charge of a monk of the college of Our Lady de Guadalupe de Zacatecas, who is nominally their president. Three other Missions are yet existing in the vicinity of the Presidio of La Bahia, and they, also, are under the management of a monk of the college of Zacatecas. These, too, are in a like ruinous condition with those near this capital, but are, at intervals, visited by such evangelized Indians as have their homes not far removed from them. If provision is not made from the royal treasury for the support of missionaries, and for such military escorts as may be needed to enable them safely to gather the Indians, there can be no hope of farther conversions of the wild tribes, and if the same kingly aid is not extended to foster and advance every other interest in this Province, then must it ere long share the fate of the decayed Missions. * * *

ANTONIO MARTINEZ,
JOSE ANGEL FLORES.”

What an exposition of the futility of the attempts of Spain to redeem the Province from savagery! During the period

extending from 1689 to 1821, a period of one hundred and thirty-two years, desolation and decay, poverty and helplessness, existed on every hand. These representations to the King of Spain were made by his still loyal subjects of San Antonio de Bexar, two months after the proclamation of the Plan of Iguala, under which, five months later, that monarch had not, outside of the island castle of San Juan de Ulloa, a foothold on the soil of Mexico. The close of the Mexican revolution, by the triumph of Iturbide, left that country prostrate, to become for many years the prey of military factions.

The many Missions previously established for the propagation of the Catholic faith and conversion of the Indians (sustained formerly by the military power of Spain) were now allowed to decay. Three hundred years of Spanish tyranny, a tyranny perhaps never exceeded in selfish heartlessness, was well calculated to destroy in the great body of the Mexican people that knowledge of the use of arms and that spirit of courage and self-reliance absolutely necessary for the retention and defense of nearly two thousand miles of frontier, constantly harassed by fierce savage tribes and along which were situated, at wide intervals, ranchos, haciendas, mines, villages and towns.

In 1820 and 1821 the civilized population of Texas had dwindled to insignificant numbers, concentrated in small communities at Nacogdoches, La Bahia and San Antonio de Bexar. The whole number of inhabitants, according to best authorities, did not exceed five thousand souls in the towns and outlying districts.

He who would read rightly and judge justly the subsequent history of Texas, should bear this deplorable picture in mind. It portrays the expiring agonies of Spanish civilization at the close of 1820, when the leader of a new civilization appears upon the scene in the person of

MOSES AUSTIN.

Moses Austin was born at Durham, a village in Connecticut, in 1767, and when a boy went to Philadelphia where, when but twenty years old, he married Miss Maria Brown, presumably in 1787. His brother, Stephen, was then at the head of an important house in Philadelphia, and Moses Austin, soon after his marriage, took charge of a branch house in Richmond, Virginia. In a few years the brothers purchased Chizzell's lead mines in Wythe County, Virginia, and Moses Austin took charge of the enterprise. At that place, on the 3d of November, 1793, Stephen Fuller Austin, the future colonial empresario of Texas, was born.¹

In a few years, the Philadelphia and Richmond houses failed, involving the loss of the lead mines. At this time flattering reports of rich lead mines in upper Louisiana (now in the State of Missouri) excited the attention of Moses Austin. The territory being under the dominion of Spain, he procured a passport from the Spanish minister to the United States in 1797 and visited that region and secured from the Governor, Baron de Carondelet, a grant of a league of land,

¹ There were two other children of Moses Austin who reached maturity and became identified with Texas: James Brown Austin, a young man of estimable character, who died in New Orleans, in August, 1829, of yellow fever, and Emily M. Austin, born at the mines in 1795, who married first, James Bryan, a Pennsylvanian, and subsequently James F. Perry. Mr. Bryan died in Missouri in 1822, leaving three sons who are yet citizens of Texas: Wm. J., Moses A., and Hon. Guy M. Bryan. Three children, Stephen S., Henry A., and Emily M. Perry, born of the second union, lived to maturity. In 1831 Mr. and Mrs. Perry and the children came to Texas and thenceforward were well known, honored and useful citizens of the Province and subsequent Republic. Mr. Perry and his son, Henry, died while on a visit to Biloxi, Mississippi, in 1853. Emily M., an accomplished and greatly beloved young lady, died in 1862. Of Mrs. Perry the author of this work in the *Encyclopedia of the New West*, in 1881, wrote: "She was a cultivated woman and, until disease and trouble invaded her constitution, a remarkably beautiful one. She died — as the just die — peacefully, at her home at Peach Point, Brazoria County, in 1852."

covering the site where the town of Potosi, Washington County, Missouri, now stands.

In 1799, Austin and his family, following the Kanawah, Ohio and Mississippi rivers, removed to the grant and formed the first American settlement in that section. He prospered in mining and other pursuits for some years, dispensed a liberal hospitality, and enjoyed an enviable character in the surrounding country. But again disaster came. The failure of the Bank of St. Louis swept away his accumulations and left him impoverished. He freely surrendered everything to his creditors, and again, in his fifty-third year, looked abroad for a new field of enterprise. His residence for twenty years in Missouri had familiarized him to some extent, with Spanish laws and methods of administration, and he had also acquired considerable knowledge of Texas through the report of Captain Pike and other adventurers, who, in 1812-13, served under Magee and Perry and from trappers and Indian traders. In possession of such knowledge and animated by an enterprising spirit, his mind naturally turned to Texas as a field in which to recuperate his shattered fortunes. With a forethought justified by results, he conceived the idea of founding a colony of his countrymen in that almost trackless wilderness.

Traveling by land, on horseback, he made the long and hazardous journey to San Antonio de Bexar, where he arrived on the 23d day of December, 1820. Kennedy and other writers say that he was peremptorily ordered by Governor Antonio Martinez to quit the country, as he had violated its laws by entering the Province without permission of the Spanish King, and that, on leaving the Governor to prepare for his return journey, he met the Baron de Bastrop, then a member of the municipal government, to whom he explained the peaceful object of his mission, and that the Baron warmly espoused his cause and commended him to Governor Martinez as a worthy man and former subject of Spain, and secured for

him, not only the good-will but the earnest co-operation of the Governor and other authorities of the place; and that these functionaries recommended his proposed application to settle 300 families in Texas, to the favorable consideration of General Don Joaquin Arredondo, Commanding General of the Eastern Internal Provinces, with headquarters at Monterey.

While these statements doubtless are, in the main, true, there are other facts connected with Austin's arrival at San Antonio, that no historian has hitherto furnished, as far as I have been able to learn. They are derived from an official paper found among the Spanish archives of San Antonio, and, while of no controlling importance, are not without interest. From that document it appears that on the 23d day of December, 1820, there arrived in San Antonio de Bexar, three white men and one negro. On the same day (quite naturally in view of the then recent invasion of Long) the white men were summoned to appear before the Governor of the Province, Colonel Don Antonio Martinez, and on oath make true answers to such questions as should be put to them. Their examinations were conducted through the Baron de Bastrop, who acted as interpreter. Two of the parties, in answer to the questions propounded to them, said that they were born in Virginia, and made known their names, their ages and their place of domicil, Natchitoches, Louisiana. They said that they were Protestants; that one of them had come in quest of four runaway negro slaves; and that the other had come to solicit the privilege of settling in the country. The third party gave his name as Moses Austin and answered, that he was a native of the State of Connecticut, a resident of Missouri, a merchant and dealer in lead ore, a Catholic, was aged 53 years, and had come to Texas in the hope that he might obtain land on which to settle with his family and raise cotton and sugar; and that the negro found in company with him and the other two white men, was a slave and his property. He also avowed before the examiners, that he had at one time been a Spanish

subject (while Missouri belonged to the government of Spain) and in proof of the fact produced a passport signed by Don Carlos Martinez de Trujo, Minister Plenipotentiary of his Catholic Majesty to the United States, dated at Philadelphia, July 13, 1797. When asked why he had not sooner used the passport and made application to settle in the country, he answered that he had done so promptly and had settled in Missouri as soon as he could. The scribe evidently misunderstood one of Austin's answers and substituted family, for colony, or countrymen, and it is reasonable to presume that he did not mean to convey the idea that he was strictly a Catholic; but merely meant to pledge himself to obey the laws of the country, by contributing to the support of that church. The answers were satisfactory and his application for permission to introduce a colony was sent forward to General Arredondo.

Austin, cheered by these auspicious prospects of success, in January started on his homeward journey, leaving the Baron de Bastrop¹ (as his representative) with instructions to look after his interests and inform him as soon as possible of the success of his application, should it meet with favor. We do not know who were his companions in this return trip, hazardous to any but a well armed party of considerable numbers; but it is known that he followed the old Spanish military road from San Antonio to Nacogdoches and thence to Natchitoches. It was a severe winter; rains were frequent and the swollen creeks and rivers had to be crossed by swimming or on improvised rafts. A gloomy beginning for a great enterprise. After suffering much from hardship and exposure, Austin reached Natchitoches and proceeded by way of Red River and the Mississippi to his home in Missouri. Before leaving for Texas he abandoned his previously conceived plan for establishing a farm on Red River to facilitate

¹ Austin had previously formed the acquaintance of the Baron de Bastrop in the city of New Orleans.

the passage of immigrants through the wilderness of Arkansas. He determined to make New Orleans the gateway to Texas. For this purpose he dispatched his son, Stephen F. Austin, to that city, with instructions to make such conditional contracts as seemed necessary to provide for the prompt transportation of colonists, by way of the gulf, to the Texas coast. Stephen F. Austin was accordingly in New Orleans when his father returned home.

The end of the eventful career of Moses Austin and the beginning of the still more eventful career of his son was near at hand. Moses Austin arrived at Hazel Run, the home of his daughter, Mrs. Bryan, with his constitution thoroughly undermined, and lingered but a little while in the land of the living — long enough, however, to convey his blessings to the members of his family, and to transfer to his son the duty of executing his plans — plans full of promise to after ages. On the 10th day of June, 1821, he ceased from his earthly labors.

Noble heart! Great soul! The perpetuation of thy fame needs no stately monolith or monumental pile!

The application of Moses Austin was approved by General Arredondo, at Monterey, on the 17th of January, 1821, a few days after Austin's departure from San Antonio; a month and seven days before the Plan of Iguala was promulgated; eight months and ten days before the power of Spain was finally trampled in the dust at the capital, and a considerable time before the change in government became an accomplished fact in the Province of Texas.

This action of the Commanding General was in due time officially communicated to Provincial Governor Martinez, at San Antonio, and he dispatched Don Erasmo Seguin (a prominent citizen of that place) to the United States with instructions, as special commissioner, to inform Austin of the success of his application, and conduct the first band of immigrants into the country. Being apprised of the arrival

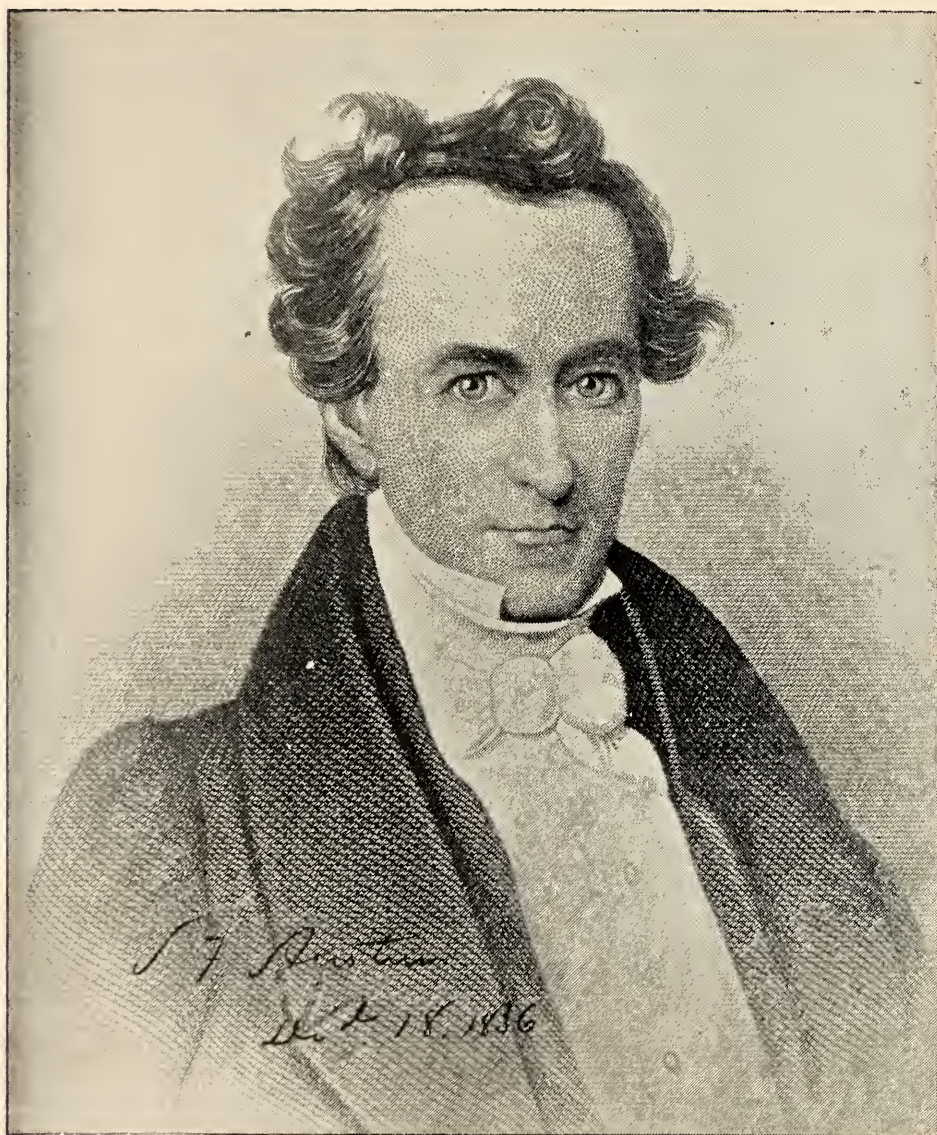
of Seguin at Natchitoches and the particulars of his mission, Stephen F. Austin hastened from New Orleans to meet him. On reaching Natchitoches he learned of his father's death and of his dying injunction to carry forward the scheme of colonization. Stephen F. Austin was at this time 28 years of age, and had served as a member of the Territorial Legislature of Missouri, entering that body in 1813, and being regularly re-elected until 1819, when he removed to Arkansas for the purpose of establishing a farm to be used as an immigrant depot. He remained in the Territory of Arkansas part of the years 1819-20 and was appointed Circuit Judge. Moses Austin, on his way to Texas in 1820, proceeded to Little Rock, where he met his son. It was decided as has been previously stated, to give up the farm and that Stephen F. Austin should go to New Orleans, and await the action of the Mexican government upon the application for a colonial grant. Stephen F. Austin was born in Virginia and reared in Missouri. He attended school in Connecticut for a short time and completed his studies at Transylvania University, Lexington, Kentucky. Of exemplary habits, possessing a clear and conservative mind, trained to methodical and industrious habits, accustomed to the exercise of the virtue of patience and not without practical experience in the affairs of life, his reputation was such as to inspire confidence in his success.

Accompanied by the Commissioner, Don Erasmo Seguin, he left Natchitoches for San Antonio de Bexar, on the 5th of July, 1821, to confer with Governor Martinez, secure a transfer of the grant made to his father and ask permission to explore a portion of the country and select a district in which to locate the colony. Besides himself and Seguin, the party consisted of fourteen persons, all of whom became settlers in the country, viz.: Erwine, Barre, Marple, Beard, Belew, W. Smithers, Edward Lovelace, Henry Holstein, Neill Gasper, William Little, Joseph Polly, James Beard, William Wilson,

and Dr. James Hewitson. On the first day of August, 1821, they encamped at the old San Antonio and Nacogdoches crossing of the Brazos. On the 12th of the same month, they arrived at San Antonio. Governor Martinez extended a cordial welcome to Austin, recognized him as successor to his father's right and manifested a sincere desire to encourage his enterprise. Austin submitted to the Governor a plan for granting land to immigrants, the plan promising a section of six hundred and forty acres to each man over twenty-one years of age, half that amount to each married woman, a hundred and sixty acres to each child, and eighty acres to owners of slaves for each slave introduced. This plan was approved by the Governor.

Austin hastily examined the country lying along the lower waters of the Guadalupe, Lavaca, Navidad, Colorado, Brazos and San Jacinto rivers, and along the gulf coast. Selecting the site for his colony in that rich alluvial region, he repaired by land to New Orleans. The groundwork for the edifice was now laid. It remained to erect the superstructure. It was a trying period in his life. The responsibilities he had assumed were such as to call for the exercise of great strength of mind and will; great constancy of purpose; great power as a leader. And however much he may have differed, temporarily, at a later time, with a portion or a majority of his countrymen as to the wisdom of measures of public policy, the successful application of which showed his judgment in those instances to have been at fault, he deserves the admiration of all liberal minds for the noble life-work he performed.

To inaugurate his enterprise funds were required beyond his limited means. In New Orleans he found in Joseph L. Hawkins, a former class-mate at Transylvania, a friend with the means and will to assist him. Through the aid of Hawkins, the schooner *Lively* was freighted with a supply of provisions and implements necessary for husbandry, and dispatched to the mouth of the Brazos River. Here the supplies were *cached*



STEPHEN FULLER AUSTIN

and the Lively returned to New Orleans. The vessel was soon after sent to Matagorda Bay with another cargo of supplies and eighteen immigrants. The vessel, with its cargo and passengers, was never heard of more.

Austin scattered widely over the valley of the Mississippi a prospectus advertising his scheme and inviting persons to become members of the proposed colony. It excited profound attention and ultimately secured the co-operation of home-seekers. About the time (November, 1821), when the Lively sailed on her second voyage, Austin left New Orleans, to lead the first body of immigrants into Texas by way of Natchitoches. He reached the Brazos on the 31st of December, 1821, crossed to the west side of that stream and, January 1, 1822, pitched camp on a creek in what is now Washington County that he, in commemoration of the event, named New Year's Creek, a name it still bears. Andrew Robinson and other members of the party settled in that vicinity. Thus began the permanent settlement of Texas by Anglo-Americans.

Austin proceeded to the appointed place of rendezvous on the coast, intending to secure the supplies *cached* near the mouth of the Brazos, and to meet the Lively. He was sorely disappointed to find that the supplies had been stolen by Carancahua Indians, and at last realized that the Lively had been lost at sea.

Returning to New Year's Creek he found that additions had been made to his colony by new arrivals from the States, among whom were his brother, James Brown Austin, and Josiah H. Bell, a South Carolinian. With Mr. Bell was his young wife, Miss Mary E. McKenzie, a native of Kentucky. Her son, Thadeus C. Bell, born later in the year, was the second child born in the colony, being preceded a few weeks by a child of Henry Jones, who with his brother, Captain Randall Jones, from Alabama, settled farther down the Brazos, about the time that Mr. and Mrs. Bell reached Texas.

A few single men, and the families of Garrett, Higgins and

John Williams (a Cherokee chief), settled on the Brazos at the old Nacogdoches and San Antonio crossing in the first days of 1822. During the year Buckner, Powell and Jessie Burnham settled on the Colorado, and Kendall, Philip Dimmitt, Robert King and others elsewhere in the colony.

Having proceeded thus far, Austin deemed it proper to report his progress to the Governor at San Antonio; and, undertaking the journey with his brother and fifteen or twenty companions, reached that place March 15, 1822. Greatly to his surprise and disappointment, he was informed that, owing to the triumph of the Plan of Iguala, it would be necessary for him to go to the city of Mexico and procure from the new government a renewal of the authority and privileges previously granted.¹ He accordingly left Josiah H. Bell as his agent, and, with Dr. Robert Andrews as a companion, rode out of San Antonio on the 20th of March, and made the trip to the city of Mexico, a distance of twelve hundred miles, in thirty-six days, safely reaching the capital on the 29th of April, 1822.

Late in March, 1822, the schooner *Only Son*, Captain Benjamin Ellison,² from New Orleans, entered Matagorda Bay with a number of immigrants seeking homes in the new colony. She also had aboard supplies of provisions, household effects and farming implements. She was owned by two of the immigrants, Kincheloe and Anderson, and sailed from New Orleans on the 7th of February with a total of ninety

¹ Kennedy and other writers have erred in the assumption that Governor Martinez was, in August, 1821, acting under the Plan of Iguala, when he agreed to permit Stephen F. Austin to succeed to and carry out the empresario contract secured by Moses Austin. In fact the news of the promulgation of the Plan had not at that time reached Texas, and Martinez was still acting under a Spanish commission.

² Captain Ellison afterwards made a number of other voyages to Texas. In 1869, and again in 1870, it was the pleasure of the author to meet him living in retirement in his pleasant home, with his most estimable wife, in the historic village of Groton, Connecticut.

colonists and prospectors, among whom were Abram M. Clare, of Kentucky, George Helm, Mr. Bray and his son-in-law, Charles Whitson and — Morgan, with their families, and Greenup Hayes, of Kentucky, a grandson of Daniel Boone.¹ During this voyage a considerable number of passengers died of yellow fever and were buried at sea. A few days after the arrival of the schooner another vessel from New Orleans came to anchor in Matagorda Bay. Among the passengers aboard were Samuel M. Williams, afterwards the famous secretary of Austin's colony, and Jonathan C. Peyton and wife. The immigrants from both vessels were landed on the west bank of the Colorado River, at a point three miles above the mouth of the stream. Here they went into camp and entered into a treaty of friendship with the Carancahua Indians. A party composed of Helm, Clare and four companions, was dispatched to La Bahia for Mexican carts.

James Cummings conducted the new-comers into the interior, some to his camp, and some to the Atascosita crossing of the Colorado, a few miles below where the town of Columbus now stands. The immigrants being without means of transportation for their effects left three or four men on the Brazos to guard their stores. When the party sent to La Bahia returned with the carts they found that the Carancahuas had murdered the guard and plundered the camp. Captain Jesse Burnham and a well-armed body of men, marched against, surprised and visited vengeance upon the savages. Thus began hostilities between the settlers and the aborigines, hostilities that, with few intermissions, lasted for years and resulted in the destruction of many valuable lives.

¹ Helm died the year of his arrival. It was his intention to return to Kentucky for his family. One of his sons was, in after years, Governor of Kentucky.

Bray and his son settled on Bray's Bayou, near where Harrisburg now stands.

Hayes soon returned to Kentucky.

Eighty colonists arrived in Galveston Bay on the schooner *Revenge*, Captain Shires, in April, 1822. Of the number, Moses L. Choate and William Pettus located on the San Jacinto, the first settlement established on that stream.¹

Other home-seekers continued to flock to the shores of Texas and the colony gave substantial promise of that success that afterward attended it.

¹ At the close of 1819, Anson Taylor, a stalwart frontiersman, settled near the Cooshattie village on the Trinity, and in 1820 Col. Knight and Walter C. White, from Long's camp (afterwards well-known citizens of Brazoria) burned off a cane-brake and raised a crop of corn at a point on Buffalo Bayou.

CHAPTER XI.

THE ACHIEVEMENT OF MEXICAN INDEPENDENCE.

Misgovernment of the Spanish Provinces — Political events in Spain — Plan of Iguala — The Plan rejected by the Spanish Cortez — Iturbide Declared Emperor of Mexico under the Title of Augustin I. — Congress Dispersed at the point of the Bayonet — Santa Anna removed from Command at Vera Cruz and Ordered to Report at the City of Mexico — A Republic Proclaimed — Santa Anna joined by Guadalupe Victoria and other Patriot Leaders — Union of the forces of Eschavarri and Santa Anna — *Actas de Casas Matas* — Abdication, Banishment, Return and Execution of Iturbide — Provisional Government — Victoria, Bravo, and Negrete appointed an Executive Council — Constituent Congress.

To appreciate the unsettled condition of public affairs at the time of Austin's arrival in the city of Mexico, it is necessary to furnish the reader with a brief summary of the events that led up to the revolution that secured independence from Spanish authority and that marked that period of Mexican history.

In 1806, it seems, San Antonio de Bexar reached its greatest pre-revolutionary development. Its population at that time, according to Almonte's official report made in 1834, was estimated at five thousand souls, and that of the Province at seven thousand. There were also in the Province a hundred thousand cattle and fifty thousand head of horses. He estimated the population of San Antonio to be in 1834 only twenty-four hundred, a decline of over fifty per cent in twenty-eight years.

Nothing occurred to interrupt the prosperity of the place until 1810, when an uprising of the Indians resulted in great loss of stock and the destruction of settlements at a distance from the garrisoned towns. In that year the Mexican revo-

lution began under the *grito*, or cry of Hidalgo, at the village of Dolores, in the present State of Guanajuato. The ill effects incident to this glorious struggle were only felt, however, in Texas, during the years 1812-13 and 1819-20.

A brief review of those facts of special interest in this connection has been given in preceding pages.

The oppression under which the Mexicans, and descendants of Spaniards (creoles), born on Mexican soil, were groaning were only partially experienced in Texas. After the death of Charles V, whose policy toward his colonies was beneficent, his successors sought by every expedient, to trample under foot all the wise laws enacted during his reign. Corruption in every department, civil, military and ecclesiastical, became so shameless that every office, from that of Viceroy down, was publicly sold. Care too was taken that no native-born citizen of Mexico, no matter how noble his blood, should hold an office. The veriest menial could be elevated to important and responsible positions, provided he had been born in Spain, and a servant in the royal household could become the Governor of a Province.

The Real Audiencia, the highest judicial tribunal in the land and supposed to be directly presided over by the King, through the medium of his judges,—was prostituted by the elevation of men to seats in that tribunal, who, by their intrigues and vices, had earned the good will of the infamous Prince Godoy, or of the still more infamous Queen. Learning was discountenanced. It was boldly avowed “that it was not expedient for learning to become general in America.” Commerce and agriculture were crippled and confined absolutely, by decree, to a few Cadiz merchants, who did not fail to profit by the monopoly conferred upon them and impose burdensome exactions. The miserable fabrics and implements manufactured in Spain were forced upon the people, and the excessive import duties imposed, rendered it possible for the wealthy alone to purchase them. The country and its swarms

of ingenious inhabitants, who had inherited and improved upon the skill of generations of Toltecs, Chichechemecas and Aztecs, could easily have furnished abundance and enriched the country by liberal exports. Under the prevailing policy of repression even the grape vines, which had clung to the trees of the forests, grown in vineyards on the mountain slopes, and adorned the garden trellis for hundreds of years, were grubbed up by the roots, to gratify the greed of Cadiz wine merchants. The growth of tobacco was restricted to the Province of Orizaba. The product was sent to Spain, manufactured there, and returned to Mexico for consumption. Burdened with onerous duties, the unfortunate Mexicans and Spanish settlers and their descendants saw their cities destroyed, their temples desecrated, their forests laid waste and every social and natural right violated. A sense of degradation, long felt, lulled the people into submission. In 1806, the news reached them that war had been declared against France. Instead of seeing in this conflict an advantageous opportunity for themselves, they hailed with excessive demonstrations of loyalty the prospect of a triumph for Spain, filling the air with *vivas* for Ferdinand VII. When they learned of the triumph of the French arms, and that Joseph Bonaparte was on the throne of their deposed and captive monarch, they still swore allegiance to his cause. The native Spanish officials sought at once, however, to adjust themselves to their positions under the change of dynasty. They welcomed the emissaries of Joseph, and published orders, said to have emanated from Ferdinand, directing the people to transfer their allegiance to France. The creoles publicly burned the orders, and with *vivas* for Ferdinand VII, expelled the emissaries from the country, and by an uprising, as if by universal consent, declared their determination to hold Mexico for their legitimate monarch. These movements, instead of being regarded with favor in Spain, were viewed in the light of a rebellion, which must be

suppressed by force. News from the outside world was slow in reaching Texas, and, on the 8th of September, the people of San Antonio were surprised and agitated by the appearance in their midst of a French general in full uniform. He was no other than General Octaviano Alsimar, who was on his way to Mexico to take command of the armies. The Marquis of St. Simon was to be the French Viceroy. Governor Cordero had the general arrested and sent a prisoner to Mexico. From such a beginning sprang the revolution in Mexico. The crowning act of the revolt was the secret arrest of Iturrigaray, the Spanish Viceroy, on the 15th of September, 1808. He was sent to Spain as a prisoner. The universal popularity of this Viceroy had pointed to him as the man of all others to rescue the country from the horrors of civil strife. He proposed calling a Convention or *Junta*, in which every class should be fairly represented, in order to adopt a provisional government. This proposition met with hearty approval by all the people except the European Spaniards, who saw their downfall foreshadowed in the ascendancy of a popular government, hence his arrest and forcible removal to Spain. His successor, Venegas, arrived in due time from Spain and distributed rewards among the Spaniards who had opposed Iturrigaray and order was measurably restored.

The varying fortunes of the revolutionists were not always known to the Texians, but the spirit of revolt was in the air and its presence was manifested from time to time. These outbreaks were mostly of a local character and confined to San Antonio and Goliad. At the former place, January 22, 1811, in a mutiny headed by Captain Don Juan Bautista Casas, all the garrison declared in favor of the revolution, and made prisoners of fourteen Spanish officers. On the third of the following March, a counter-revolution took place, headed by Zambrano, and Casas was sent in chains to Monclova for trial.

On the restoration of the imbecile and unprincipled Ferdinand VII to the throne of Spain in 1812, a constitution

establishing great reforms of former abuses was adopted by the Cortez and sworn to by the King, who, as soon as opportunity offered, violated his oath, overthrew the constitution, assumed absolute power, and persecuted the friends of good government, banishing or imprisoning great numbers and putting many to death. In 1820 another revolution occurred in Spain. The violated constitution of 1812 was restored. The Cortez re-asserted its rights and initiated many needed reforms which the King pledged himself to carry into full effect, but as soon as he could revoked by royal proclamation and eschewed, in a truly kingly way. Before, however, his Catholic majesty was guilty of this breach of faith, the government dispatched General Don Juan O'Donoju, a friend of reform, as Captain General and Political Chief, to Mexico.

Under Apodaca's administration, in the summer of 1820, the only organized Mexican revolutionary forces still in the field, were in the mountainous country between the city of Mexico and Acapulco on the south, under Guerrero, Alvarez and others; and small bodies in the mountains east of the city, followers of Guadalupe Victoria.

On the royalist side, as a rising officer, was Augustin Iturbide (E-toor-be-dee), a full-blooded Spaniard, born in Mexico. He was selected by Apodaca and placed at the head of a royalist force to attack and crush the remaining patriot forces. He was a fit instrument for the intended work. In time past he had cruelly ridden down, shot to death and bayoneted champions of liberty. Now, however, he had discernment to foresee the coming reaction in favor of Mexican nationality, consequent upon recent events in Spain, and resolved to head a revolution.

He was not a convert to the cause of liberty, but was actuated alone by a desire to divorce Mexico from Spain, erect a new monarchy and be invested as the successful leader of the revolution with royal dignity and power. To achieve success, it was necessary for him to secure the co-operation of the

patriots through one species of diplomacy, and the acquiescence and as far as possible, the support of the immensely rich and powerful church dignitaries through another.

Taking position at Iguala, on the road to Acapulco, he brought his plans to perfection and secured the co-operation of the republicans and the concurrence of the clergy. Everything being ready, he prepared and on the 24th of February, 1821, signed

THE PLAN OF IGUALA

which declared: First, the independence of Mexico, and that Mexico should thereafter constitute a constitutional monarchy, the crown of which should be tendered to Ferdinand VII, and failing in him, to the other members of his family in succession, on condition that the accepting monarch should reside in Mexico and be bound by oath to support the constitution, to be promulgated by a Mexican Cortez.

Second. That the Roman Catholic religion (to the exclusion, of course, of all others), should be supported perpetually. "The nation will protect it by wise and just laws, and prohibit the exercise of any other," is the language used in the Plan.

Third. The abolition of all distinction of classes, and the union of Spaniards, Creoles, Indians, Africans and Castilians, with equal civil rights.

This manifesto, first approved by Iturbide's officers, was enthusiastically received by his army, who thereafter marched under the flag of the three guarantees, "*Independence, Religion and Equality.*"

Guadalupe Victoria, Guerrero and other old chieftains, flocked to Iturbide's standard.

A copy of the Plan was sent to the Viceroy Apodaca, asking his co-operation. Apodaca leaned toward acceptance of the Plan, hesitated and was overruled by his Spanish council

and finally decided not to agree to it, and thereupon sent General Liñan at the head of a strong force, to chastise Iturbide into submission. Before Liñan left the city, Iturbide (his forces immensely increased by the newly aroused nationalists), took Acapulco and other places and when Liñan left the capital was victoriously advancing upon the important city of Valladolid, now Michoacan. The whole country was aglow with enthusiasm and, from every quarter, men were hastening to swell the ranks of the nationalists. Defeat and disaster everywhere confronted the royalist forces, till only those in the capital city remained in arms. They, on the 5th of July, in desperation, imprisoned Apodaca and placed General Novella in command.

Soon after the happening of these events, General O'Donoju arrived at Vera Cruz and became aware of the condition of affairs. He communicated with Iturbide, virtually gave in his adhesion to the plan, and requested an interview. They soon met at Cordova, seventy-five miles from Vera Cruz, and on the 24th of August (six months to a day after the birth of the Plan of Iguala), agreed to and signed a treaty covering the provisions of the Plan, with two or three insignificant modifications.

On the 27th of September, 1821, Iturbide, peacefully and in triumph, with bands playing, banners flying and amid the wildest acclamations of the city's population, entered the capital and established himself in the viceregal palace. On that day was formed a Junta, Iturbide appointing all its members. This Junta immediately elected the Bishop of Puebla its president and appointed a regency pending the reception of a reply from Spain. Iturbide was placed at the head of the regency and made Generalissimo of the armies of the proposed kingdom. He was clothed with almost regal powers and dignities and allowed an annual salary of one hundred and twenty thousand dollars.

On the 13th day of October, sixteen days after its forma-

tion, the Junta issued a manifesto summoning a Cortez, or Congress, of the kingdom to meet in February, 1822. O'Donoju, mortified at the now palpable intention of the victorious faction, to wrest Mexico from Spain, sickened and died in the capital on the 9th of October.

Iturbide exerted every artifice to win popular esteem and ingratiate himself with the army, the clergy and the aristocracy, and carefully separated himself from the leaders who for ten years had upheld the cause of Mexican independence. But even his creatures of the Junta refused to accede to all his recommendations. Instead of making the Cortez consist of two houses, as he desired, they provided for but one, to consist of delegates to be elected by the people. They yielded to him, however, in so far as to provide that, from those Provinces entitled to more than four deputies, there should be one ecclesiastic, one military man and one lawyer.

This Cortez (the first convened in the Mexican capital) assembled on the 24th of February, 1822, the anniversary of the birth of the short-lived plan of Iguala. Each deputy took an oath to support the Plan, but evidently with mental reservations on the part of many, for the Cortez was speedily divided into three parties, viz. :

(1) The Republicanos, who favored following, as nearly as practicable, in the footsteps of the United States in the formation of a Constitutional Republic, to be composed of free States;

(2) The Bourbonistas, who favored adherence, in letter and spirit, to the Plan of Iguala; and

(3) The Iturbidistas, who favored putting Iturbide upon the throne.

Acrimonious debates followed, lines were sharply drawn, and the Republicanos and Bourbonistas united in opposition to the supporters of Iturbide.

On the 12th of February, the Spanish Cortez not only indignantly rejected the Plan of Iguala, but threatened to send

overwhelming armies to restore the old order of things, threats wholly impotent, owing to the then prostrate condition of his Most Catholic Majesty's Exchequer.

A majority of the Mexican Congress opposed the elevation of Iturbide. It became evident that he would resort to force and many of the members retired to their homes in the country and other places of safety. A crisis was reached on the 18th of May. On that day the army and a portion of the people of the capital proclaimed Iturbide Emperor of Mexico. The members of Congress remaining in the city sanctioned and ratified the proceeding. On the next day the regency resigned and Iturbide, after taking an oath to support the independence, religion and constitution of Mexico, was installed in the viceregal palace as Augustin I.

Generals Guerrero, Nicolas Bravo, Guadalupe Victoria and other old republican leaders left the capital to return to their old haunts and gather about them their former followers. Santa Anna, considered by many as the most zealous advocate of the Imperial or Iturbidista cause, soon manifested discontent. Even the Congress which had sanctioned and ratified the assumption of Imperial power, became loud in protestations against Imperial extravagance and despotism. Iturbide, failing to quiet these clamorous complaints, filled the prisons of the capital with recalcitrant members of Congress. Failing to enforce subservience in this way he proceeded, on the 30th of October, to disperse Congress at the point of the bayonet.

An officer whose name stands on the roll of infamy as Brigadier-General Cortazar was selected to carry out his purpose. "Cortazar," says the Hon. Joel R. Poinsett, of South Carolina, the American Commissioner to Mexico, "read the Imperial mandate dissolving the Congress. He then informed them that it was his Majesty's pleasure that they should disperse forthwith and that if they did not retire in ten minutes, he would be compelled, in obedience to Imperial orders, to drive them out of the hall. The president immediately

directed that the order be spread on the journals of Congress, and called upon the General to sign it, which he did, and the members retired."

In lieu of this representative Congress, chosen by the people, Iturbide appointed a Junta, consisting of thirty-five members.

Garza headed an insurrection in the north, but was promptly suppressed by the Imperial troops.

Iturbide became distrustful of Santa Anna, removed him from command at Vera Cruz, and ordered him to report at the city of Mexico. Santa Anna received this order while at Jalapa, sixty miles distant from Vera Cruz. He hastened to Vera Cruz, paraded the troops and denounced the prevailing despotism. The soldiers answered with eager shouts, and enthusiastically joined him in proclaiming a Republic. He speedily reduced the neighboring towns and marched against Jalapa, where Echavarri, Captain General of the Province of Vera Cruz, commanded. The assault on Jalapa was repulsed and Santa Anna took position on the mountain overlooking the famous bridge, thirty miles from Vera Cruz, called under the Spanish regime *El Puente Real*; since *El Puente Nacional*. Here Guadalupe Victoria, with many followers, joined him. Still he was too weak to advance upon the capital. Happily, at this time, General Echavarri became a convert to the cause, and with the force under his command joined the army of the Republic. The three leaders then formulated and promulgated a new plan, called ACTAS DE CASAS MATAS, declaring for and guaranteeing a republican form of government. It was proclaimed on the 2d day of February, 1823, and met with such universal acceptance as to accomplish the downfall of Iturbide, without the firing of a gun.

Seeing himself abandoned and helpless, Iturbide called together the Congress he had dispersed. On the 19th of March, 1823, he sent to that body a formal abdication of the

throne, and retired to Tulancingo, about a hundred miles east of the capital, on the road to Tampico.

Congress, so soon as a quorum appeared, refused to accept the abdication, lest by so doing it might be urged in after times that the Mexican Congress had legalized his acts. He was allowed to leave the country, and was promised twenty-five thousand dollars a year, so long as he should reside in Leghorn, Italy. A reward was afterwards set upon his head, should he ever return to the country.

He sailed for Leghorn on the 11th of May, embarking with his family at the little port of Nautla. From that place he went to London, where he published a long, ingenious, and, in some respects, eloquent and pathetic manifesto to the English people, reciting the events of his life and vindicating his course. Thence he sailed for Mexico. On the 14th of July, 1824, he landed in disguise at the port of Soto la Marina. Here he confided in a man, whom he esteemed a friend during the days of Spanish dominion, General Felipe de La Garza, and was betrayed by him and placed in the hands of Bernardo Gutierrez de Lara—the author of the butcheries at San Antonio in 1813—and was executed at Padilla, in Tamaulipas, on the 24th (one account says 19th) of August, 1824.

The death sentence under this decree was executed by General Felipe de la Garza.

The name of Felipe de la Garza deserves to be held in execration by all honorable men. It is true that when liberty triumphed, he became an avowed friend of republicanism, and under that pretense, the murderer of Iturbide, his former patron and superior. No amount of pretense at a later day can remove from his memory the infamy attached to that act. This man, Felipe de la Garza, was a Spanish officer during the struggle for liberty in Mexico, took an active part against the republicans, did all in his power to destroy Francis Xavier Mina, the object of whose expedition was the liberation of Mexico from the yoke of foreign tyranny, and butchered the

band of patriots left by Mina as a garrison at Soto la Marina. Yet, when the revolutionists finally triumphed, in order to retain his rank in the army and to enjoy the emoluments of office, he transferred his allegiance to the cause of the people with the ease and sang-froid of a mercenary soldier, and then, as a crowning act of perfidy, with the zeal that usually distinguishes such converts, eagerly exerted his power to compass the death of an old patron and benefactor.

He held a number of positions under the Republic.

On the downfall of Iturbide, the old Congress re-assembled and at once established a Provisional Government by creating an executive council, consisting of three persons selected by that body. These were Generals Victoria, Bravo and Negrete. A new assembly known as the Constituent Congress, was elected, and assembled in August, 1823. It declared all the acts of Iturbide null and void. This was the Congress which, on the 4th of October, 1824, proclaimed the Republican Constitution, afterwards known as the Constitution of 1824.

CHAPTER XII.

Austin, Haden Edwards, Robert Leftwich, Green De Witt and General Wilkinson, in the City of Mexico — Usurpation and downfall of Iturbide — Austin's final success and return to Texas — Carancahua Indians — Newly arrived immigrants.

When Stephen F. Austin reached the capital politics were at fever heat and he found it impossible to secure immediate consideration of his claims.

Haden Edwards, of Kentucky, Robert Leftwich, of Tennessee, Green De Witt, of Missouri, and General James Wilkinson, late of the United States army, were also in the city seeking permission to establish American colonies in Texas.

The first Congress summoned after the accession of Iturbide to power was still in session. The application to it for colonizing privileges by so many people, led to the appointment of a committee to draft a general law on the subject. Austin very justly insisted that his claim was peculiar in its merits, and should receive consideration aside from general legislation, intended to control future concessions. The committee, however, submitted to Congress a general bill. On the eve of its enactment into law, October 30, 1822, Iturbide dispersed Congress, and appointed in lieu thereof, a Junta composed of thirty-five members, and the question of colonization was referred to that body.

Under the inspiration of its imperial master, the Junta passed a law and it was approved by Iturbide on the 4th of January, 1823.

As this was the first colonization law enacted in Mexico, and that too before the formation of the Provinces into States, a brief summary of its provisions is here given.

It abrogated the royal exterminating order of Philip II of Spain against foreigners, and decreed that foreigners, who professed the Roman Catholic religion, should be protected in their lives, liberty and property.¹

To encourage the immigration of foreigners, the government promised to give, out of the vacant public domain, not less than a labor of land (177 acres) to each farmer, and not less than one sitio or league (4,428 acres) to each stock-raiser.²

The law provided that immigrants might come on their own account or be introduced through empresarios.³

As an inducement to immigration, immigrants were to be relieved of all tithes, taxes, impost duties, etc., for six years.

There was to be no buying or selling of slaves, and all children, born of slaves in the empire, were to be free at fourteen years of age.⁴

The empresarios for each two hundred families introduced were to receive fifteen leagues and two labors (66.774 acres) but, however great the number of immigrants introduced by

¹ The intelligent reader need not be reminded that the ecclesiastical establishment of Mexico, having long enjoyed quasi-independence of the head of the church of Rome, teemed with abuses and corruption which would be revolting to the Catholic church of the United States.

² The unit of Spanish measure as applied to land measurements in Texas was the vara (yard) of thirty-three and one-third inches. An English mile is 1900 varas. A labor contains one million square varas and if in square shape has one thousand varas on each side, making an area of 177 English acres. A sitio or league of 4,428 acres, is five thousand varas square and contains the equivalent of 25 labors or 25,000,000 square varas. A lineal league in land measurement is two and sixty-three hundredths English miles.

³ Empresario corresponds with the English word contractor and in this sense simply means one who enters into a contract to found a colony.

⁴ It meant the abolition of slavery merely in name, and the substitution of a system of peonage — slavery in its most aggravated form.

them, they could not acquire more than a total of forty-five leagues and six labors (200.322 acres). Each empresario was required to have his lands settled and cultivated within twelve years from the date of his concession, and to sell or dispose of two-thirds within twenty years.¹

On the approval of this law on the 4th of January, 1823, Austin, who had been in the city over nine months, pressed his suit for a special confirmation of the grant held by him.

Don Jose Manuel de Herrera, Minister of Foreign and Internal Relations under Iturbide, manifested warm friendship for him, zealously advocated his claims and on the 18th of February the grant was confirmed. But when Austin, a few days later, was about to leave for Texas, the counter-revolution occurred, which drove Iturbide from power and he found it necessary to postpone his departure.

Unwilling to await the meeting of the new Congress, ordered to convene in the succeeding August, he pressed the merits of his case upon the attention of Victoria, Bravo, and Negrete, heads of the provisional government, and on the 14th of April, 1823, they ratified the action previously taken by Iturbide.²

Austin's grant contained no limitation as to territory, nor was a time fixed in which to colonize the three hundred families specified therein — privileges conferred upon no empresario in any subsequent concession.

Austin left for home on the 28th of April, 1823, invested with all powers necessary for the civil and military government of his colony. This undefined authority was to be exercised until the establishment of the regular administration of justice. Among other privileges conferred, he was authorized to import needful supplies free of duty for the time being. These

¹ These provisions were modified by subsequent laws of Coahuila and Texas.

² The application of De Witt, Edwards and Leftwich were left to take the regular course.

concessions were coupled with the requirement that he should, from time to time, report his acts to the Governor of Texas, and hold himself subject to the orders of the commanding General of the Eastern Internal Provinces.

Arriving at Monterey, capital of the Eastern Internal Provinces, he called upon General Felipe de La Garza, the general commanding the department, and other authorities for copies of laws and further instructions. They deemed such additional instructions unnecessary, and he continued his journey.¹

After submitting all his papers, concessions and authorities to the inspection of Don Luciano Garcia, then acting as Governor of Texas, at San Antonio, and asking that functionary to appoint a Commissioner for the issuance of titles in his colony, Austin, about the middle of July, 1823, after an absence of one year and four months, reached the settlement on the Brazos, and was joyously welcomed by his colonists.

In his absence, many immigrants had arrived from the United States, to make their homes in Texas. In the valleys and on the prairies, their cabins arose from the Colorado to the San Jacinto, and the wandering Indian, from his lurking place, saw household fires glowing upon Anglo-Saxon hearthstones and, bewildered, beheld the dawning of a civilization that was to redeem the wilderness.

When the triumph of the plan of Iguala became known in Texas, the one-time citizens who fled into Louisiana before the royal troops under Perez, in 1819, gradually returned to their deserted homes in Nacogdoches, and in 1823 the place contained perhaps two hundred inhabitants and the population steadily increased until it became one of the most important

¹ Austin held the rank of Lieutenant-Colonel of militia until February 1, 1828. He held no other military office until chosen, on the 11th of October, 1835, to command the three or four hundred volunteer citizen soldiers assembled at Gonzales; citizens without a government, who selected him as their leader and with whom he served until November 25th of that year.

towns in the country. It became famous for the intelligence, refinement and culture of its citizens, to some of whom Texas is indebted for the brightest pages of its history.

On the 17th of July, 1823, Governor Garcia appointed Baron de Bastrop, Commissioner (to act in concert with Austin) to set apart lands and issue titles therefor to the colonists.¹

In an official order issued on the 27th of July, 1823, the Governor gave the name of San Felipe de Austin to the prospective capital of the colony. San Felipe was his patron saint. The name of Austin was added as a graceful compliment to the empresario, and was rendered necessary by the fact that many haciendas and towns in Mexico likewise bore the name of San Felipe.

Austin selected a site on a beautiful prairie bluff, fronting on the west bank of the Brazos (now in the county of Austin), and laid off the town. It grew rapidly and was the political center of the colony until the formation of the Republic of Texas in March, 1836. Its importance then steadily declined until it became a mere village.

The Baron de Bastrop arrived and entered upon his duties as Commissioner in August, 1823, but as the lands had to be surveyed and field notes returned, examined and recorded, no title was issued in that year. In 1824, however, about 247 titles were granted.

Austin determined to inflict such condign punishment on the Carancahuas as to put an end to the murders and robberies they were continually perpetrating.² For this purpose he

¹ The boundaries of the colony established, after the acquisition of his second and third concessions, included all the territory lying between the old San Antonio and Nacogdoches road on the north, and the gulf on the south, the Lavaca River on the west, and a line midway between the San Jacinto and Trinity rivers on the east.

² In 1824 the Carancahua Indians, having committed various depredations, Austin, in September of that year, dispatched Captain Randall Jones, in command of a company of twenty-three men, to chastise them. He

moved with about a hundred well-armed men in the direction of La Bahia, expecting to strike them west of the San Antonio River on either Espiritu Santo or Aransas bays. But on

dropped down the river in canoes, landed his men, and sent out scouts to reconnoitre. Two of the scouts were ordered to proceed to Bailey's store, where it was said ten or twelve Indians had gone to buy ammunition. When the scouts reached the store they found a number of the colonists assembled and under arms and the Indians being unmistakably hostile, were attacked. A few were killed and those who survived routed. Learning these facts, and that the Indians were encamped about seven miles distant on the west bank of a sluggish stream, since called Jones' Creek, Captain Jones made a night march and attacked them at daylight. The Indians concealed themselves in the high marsh grass along the banks and fought with such advantage that he was forced to retreat. Bailey, Singer and Spencer, three of his men, were killed in the fight. A proportionate number were wounded. The Carancahuas also suffered severely, their killed, variously estimated, being placed at fifteen. About this time two Mexicans and a man named White, known as Old Blanco in Long's expedition, came in canoes down the San Antonio River and entered the mouth of the Colorado in search of corn. The Carancahuas surrounded and captured them. The Indians, however, released White on condition that he would go to the settlement, buy corn and return and trade with them. On his return he was to signal by setting fire to the prairie. White departed for the settlement and in due time returned accompanied by Captain Jesse Burnham and about thirty men. They found the Mexicans at camp and were told that the Indians were down the river, and had planned the death of White. Captain Burnham, upon receiving this information, placed a part of his force in ambush on the river about a mile or two below the camp and set fire to the prairie. A canoe, containing nine warriors, soon appeared on the stream and when it came abreast of the ambuscade, the command delivered a volley well-directed and killed every occupant of the boat. The savages had counted upon compassing the death of Old Blanco, but had reckoned without their host. Among numerous other outrages committed by the Carancahuas, they way-laid, in the summer of 1823, three young men, named Alley, Loy, and Clark, who were in a canoe on the Colorado River near the mouth of Skull Creek. Alley and Loy were killed, Clark received seven wounds, but succeeded in reaching the opposite bank and escaped. In the afternoon of the same day, Robert Brotherton, a young man from St. Louis County, Missouri, rode among these Indians—thinking that they were friendly Toncahuas, but discovering his mistake, put spurs to his horse and escaped, although severely wounded. A party of fourteen colonists surprised and attacked the band (about twenty Indians) at daylight next morning and killed nearly all of them.

the Manahuilla Creek, a few miles east of that town, he was met by the priest, alcalde and citizens of La Bahia, who appeared as mediators for the Indians. The Carancahuas aforetime nominally belonged to the mission at La Bahia as converted Indians and now, seeing danger approaching, professed penitence and appealed to the priest and alcalde to avert the destruction with which they were threatened. The result was a conference and quasi-treaty, in which they solemnly pledged themselves to never come east of the San Antonio or Guadalupe rivers again. The colonists, thereupon, returned to their homes. Mr. Yoakum, in chronicling this affair, says: "This pledge they (the Indians) ever after observed," a statement sadly at variance with the facts, for the Carancahuas long after committed many petty and some serious depredations east of the Guadalupe.¹ Austin, as soon as possible, formulated and published a set of temporary rules and laws for the government of his colony and the administration of justice. He divided the colony into districts, appointed a magistrate and an officer, corresponding to a constable, for each district, gave such magistrates jurisdiction to the amount of two hundred dollars, and granted to litigants the right of appeal to

¹ Near the mouth of the Gaudalupe in 1834, they were only deterred from attacking the party of Major James Kerr, surveying lands for De Leon's colony, by a ruse practiced upon them by him, and during that year they were whipped in a fight near Laguna Verde, or Green Lake, now in Calhoun County, by a party of Mexican and American settlers, commanded by the brave Captain Placido Venibides. Estevan Sisneros, Silvestre De Leon, S. Addison White and his brother James G. White, were members of Venibide's command. The Indians also committed depredations on the lower Colorado, the Navidad and elsewhere subsequent to the date of the treaty. Their last act was the murder of Captain John F. Kemper, at his home on the Guadalupe, Victoria County, in November, 1845, twenty-one years after their pledge to Austin. Mrs. Kemper, with two little children and her mother, after the Indians had attempted to burn them with the dwelling house, escaped in the stormy night and crept to the house of Alonzo Bass, situated twelve miles distant, on the Coleta.

himself in all suits involving sums over twenty dollars. Ample provision was made to meet the necessities of the infant settlement, and the administrative and judicial system created by him gave general satisfaction.¹

¹ Quite an increase in the population occurred in 1824, including a number of persons whose names became identified with the history of the country. Among these were, Alexander Horton, yet (in 1893) living in San Augustine County; and Henry S. Brown (father of the author of this work), from Pike County, Missouri, and his brother, John, from St. Charles County (subsequently known as Waco Brown, from his captivity by the Waco Indians), who arrived at the mouth of the Brazos, with Indian and Mexican goods in December, 1824, and Horatio Chriesman, a native of Virginia and the chief surveyor of Austin's colony during its entire existence, who came from Missouri in 1823. The Brown brothers were natives of Madison County, Kentucky. The large and respectable families of Gates and Kuykendall, David Randon, the Millicans, Shipmans and others, came at intervals from 1822 to 1824.

CHAPTER XIII.

Texas and Coahuila joined into one State — Office of the Chief of the Department of Texas created — Empresario Grants — Arrival of Immigrants.

The following in this connection will be of service to the reader in enabling him to appreciate the political status of Texas and her inhabitants at this time and subsequently until after 1825. The first national colonization law of Mexico was enacted during the ascendancy of Iturbide, and was approved by him on the 4th of January, 1823. The first federal or republican constitution of Mexico (famous in the subsequent history of the country) although adopted on the 31st of January, 1824, was not published and proclaimed as the fundamental law of the land, until October 4th, 1824.

An additional colonization law was enacted by the republican congress of Mexico on the 18th of August, 1824.

By an act of congress on the 7th of May, 1824, the previously separate Provinces of Texas and Coahuila were temporarily united into one State (the State of Coahuila and Texas), to so remain until Texas should have the population requisite for a separate State.

The first congress of the new State of Coahuila and Texas assembled in Saltillo on the 15th of August, 1824, at which time the political chiefs of the former Provinces ceased their functions. On the 1st of February, 1825, the State congress created, by decree No. 13, the office of Chief of the Department of Texas, the office to be filled by an appointee of the Governor, the incumbent to be responsible to him and to reside at San Antonio de Bexar. The duties of the Chief of the Department of Texas were, to preserve the public tran-

quillity, to provide for the infliction of punishments for crimes and misdemeanors, command the local militia, issue and examine passports, preside over all public meetings, decide questions submitted by his subordinates, act as the only channel of communication between such subordinates and the State government, see that the laws were executed, and report his proceedings and observations thereon to the Governor.¹

The first colonization law of the State of Coahuila and Texas, was enacted on the 24th of March, 1825. Under it were made all the colonization, or empresario grants in Texas, except that obtained by Moses Austin and confirmed to Stephen F. Austin by the general government.

THE EMPRESARIO GRANTS.

The empresario grants from April 14th, 1823, to the last issued, May 11th, 1832, (twenty-six in all), were as follows:

The grant, without defined boundaries, finally approved by the provisional executive power of the general government on the 14th of April, 1823, to Stephen F. Austin to settle three hundred families. In effect this was but an approval of the privileges granted to Moses Austin, by General Arredondo, under the expiring government of Spain, on the 21st of January, 1821. The terms of this grant have been heretofore given and need not be recapitulated. Suffice it to say, that the colonists were to be drawn from Louisiana, which the Spanish authorities understood to include Arkansas and Missouri. The grant was never carried into effect, being superseded by a general law of the State under which, as finally modified, each head of a family received a league (4,428 acres) and a labor of 177 acres, or a total of 4,605

¹ The first officer under this decree was Don Jose Antonio Saucedo, whose prejudice against Americans incapacitated him to fill the important position impartially.

acres, and each single man a third of a league, or 1,476 acres. This law continued in force until the formation of the Republic of Texas.

Under the State colonization law April 27th, 1825, Austin entered into a contract to settle five hundred additional families, and on the 20th of November, 1827, into another contract for one hundred families, the former to be settled on the vacant lands in the existing colony, lying ten leagues from the coast, and the latter on the east side of the Colorado River above the San Antonio road, *i. e.*, above Bastrop. The supreme government, on the 22d of April, 1828, granted Austin permission to settle three hundred families on the ten coast leagues (theretofore reserved) from the Lavaca to the San Jacinto, making the total number of families to be introduced by him twelve hundred.

On the 15th of April, 1825, the State granted Green De Witt, of Ralls County, Missouri, the right to settle four hundred families in the country bounded by the Lavaca River and Austin's colony on the east, the San Antonio and Nacogdoches road on the north, De Leon's colony on the south, and by a line between the Gaudalupe and San Antonio River on the west.

It will be remembered that De Witt, Robert Leftwich and Edwards, were seeking grants in the city of Mexico at the same time that Austin was there in 1822. Austin succeeded in his mission. They, however, were compelled to await the action of the State government, and in the meantime, confident of success (at least so far as De Witt was concerned), took the necessary steps to practically inaugurate their enterprises. In fact, before his grant was made, Major James Kerr resigned his seat in the senate of Missouri and with his wife, children and servants, moved to Texas under an agreement with De Witt to become surveyor and (temporarily) administrator of the colony. He arrived in Texas fully a month before the concession was made to De Witt at Saltillo.

Frost Thorn contracted for four hundred families, but nothing was done by him under the grant.

April 15th, 1825, the day that De Witt and Thorn procured their grants, a similar concession to settle eight hundred families was made to Robert Leftwich, of Nashville, Tennessee, in what was afterwards known as Robertson's colony.

On the 18th of April, 1825, Haden Edwards, a Kentuckian, then residing in Louisiana, was granted the right to settle eight hundred families in east Texas, in a district embracing the then important village of Nacogdoches in its limits, and numerous old Spanish grants (many of them fictitious). These conflicting claims, as will be seen hereafter, led to the failure of his colonial enterprise.

On the 6th of October, 1825, Don Martin De Leon received a grant to settle forty-one families, a legal ratification of the permission granted him in 1823 by General Felipe de La Garza, commander of the Eastern Internal Provinces.¹

¹ The forty-one colonists, none coming as late as 1830, were Fernando De Leon, commissioner to issue titles; Silvestre, Felix and Agapito De Leon, Jose M. J. Carbajal (who was educated by the Rev. Alexander Campbell in West Virginia, and afterwards figured in the civil wars of Mexico), Jose L. Carbajal, Fulgencio Bueno, John D. Wright, J. M. Escalera, Sr., J. M. Escalera, Jr., J. N. Escalera, Valentine Garcia, Leonardo Manso, Nicolas Benavides, Desidero Garcia, Rafael Chovel, Julian de La Garza, Pedro Gonzales, J. Guajardo, Carlos Holquin, Ygnacio Mayou, Rafael Manchola, Manuel Dindo (a physician), Francisco Cardenas (a school teacher), Francisco De Leon, Pedro Gallando, Bonifacio Rodriguez, Alejo Perez, Alvino Cabazos, Agaton Sisneros, Estevan Sisneros, Hipolito Castillo, Estevan Galvan, Simon Rios, John McHenry, Joseph Ware, Placido Benavides, Isidro Benavides, Eufemio Benavides, Francisco Villareal, Carlos Laso, Manuel Solis, John Linn, John J. Linn, Edward Linn, and Charles Linn.

Don Martin De Leon's grant was bounded on the south by Matagorda and Espiritu Santo bays; on the east by the Lavaca River and Bay; on the north practically by De Witt's colony and on the west or southwest, by the Coleta Creek and Guadalupe River. De Leon was born in Burgos, Tamaulipas, in 1765; in 1795 married Patricia de La Garza in Soto La Marina; gained distinction as a soldier in wars waged against the once warlike tribe of Tamaulipas Indians, entered Texas in 1805, and visited among other places La

On the 12th of January, 1826, Benjamin R. Milam entered into a contract to settle two hundred families. His colony was bounded on the south by the old San Antonio and Nacogdoches road and extended from the Colorado to the Guadalupe River and up those streams fifteen leagues. In other words, from opposite Bastrop to a point about fifteen miles above Austin and from New Braunfels to a point about forty miles up the Guadalupe. Came to naught.

On the 19th of March, 1826, Arthur G. Wavell, an Englishman, secured a contract to settle two hundred families; but did nothing under it.

On the 27th of May, 1826, Stephen J. Wilson contracted for the introduction of two hundred families and, likewise, failed to accomplish anything.

Bahia, Nacogdoches and San Antonio; established a rancho on the Aransas River in 1806; petitioned Governor Salcedo for a grant of land but was refused; renewed his application in 1809, with like result; then removed to the east bank of the Nueces. During the revolution, begun in 1810, the hostilities of the Lipan and Comanche Indians compelled him to take refuge in San Antonio, where he was a zealous republican. In 1816 he took his family to his native town of Burgos and afterwards back to his home on the Nueces; in 1823 drove mules from his rancho to New Orleans, and chartered and loaded a vessel for the Rio Grande, the first sea-going craft to arrive at the little missionary hamlet of El Refugio, now the city of Matamoros; in 1823, made known to his friends (among others, General Don Felipe de La Garza), his intention to found a colony on the Guadalupe and received authority to locate on any vacant lands in that country, and in 1824 introduced forty-one families. His grant was ratified and made specific by the State government on the 6th of October, 1825. In 1829 he was authorized to settle 150 additional families, and to appropriate the coast lands, until that time reserved, with which he also complied. In honor of the first President of Mexico, he named the capital of his colony Guadalupe Victoria. He died of cholera in 1833. The children of this worthy Mexican empresario and Texas pioneer were: Fernando, born in 1798; Candelaria, born in 1800, married Miguel Aldrete; Silvestre, born in 1802; Guadalupe, born in 1804, married first Desiderio Garcia, and after his decease Cesano de La Garza; Felix, born in 1806, married Salime Leal; Agapito, born in 1808; Maria Jesus, born in 1810, married Rafael Monchola; Refugio, born in 1812, married Jose M. J. Carbajal; Augustina, born in 1814, married the valiant Placido Benavides; and Francisca, born in 1818, married V. Dosal.

On the 14th of November, 1826, John L. Woodbury contracted for two hundred families, but never introduced any.

On the 22nd of December, 1826, Joseph Vehlein contracted for three hundred families, and David G. Burnet on the same day contracted for the same number.

Other grants were made as follows:

Dr. John Cameron, May 21, 1827, for one hundred families, and February 19, 1828, for three hundred families. Came to naught.

Exter and Wilson, February 23, 1828, for one hundred families. None were introduced.

James Power and James Hewitson (Irishmen), June 11, 1828, for two hundred families on Aransas Bay (Refugio).

John McMullen and Patrick McGloin (Irishmen), August 17, 1828, for two hundred families on the Nueces River (San Patricio).

Joseph Vehlein, November 17, 1828, for one hundred families.

Juan Dominguez, February 6, 1829, for two hundred families. None were introduced.

Don Lorenzo de Zavala, March 12, 1829, for five hundred families.

Don Martin de Leon, April 30, 1829, for an additional one hundred and fifty families.

Padilla and Chambers, February 12, 1830, for eight hundred families. None introduced.

General Vicente Filisola, October 15, 1831, for six hundred families. Came to naught.

Jose M. Ragueta and John C. Beales, March 14, 1832, for two hundred families. Failed.

Juan Vicente Campos (representing a Mexican company), May 1, 1832, for four hundred and fifty families. Came to naught.

James Grant and John C. Beales, eight hundred families. Also failed.

The grants to Burnet, Vehlein and Zavala, covering that part of east Texas formerly embraced in Edwards grant and much territory besides were transferred to a company of New Yorkers, who organized as The Galveston Bay Land Company, and issued land scrip in total disregard of the letter, spirit and object of the colonization laws, bringing failure upon themselves, mortification to Burnet, Zavala and Vehlein, and unjust reproach upon Texas.

Thus it will be seen that the spirit of colonization was abroad after the passage of the State law. Many individuals applied for and obtained concessions, and the desire to settle in Texas became wide-spread in the southern and western States. The influence of the movement was felt, although in a less degree, even in the northern States of the American Union.

Austin's colony steadily received additions to its numbers, and contained a majority of the educated and talented men of the country, among the number William H. Wharton, who arrived from Tennessee in 1826; Robert M. Williamson, from Georgia; Francis W. Johnson, from Virginia; David G. Burnet, from New Jersey; John H. Moore, from Tennessee; Jesse Grimes, from Alabama, and Wm. J. Russell, from North Carolina.

Burnet, Wharton and Williams became distinguished in the councils of the country; and, just as 1827 opened, there came from Missouri, though a Kentuckian by birth, Henry Smith, destined to wield such a powerful influence in the affairs of Texas.

CHAPTER XIV.

De Witt's Colony — Establishment of the town of Gonzales — An incident of Frontier Life — Regulations to govern the survey of Lands and laying out of Towns.

After burying his wife and two little ones on the Brazos in June, 1825, Major James Kerr prepared to establish a settlement and select a site for the capital of De Witte's colony, and, leaving his only remaining child, a little girl of three years, with Mrs. William Pettus at San Felipe, set forth with his negro servants and six white men, viz.: Erastus (Deaf) Smith, Bazil Durbin, Gerou Hinds, John Wightman, James Musick and — Strickland.

In August, 1825, on Kerr's Creek, a mile east of the present town of Gonzales, he speedily erected cabins and surveyed a town which he named Gonzales for the first Governor of Coahuila and Texas, Don Rafael Gonzales. He also located and surveyed the four leagues of land to which each capital town was entitled.¹

The survey of lands for future colonists was prosecuted as rapidly as practicable.

The empresario, De Witt² arrived at Gonzales about the 1st of October, but from what point is not known — presumably, however, from Saltillo. He remained three or four weeks, during which time a number of prospectors came to look at the country. He clothed Major Kerr with full authority to manage the colony in his absence, and delivered to him

¹ A few weeks after Kerr's arrival, Francis Berry and family arrived and settled near by on the creek. Of this family were also John and Betsey Oliver, grown children of Mrs. Berry, by a former husband.

² De Witt needed funds to meet his wants during his journey to the United States, and the means he adopted to accomplish that end will meet

his commission from Governor Gonzales, as Surveyor-General.

Precisely when De Witt left for the east is not known, nor for what point or purpose; but it is supposed for Missouri, by way of New Orleans. The following letter, however, furnishes imperfect light:

TRINITY, November 12, 1825.

Major James Kerr:

DEAR SIR—I arrived at this place a few days since and after resting two or three days, proceeded on my journey; but after traveling a few miles, was agreeably surprised to meet Colonel Haden Edwards and Frost Thorn, my partner, which saves me a long trip, as I shall not go by Nacogdoches, as was contemplated when I left you. They are on their way to San Felipe de Austin, where I hope you will have the pleasure of seeing them. Whether you meet Colonel Thorn or not, should he call on you for one or two hundred dollars in Guadalupe land office-money, you will please fill his order * * * It would be well for you to let it be known that all who apply for settlement must produce certificates of good character and industry.

You will complete the survey of the town and permit its settlement accordingly. * * *

I shall proceed on my journey to-morrow and hope to return in April next.

Yours respectfully,

GREEN DE WITT.

with the approval, no doubt, of a school of politicians recently active in the United States.

Here is a literal copy of one of his bills. I have eight such (in sums of five, ten and twenty dollars) in my possession, the chirography of all equal to the finest copy plate:

No. 2.

\$10

This bill will be received as a cash payment for ten dollars on account of fees for land in De Witt's Colony.

River Guadalupe, district of Gonzales, 15th day of October, 1825.

GREEN DE WITT, *Empresario*.

No families were added to the settlement in 1825. A considerable number, who visited the place as prospectors, left during the year, expecting to return in 1826.

The colonists, besides coffee, — considered by Texian frontiersmen an absolute necessity and not a mere luxury, — subsisted on bread made of Indian corn, honey and game. The prairies teemed with buffalo and deer, and while their larders exhibited little variety, the pioneers found subsistence easy.

Parties of Indians frequently called in passing to and fro, but professed friendship.

The settlers at Gonzales, sixty-five miles west of the Colorado, in 1825-6, were the only American residents west of that stream. De Leon and half a dozen Mexicans at the infant settlement of Guadalupe Victoria, sixty miles southward, were their nearest neighbors. Their nearest neighbors to the west were the people at San Antonio de Bexar, seventy-eight miles distant. There was no road to either place nor in any of the other directions save their own freshly made trail to the Colorado.

Thus matters stood when the first day of July, 1826, arrived. There was to be a celebration of the fourth of July at Beason's, at the Atascosita crossing of the Colorado, a few miles below the present town of Columbus. We copy the following from an article published by the author of this work in 1852, when half of the participants were alive and indorsed it as correct:

Major Kerr had gone on business to the Brazos; Deaf Smith and Geron Hinds were absent on a buffalo hunt; and it was agreed that Basil Durbin, John and Betsey Oliver and a very sprightly negro boy (a servant of Major Kerr) named Jack, should go on horseback to the Colorado celebration.

They started on Sunday, July 2d, and encamped for the night on Thorn's Branch, fourteen miles east, having no apprehension of danger at that time. The little party, however, were doomed to disappointment, and about midnight,

while soundly sleeping on their blankets, were suddenly aroused by the firing of guns and the yells of Indians. Durbin was shot in the shoulder by a musket ball and badly wounded, but escaped with his companions into a thicket near by, the horses and other effects being left in the possession of the enemy. From loss of blood and intense pain, Durbin repeatedly swooned, but was restored by the efforts of his companions and enabled to walk by noon on the following day, back to Major Kerr's cabins, where the party was astounded to find John Wightman lying dead and scalped in the passage-way between the rooms, and the house robbed of everything, including important papers and three compasses, and that an unsuccessful attempt had been made to burn it. They hurried down to Berry's cabin, and found it closed and on the door written with charcoal — "Gone to Burnbam's, on the Colorado."

When Durbin and his companions left on the previous day, Strickland, Musick and Major Kerr's negroes (Shade, Anise and their four or five children), went to Berry's to spend the afternoon, leaving Wightman alone at the cabins. Returning late in the day, they found Wightman as described — yet warm in his blood. Hurrying back to Berry's with the tidings, the entire party started for the Colorado, where they safely arrived, and were joined a few days later by Deaf Smith and Hinds.

Durbin's wounds had already rendered him very weak, but his only alternative was to reach the same place on foot, or perish by the way. The weather was warm and there was imminent danger of gangrene making its appearance in his wound, to prevent which it was kept poulticed with mud and oak juice. Leaning on Betsey Oliver's arm he arrived at Burnham's on the afternoon of July 6th, three days and a half after starting for that place.

Thus was De Witt's colony, like Austin's, at the mouth of the Colorado, christened in blood, and thus for the

moment ended the first effort to found a settlement within its limits.

Following these events, Major Kerr and a few companions moved to a point on the west bank of the Lavaca, now in Jackson County. There block houses were built and a nucleus formed for a renewal of the enterprise. The place, only temporarily occupied for defensive and rallying purposes, was subsequently known as the "*Old Station.*" Major Kerr established his permanent home on the east bank of the Lavaca near the station.¹

De Witt did not return to the colony until after Kerr established his temporary headquarters on the Lavaca. It is certain, however, that he participated in establishing the station and remained there until July, 1827. The permits given by him to settlers — David C. Stephens, Solomon Lockland and William H. Reynolds — the originals being in the author's possession and dated "De Witt's colony, Lavaca Station, Department of Texas, December 13th, 1826," show that he was there at that time attending to his duties. That he remained there and elsewhere in the colony until July following, is rendered quite certain from the fact that, prior to leaving for Missouri to bring out his family, he executed anew a full power of attorney to Major Kerr.²

¹ In October, 1827, Ishom, son of John (Waco) Brown and his wife, Nancy A., recently arrived from Missouri, was the first American-born child in that portion of Texas. It may be added that two girl children born respectively in 1828 and 1830, to the same parents, were the first American children born at San Antonio de Bexar. They died before reaching more than two or three years of age.

² The following is a copy of the instrument, the original of which is in my possession.

Know all men by these presents that whereas, I, Green De Witt, of the colony of my name, in the department of Texas, in the Mexican United States, did obtain a grant from the supreme government of the state of Coahuila and Texas, bearing date the 15th day of April, 1825, to settle four hundred families in the department aforesaid, and within certain described limits as will fully appear by reference being had to said grant. Now know

On the 12th of December, 1826, Major Kerr, under the authority vested in him as surveyor-general, commissioned Byrd Lockhart as a deputy surveyor of the colony—a judicious selection—and the survey of lands,¹ despite danger from

ye that I, the said Green De Witt, have made, constituted and appointed and by these presents do make, constitute and appoint James Kerr, of said department, my true and lawful agent and attorney in fact, for me and in my name as empresario of said grant, to do and perform all and singular the duties imposed on me, the said Green De Witt, by virtue of said grant and the nature of my contract with the state aforesaid, in as complete and full a manner as I myself might or could do, were I doing the same in person; and my name to use as his own, at his will and pleasure, touching these premises to carry into effect all legal proceedings by me made; to seal, execute and deliver such grants, deeds and conveyances and other instruments as might be fit and lawful for me to do under the colonization law, the instructions of the commissioner and political chief, and also of the state and general government; hereby ratifying and confirming and by these presents allowing whatsoever my said attorney shall in my name, lawfully do, or cause to be done in and about the premises, by virtue of these presents.

In witness whereunto I set my hand and seal, at the Lavaca Station, on this the 14th day of July, 1827, and the sixth year of Mexican independence.

Witnesses:

GREEN DE WITT. (L. S.)

WM. J. RUSSELL,

ABRAM M. CLARE.

The foregoing power of attorney was signed, sealed, acknowledged and delivered by Green De Witt and the subscribing witnesses in my presence, at the Lavaca Station, on this the 14th day of July, 1827.

J. NOORON, *Alcalde*.

¹ The following document regulating the survey of lands and laying out of colonial towns, being common to all the colonies, is here inserted:

Instructions and orders which are to regulate the surveyor, James Kerr, in the measurement of lands for pastoral purposes, labors for cultivation, and planting towns on the lands to be colonized by the empresario, Green De Witt:

1. The measure to be used shall be the vara of three geometric feet.
2. A sitio, or league, for grazing will be composed of a league square, (or its equivalent in area).
3. Pasture-lands shall be surveyed so as to leave no vacancy between tracts, and labors shall be suitable lands for cultivation.
4. The site for any town being designated, he will run the base lines east and west, north and south, designating in the center a square of 120 varas (333½ English feet) on each side, exclusive of the streets, which shall be known as the constitutional square or plaza and from this point (the

hostile savages, proceeded with all reasonable dispatch, and immigrants continued to arrive and locate at and near the station on the Lavaca.

During 1827 immigrants continued to arrive in east Texas and all the colonies, DeLeon's colony receiving quite a number. That of Austin, however, covering so large a territory, received much the greater number. Beginning with James Cummins on the Colorado, and Josiah H. Bell on the Brazos, as temporary alcaldes in 1824, and appointing Samuel M. Williams as secretary of the colony in August of that year, he had step by step organized his colony in such manner as to inspire confidence in its permanence and prosperity. But at a most inopportune period in the last half of the year 1826, a cloud appeared in Edwards' colony, the headquarters of which were in Nacogdoches. Justice to that gentleman and fidelity to the truth of history demand at least a brief and clear review of the facts leading to the failure of his enterprise, for it is conceded by all writers and critics, that he was an educated, high-souled and honorable man. Therefore, leaving the colonists of DeWitt at Lavaca station, coincident events in the east will be given in so far as they relate to Edwards' colony.

corners) streets shall run twenty varas ($55\frac{1}{2}$ feet wide) and on these (and parallel streets) the square shall be formed with perfect exactness.

5. The square east of the first one shall be designated for the temple, minister's house and other edifices of the church, and that on the west for public edifices. Another square shall be set apart for a market, another for a prison and house of correction, another for schools and another for a cemetery.

JOSE ANTONIO SAUCEDO,
Chief of the Department of Texas.

San Antonio de Bexar, August 25, 1826.

CHAPTER XV.

Haden Edwards — The Republic of Fredonia — Austin's Address to his Colonists — Death of Hunter and Fields — Dispersion of the Fredonians.

Permission to establish a colony was granted Haden Edwards, as we have seen, by the State of Coahuila and Texas, on the 18th of April, 1825. He was to introduce eight hundred families, and was authorized to organize and temporarily command the militia. Unfortunately for him his territory included the old settlement of Nacogdoches, on the verge of what was once the neutral ground. It was situated as near the United States as the twenty-border-league reservation permitted and was contiguous to the territory in which the Cherokees and other United States Indians (unauthorized by any grant) had been settling since 1820. Added to these probable causes of future conflict, was another likely to arouse, as it speedily did, the avarice of selfish and dishonest men and unscrupulous swindlers and forgers. Scattered over the country, were alleged individual grants of land — some real and some pretended — from the former Spanish authorities.

After receiving his grant, Edwards returned to the United States, made extensive arrangements for introducing families from that country, involving large outlays of money, and then, with his family, repaired to Nacogdoches in October, 1825. Soon learning that many Spanish claims, in consequence of the prospective increase in the value of lands, were being asserted, and, doubtless believing a considerable number of them to be fictitious, and knowing that he was obligated in his contract to respect and protect all genuine claims of former date, he gave notice in November, to all such

claimants, to exhibit their titles in order that the true might be respected and the false rejected, in accordance with the law. This first step aroused opposition among the Mexicans; the evil-disposed pretended-claimants seducing into their ranks many for whose protection the investigation was in good faith intended. Near the same time Edwards ordered an election, to be held on the 15th of December, for militia officers, which he had the right to do; but he went further and advised that the civil office of Alcalde should be filled at the same election, a matter over which it was claimed he had no legal jurisdiction. The former Alcalde, Jose Antonio Supelveda, a scoundrel and forger of land titles, presided. Norris, a brother-in-law of James Gaines, a resident of the neutral ground, was a candidate for Alcalde; and Edwards allowed his son-in-law, Chapin, to stand for the same office.

The result of the election was disputed. Each candidate claimed to be elected. Chapin took possession of the office. Saucedo, Political Chief, decided in favor of Norris,¹ who was on the Mexican side in the excitement growing out of the question of titles and declared that, if need be, the militia would be used to put him in possession. But he was allowed peacefully to take the office. Another difficulty arose about

¹ In 1790, Barr and Samuel Davenport, Americans, were traders and merchants in Nacogdoches. Davenport seems to have become a permanent resident and to have remained in that vicinity, with considerable possessions, until the general flight of the population into Louisiana, after the defeat of the republican forces near the Medina, on the 18th of August, 1813, and the march of the victorious Spaniards towards Nacogdoches immediately thereafter. He then settled in Natchitoches and figured in public affairs. Edmond Norris settled at a place known as Rancho Canicho, in Nacogdoches county, in 1805-6; abandoned it in the exodus of 1813 and returned in 1820 (see Texas Supreme Court Reports, volume 44, page 204, title *Norris v. Stephen*). His son, Nathaniel Norris, was the person spoken of as Alcalde in 1826, in the military report and official declaration of the Political Chief, Saucedo. James Gaines, another of those early characters, was a brother-in-law to Nathaniel Norris, and his supporter in these troubles.

the keeper of a ferry on the Trinity, in which Saucedo, very unjustly, decided in favor of a Mexican, avowing that he did so because he was a Mexican.

Edwards reported his progress to the chief at San Antonio and complained of Sepulveda and another Mexican named Louis Procela, who had fled from the United States for crime, and intimated that if they had been Americans, he would have driven them from the country. Saucedo felt that this was an indignity cast upon his countrymen. It was another step toward a breach. Norris the new, and Sepulveda the old, Alcalde, in concert favored every bogus claim set up, and many new settlers were ousted of their possessions. Rascality, enthroned at Nacogdoches and protected at San Antonio, was sowing bitter seeds. On the 1st of May, 1826, Saucedo wrote Edwards a letter denunciatory in character, especially so in regard to the organization of the militia and Edwards' desire for an examination of the old claims. This added fuel to the flames. Soon afterwards, Edwards visited the United States leaving Benjamin W. Edwards, his brother, to act in his absence. The latter wrote to Austin at San Felipe, setting forth all the facts, and also to the Baron de Bastrop, then in the Legislature at Saltillo. Austin advised him to fully acquaint Governor Victor Blanco with all that had transpired. This he did, fully and fairly, concluding with a denunciation of James Gaines and Norris, in which he characterized them as corrupt, treacherous and utterly unworthy.

On the 2nd of October, Governor Blanco answered B. W. Edwards' letter, reciting the facts as he claimed to have gained them from statements made by the Sepulveda party, and claiming that Edwards' letter was not respectful in tone. He concluded his extraordinary epistle as follows:

“In view of such proceedings, by which the conduct of Haden Edwards is well attested, I have decreed the annulment of his contract, and his expulsion from the territory of

the Republic, in discharge of the supreme orders with which I am invested. He has lost the confidence of the government, which is suspicious of his fidelity ; besides it is not prudent to admit those who begin by dictating laws as sovereigns. If to you or your constituents, these measures are unwelcome and prejudicial, you can apply to the Supreme Government ; but you will first evacuate the country, both yourself and Haden Edwards ; for which purpose I this day repeat my orders to that department — in the execution of which, as they will expel all evil-doers, so they will extend full protection to those of worth, probity and useful skill, that have settled therein and are submissive to the laws and constituted authorities.

VICTOR BLANCO.”

Before this letter reached Nacogdoches, Haden Edwards returned from the United States. Its arrival caused intense excitement and great bitterness of feeling. The party of Sepulveda was exultant, and Mexicans rapidly began asserting claims to nearly all the valuable lands held by the Americans. Norris, a subservient tool of unscrupulous men, yielded unhesitatingly to their demands, and caused Americans to be ousted from their homes and driven away or fined and imprisoned ; and, to add to the unbearableness of the situation, Gaines, his brother-in-law, held a company of regulators in readiness to enforce his mandates. The dominant party soon went to such outrageous extremes that many of their partisans abandoned them. Edwards exerted his influence and authority as best he could to induce his friends to practice moderation and made dispassionate representations to the government in which he clearly presented the true status of the colony. He had invested fifty thousand dollars in preparations and could not afford to be rash. All appeals for justice having failed, the colonists, as a last resort, determined to assert and defend their rights. Steps were taken to organize

forces, and, knowing the Cherokees to be exasperated at the refusal of the Mexican government to grant them lands, an alliance was sought with them. John Dunn Hunter, one of their chiefs, on his return from the city of Mexico, had just communicated to them the refusal of that government, and they were prepared for such advances and readily acceded to the proposed union, when advocated by him.

Haden Edwards and his brother visited the American settlers on and beyond the Attoyac, to arouse them and secure their co-operation in organized resistance to robbery and oppression. A report met them that a Mexican force from San Antonio was near at hand. B. W. Edwards with only fifteen men, under an improvised flag, hurried back to Nacogdoches, where he arrived on the 16th of December and found that Ellis P. Bean,¹ with thirty-five Mexican soldiers from San Antonio, had advanced to within a few miles of Nacogdoches; but, on learning the state of feeling, had retired to some point west of the town to await reinforcements.

The Americans assumed the designation of *Fredonians*, and on the 18th mustered two hundred fighting men. Martin

¹ Ellis P. Bean, as elsewhere shown, was one of the Nolan party captured in 1801, imprisoned in Mexico until 1812, then a soldier in the patriot army till 1814, then a messenger to the United States and again a soldier in Mexico till 1818, when he returned to the United States, married in Tennessee, moved to Arkansas, and, when he heard of the success of the Mexican revolution in 1822-3, settled at Mound Prairie, in East Texas.

In 1826 he went to Mexico, received a grant of land for his services in the revolution, a commission as nominal Colonel in the Mexican service and was appointed an agent to the Cherokee and other Indians in East Texas. At that time, John Dunn Hunter was in the city of Mexico in behalf of the Cherokees and aided by Ellis P. Bean sought a grant in their favor. Hunter was told that they could settle as other colonists, but could not have a separate tribal grant.

Hunter was a remarkable man. He claimed to be an American captive to the Indians when a child, but knew not his name, age or birthplace. He visited in early manhood, the eastern cities and Europe, became quite a scholar in English, and then returned to live among the Cherokees in East Texas, over whom he exerted great influence.

Parmer¹ was elected to the post of command, and the work of organization vigorously prosecuted.

On the 20th of December Hunter, Fields and other chiefs, representing the Cherokees and associated tribes, arrived to perfect the alliance verbally agreed upon. Deliberations lasting for three days resulted in the signing of a treaty embodying a solemn league between the American colonists and the Indians. It was signed on the part of the Fredonians, by Haden Edwards and Harmon B. Mayo, and on the part of the Indians, by John Dunn Hunter and Richard Fields. It was ratified December 20, 1826, for the Indians, by Hunter, Fields, Ne-ko-lake, Kuk-to-ke and John Bags; and for the Americans by a Fredonian legislative committee, or council, consisting of Martin Parmer, president; Haden Edwards, Harmon B. Mayo, Benj. W. Edwards, Joseph A. Huber, Burrill P. Thompson, John Spron and W. B. Ligon.

The objects had in view in the formation of this league were a declaration of independence from Mexico and the establishment of a Republic to be called Fredonia. The territory of Texas was divided into two parts by a line north of Nacogdoches, running east and west, across the country. All

¹ Parmer was a Virginian by birth; had lived and married in Tennessee and in 1818 went to Missouri and settled in what is now Clay County, in proximity to the Sioux, Iowa and Osage Indians, with whom he had encounters about which various apochryphal stories were afterwards related, some of which are too incredible to be considered historical. He was a man of physical courage, strong mind and rough exterior, delighting in the exhibition of grotesque eccentricities, and not very scrupulous as to the means of accomplishing ends. He sat in the senate of Missouri in the session of 1824-5 with James Kerr, who represented the district of St. Genevieve, St. Francois and Perry. At the close of the session, both resigned and came to Texas. Parmer settled at Mound Prairie in the northeast, and Kerr about four hundred miles distant in the extreme southwest. They met again in the councils of the country, not only in the Fredonian troubles, but in the conventions of 1832-3 and 1835-6. Parmer signed the declaration of independence. Kerr was a member of the convention, but was absent, removing his family from the frontier to escape the advancing Mexican army.

north of the line, it was specified, should belong to the Indians; all south to the Americans. The war was to be prosecuted until the achievement of independence.

The Edwards¹ party indulged the delusion that the Ameri-

¹ The brothers Edwards were natives of Kentucky, but at this time residents of Mississippi and wealthy planters. They belonged to a family, members of which had been, or have since been, distinguished for talent and public services in Virginia, Kentucky, Illinois, Missouri and Texas. Benjamin seems to have been the leader in the Fredonian trouble, after which he returned to Mississippi, where he died about 1845. Asa and Gustavus, two other brothers, settled in central Texas. Haden Edwards, as has been shown, had met Austin in Mexico in 1822-3. He had thirteen children, who (excepting some of the elder ones who left with him on the failure of his enterprise) remained permanently in Nacogdoches. His daughter, Susan W., wife of Frost Thorn, already in Nacogdoches, as is shown in De Witt's letter to Kerr in 1825, remained there and had charge of her younger brothers and sisters, of whom Haden H. Edwards, then a youth of thirteen years, became and long remained a prominent and useful citizen. He was a soldier in 1835-6 and married Sarah M., daughter of Colonel John Forbes. He was a member of the first legislature in 1846, and later (1859-1863) a senator and a member of the secession convention. He was the chief originator and President of the Sabine Pass and East Texas Railway Company, and died in Cincinnati, in August, 1865, en route to New York. His only living son is the Honorable Peyton Forbes Edwards, an ex-senator and ex-district judge at Nacogdoches and now of El Paso, whose only son, Peyton J., yet in his minority, is the only other living male descendant, being a great-grandson of Haden Edwards. Haden Edwards also had two other sons, Asa and John. Asa escorted the Mexican Colonel Piedras, after his surrender in August, 1832, to New Orleans, and later died unmarried. John married, and died in 1846, his two sons afterward losing their lives in Harris County, one by lightning, the other from exposure searching for his missing brother. Mrs. Harrison, one of the daughters of Haden Edwards, returned to Louisville, Kentucky, and became a widow. She subsequently married Mr. Reeves and became the mother of Haden Reeves, now of Texas. Jane, another daughter of Haden Edwards, living with her sister, Mrs. Thorn, married Benjamin Davenport, son of Samuel Davenport, who was a merchant in Nacogdoches in 1790, and who figured otherwise as a settler in that country in 1805 and 1812-13, Angalie, a daughter of this union, married Louis, a son of John Durst, who, in 1833 and thereabouts, figured in the John T. Mason eleven-hundred-league purchase from the State, which was outlawed as a fraud by the constitution of the Republic of Texas in 1836, John Durst being at the time of this gigantic purchase a member of the legislature of Coahuila and Texas. Mrs. Chapin, another

cans scattered over East Texas, and volunteers from the United States and the colonists of Austin and De Witt would flock to their standard. The colonists of the west, most of them at the moment newly arrived, without even cabins to shelter their families, and exposed at all times to attacks from alert and hostile savages, realized the madness on their part of plunging into war with Mexico.

Various collisions, too insignificant to narrate, occurred at and in the vicinity of Nacogdoches. A delegation from Austin and De Witt's colonies, was sent by Austin to fraternally remonstrate with the Fredonians. James Cummins, from Austin's colony, and James Kerr from that of De Witt, were members of the delegation. The delegation failed to accomplish the object intended.

About the 20th of December, two hundred Mexican troops, under Colonel Mateo Ahumada, left San Antonio for Nacogdoches and reached San Felipe early in January, 1827. The Political Chief, Jose Antonio Saucedo, accompanied them to give direction to affairs and halted at the capital of Austin's colony for some time. On the 22nd of January Austin issued the following address:

To the Inhabitants of the Colony :

The persons who were sent on from this colony by the Political Chief and military commandant (Austin) to offer peace to the madmen of Nacogdoches, have returned — returned without having affected anything. The olive branch of peace which was held out to them has been insultingly returned, and that party have denounced *massacre and desolation* to this colony. They are trying to excite all the northern Indians to *murder and plunder*, and it appears as though they have no other object than to *ruin and plunder this coun-*

daughter of Haden Edwards, wife of the man who was counted out of the alcaldeship in 1826, remained in Natchitoches, Louisiana. This constitutes a partial summary of the family history of Haden Edwards.

*try. They openly threaten us with massacre and the plunder of our property. * * **

To arms, then, my friends and fellow-citizens, and hasten to the standard of our country!

The first hundred men will march on the 26th. Necessary orders for mustering and other purposes will be issued to commanding officers.

Union and Mexico.

S. F. AUSTIN.

San Felipe de Austin, January 27th, 1827.

That Austin and his colonists, as well as the colonists of De Witt, were right in opposing the Fredonian movement, all parties then conceded and all writers of Texian history since, agree. But the utterances in his address quoted above in italics were then and have since been severely criticized. No sane man at that day, unless unduly excited by wild rumors, could have believed that educated and honorable American gentlemen, as the Edwards brothers are admitted to have been, dreamed of inflicting "massacre and desolation" on their countrymen in Austin's colony; or that they were trying to excite the northern Indians to murder and plunder them; or that they openly threatened them with Indian massacre and plunder of their property. Such assertions by a man of Austin's usually conservative and cautious mind, can only be explained on the ground that he was grossly deceived by false and exaggerated reports, ever incident to such times, and that these reports were rendered doubly irritating to him by the impossibility of speedy communication through the wilderness. After a sober analysis of these events, when quiet was restored, the conviction remained in many minds, that a permanent voluntary union of Anglo-Americans, with a Mexican population of mixed blood, born and reared in ignorance, and accustomed to despotic rule, was impossible.

When the Fredonians became aware that the Mexican troops

under Ahumada, accompanied by Saucedo, were on the march from San Felipe to Nacogdoches, they sent runners to the Cherokees calling for assistance. Too late. Bean, by promising them, in the name of the Mexican government, all they asked, had induced them to repudiate their covenant and array themselves against their two most able and faithful chiefs, Hunter and Fields. These two men, who had sacrificed much to serve them (both in Texas and Mexico), were foully murdered by the Indians when they urged adhesion to the terms of the treaty. The Fredonians also appealed to the settlers on Ayish (sometimes written Aes) Bayou for help, but Bean's emissaries, by various promises of pardon, lands, etc., had quieted them.

The Indians were already flocking to swell the ranks of the Mexicans, who (on the day that Austin's first company, yet to be raised, had been ordered to leave San Felipe), were within a few miles of Nacogdoches. This was on the 26th of January. The Mexicans halted two or three days for the Indians to join them, and this gave the Fredonians time to survey the situation and realize their abandoned and defenseless condition. On the 31st, having previously sent off such families as desired to leave, they abandoned Nacogdoches and retired across the Sabine into Louisiana.

Fortunately for the cause of future harmony in the country, no armed Americans from either western colony joined the Mexicans, but a number of prominent western colonists were present when the Mexicans entered Nacogdoches, and successfully intervened for the protection of all who yet remained in the town and surrounding country.

Thus began and thus terminated the Fredonian emute, and peace reigned for some years in that portion of Texas. Austin was justified in his course, but not in his denunciations.

CHAPTER XVI.

Boundary of Austin's first Grant — A State Constitution proclaimed — Difference between the organization of the State and Federal Governments of Mexico and those of the United States — More about De Witt's Colony — Letter from William C. McKinney giving some Personal Reminiscences of Ben R. Milam — Burnet's tribute to the character of Milam.

It must be borne in mind that on the 7th of May, 1824, the Mexican Congress passed an act temporarily combining the Provinces of Coahuila and Texas into a State. They provisionally organized almost immediately, by electing a State Legislature, and Don Rafael Gonzales as Governor, but the formation of a constitution for the new State was yet to occur. While in this provisional condition, on the 24th of March, 1825, the Legislature and Governor promulgated a State colonization law, under which, in the succeeding month of April, as heretofore stated, contracts were awarded to De Witt, Leftwich and Edwards.

On the 20th of May, under this new law, Austin was awarded by the government a contract to settle five hundred additional families within the boundary of his former grant, the boundaries of which for the first time, were fixed on the 7th of March, 1827, as follows: beginning on the west bank of the San Jacinto River (ten leagues in a direct line from the Gulf of Mexico) thence up the west bank to the source of that stream; thence due north to the road leading from Nacogdoches to San Antonio de Bexar; thence following that road (westerly) to a point due north of the source of the Lavaca River; thence (south to and down the Lavaca River) to within ten leagues of the Gulf of Mexico; thence easterly, parallel to and ten leagues from the coast, to the beginning.

On the 11th of March, 1827, more than two years after the institution of the State provisional government, the legislature proclaimed a State constitution. To a citizen of the United States, familiar with the history of his country and the genius of its institutions, the adoption of a constitution as a sequel to, instead of a precursor of, State sovereignty, is anomalous; and doubly so, when it is remembered that the American union of States, as a Federal Government, was created by pre-existing free States, they being the creators and the Federal union, or confederation, the creature. The Federal government of Mexico, its garments yet stained with the blood of patriots, who had called it into being, created the State governments by its fiat, instead of being created by them.

Thus we have arrived at the year 1827. Austin's colony was prospering and increasing in numbers and Americans, only temporarily checked by the Fredonian *emeute*, were seeking homes in East Texas.

De Leon's Mexican colony, with a considerable American element adding to its strength, and quite a concourse assembled at the Lavaca station ready to locate.

DE WITT'S COLONY.

De Witt's colony, to which we now return, with the remark that during the year Surveyor-General Kerr and his deputy, Byrd Lockhart, prosecuted the survey of lands as rapidly as possible around the still unoccupied capital of Gonzales and elsewhere. About the first of October, De Witt arrived at the station with his family, excepting his daughter Eliza, who remained at school in Missouri. She came out two years later and afterwards became the wife of the sturdy patriot, Thomas J. Hardeman, a well known planter of Bastrop County.

During the succeeding winter De Witt, with his own and numerous other families repaired to Gonzales and its vicinity, and

then, with the opening of the year 1828, began the permanent settlement of that region¹ destined to become the Lexington of Texas in the revolution of 1835; to be abandoned upon

¹ The following, though not a complete, is an approximately correct list of immigrants into De Witt's colony from 1828, when its permanent settlement was resumed to the close of 1833-4, including those that were there with Major Kerr in 1825-6 and temporarily broken up, viz.: John M. Ashby, Wm. W. Arrington, Arthur Burns, Squire Burns, George Blair, David W. Brandt, Kimber W. Barton, Henry S. Brown, William Bracken, Simeon Bateman, David Burkett, Valentine Bennett, Francis Perry (1825), Josiah D. Clements, Jonathan Cottle, George W. Cottle (killed in the Alamo), Richard H. Chisholm, Abram M. Clare, Mathew Caldwell, Miles J. Dikes, Zachariah Davis, James C. Davis (killed by Indians), Daniel Davis, Abner C. Davis, George W. Davis, John Daly, Jacob C. Darst (killed in the Alamo), Bazil Durbin (from Cambria County, Pennsylvania, with Major Kerr, in 1825); William Dearduff (killed in the Alamo), Almeron Dickinson, (killed in the Alamo, and father of the *Babe of the Alamo*), Edw. Dickinson, Benjamin Duncan, Wm. Fishbaugh (killed in the Alamo), Benjamin Fuqua, Silas Fuqua, John Fennell, Michael Gillam, James George (killed in the Alamo), John E. Garwin, (killed in the Alamo), James Gibson, William Hill, Geron Hinds (with Major Kerr in 1825), James Hinds, John Henry, William House, Richard Heath, Samuel Highsmuth, Thomas Jackson (killed in the Alamo), Phineas James, James Kerr (surveyor-general of the colony, 1825), Andrew Kent (killed in the Alamo), George C. Kimble (killed in the Alamo), John G. King (his son, William King, killed in the Alamo), the brothers, Andrew, Byrd and Charles Lockhart, James Musick (with Kerr in 1825), Daniel McBay, John McBay, Sr., John McBay, Jr., Joseph McBay, Jessie McBay (killed in the Alamo), Samuel McBay, John McCrabb, Albert Martin (killed in the Alamo), Spencer Morris, Stephen B. Morrison, Samuel P. Middleton, Thomas R. Miller (killed in the Alamo), Elihu Moss, George Monoghan, Milsap (killed in the Alamo), Bartlett D. McClure, William A. Mathews, John A. Neill, Ira Nash, John Oliver (1825), William Page, James B. Patrick, William Ponton (killed by Indians, in 1834), his sons, Joel and Andrew, Philander Priestly, Alexander Porter (killed by Friley in 1830), Nicholas Peck, (from Bristol, Rhode Island), Jesse Robinson, Stephen F. Sanders, Solomon Seale, William St. John, Erastus (Deaf) Smith (with Major Kerr in 1825), John, William A. and Lewis D. Sowell, William Smothers, John Smothers, Jonathan Scott, Stephen Smith, Claiborne Stinnett, Hepzebeth Taylor, William Taylor, Felix Taylor, Elijah Tate, James Thompson, Winslow Turner, Sr., Winslow Turner, Jr., David C. Littleton, John, James, Joseph and George Tumlinson, Malkijah Williams, Ezekiel Williams, Isaac Welden, John Wightman (with Major Kerr in 1825, killed by Indians July, 2, 1826), Adam Zumwalt, Sr., Adam Zumwalt, Jr., and

the approach of the advancing armies of Santa Anna in 1836; to be again peopled the same year, and at all times to furnish its full quota of brave and gallant defenders of liberty and the homes of the settlers against marauding savages.

The men of De Witt's colony at all times, under all circum-

Abram Zumwalt. Another man, called Black Adam, came later. Besides these were the sons of many of those named and other young men. The empresario De Witt's family settled at Gonzales early in 1828, and consisted of himself, wife, two little sons (Christopher C. and Clinton E.), and four daughters, of whom Eliza married Thomas J. Hardeman; Sarah, Wm. A. Mathews; Eveline, Charles Mason, and Minerva (born in the colony), Isham G. Jones.

In 1830 an event occurred at Gonzales deplored by all good citizens. A man named Friley killed Alexander (commonly called Esquire) Porter, under what were considered wholly unjustifiable circumstances. Friley was a reckless and Porter a worthy man. Friley fled to the river bottom and was there concealed some time. On a prior occasion when sick, disabled and unable to travel in the mountains, in retreating from Indians, Captain Henry S. Brown would have been left alone to perish had it not been for Friley, who remained with, nursed and saved him. Friley, from his concealment, conveyed a message to the Alcalde offering to surrender to Captain Brown and accompany him to San Felipe (the proper place) for trial, but saying that he would not risk mob violence in Gonzales. This was agreed to by the Alcalde and the people. At that time five citizens of Gonzales, unaware of these facts, were returning from San Felipe, and halted at noon on the Lavaca. They were overtaken soon and joined by three strangers, looking at the country, who accepted their invitation to dinner. A little later Captain Brown and Friley approached from the west. The Gonzales men seized their guns and avowed their intention to capture or kill Friley. Captain Brown tried to explain, but they would not hear him, whereupon he sprang from his horse behind a tree and declared he would kill the first man who fired at Friley. One of the strangers sprang between the parties, calling out, "Hold, men," and demanded an explanation. Captain Brown gave it, including Friley's service to him, saying he was a friend of Porter and lamented his death, but that he was paying a debt of gratitude, that he was acting under his pledged honor and would die or lodge Friley in the San Felipe jail. "We," said the stranger, "will stand by you," and the trouble stopped. The stranger was the afterwards distinguished General Edward Burleson. His companions were John Caldwell, so long senator from Bastrop, and Thomas H. Mays, who died an old and honored citizen of that town. Friley subsequently escaped from jail and was killed near Bastrop.

stances, found fearless coadjutors in the people of Bastrop and in the valleys of the Colorado and Lavaca. Nor should the colony of De Leon be omitted, for its population, under the leadership of Placido Venabides and Silvestre De Leon, contributed much toward repelling the inroads of the hostile red men and, to some extent, in opposing the Mexican invaders. In the same period of time the people of the Brazos, the Trinity and East Texas, were equally worthy co-defenders in the same field of hardihood and heroism.

And in all those years of sacrifice and bloodshed, the spirit of truth justifies the declaration, that no set of men, under similar surroundings, were ever cheered and solaced by purer or more self-sacrificing and patriotic women. Many of these early wives and daughters were not only superior types of pioneer American womanhood, but were educated and gifted in intellectual endowments.

In 1827 also came, with the liberal accession to numbers, various persons who became useful and prominent in public affairs. In the first month of the year, as has been stated, Henry Smith, destined to become the first Governor of Texas under American auspices, and in the last month Dr. George M. Patrick, who ate his first dinner in Texas on Galveston Island on Christmas day, 1828, and died in Grimes County sixty-two years later, in 1888.

Among the noble men who were distinguished for enterprise and the highest order of patriotism in the years now being reviewed, none had a stronger hold on the affection and confidence of the pioneers than Colonel Ben R. Milam, a son of Kentucky, whose career had been full of adventure and hazards, and whose name is forever enrolled among the martyrs to Texian liberty. He was associated with Arthur G. Wavel, an Englishman, in his colonial grant on Red River, on which he bestowed considerable time and money, to no ultimate purpose; but in the meantime, on the 12th of January, 1826, he received a grant in his own name, as evidenced in

the power of attorney below,¹ the original of which is in my possession, as written by David G. Burnet.

It will be seen that this colony of Milam embraced all of Hays County, the eastern part of Comal, the western half of Travis, the northwest part of Bastrop, small parts of Caldwell and Blanco and a considerable portion of Kendall, an area of about three thousand square miles, bounded on the south by the colonies of DeWitt and Austin. It seems that Milam dissipated his powers by engaging in enterprises widely asunder and separated by a trackless wilderness of four hundred miles. It is understood that he sold this western grant to Baring Brothers, London, before a single settler could be placed on it by his agent and it was forfeited by the lapse of six years under the colonization law.

¹ Know all men by these presents that I, Ben. R. Milam, empresario of a certain colony known as Milam's colony, and bounded by the road from Nacogdoches to San Antonio de Bexar, commencing at a point where said road crosses the river Guadalupe; thence along said road (*i. e.*, from New Braunfels to Bastrop) to the river Colorado; thence up said river fifteen leagues; thence on a line parallel with said road to the river Guadalupe; thence down said river to the point of beginning, which said colony was conceded to me, Ben. R. Milam, by grant from the Executive of the government of the State of Coahuila and Texas, bearing date the 12th day of January, 1826, have made, constituted and appointed, and by these presents do make, constitute and appoint Major James Kerr, Surveyor-General of De Witt's adjoining colony, my true and lawful attorney, in all respects and for all purposes connected with or relating to said colony or the settlement thereof, my full, complete and entire agent, for me and in my name to do and transact all manner of acts and concerns relating to the colony aforesaid or to the settlement thereof; to receive settlers, to issue certificates for land and receive the proper payments thereon;—to lay off and assign the lands of said colony and in all respects and in all matters connected with the said colony, to do and perform each and every act and thing that I could or would were I personally present;—hereby ratifying and confirming all the said acts so done or to be done by the said James Kerr in the premises.

In testimony whereof I hereunto set my hand and seal, at the town of San Felipe de Austin, this 26th day of August, 1827.

Signed in presence of

BEN. R. MILAM, Empresario. [L. S.]

DAVID G. BURNET and

J. B. AUSTIN.

Among the early and most worthy settlers at the extreme northeast corner of Texas on Red River, sometimes in Arkansas, the line being unsurveyed, was Collin McKinney, who reached there in 1824. He was a warm friend of Milam and was the oldest man, being seventy, who signed the declaration of Texian Independence. McKinney and Collin County, in which he died in 1861, at the age of ninety-five years, perpetuate his name. His son, William C. McKinney, a man of integrity, in response to a letter written him in 1874, by the author of this work, wrote as follows in regard to Milam:—

COLLIN CO., TEXAS, April 26, 1874.

Col. John Henry Brown:

DEAR SIR — In the year 1826 Col. Benjamin R. Milam came to my father's house on the south side of Red River. He was accompanied by Earl Stanley Williams, John Martin, and Jefferson Milam (who was to be his surveyor). He informed us that he and Arthur Wavel, an Englishman, had secured from Mexico the right to colonize our section of the country extending up Red River to the Bois d'Arc fork. I was then about thirteen years of age, saw much of Milam, and became greatly attached to him. He gave me many incidents connected with his service in behalf of the revolutionary patriots in Mexico, with Trespacios and Long, and of his imprisonment in that country.

In the same year, 1826, he settled at a place near Lake Comfort, a little below the mouth of Little River, on the south side of Red River. I assisted him in moving to the place. He purchased a lot of cattle in Caddo Prairie and drove them to his new place. He was often back at my father's house, in what became Bowie County. In 1827, with such provisions as he could carry on horseback, he left on a mission through the wilderness south, to meet his associate, Wavel, possibly in England, but found him in Mexico. In 1829 he came back, having with him Mr. Belt and John M. Dorr, who

was his clerk. In 1830 he opened a land office for the colony and began the survey of lands. He had an eleven-league tract surveyed opposite the mouth of Little River. He told me that he had been naturalized as a Mexican citizen, and from that fact, had a right to buy one of these tracts—a right denied to all excepting citizens of Mexico. He had the large tract surveyed and plainly marked. I have often seen the marks. [The title to Milam was never perfected.] He continued the survey of lands and the issue of certificates to settlers to the number of one hundred and sixteen.

About that time the question became serious as to the boundary line between the United States and Mexico (that is between Arkansas and Texas), on the south side of Red River, a question never settled till the line was run and marked, from latitude 32 degrees on the Sabine due north to Red River, by the joint commission of the United States and Texas, in 1840-41. Milam thereupon ceased operations till the question could be settled.

Colonel Milam resolved, if possible, to open Red River to navigation for steam-boats above the famous raft, where nothing but canoes and flat boats had ever been used. He bought a steamboat on the Mississippi and undertook the enterprise, and in 1832 had the honor of passing the first vessel of that kind through the raft and into the upper waters of that wide but fickle stream of the plains. He sailed up as far as the landing for Fort Towson, now in the Choctaw nation. It was said he had sold in England a half interest in two silver mines in Mexico, and, on arriving at old Jonesboro with his boat, he told me he had the money to pay for the eleven leagues previously surveyed.

On account of the uncertainty about securing their land titles, the people of that section held a meeting in the spring of 1835, to consult. I was one of the assemblage. All eyes turned to Milam as the man to send to see the Mexican authorities in their behalf. He was ever ready to serve his

fellow-men and agreed to make the trip. With a few biscuits and a little parched coffee, he struck out through the wilderness, to San Felipe and thence via San Antonio, to Monclova, the capital of Coahuila and Texas.

Colonel Milam was a noble, great-hearted man, of commanding appearance and fine address. The result of his mission — his arrest and imprisonment, his escape, his accidentally falling in with the volunteers near Goliad on the night of the successful attack on that place October 9th, 1835, and his heroic death in the storming of Bexar, December 8th, 1835, are a part of the history of the country.

Respectfully,

WILLIAM C. MCKINNEY.

The career of Milam, involving his participation in so many affairs, is difficult to connect in one truthful narrative. A sketch of his earlier life by his one-time youthful associate, Dr. C. G. Graham, of Kentucky, when over eighty years of age, and deposited in the public library of Kentucky, is doubtless correct, while later events, pertaining to his career in Texas, are in some points incorrectly given. It appears that he was born in Kentucky in 1791 and was a soldier in the British-American war of 1812–15, Dr. Graham being with him. In 1815 he sailed from New Orleans as supercargo in a vessel loaded with flour for Maricaibo, but was shipwrecked and returned to the United States. From the pen of David G. Burnet, the first President of Texas, we learn that during his health-seeking sojourn among the Comanches, 1817–18, he and Milam slept on the same buffalo robe at the head of the Colorado River in Texas, about the close of 1818. Milam was among those wild people on a trading expedition and found Burnet among them. We next find Milam meeting and joining Long and Trespalacios in New Orleans in 1819 — halting on Galveston Island — then sailing down the coast with Trespalacios and Christy, landing in the region of

Tampico, while Long was captured at La Bahia and with his men conveyed to Mexico.¹

On the downfall of Iturbide in 1823, Milam again visited Mexico and remained a year or two. We next find him on the 12th of January, 1826, receiving a colonial grant between the Guadalupe and Colorado rivers, and later in the same year, founding a settlement as stated by Wm. C. McKinney, on Red River. The remainder of his career is given elsewhere as already transpired or as yet to transpire. President Burnet says of him :

“ The illustrious Marshal Ney was not more entitled to the compliment conferred upon him by the great Napoleon, ‘ the bravest of the brave,’ than was our own Milam. I have seen him in perilous surroundings, and have never seen him more cheerful and placid than on such occasions. His temper was naturally calm and serene, and never more so than in the midst of danger. * * * The writer knew this gallant man in Texas as early as 1818 ; he has camped with him many nights, on the head waters of the Colorado, having the star-spangled heavens for a canopy, and the earth shrouded by a buffalo robe for a couch. His physical developments were of the finest order, in stature and features worthy of the celebrity of his native State. His mind, endowed by nature with the richest elements, displayed its energies in a passionate fondness for adventure and enterprise. He was by birth, education and deliberate preference a republican.”

¹ Himself, John Austin and Burns conveyed to the city — the others detained at Monterey.

CHAPTER XVII.

Changes in the names of Towns and Districts following the Revolution — Governors of Texas — Baron de Bastrop succeeded by Flores as Commissioner to issue titles to settlers in Austin's Colony. — Civil divisions of Austin's Colony — Revolution in Mexico headed by Santa Anna and Lorenzo de Zavala — Expeditions of Brown and Kuykendall against the Indians — Arrival of a number of men who afterward figured prominently in the affairs of Texas — Murder of a number of the members of Roark's party by Indians on the San Antonio Road.

It is proper here to refer to a number of concurrent events transpiring from about 1824 to 1828.

Among these was the change, by the State Legislature, of the name of the ancient town of La Bahia del Espiritu Santo, (the bay of the holy Spirit) to that of Goliad, which it still bears — Goliad being an anagram in honor of him who raised the first cry for Mexican independence on the 16th of September, 1810, the martyred priest, patriot and general, Hidalgo. Following the success of the Mexican revolution the political authorities changed the ancient names of many places and districts, by bestowing upon them the names of revolutionary chieftains. Thus Revilla became Guerrero; Refugio became Matamoros; Alcantro became Mier; and in this way the names Hilalgo, Morelos, Allende, Victoria and others are found scattered throughout Mexico.

The first Governor of provincial Texas after the revolution, was Felix Trespalacios, in 1822. He was followed in 1823 by Luciano Garza. But on the union of Coahuila and Texas as a State in 1824, Rafael Gonzales served as provisional governor till 1826, when he was succeeded by Victor Blanco; in 1828 by Jose Maria Viesca; in 1831 by Jose Maria Letona; in 1833

by Francisco Vidaurri Villa Señor, and, in 1834, by Augustin Viesca, who, so far as Texas was concerned, by the fiat of the people, through delegates in convention assembled, on the 14th day of November, 1835, was succeeded by the first American to preside over her destinies, the unflinching patriot, Henry Smith, like Milam, a noble son of Kentucky. Viesca was driven out by Santa Anna's army after the battle of Zacatecas.

The Baron de Bastrop, commissioner to issue titles in Austin's colony, becoming a member of the Legislature at Saltillo, was succeeded by Gasper Flores.

In the early days of Austin's colony it was divided into two municipalities or districts, with an Alcalde and other civil officers in each. This was done by Colonel Austin himself under the ample powers provisionally conferred upon him. When 1828 arrived the number of such districts had increased to seven. On the first of February, 1828, Austin's power ceased in this behalf, and his colony, with those of De Witt, De Leon and all the remainder of Texas was organized under the constitution and laws of the State, under which frequent changes occurred by the formation of new settlements and the creation of new districts.

In the meantime, in regard to national affairs, under the republican constitution which went into effect on the 4th of October, 1824, the first presidential term of four years was filled by that purest of all Mexican chiefs, Guadalupe Victoria. In the election of September, 1828, for his successor, Vicente Guerrero was supported by the liberal or progressive party, and Manuel Gomez Pedraza by the centralist or aristocratic party, a rather strange choice when it is considered that afterwards, Pedraza opposed the corruption and exactions of the ecclesiastical establishment and became the friend of religious liberty in the country. It was claimed that Guerrero received a large majority of the popular vote, but when the electoral college met, Pedraza received the votes of ten of the eighteen States

eaving but eight to Guerrero. The installation was to follow in April, 1829, and this gave time to the disappointed supporters of Guerrero to foment a revolution. It was headed by Santa Anna and Lorenzo de Zavala, who, at the head of an army, *pronounced* at Jalapa, and marched upon the capital, where heavy fighting occurred for several days, terminating in triumph for the *pronunciados*. Victory was followed by the installation of Guerrero, and the exile of Pedraza to the United States, to be followed, in 1832, by the expulsion, flight, and murder of Guerrero, and the recall of Pedraza, his installation and occupancy of the presidency during the latter portion of the term ending in April, 1833. On his death, Pedraza was denied burial in consecrated ground, because, as was charged, of his advocacy of religious liberty and his desire to have the bible placed in the hands of the people. His remains were deposited in the cemetery of the British embassy, and were still there in 1869, when his tomb was seen by the author of this work, in close proximity to those of the widow of General Antonio Mexia, who figured in Texas in 1832 and 1835, and who was defeated, captured and put to death by Santa Anna, on the plains of Perote, in 1839. His only son, Colonel Enrique Mexia, is well known and much esteemed in Texas, in which a flourishing town bears his name. The deceased wife of Gen. Mexia had been Miss Charlotte Walker of England. Their only daughter is the wife of George L. Hammekin, in the city of Mexico.

In all these years the colonists of Texas were greatly harassed by hostile Indians. Colonel Austin was ever vigilant in adopting and encouraging every available means for protection, defense and chastisement. Of events in 1828 and 1829 the following authentic accounts are taken from the biography of Captain Henry S. Brown :

In 1827, Captain Brown, on returning to New Orleans from Mexico and Texas, visited Missouri. In the beginning of 1828, he again resumed the Mexican trade, making two

trips.¹ On the first trip he was robbed of a considerable amount of goods by the treachery of a Mexican in whom he had placed confidence.

In the month of December, 1828, Captain Brown was returning from a trading expedition to Mexico, having as the proceeds of the expedition, about five hundred horses and a considerable amount of silver in rawhide-wrappers. He had with him nine Mexican rancheros, a faithful old Cherokee Indian named Luke, and two or three Americans. At night on the road between San Antonio and Gonzales, his animals were stampeded and driven off by a party of hostile Indians, leaving a portion of his men on foot. He repaired to Gonzales and increased his force to twenty-nine men. With these he moved leisurely up the country through

¹ While encamped on Peach Creek, east of Gonzales, on his first trip, Captain Brown found in a thicket the nude body of young Early, a stranger from Georgia. A short time before the murdered man left San Felipe for San Antonio in company with Isaac B. Desha (also a stranger) the son of the Governor of Kentucky. Desha had been sentenced to death for the murder of a Mr. Baker, a southern merchant en route to Philadelphia on horseback, but the father pardoned his son. But previous to hearing of his pardon, Desha while in jail cut his throat, which ever after necessitated his wearing a silver tube in his windpipe. Captain Brown found him in San Antonio in possession of the horse and effects of Early. He reported the facts to the political chief, by whom he was commissioned to arrest and convey Desha to San Felipe for trial. He performed this duty and safely delivered Desha, who was tried, found guilty, and sentenced to be hanged; but before the day of execution died in prison and was buried. Soon after the discovery of Early's body, Dr. Geo. M. Patrick, an honored citizen of Grimes County, with two or three companions, found the clothing of Early secreted in a thicket near where Captain Brown had found his body. Periodically for forty years, absurd rumors were current in Kentucky that Desha still lived, a block of wood having been buried, and he allowed to escape. This was false, beyond a doubt. Among many who saw the dead body of Desha was the well known Thomas M. Duke, who wrote the facts for the St. Louis Republican at the time, and the files of that paper still contain the letter.

The Desha family, with this exception, ranked as high as any in Kentucky for talent, honor and probity. The son was evidently a homicidal monomaniac.

the mountains, and finally crossed the Colorado a little above the mouth of Pecan Bayou into the present territory of Brown County, hoping to surprise an Indian village, and recover his own, or an equal number of horses and mules. He suddenly came upon an encampment almost destitute of horses, and scarcely any women and children. Quite a fight ensued, the Indians occupying a rocky point near its termination at a brushy little stream. For a time the Indians seemed defiant and killed one of Captain Brown's Mexicans, besides wounding several of his men slightly, but several of the Indians fell, and suddenly they all fled into the creek bottom. Captain Brown, still anxious to find the object of his search, traveled westerly till night and encamped. During the night some of the guard discovered a camp-fire apparently about two miles distant. As day dawned the party mounted, and moving cautiously, struck the village just as it was light enough to see. Six of the Mexicans, under prior instructions, stampeded the Indians' horses. The other twenty-three men covered the rear and prepared for battle. Forty or fifty mounted Indians made pursuit, and fighting ensued, until four or five warriors had been tumbled from their horses. The Indians then drew off until reinforced by about as many more, who, however, made no attack, but traveled parallel with the retreating party, occasionally showing themselves till the sun went down. All this time the horses were, however, pressed into a gallop, and rendered too tired to be easily stampeded at night — the forlorn hope of the enemy. The retreat was continued to the full capacity of the animals for two or three successive days. Then, still traveling all night and grazing the horses and sleeping by alternation portions of each day, the party arrived safely at Gonzales with the loss of one Mexican killed and four or five wounded, but none fatally. I once had the name of every man in this party, but lost the list many years ago. Among them, however, were Basil Durbin —

Shelley, Andrew Scott, Luke the Cherokee, nine Mexicans, Jesse Robinson, Moses Morrison, Abram M. Clare and Wm. Bracken. They reached Gonzales late in January, 1829. They started in with about seven hundred animals, but got in with only a little over five hundred, the remainder having escaped in the night marches. These were equitably divided among the captors to the satisfaction of all. It was this affair that prompted Captain Brown, later in the year 1829, to lead a second expedition into the same section of country, in which, at the mouth of the San Saba, he accidentally fell in company with Captain Abner Kuykendall, in command of a hundred men, or two companies under Captains Oliver Jones and Bartlett Sims, organized in Austin's colony. The same authority is again quoted. After describing the departure of Kuykendall from Austin's colony, the following occurs:

“About the same time, but without concert, a company of thirty-nine men of De Witt's colony, under Captain Henry S. Brown, left Gonzales on a mission against the depredating hostiles, supposed to be in the mountains. Among these thirty-nine early defenders of infant Texas, were Samuel Highsmith, deceased in 1849, Bazil Durbin, Moses Morrison, James Curtis, George W. Cottle (killed in the Alamo), and Friley. Kuykendall scoured the country between the Brazos and Colorado: when about twenty miles below the mouth of the San Saba, a sort of epidemic appeared among the men, caused probably by their having eaten wild fruits. He halted and sent forward scouts. The scouts returned on the third day and reported a large encampment on the west bank of the Colorado, just below the mouth of the San Saba. Kuykendall determined, if possible by a night march, to make a daylight attack the next morning. The night march was made, but owing to cedar brakes and broken ground, to the regret of all, daylight appeared when they were five or six miles short of their destination. Still, anxious for the advantages of a surprise at dawn, Captain Kuykendall concealed his force in a

dense cedar brake to await another night. But a party of warriors, during the day, fell in with Kuykendall's scouts, followed them, discovered the main body, and rushed to their camp to give the alarm. Kuykendall mounted and followed as rapidly as possible. Arriving in sight of the village, the Indians were seen mounting and fleeing, some already ascending the highlands near by. Kuykendall made a gallant charge on a band of warriors who remained to cover the retreat, but their stand was feeble. Only a few shots were fired, one of which by Nester Clay,¹ a brave and talented Kentuckian, killed the only warrior-Indian who fell. A few squaws and children in the rear were allowed to follow their people. The Indians lost their entire camp equipage, including a great number of copper rattles, blankets, buffalo robes, a considerable quantity of corn, and a large number of horses, all of which were secured, and taken in by the victors. During the afternoon, Captain Brown appeared. He had discovered the camp, secreted his men, put out concealed watchers, and like Kuykendall, expected to attack at dawn on the following morning. He had passed through the mountains on the east side of the Guadalupe across the Piedernales and Llano, to the head of the San Saba. He encountered two small bands, in the first killing three Indians. Near the Enchanted Rock he surprised the second band in a small camp near heavy thickets. Five or six Indians fell, the remainder escaping into the brush. Both appeared to be only hunting-parties of warriors. It was on this trip that Captain Brown, with his men, became the discoverer of the Enchanted Rock. He had followed the San Saba down to its mouth, and a little below that discovered the Indian encampment, as already stated. Neither he nor Kuykendall knew of the other being in that section, until Brown discovered the flying Indians turning a

¹ Nester Clay served with distinction in the first convention of 1832, and the second of 1833. He was a man of superior ability and his early death was a loss to the country.

ridge about two miles away, upon which he moved to the late Indian camp, and there found the other party. The two commands moved down to Kuykendall's late camp. Several new cases of sickness appeared among the former's men, but none died. While here one of the men went out hunting, did not return, and could not be found. There were a number of wearied horses unable to travel with the command. Jesse Robinson, and another man of Captain Brown's company, volunteered to remain with, and if possible, take them in, which, greatly to their credit and to the surprise of all, they successfully accomplished. On the sixth day, in a perishing condition, the lost man fell in with Robinson and was saved. After traveling together two days, Kuykendall and Brown separated, the former deflecting eastward to and down the Brazos, reaching San Felipe without other incidents worthy of mention. Of his two captains, Oliver Jones became a leading and talented senator in after years, and Bartlett Sims, a noted surveyor, and a long resident of Bastrop County. Captain Brown bore down the Colorado, and crossed it at the mouth of Shoal Creek where the city of Austin now stands, scoured the country on Onion Creek, the Rio Blanco and San Marcos, and reached Gonzales without further adventure. It was these expeditions into its territory which twenty-two years after his death caused Brown County to be named for him."

Captain Abner Kuykendall was the patriarch of a large and respectable connection of that name in Austin's colony, whose descendants are now numerous throughout the State. His murder and the execution of Clayton, his murderer, in 1835, are yet to be narrated.

Of prominent men coming to Texas in those days it may be stated that in 1826, the famous James Bowie partially identified himself with the country and in 1828 became a Coahuil-Texano, to die in the Alamo as a Texian and be apotheosized among those whose names shall not perish.

In 1829, after two prior visits, came the eloquent, the

gifted, the zealous and the spotless John A. Wharton — embalmed at death as “the keenest blade of San Jacinto” — to join his brother, William H., who came in 1826, and had married Sarah A., the only daughter of Jared E. Groce,¹ a lady who, in all the eventful years to follow, exhibited the highest type of American womanhood, and became, in that same year, the mother of an only child who, in the war between the States, won distinction as Major-General John A. Wharton, in the Confederate States army. His death, at the close of that war in 1865, followed by that of his wife and only child, rendered this brilliant family of Texians extinct.

Among the prosperous colonists on the Brazos in 1829, was Elijah Roark, native of North Carolina, who came from Missouri to east Texas in 1821 and to Austin's colony on the Brazos, in 1823, and secured a title to his league of land on Oyster Creek, from the Baron de Bastrop on the 10th of July, 1824. He was industrious, frugal and prosperous, soon counting his cattle and hogs by hundreds. The sequel is quoted from the “Indian Wars and Pioneers of Texas,” by the author of this work:

“In December, 1829, having a large number of hogs, fat from the abundant masts of the forests, and there being no market for them except in San Antonio, Mr. Roark started with near a hundred of his best porkers for that place, distant about two hundred and thirty miles, the only habitations on the route being one where they crossed the Colorado, and a few in the infant settlement of Gonzales. With him were Leo, the second one of his five children, Andrew Cox, Robert Spears and David McCormick.

They kept guard at night, but nothing unusual occurred till the night of December 24, 1829, when they were encamped near the Forty-mile Water-hole, that distance short of San

¹ Jared E. Groce was an immigrant from Tennessee in 1822, a man of comparative wealth and the first to plant cotton for the market and to erect a cotton-gin in Texas.

Antonio. Leo Roark and Spears mounted guard till midnight or a little later, when they were relieved by others of the party; but the latter concluding that there was no danger, after an hour or two returned to their pallets and to sleep — the sleep of death.

“ Perhaps two hours before dawn, they were charged and fired upon by a band of about thirty Indians. Elijah Roark and Spears were killed instantly. Cox ran a few paces and fell dead. McCormick ran a short distance, but, the moon being very bright, saw that the Indians had fallen back, and that the boy Leo was preparing to mount his horse, and ran back to him, and asked what he was going to do. The intrepid boy replied: ‘I am going to San Antonio. Mount your horse and follow me. Hasten, for the Indians are ready to charge again.’ McCormick was slow in untying and mounting his horse; so much so that he left his gun. Both, however, escaped, riding on blankets instead of saddles. A third blanket protected Leo from the chill of the cold, frosty air. Rarely have two horses made forty miles in less time. They reached San Antonio early in the morning, and met a warm reception under the hospitable roof of Mr. John Brown, the brother of Captain Henry S. Brown. Mrs. Brown, then the only American lady in San Antonio, and a young mother, personally knew both of them, and ministered to their wants, as only woman in her matchless sympathy can. Her heart entered into the sorrows of the fatherless and severely bruised boy.

Mr. Brown¹ at once notified the Mexican authorities of the affair, and thirty Mexican soldiers, joined by several

¹ Early in 1825, Henry S. Brown sent his brother, John, James Musick, Thomas Jamison and Andrew Scott, with a large amount of goods, to trade with the Comanches, on the upper Brazos, while he went to Mexico on a similar mission. On the clear fork of the Brazos, John Brown exchanged his goods for eleven hundred horses and mules, buffalo hides and peltries and started home. At night on the Brazos, the Indians attacked his camp, stampeded his animals, and seized all of his goods. The other men escaped

Americans, with the boy Leo, arrived at the scene of the tragedy on the following afternoon. They buried the slain, found all the hogs, drove them to San Antonio, and Mr. Brown, moved by sympathy, as Leo ever afterwards contended, paid him much more than the market price for them. Leo returned home to become a man and a good citizen. He served in the affair of Anahuac, in 1832, and was in the battles around San Antonio in 1835.

Old and decrepit, but greatly respected, he was a citizen of Ellis County fifty-five years later and it is believed, ten years later, in 1892, that he is yet a living reminder of the sufferings of the early colonists of Texas. [He died in 1893.]

When this episode occurred, Stephen F. Austin, with an escort of eight men, was a few miles in the rear of Roark's party, and on discovering the dead bodies, returned to Gonzales to put the people on their guard.

Among the valuable accessions to the country, not heretofore mentioned, from 1826 to 1829, were Jesse Grimes from

and got in on foot; but Brown being lame in one leg, became separated from them and two days later was captured by the Waco Indians, by whom he was cruelly treated and only spared through the influence of a chief who was less brutal than his tribe. On returning from Mexico some months later and meeting these tidings, Henry S. Brown raised forty-two men to seek his brother. Heavy rains rendered travel difficult, but they finally approached the Waco village (where the city of Waco now stands), found its occupants hostile and attacked them. After a combat in which several Indians were killed, the savages retreated to the Brazos, in crossing which nine of their warriors were slain. The company then returned. In the autumn of 1826, Mr. John Brown escaped from a marauding party of Waco Indians, west of the Barnard Creek, and reached San Felipe, where his brother had just arrived from a second trip to Mexico with a well armed party of Mexican and American herders in charge of the horses for which he had exchanged his goods. With these and a few volunteer citizens, Captain Brown made a night march, surprised the Indians at daylight on Cummins Creek and killed nearly all of the party, seventeen in number.

Mr. John Brown died in San Antonio on the 8th of December, 1831. His only child to reach maturity, Dr. John Duff Brown, at sixty-seven years of age, is now, in 1892, a respected citizen of Llano, Texas, having been a surgeon in the Mexican war of 1846-8, and a Captain in the Confederate army.

Alabama, Adolphus Sterne, of foreign birth, John H. Moore from Tennessee, and Robert M. Williamson from Georgia, in 1826; James Morgan from North Carolina and Dr. James B. Miller from Kentucky, in 1827; Gail Borden, Sr., and his four sons, Gail, Jr., Thomas H., Paschal P., and John P., originally of New Jersey, but last from the Ohio River, and Robert Wilson, of Harrisburg, in 1828; Dr. Robert R. Peebles from South Carolina, and Thomas J. Chambers, a Kentuckian, who had been three years in the city of Mexico, in 1829. The Harris brothers came to Texas in 1826-8.

CHAPTER XVIII.

Austin's account of his dealings as an Empresario — Last attempt of Spain to recover possession of Mexico — Santa Anna regarded as the Savior of his Country — Administrative changes in Mexico — Ascendancy of Bustamante and the Decree of the 6th of April, 1830, directed against Immigration from the United States — Despotism inaugurated by Bustamante and the Representatives of his Government in Texas — Bowie's Report of the famous Indian fight on the San Saba in 1831.

As has been shown, Austin's temporary powers as civil and military ruler of his colony, ceased on the 1st of February, 1828, and he remained simply as an empresario in charge of the land affairs of the colony, in so far as immigrants were concerned in acquiring lands under the colonization laws. Availing himself of this relief, he published on the 1st of November, 1829, in a printed pamphlet of seventy pages, an address to the people of the colony. That pamphlet is now before me, perhaps one of the only two or three existing copies. It is full, elaborate and exhaustive in the statement of the legal facts connected with his father's and his own acts, rights, grants and concessions, from the beginning in December, 1820, down to that date, whether from the general or the State government, including copies of the contracts, letters from the Governor signing them, his own acceptances, and every material fact connected with them. The facts herein previously given in relation to the different grants are in harmony with those given by himself, and embrace all that is of permanent historical interest in regard to them.

Colonel Austin refers to various misapprehensions among the settlers at different times prior to that date and to some allegations affecting the rectitude of his conduct on particular

points, and meets them so fully and frankly as to dissipate all misunderstandings and refute all allegations, referred to by him. His mind seems to have been peculiarly sensitive to criticism, a fact made more or less apparent in much of his correspondence in subsequent years; but the review of his trials, hardships and labors, as set forth in this important compilation of facts and documents, presents him in an honorable and enviable attitude. That any man could emerge from the six years' ordeal through which he had passed, in which the rights of so many had been involved, without more or less misapprehensions and heart-burnings—not to say criminations and recriminations—would be evidence of an approach to perfection not yet vouchsafed to our race. Colonel Austin seems to have come as near doing so as could be expected of the best-intentioned man, and posterity can exact no more in passing its judgment.

In 1829, as has been shown, Guerrero had been, by revolution, installed as President of Mexico, instead of Pedraza, the legally elected candidate. At the same time Anastasio Bustamente, a bigoted, unprincipled military chieftain, was made Vice-President.

In 1829, Spain made her last effort to recover possession of Mexico, for three hundred years the treasure-house from which, through exactions and oppressions at which humanity yet shudders, she had maintained despotic sway over her people at home, and fattened as detestable an array of hidalgos, grandees and licentious favorites, as ever flourished in modern Europe. This last struggle was made by General Barradas, at the head of four thousand men, who landed at and seized Tampico in that year.

Santa Anna, still a great popular favorite because of his successful part in the downfall of Iturbide, conducted an expedition, both by land and water, from Vera Cruz and the south against the invader; and speedily so cut off his retreat and hemmed him in, that Barradas was glad to surrender,

with permission to re-embark and forever abandon all claims of Spain to Mexico.

This was indeed a proud and glorious achievement by Santa Anna. Had his career then closed, his name would have gone down to posterity as a patriot. That it was not to be, is one of the inevitable pangs to which the genuine friends of humanity and human rights are, ever and anon, subject, in reviewing the past struggles between humanity in its excellence and in its depravity.

This brilliant achievement was hailed throughout Mexico as a crowning glory to her independence, and Santa Anna was almost deified as the savior of his country. The name of Tampico was changed both by law and universal acclaim to Santa Anna de Tamaulipas, to distinguish it from a town of that name in Oaxaca. For the moment he was the idol of the populace, and he little thought that, as a result of his future wrongs, the name of Tampico would be restored, that he would become a prisoner to another race resisting his murderous cruelty and oppressions, that his leg, lost in battle for his country, would be exhumed and jeeringly desecrated by his own people, that he would be driven an exile from his own country, and that when old, helpless and derided, barely permitted to return and die in its capital.

Bustamente, the Vice-President, late in 1829, headed a successful revolution against Guerrero, and, by force of arms, assumed the presidency. In an attempt to regain his position, Guerrero was captured and basely put to death. Bustamente assumed arbitrary powers and developed the characteristics of a cold and unprincipled tyrant. To strengthen himself with the ignorant multitude, he exhibited bitter and jealous feelings towards foreign influence and foreigners generally, and above all towards the peaceful and prosperous American colonists in the savage wilderness of Texas, against whose wild and roving bands of barbarous Indians, he well knew that Mexico, as a vice-royalty, had long been, and as an independ-

ent power still was powerless, not only for reclamation and expansion, but even for protection and the preservation of the remaining feeble foot-hold his countrymen had in it.

It fell to this tyrant and bigot to adopt a measure destined to wield a great influence in the successive steps which led to the withdrawal of Texas from the Mexican union. The unwarranted and despotic exercise of power by Governor Victor Blanco in 1826, in refusing a hearing or trial to Haden Edwards annulling his contract and the rights of American settlers under it, was not forgotten by any and rankled in the breasts of many in Texas. It was a sore spot.

On the 6th of April, 1830, this usurper and tyrant issued a remarkable decree, odious in various respects, but its eleventh article, afterwards famous in the popular mind as it was infamous in the popular heart of Texas, can only be classed as a second, but much the most ominous step in the misrule of Mexico, in the series of evil deeds which finally drove the colonists of Texas into revolution and independence. The eleventh article of that edict practically forbade the farther immigration of North Americans into Texas. Its only possible excuse was that in 1825, 1827 and 1829, the United States, through their minister to Mexico, had made efforts to purchase from that country the whole, or if that could not be, a part of Texas; and the further fact that the Americans settling Texas were enlightened, liberty-loving people, and therefore to be dreaded by such a despotic tyrant as Bustamente, whose success as seen from his contracted and supremely selfish point of observation, was largely dependent upon the ignorance and docility of the great mass of his own countrymen.

But the usurper did not stop at this deadly thrust at the heart of Texas. He followed it up by establishing garrisons and erecting posts at various points in the country to enforce his edicts and hold the people in subjection. The commanders of these troops, Colonel Jose de las Piedras and Lieutenant -

Colonel Domingo de Ugartechea and Juan D. Bradburn, were his immediate adherents and partisans.

Piedras, with 350 men, garrisoned Nacogdoches, as senior commander of the whole; Bradburn, with 150 men, built and occupied a fort at Anahuac, on Galveston Bay, at the mouth of the Trinity River, the position having been chosen on a recent visit by General Manuel Mier y Teran, commander of what were formerly designated as the Eastern Internal Provinces, with headquarters at Monterey, a man who had gallantly fought through the Mexican revolution; but who, after independence was achieved, became an earnest ally of such men as Bustamente, and manifested the most implacable animosity towards foreigners, especially towards Americans. Ugartechea, in command of about 130 men, built and garrisoned a fort at Velasco, on the Gulf shore, on the east side of the mouth of the Brazos River, destined to become the theater of the first actual clash of arms between the Texian colonists and their Mexican oppressors. There were also Mexican troops, in furtherance of the general plan of repression, stationed at San Antonio and Goliad, and a small force, under Bean, at Fort Teran, on the Neches. These troops were to be supported by receipts from the custom houses and other tributes laid upon the country. These new dispositions went into effect late in 1830 and early in 1831, and it soon became evident that their mission was one of harassment to the colonists, to be enforced by the military power and by the depreciation of the civil authorities. Such was developed as pre-eminently true by Bradburn at Anahuac.¹

¹ John Davis Bradburn was a Kentuckian who entered Mexico under the patriot Mina, in 1816-17. He survived the revolution and thus became a Mexican officer. His odious conduct and departure from Anahuac is herein narrated. His next appearance in Texas was as a Brigadier-General under Santa Anna in 1836; but either by design or good fortune, he remained with the reserves west of the Guadalupe and thus missed an opportunity of meeting his own countrymen on the battle field and enjoying their hospitality with his blood-stained chief, Santa Anna.

Bradburn soon began a system of annoyances, indignities and oppressions toward the people; and before 1831¹ closed he issued an order closing all the ports in Texas of any advantage to

¹ In the years 1830 and 1831, valuable additions were made to the American population of Texas. In what is now Liberty County (then part of the territory claimed by the New York and Galveston Bay Land Company), between the years 1826-1830, had settled Taylor White, Hugh B. Johnson, Wm. M. Logan; the four brothers, A. B., William, Franklin and Watson Hardin, from Maury County, Tennessee, and others. In 1830, on the establishment of Anahuac, at the mouth of the Trinity, William Barrett Travis (the Leonidas of Texas) from South Carolina, Patrick C. Jack from Alabama; and in 1831, Dr. N. D. Labadie from Louisiana, settled at that place. Sterling C. Robertson, the empresario, and Alexander Thompson, with numerous families from Tennessee and some from other States, settled on the Brazos in what was originally Leftwich's grant — afterwards known as the Nashville Company — and finally as Robertson's colony. Among these settlers were E. L. R. Wheelock, J. G. W. Pierson, the Cavitts and others. Nacogdoches and the country east, west and south of it, received large and valuable accessions, extending down to the present town of Jasper (then Bevil), where John Bevil had settled in 1824, and on whose original headright his son John, aged eighty years, died in June, 1888. Claiborne West, Wyatt Hanks and George W. Smyth were also early-time settlers in the ancient jurisdiction of Bevil. De Witt's colony, in 1830 and 1831, was strengthened by the addition of such valuable recruits as William Ponton and sons, Joel and Andrew; James B. Patrick from Missouri, and Bartlett D. McLure from Kentucky (whose patriotic young bride, now the widow of Charles Braches, yet (in 1892) lives on their original headright, ten miles east of Gonzales), and a considerable number of others. In those years, too, came to the Irish colonies of Power, at the mission of Refugio, and of McMullen and McGloin, at San Patricio, the first installments of many who were to suffer, and not a few to die for Texas. To Austin's colony with many others destined to exert an influence for good, came the patriot orator, Dr. Branch T. Archer from Virginia, the eloquent William H. Jack from Alabama, Samuel Rhoads Fisher from Pennsylvania, John Caldwell of Bastrop, Thomas H. Mays of Bastrop, and one whose name and deeds were destined to be indelibly impressed on the most heroic pages of Texian history, Edward Burleson, one of the noblest of the noble and bravest of the brave and member of a large family of bold and heroic pioneers. But the largest and most remarkable addition to Austin's colony, arriving by land in December, 1830, and by water in February, 1831, was a self-organized colony of kinsmen and friends from Decatur and Tuscumbia, Alabama, who settled on the Navidad in Jackson County, and on the Colorado in the neighborhood called Egypt, now in the upper part of Wharton County. Those who came

the Americans, excepting that at Anahuac under his immediate eye. This high-handed usurpation was utterly without even the pretense of an apology and was absolutely ruinous to the settlers in Austin's, Robertson's and De Witt's colonies, dependent, as they were, on the mouth of the Brazos and the landings on Matagorda Bay, as ports of ingress to and egress from the country. It was intended and by them accepted, if allowed to stand, as a death blow to their prosperity.

by land were the brothers Thomas and William Menefee, with large families; George Sutherland (who commanded a company in storming San Antonio and whose son, William, fell in the Alamo), Wm. J. E. Heard, family and mother; and Thomas J. Reed and family, reaching the Navidad, December 9, 1830. Those who came by water down the Tennessee, Ohio and Mississippi in flat boats to New Orleans, thence in the schooner Emblem, Captain Canon, to the head of Lavaca Bay, arriving there February 12, 1831, were the brothers Jesse White (whose son, Frank M., was commissioner of the General Land Office from 1857 to 1863), and Benjamin J. White; J. M. Heard, Samuel A. Rogers and family, Mrs. Elizabeth Dever and family, John Davis and family, Mrs. Jemima Heard's family (she having come by land), Royster and family, Warren J. Winston and family, and single men named Samuel Davis, Hart, Warren and Willoughby. On the next trip of the Emblem, there came with their families, T. H. P. Heard, Morgan Rector, Joseph Rector (killed by lightning a few weeks later), Richard R. Royal, Robert D. Moore and John D. Newell, embracing in all the equivalent of twenty-three large families and many slaves. Besides those named, there also came to the Lavaca and Navidad, Dr. Francis F. Wells, Archibald White and family, Elijah Stapp and family and the York family, all preceded by the families of Andrews, Guthrie and Alley. It was my privilege afterwards to know most of these people personally, to serve in defense of the country with more than a dozen of them, to sit in the councils of the State with several, to enjoy the fireside hospitality of most of them, and it is a pleasure, heartfelt and profound, to say that, so far as my knowledge extends, not one of them ever lowered the standard of good citizenship or proved recreant to the calls of patriotism, that they were bravely represented on many battle fields and honorably so in the councils of the country from the first assemblage in 1832 for a quarter of a century following. Beyond this, their matrons were models of propriety and hospitality, their daughters ornaments to any society in which intelligence, combined with maidenly modesty and purity, are held essential to respect and esteem. This is said in no fulsome sense, — for I have not seen one of them, male or female, in more than twenty years — but as a just tribute to virtue and patriotism.

BOWIE'S INDIAN FIGHT IN 1831.

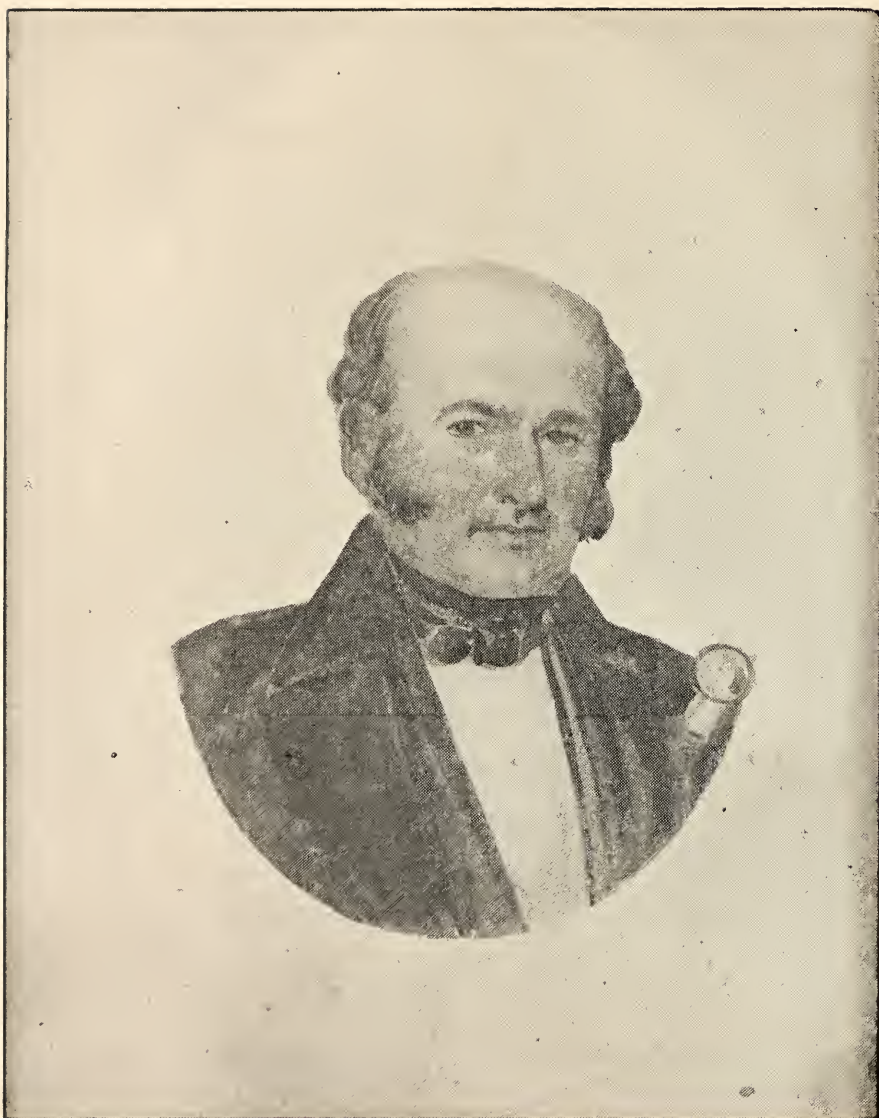
Leaving for a moment the general thread of events, I will here introduce an account of the famous Indian fight of Bowie and others on the San Saba, on the 21st of November, 1831. In 1832 an account of this thrilling encounter was published in a Philadelphia paper by Rezin P., a brother of James Bowie, the leader of the party. That account has been reproduced in almost every work on Texas, as the only one known to be in existence. But among the archives of San Antonio there has recently been found and translated, an official report of the affair made by James Bowie himself, immediately after the occurrence. In essentials the two statements agree, differing only and slightly in immaterial details. The official statement, however, on careful comparison, is believed to be most authentic and is therefore adopted.

REPORT OF JAMES BOWIE.

SAN ANTONIO DE BEXAR, Dec. 10, 1831.

“ To the Political Chief of Bexar :

Agreeably to your lordship's request, I have the honor to report to you the result of my expedition from San Antonio to the San Saba. Information received through different channels in relation to that section of the country, formerly occupied by Mexican citizens, and now in the hands of several hostile Indian tribes, induced me to get up that expedition, expecting that some benefit might result therefrom both to the community and myself. But, as my intentions were known to you and approved by your lordship previous to my departure, I deem it useless to enter into these particulars. I left this city on the 2d of November last in company with my brother, Rezin P. Bowie, eight men and a boy. Wishing, with due care, to examine the nature of the country, my pro-



REZIN P BOWIE

gress was quite slow. On the 19th we met two Comanches and one Mexican captive (the last acting as an interpreter) at about seven miles northwest of the Llano River, on the road known as de la Bandera. The Indians, after having asked several questions in regard to the feelings of the Mexicans towards the Comanches, and receiving an assurance on my part that they were kindly disposed towards all peaceable Indians, told me that their friends were driving to San Antonio several horses that had been stolen at Goliad. I promised them that they would be protected, and they continued on their way to the city to deliver the said horses to their proper owners or to the civil authority. On the following day at sunrise, we were overtaken by the captive, who informed us that 124 Tehuacanas were on our trail, and at the same time showing us the medal received this year by his captain from the authority of this city, which was sent to us to prove that the messenger was reliable. We were then apprised that the Tehuacanas had the day before visited the camping ground of the Comanches, and told them that they were following us to kill us at any cost. Ysayune (such was the name of the Comanche captain), having become informed of the determination of the savages respecting us, tried first to induce them to desist from the prosecution of their intention, insisting that they should not take our lives, and telling them he would be mad with them if they went to attack us, but they separated, dissatisfied with each other. Ysayune sent us word that if we would come back he would do all he could to assist us, but that he had only sixteen men under his command, and thought that we could defend ourselves against the enemy by taking position on a hill covered by underbrush, which the captive was ordered to show us, adding that the houses on the San Saba were close by. The houses alluded to were the remains of those belonging to the San Saba mission, that had been long abandoned. We did not follow the Comanche's advice, thinking that we could reach our destination, as we

did, before the enemy could overtake us. But once arrived we could not find the houses, and the ground upon the San Saba offering no position for our protection, we went about three miles to the north of the river, and there selected a grove wherein to encamp for the night. There was a smaller grove about fifty varas from the one chosen for our encampment, and I caused it to be occupied by three men, so as to prevent the enemy from taking possession of it, and thereby have an advantage over us. However, we passed the night without being disturbed.

On the 21st, at eight o'clock a. m., we were about to leave our camping ground, when we saw a large body of Indians close upon us, and at a distance of about two hundred varas. Several of them shouted in English: "How do you do? How are you? How are you?" We soon knew by their skins that they had among them some Caddoes, and we made signs to them to send us a man to inform us of their intentions. Just then we saw that the Indian, who was ahead on horseback, was holding up a scalp, and forthwith a volley of some ten or twelve gun-shots was discharged into our camp, but without effect. At the arrival of the Indians, my brother repaired with two men to the smaller grove which was between us and the Indians, but when I saw that most of them were withdrawing and sheltering themselves behind a hill about 100 varas northeast of our position, expecting that they would attack us in a body from that direction, I went to tell my brother to come back and on our return Mr. Buchanan was shot and had his leg broken. We had scarcely joined our camp when, as I expected, the Indians came from behind the hill to dislodge us, but as the foremost men, and among them the one who seemed to be the leader, fell, they busied themselves in removing their dead, and to do this they had to come closer and fight sharply, but it was at the cost of more lives on their part. This contest lasted about fifteen minutes; but when they perceived that

they could not enter our camp they withdrew, screening themselves behind a hill and surrounding timber, and thence commenced firing upon us from every direction. While we were thus engaged, fifteen Indians, who, from the report of their firing, seemed to be armed with rifles, concealed themselves behind some oaks in a valley about sixty varas to the northwest. These were the severest of our foemen, and they wounded two more of our men and several horses. At about 11 o'clock, a. m., seeing that they could not dislodge us with their fire-arms, they set fire to the prairie, hoping thus to burn us or compel us to abandon our camp. So soon as the prairie was on fire they loudly shouted, and, expecting their statagem would be successful, they advanced under protection of the smoke to the position they had first been obliged to abandon; but when the fire reached the valley it died out.

Thinking the siege would be protracted, we employed Gonzales and the boy Charles in making a breastwork of whatever they could lay their hands upon, such as boughs and our property. From that moment until 4 o'clock the fire slackened gradually, and the Indians withdrew to a considerable distance. But the wind having shifted from the southwest to the northwest, the Indians again fired the prairie, and the conflagration reached our camp, but by dint of hard work, in the way of tearing the grass, and by means of our bear skins and blankets, made use of to smother the flames, we succeeded in saving the greater part of our animals and other property. We expected a furious attack of the enemy under cover of the smoke, in order to penetrate our camp, but the greater part of them withdrew to a pond, distant about half a mile from the battle field, to procure water, and those of them that remained kept up firing and removing their dead. This work on their part went on until about 6:30 o'clock p. m., when the battle closed, only one shot being fired by them after 7 o'clock, which was aimed at one of our men who went to obtain water.

We had agreed to attack the enemy while they were asleep, but when we reflected that we had only six men able to use their arms, and that the wounded would have to remain unprotected, we thought it more advisable to remain in our camp, which we had now fortified with stones and timber, so as to make it quite secure against further assault. On the 22d, at about 5 o'clock a. m., we heard the Indians moving towards the northeast, and at day-break none were to be seen. However, about 11 o'clock we observed thirteen of them, who, upon seeing us, withdrew suddenly. Subsequently, in order to intimidate them and impress them with the idea that we were still ready for a fight, we hoisted a flag on a long pole, as a sign of war; and for eight days we kept a fire constantly burning, hoping thereby to attract the attention of any friendly Comanches that might be in the neighborhood, and procure some animals for the transportation of our wounded and our camp property.

On the evening of the 29th, the wounded being somewhat relieved, we began our march for Bexar, and on striking the Pierdenales we observed a large Tehuacana trail, and noticed several others between that stream and the Guadalupe, all seeming to tend in the direction of a smoke that curled upward from some point down the Pierdenales. Upon seeing these trails, we took a more westerly course, and after having crossed the Guadalupe, we saw no more signs of Indians, and arrived here on the night of the 6th inst. My only loss among my men during the battle, was by the fall and death of the foreman of my mechanics, Mr. Thomas McCaslin, from a bullet that entered below the breast and passed through the loin. He was one of the most efficient of my comrades in the fight. I had, also, three men wounded, five animals killed and several severely hurt. We could make no estimate of the loss of the enemy, but we kept up a continual firing during the day and always had enemies to aim at, and there were no intervening obstacles to prevent our shot from having

their full effect. We saw twenty-one men fall dead, and among them seven on horseback, who seemed to act as chiefs, one of whom was very conspicuous by reason of the buffalo horns and other finery about his head. To his death I attribute the discouragement of his followers. I cannot do less than commend to your lordship for their alacrity in obeying and executing my orders with spirit and firmness all those who accompanied me. Their names are Robert Armstrong, Rezin P. Bowie, Mathew Doyle, Thomas McCaslin (killed), Daniel Buchanan (wounded), James Coryell, Mateo Dias, Cephas K. Ham, Jesse Wallace, Senor Gonzales, Charles (a boy).

God and Liberty.

JAMES BOWIE."

CHAPTER XIX.

Events in 1831-2 — Tyranny under Bustamente and his satraps — Occurrences at Anahuac — Arrest of Travis, Jack and Others — Battle of Velasco — Names of its heroes.

Having thus digressed to give place to the thrilling narrative of Bowie, famed as one of the bravest and coolest of men and destined to become one of the martyrs of the Alamo, we turn again to the course of current events.

Here we arrive at an event which, had it stood alone, would have been sufficient to inspire revolution in the hearts of any high-spirited, liberty loving people, situated as were the colonists of Texas. In the language of David G. Burnet, the first President of Texas:

“In the compound organization of the State Legislature, Coahuila had ten delegates and Texas only two, a disparity which subjected the latter to an uncontrollable domination. In the executive department the colonists had no representative. That the law-makers of Coahuila should contemplate the growing prosperity of her copartner with a jealousy not unmixed with envy, was natural. That they should wish to impede a progress they could not imitate was, perhaps, equally consistent. The first essay for that purpose was made, pending the late disturbances, by repealing on the 28th of April, 1832, the State colonization law of 1825, and the substitution in lieu thereof of one founded on Bustamente’s odious decree of the 6th of April, 1830. By the new law, empresario contracts were not to be made with any other than Mexicans, and foreigners not interdicted by this law—in others words not with North Americans. This was bringing home to the business and bosoms of the colonists, an abominable measure, which they

had regarded as impotent and impracticable, so long as it wore only the authority of a decree by the remote usurper, Bustamente. But now that their own State should recognize and enforce it, was a harsh admonition, which made them feel that they were a small minority, writhing in the clutches of an unprincipled and reckless majority."

How — in view of the destructive edict of Bustamente and his coincident steps to rule Texas by a rod of despotism, through his military minions scattered over its territory, followed by this concurrent act of the Legislature — how, it is repeated, the colonists of the country could have any hope of a permanent and peaceful union with Mexico, short of a surrender to prejudiced ignorance and a licentious soldiery, is what, at this day, with all the facts portrayed before him, no Anglo-American can comprehend. It can only be explained on the truthful hypothesis that the great heart of the colonists was law-abiding and peaceful, pulsating in the breasts of men whose wives and children stood around them, desiring only peaceful homes, and admonishing them against all intemperate acts calculated to bring devastation upon them and their country. Only on this and kindred grounds can the conservative action of the colonists, through their delegates in two successive councils, be explained and appreciated.

The people of the Brazos, after consultation, deputed Dr. Branch T. Archer and George B. McKinstry to proceed to Anahuac, represent the facts to Bradburn, and in the name of law and justice, demand a revocation of the order closing their ports. Waiting upon him in fulfillment of their mission, Bradburn assumed an imperious air and refused their request; but a few earnest words from Archer, indicating in the event of a refusal, an appeal to arms, changed the petty tyrant's tone and the order was rescinded. The ambassadors returned home and it was hoped no further outrages would be attempted; hence a partial calm succeeded. A careful reader of American history must conclude that our countrymen, as a class, are

prone to accept and rely upon the plausible promises of wrongdoers in authority. It was so between the British and the colonists preceding the dawn of the American revolution, but there was one man in Massachusetts and another in Virginia, who were not misled by specious promises and appearances. The first was Samuel Adams, the other was Patrick Henry. So in Texas, on a smaller field and in an humbler walk, there was at least one man who snuffed danger from afar and would not give his confidence to the seeming silver lining in the sky. This was Henry Smith of the Brazos, yet an unknown power in the counsels of the people. Robert M. Williamson, Branch T. Archer, William H. and John A. Wharton and others, to a greater or less degree, participated in these doubts as to the future.

In 1831 the Governor of the State had commissioned Don Francisco Madero as commissioner to issue titles to the settlers on and near the Trinity in the region of Liberty. Such commissioners were clothed with authority to organize municipalities where none existed. Madero very justly exercised this power by organizing the municipality of Liberty (Libertad) with Hugh B. Johnson as Alcalde. The people were gratified at this recognition of their wants. But the military satrap, Bradburn, saw in this just act an obstacle placed in the path marked out for him by his master, Bustamente, and indorsed by General Mier y Teran. He arrested and imprisoned Madero, dissolved the municipality of Liberty, removed Johnson and appointed a new Ayuntamiento, intended to be composed of his tools, with its seat at Anahuac, under his immediate surveillance.

These measures, in the spring of 1832, spread alarm over the country. They were followed by the arbitrary arrest and imprisonment by Bradburn, in his fort, without authority of law, of a number of the most prominent, popular and useful citizens of Anahuac and Liberty, among whom were William B. Travis, Patrick C. Jack, Samuel T. Allen and fourteen

others, who in vain demanded to be informed of the charges against them and to be tried by the civil authorities. The outrages of Bradburn and his soldiers were numerous, of almost daily occurrence, and alarm rapidly spread over the country. Private rights were trampled under foot and private property seized with impunity. In this alarming state of affairs William H. Jack of San Felipe, visited Bradburn and sought the release of his brother and fellow-prisoners, or their transfer for trial to the civil tribunals of the country. His only answer was that the prisoners would be sent to Vera Cruz to be tried by a military court. It must be understood that the only offense of these prisoners was their refusal to sustain Bradburn in his unrighteous course.

William H. Jack, chagrined but in nowise subdued, returned to the Brazos, reported the result of his mission, and raised his clarion voice for forcible intervention to rescue his brother and friends from their threatened doom. Messengers spread the news over the country, and men hastened to the suggested point of rendezvous, near Liberty. When a sufficient number had assembled, Francis W. Johnson was elected captain, Warren D. C. Hall first and Thomas H. Bradly second lieutenant. Just after the organization, Captains John Austin, Henry S. Brown (then of Gonzales), and Wm. J. Russell with George B. McKinstry and a few men, arrived from Brazoria and joined the ranks. Austin was then Alcalde at Brazoria, or the second Alcalde of the jurisdiction of San Felipe de Austin, as the districts were then organized.

They took up the line of march for Anahuac. On the way they surprised and captured, without firing a gun, twenty of Bradburn's cavalry. They encamped for the night on Turtle Bayou, and while posting the guard, a hired miscreant named Hayden, shot and killed Sergeant Blackman, a most estimable man, and fled. Captain Henry S. Brown, standing near, attempted to shoot the assassin, but his gun missed fire. He then pursued him, bowie knife in hand, and, just as he was

about to plunge it into Hayden's body, stumbled and fell, and the cowardly assassin, aided by darkness, escaped into the brush.

Arriving at Anahuac next day, John Austin, Hugh B. Johnson, Geo. B. McKinstry, H. K. Lewis and F. W. Johnson had an interview with Bradburn and after quite a discussion were informed that Souverin (a Mexican officer recently exiled to that place because he was a friend to Santa Anna), was in command. This was a mere dodge. Nothing was effected and the gentlemen withdrew. Two or three days passed without results. Then an agreement was entered into for an exchange of prisoners and the retirement as a prelude thereto, of the Texians to Turtle Bayou. This was done, the Mexican prisoners were released, but early next day firing was heard at Anahuac. The command hastened down and two miles from the fort met their commissioners, who, with about twenty men, had been left to receive and conduct the Texian prisoners to their friends. Bradburn had refused to fulfill his promise and had attacked the Texians, who retreated in good order, defending themselves as best they could. On examining the position of the enemy, it was deemed imprudent to attack him without artillery. The command fell back again to Turtle bayou, resolved themselves into a mass meeting on the 13th of June, and passed a series of resolutions, drawn by Captain Robert M. Williamson, reciting the tyrannical acts of the usurper, Bustamante, at the Federal capital and his minions in Texas and the subversion of the free constitution of 1824, and pledging their adhesion to that instrument as then upheld by "*el bueno merito*," the well-deserving patriot, Antonio Lopez de Santa Anna.

After these proceedings, Captains John Austin, Henry S. Brown, William J. Russell and Mr. George B. McKinstry, were sent to Brazoria for the purpose of securing re-inforcements and three pieces of artillery at that place.

The command at Turtle Bayou was, in a day or two, re-

inforced by Capt. Abner Kuykendall and about forty-five men, from the Brazos, and a smaller number, from Bevil's settlement on the Neches, and, but for the want of artillery, was not ready to take the offensive.

At this crisis, Colonel Piedras, with 150 men from Nacogdoches, approached, having been appealed to by Bradburn for aid. Omitting immaterial incidents and details, it must suffice to say that, after a full interchange of views and being informed of the tyrannies and outrages of Bradburn, Piedras agreed to release all the prisoners and to put Bradburn under arrest and send him out of the country — all of which was done — and the armed citizens returned to their homes. There had been no loss of life on the part of the Texians excepting Sergeant Blackman; and none on the part of the Mexicans, so far as positively known, excepting a sentinel shot by Captain William J. Russell.

The following persons in addition to those named, participated in the incidents at Anahuac: Jacob H. Shepherd, Daniel Shipman, Daniel L. Kokernot (died in Gonzales County in 1893), Dr. George M. Patrick (died in 1889 in Grimes County), Dr. N. D. Labadie, John Iams, Edward Miles (died in San Antonio in 1891), Thomas H. Brennan (still living in Milam County), Dr. Charles B. Stewart (deceased in 1887), Wm. B. Scates, James S. McGahey, "Jawbone" Morrison, the Hardin brothers, of Liberty, Wm. B. Travis, Patrick C. Jack and fifteen others (the released prisoners), Captains Johnson, Abner Kuykendall, Henry S. Brown, Wm. J. Russell, Robert M. Williams and Wm. H. Jack. The total number of Texians engaged in the enterprise was, perhaps, 130.

In the meantime, John Austin, Henry S. Brown, Wm. J. Russell, Dr. Charles B. Stewart and George B. McKinstry had reached Brazoria, aroused the people, secured artillery and a vessel and were ready to sail for Anahuac to aid their friends. But when the crisis came Lieutenant-Colonel de Ugartechea peremptorily refused permission for them to pass his fort at

the mouth of the Brazos. This presented a new aspect in the complications, gave additional grounds for dissatisfaction and brought on the first real collision in arms between the colonists of Texas and the military power of Mexico, in the bloody

BATTLE OF VELASCO, JUNE 26, 1832.

There was no authority to whom an official report of the battle could be made, and none was made, nor was any muster roll of the men who fought the battle and won the victory preserved. It was a hasty assemblage of free citizens, leaving their daily avocations to discharge what they knew to be a perilous duty. They assembled and selected leaders in whom they had implicit confidence ; among others, John Austin and Henry S. Brown, men who had been tested as leaders many times, Austin in contests with Mexicans, and Brown with both Indians and Mexicans. William J. Russell, another of their commanders, also possessed their fullest confidence as a man clear of head and of fearless bravery.

The people assembled to the number of 112, and were organized in three companies, respectively numbering two of forty-seven men each, and one (marines) of eighteen men. John Austin, as senior officer, commanded the first, Henry S. Brown the second, and Wm. J. Russell the marines and the schooner *Brazoria*, impressed into service for the occasion. They marched down on the east side of the Brazos to within a few miles of the fort at its mouth, and there halted two or three days pending fruitless negotiations with Ugartechea and the collection of arms, ammunition and subsistence. In that time, the good Father Muldoon, an Irish priest, resident of Mexico, and held in high esteem by the colonists, was allowed to visit Colonel Ugartechea, both on private business, and to see if an adjustment could not be accomplished, but returned disappointed on the latter point, and reported to Austin that the Mexican commander was confident that ten thousand rifle-

men could not dislodge him from such a position. Austin quietly replied: "Very well, padre, wait till to-morrow and you will see."

The fort at Velasco stood about a hundred and fifty yards both from the river and the Gulf shore which formed a right angle. It consisted of parallel rows of posts six feet apart, filled between with sand, earth and shells, for the outer walls. Inside of the walls was an embankment on which musketeers could stand and shoot over without exposing anything but their heads. In the center was an elevation of the same material, inclosed by higher posts, on which the artillery was planted and protected by bulwarks. Between the fort and the beach was a lodgment of drift logs, thrown out by the sea and about sixty yards distant. On the upper side of these were some slight elevations of land. With these exceptions the surface around the fort was perfectly flat.

The 25th of June arrived and the plan of battle was arranged. Russell, on the schooner *Brazoria*, with two small cannons, a blunderbuss and eighteen riflemen, after night-fall, was to drop down abreast of the fort. Brown, with forty-seven riflemen, was to make a detour to the east, then move southwesterly and effect a lodgment behind the drift logs. Austin was to approach from the north and take position within easy range of the fort, each of his men being provided with a portable palisade, made of three-inch cypress plank supported by a movable leg to hold it.

When in position, Brown was to open fire and draw that of the fort, while Austin's men arranged their palisades. An accidental shot by one of Brown's men, while in motion, revealed their presence, it being then midnight, and the battle began; the guns, large and small, of the fort, sending forth a blaze of light, the only light the assailants had, for otherwise the night was exceedingly dark. Brown's men were in a position to avail themselves of the flashes in the fort without corresponding exposure on their own part; but those

under Austin soon realized that their portable cypress breast-works amounted to little, as the balls of the enemy riddled them with holes. After the battle 130 holes were counted in one of these life-preservers. Austin's men, to escape annihilation, took position under the walls and could not be seen or reached by the enemy ; nor could they see the objects at which they wished to fire.

In the meantime the schooner dropped down and came to immediately abreast of the front, when the gallant Russell turned loose his pieces, sending forth messengers of slugs, lead, chains, scraps of iron and whatever else they had been able to pick up for the occasion.

And so the contest raged till daylight came, before which time, as previously determined in case the palisades proved non-effective, each of Austin's men had dug a pit in the sand for protection. In some cases, trenches capable of holding several men had been scooped out with hoes carried for the purpose. Thenceforward the unerring riflemen of Austin, burrowed as they were in the ground, and those of Brown among the drift, did fearful execution. So deadly was their aim at the heads of the infantry whenever visible above the walls and of the gunners serving the artillery, that the former resorted to the expedient of raising their pieces with their hands above the walls and firing without exposing their heads; but this availed not, for the keen-eyed riflemen sent balls crashing through their hands, wrists and arms. Their next experiment was to hoist their caps on their ramrods barely in view of the assailants who, supposing them to contain heads, literally perforated them with balls.

The schooner continued to do splendid work. Its mate, though a non-combatant and non-resident, remained in the cabin, making cartridges. A cannon ball entered and drove a pillow through his body, literally tearing it in twain. A negro sailor remained on deck firing a blunderbuss on his own

account and singing boatmen's songs as nonchalantly as if at a frolic.

Nine o'clock came. More than two-thirds of Ugartechea's men were dead or wounded within the space of nine hours — a result believed to be unparalleled, under similar conditions, in the history of warfare. Austin sounded a parley and, to prevent further slaughter, demanded the surrender of the fort. Ugartechea asked for but two conditions — that his officers should retain their side-arms and that the survivors of his command should be allowed peacefully to leave the country. These concessions would have followed without stipulations; but they were promptly made and the fort surrendered. The conditions were fully and indeed humanely fulfilled and every attention given the wounded. The soldiers were kindly treated and the officers received the most generous hospitalities because of their gallantry and especially because the personal intercourse of Colonel Ugartechea with the people had at all times been gentlemanly.

The results of this first battle between the Texian colonists and the military power of Mexico were, on the part of the colonists, seven killed and twenty-seven wounded, thirty-four out of a hundred and twelve; on the part of the Mexicans forty-two lay dead in the fort and seventy were wounded, chiefly in the face, head, hands and arms, a hundred and twelve out of a hundred and fifty.

In the years 1853-4-5, I sought by many personal interviews and correspondence with surviving participants in this struggle to get the facts as they transpired and as nearly as possible a list of the heroic men engaged. The facts as herein given were verified by no less than twelve of the participants, to wit: Robert Mills, Edwin Waller, Thomas Chaudoin, Robert H. Williams, Andrew E. Westall, Charles Covington, Valentine Bennett, Samuel Addison White, James Gibson, William H. Settle, Asa Mitchell and Dr. Charles B. Stewart. This special care was taken because of its great historical

importance as the first actual measurement of arms in the succession of bloody dramas which led to the independence of Texas and which had been so imperfectly described, not to say partially ignored, by writers on Texian history. A deep sense of patriotic duty impelled the effort, also to secure and place in enduring form the names of those dauntless pioneer-farmer-heroes, who first punctured the arrogance of Mexican despotism and gave a foretaste of the grand achievements yet in store for the knightly chivalry destined to win Texas from barbaric misrule to peaceful civilization. The complete achievement of this desire proved unattainable, but after much perseverance the names of 99 of the one hundred and twelve heroes were obtained and are appended in the note below.¹

¹ THE HEROES OF VELASCO, JUNE 26, 1832.

1. Captain John Austin, commanding the first company of the expedition, died of cholera in 1833. Senior in command.
2. Captain Henry S. Brown, commanding the second company, died in Columbia July 26, 1834.
3. Captain William J. Russell, commanding the schooner Brazoria, died in San Antonio, November 5, 1882.

IN THE RANKS.

Ephraim Anderson; D. W. Anthony, editor, died of cholera in 1833; Silvester Bowen, master of a schooner, shot in the thigh; Wm. S. Brown, afterwards in the Texian navy; Thomas Bell, known as Tecumseh; J. Brit Bailey; Aylett C. Ruckner, killed; Mandies Berry; Benjamin Brigham, a boy, wounded — killed at San Jacinto, where stands the Brigham monument. Smith Bailey; Gaines Bailey; Valentine Bennett; Lewis Boatright; Thomas Chaudoin, wounded, in Brown's company; George M. Collinsworth; James P. Caldwell, wounded in Austin's company; Charles Covington, in Brown's company; John W. Cloud, a preacher; Thomas P. Crosby; Hinton Curtis; Emory H. Darst; N. Darst; — Drinkard; Joseph Dupong; John Foster James Foster; James Fessenden; James Gibson, of Gonzales, in Brown's company; Roswell W. Gillett; Samuel S. Gillett; John Hodge, in Brown's company; Milton Hicks, his leg broken, in Brown's company (he, with an entire party of fifteen, known as the Webster party, was killed by Indians on Brushy Creek, Williamson County, in January, 1839); Edmond St. John Hawkins, in Brown's company; Geron Hinds, in Brown's company; Mathew

Crowned with victory at Velasco, these citizen soldiers expected to march to the aid of their friends under Johnson, Kuykendall, Williamson and Splane at Anahuac, but before reaching there the necessity passed and they proceeded no further, but dispersed to their homes. As has been stated, the arrival of Colonel Piedras at Anahuac, after a day or two of negotiations, resulted in the arrest of Bradburn, and his

T. Hinds, killed, in Brown's company; Elsey Harrison; — Hughes; Thomas Jamison, in Brown's company; John Kaller; Allen Larrison; Isaac Maiden, in Brown's company; Pinkney McNeal; John G. McNeal, Sterling McNeal, in Brown's company; Robert Mills; Andrew G. Mills — these two brothers in Brown's company; Benjamin Mims; George B. McKinstry; David H. Wilburn; a Mexican, name forgotten, killed, in Brown's company; Mate of the schooner Brazoria, name forgotten, killed, in Russell's company; Asa Mitchell; Samuel May; Henry W. Munson; E. Maxey; William Menefee, then of the Navidad; S. Owens; Samuel Pharr, Ray Philips; Sidney Philips, Dr. T. F. L. Parrott; John G. Robison (a member of the first Texas Congress in 1836, and killed with his brother by Indians in Fayette County in the spring of 1837); Joel W. (son of John G. Robison), who was in the storming of Bexar in 1835, at Concepcion and in the Grass fight, at San Jacinto in 1836, often in the legislature, and died in Fayette County in 1888; Joseph Reese; John Rawls; James Ramage, a captain in the U. S. navy and a non-combatant; Andrew Roberts; Arthur Robertson; his brother, Edward Robertson, killed in Brown's company; Andrew Scott, of the Navidad; Henry Smith, wounded in the head in Austin's company (afterwards the first American Governor of Texas, died in Los Angeles County, California, in a camp far from human habitation, March 4, 1851); William H. Settle, in Brown's company; Andrew Strother; Abram Smeltzer, in Austin's company; Dr. Charles B. Stewart, in Brown's company; William S. Smith, a school teacher, killed in Brown's company; Hiram M. Thompson, in Austin's company; James Thompson, in Austin's company; Robert H. Williams, of Caney (lost an eye in Brown's company); James M. Westall, in Austin's company; Andrew E. Westall, in Austin's company; William H. Wharton, in Austin's company; Edwin Waller, in Brown's company; Samuel Addison White, of the Navidad, on the schooner in Russell's company; James W. Woodson, in Austin's company; Bird B. Waller; Job Williams, of the Navidad, in Brown's company; Agabus Winters; John Woodruff; Jesse Williams; Pendleton Rector; Jonathan Burleson; George Brooks; John D. Newell; Robert J. Calder and Benjamin Highsnuth; leaving 13 of the 112 names unknown, despite every effort to obtain them many years ago. In so far as could be ascertained the names have been assigned to the companies to which they belonged; but that is a matter of no consequence.

removal from the country, the release of the seventeen American prisoners and the return of the armed citizens to their homes. Piedras, leaving Lieutenant Juan Cortinez in command as successor of Bradburn, returned with his troops to his headquarters at Nacogdoches. This was about the last of June, about four days after the victory at Velasco, news of which had been received a day or two before. Thus for the moment, matters stood. Colonel Souverin, a professed Republican, arrived and took command at Anahuac, pronounced for Santa Anna and soon sailed with the Mexican troops for Vera Cruz.

CHAPTER XX.

Bustamente's Decree — Turtle Bayou resolutions—Battle of Nacogdoches—
Surrender of the Mexican garrison.

To connect events and make them intelligible, let it be remembered that in Vera Cruz, on the 2d of January, 1832, Santa Anna had pronounced against Bustamente, the violent usurper of the Presidency, and in favor of the violated constitution of 1824. He was at the head of a large force, while his adherent, General Montezuma, was at the head of a considerable force farther north, opposing General Mier y Teran, a supporter of Bustamente, a centralist at heart and a bigoted hater of everything American. Bustamente's adherents were in arms in strong force and in possession of many important places, including Matamoros, while the commanders in Texas, as has been said, were devoted to his cause.

The Texian colonists writhed under the decree of Bustamente of the 6th of April, 1830, forbidding the farther immigration of their friends, relatives and countrymen into Texas, in effect perpetually dividing asunder families, portions of whom had come already in good faith, while others, as their business could be arranged, were to follow. Under this stab at the most holy affections animating the human breast, and the tyrannous conduct of Bradburn, in giving effect to the design, with Piedras at Nacogdoches, Ugartechea at Velasco and Bean at Fort Teran, all under the same directing head, the colonists hailed with a joy commensurate with the hope inspired by it, the news of the glorious attitude assumed by Santa Anna, then looked upon as one of the purest of patriots. The news of the true condition of affairs in Mexico — in the absence of any regular means of communication — did not reach the Texians until after they had taken up arms to resist

the outrages of Bradburn. But when it did arrive such clear-headed men as Robert M. Williamson, and others among those assembled in front of Anahuac, saw, as if by inspiration, a hand pointing out the road to relief and the course they should follow. Hence the Turtle Bayou resolutions of the 13th of June, drawn by Captain Williamson.

These resolutions, with a true exposition of the noble stand taken by the patriot Santa Anna against the usurping tyrant Bustamente, were sent by messengers and scattered broadcast into every cabin in east Texas. The effect, as ever among intelligent freemen, was electrical. Outside of cringing Tory circles, one voice animated the country. That voice proclaimed that Colonel Jose de las Piedras, for whom personally the people entertained feelings of kindness and respect, must either declare for Santa Anna and the constitution of 1824, or must leave the country.

In July an understanding was reached between the Americans in Nacogdoches, on the Tenaha, Ayish Bayou, in the Bevil settlement and elsewhere in that portion of east Texas, to enforce these views. By agreement, an assemblage of armed men took place near Nacogdoches on the 31st day of July. They were organized in companies, and John W. Bullock was chosen as commander of the whole. A conference was held between these sons of liberty and the civil functionaries of the municipality, in which Isaac W. Burton, Philip A. Sublett and Henry W. Augustin were deputed to visit Colonel Piedras, make known to him the views and intentions of their constituents, and ask his co-operation in sustaining Santa Anna and free Republican government, with an intimation, unmistakable in tone, that, if he did not, he must evacuate his position and retire to the interior of Mexico. Piedras possessed virtues. He was a gallant man and a gentleman. He was a centralist or semi-monarchist at heart and had been sent into Texas as a supporter of Bustamente, by the superior general of northern Mexico, Mier y Teran,

because of his known principles and constancy. Hence, to the requests of the committee, he delivered a gentlemanly but emphatic "No." Their report left but one of two courses open to the armed citizens.

On the night of August 1st, these earnest men, about three hundred in number, camped a little east of Nacogdoches. During the night, in anticipation of bloody work on the morrow, the families evacuated the town. On the next day the forces entered the suburbs, challenging attack; but, none being made, moved into the center of the town, whereupon they were charged by about a hundred Mexican cavalry, who were repulsed with some loss. Don Encarnacion Chirino, Alcalde, fell by the fire of his own countrymen. The Texians took position in houses and behind fences, and a random fire was kept up till night, in which time they lost three killed and five wounded, while the Mexican loss was stated at forty-one killed and about as many wounded.

During the night Piedras retreated on the road to San Antonio. Colonel James Bowie, who seems to have arrived during the night, headed a party to out travel and get in front of Piedras, while the main body pursued in the rear. By taking the lower road Bowie succeeded and appeared in Piedras' front a little west of the Angelina, in crossing which, the Mexican sergeant, Marcos, was killed by Bowie's men. Seeing his inevitable defeat, and resolved not to abandon the cause of his chief, Piedras surrendered the command to the next in rank, Don Francisco Medina, who at once declared for Santa Anna and the Republican constitution, and submitted himself to the colonists—nominally yielding himself and command as prisoners.

By agreement, Bowie escorted the Mexicans to San Antonio. Asa M. Edwards conducted Piedras to Velasco, whence he returned to Mexico. Among the volunteers at Nacogdoches, besides Bullock and Bowie, were Asa M. Edwards, Haden H. Edwards, Alexander Horton, Almanzon

Huston, Isaac W. Burton, Philip A. Sublett, Henry W. Augustin, M. B. Lewis, Theophilus Thomas, Isaac D. Thomas, Thomas S. McFarland, Asa Jarman, and William Y. Lacy.¹

¹ I have fortunately come into possession of Colonel Bullock's original report of this engagement, never before in print, and here give it:

NACOGDOCHES, August 9th, 1832.

To the Alcalde of San Felipe de Austin:

DEAR SIR — I have the pleasure to announce to you that this post surrendered to the Santa Anna flag on the 5th inst. We attacked on the 2d about one p. m. The fight continued without intermission till dark. During the night we were making preparation to storm their strong position, which we could easily have accomplished next day. But Colonel Piedras, with his troops, decamped in the night, leaving behind him all his killed, wounded, public stores, clothing, etc. The fixed-cartridges, powder and lead were thrown in the wells. His intentions appear to have been to make a hasty retreat, but we gave him a warm fire as he was crossing the Angelina about twenty miles from this place, which caused him to call a halt. He there surrendered, and is now a prisoner of war at this place. Allowing him time to arrange his private affairs, he will be sent under a suitable guard to Anahuac on Sunday next. The troops will be sent to the same point, under the superintendence of Colonel James Bowie, who has politely offered his service. (This plan was changed. Colonel Piedras was sent to Velasco escorted by Asa M. Edwards, and the troops to San Antonio, under Colonel Bowie.)

At the time we made the attack about sixty Cherokee Indians, with Bowles at their head, well armed and mounted, were within gun-shot. I sent for them and after much explanation, they appeared to understand the object for which we were fighting, stating that they had been deceived by Colonel Piedras, who had told them many lies, etc.

We, however, doubted their sincerity, and no doubt they would have assisted him had we not so completely succeeded.

Colonel Piedras, from the best information I can get, has forty-seven killed and as many wounded. Our loss comparatively small. (Don Encarnacion Chirino, the Alcalde, fell at the hands of his own countrymen.) S. P. Hopkins and W. Hathaway were killed and five wounded; the latter now on the way to recovery. The Ayuntamiento will write by this conveyance. You will please communicate the result to the citizens of your district and others who were enlisted in our common cause; and let those who had assembled to our assistance return to their homes with the thanks of this command.

Your friend and fellow-citizen,

JOHN W. BULLOCK,
Col. Commanding.

Between the events at Anahuac and Velasco, closing with June, and those at Nacogdoches, in the first four days of August, another incident transpired of what, at the time, was deemed of serious import.

Having heard of the actions of Bradburn in May and of the excitement of the colonists, Santa Anna, or General Montezuma for him, dispatched a fleet of vessels, with four hundred men, under General Jose Antonio Mexia with orders to proceed first to Matamoros and secure that place, either by diplomacy or arms, in the interest of the constitutional party; and then to sail up the coast to Texas and investigate the reported facts.

Mexia induced the commander and troops in Matamoros to declare against Bustamente and in favor of Santa Anna and his Republican principles. Thus relieved of that embarrassment, Mexia sailed up the coast. At that time Stephen F. Austin, en route home from the legislature at Saltillo, happened to be in Matamoros, and came home with Mexia. He had been absent and had taken no part in these events. The fleet arrived at the mouth of the Brazos on the 20th of July. Intercourse was at once opened by correspondence between the Mexican General and Captain John Austin, late commander of the Texians at Velasco, backed by verbal and written statements from other prominent citizens. Austin was second Alcalde of the jurisdiction of San Felipe, which still (till near the close of 1832) extended to the coast, including Brazoria, west to the Lavaca and east to the San Jacinto, though in November Brazoria and Matagorda were organized as distinct municipalities, and Brazoria, under the former municipal organization, was known as the precinct of Victoria.

General Mexia was fully informed of all the facts, the irritations arising from Bustamente's decree, inhibiting American immigration, the persistent outrages of Bradburn, the uprising of the people, the successes achieved, the Turtle

Bayou resolutions in favor of Santa Anna and assured that the Americans in Texas regarded Santa Anna as a patriot, and hoped to find in him a savior of the country. Mexia received these evidences of loyalty with manifest pleasure. General joy was the result and an interchange of civilities and courtesies followed, including a ball to the general and his officers.

CHAPTER XXI.

First Convention ever held in Texas and its Work — Murmurings of Mexican officials in consequence — Patriotic avowals of Stephen F. Austin.

Matters having thus reached so satisfactory a solution, at the end of two or three weeks, General Mexia and the fleet sailed down the coast to resume operations in behalf of Santa Anna, who, soon afterwards, came to a truce with Bustamante, by which it was agreed that the exiled President, Pedraza, should be recalled and serve out the remainder of the term — to end in April, 1833, and that they would unite in upholding the constitution of 1824. Pedraza assumed the office on the 16th of December, 1832.

From a superficial point of view, which a majority of men seem inclined too often to take, the affairs of Texas now seemed bright. They were bright in the simple local facts that Bradburn had been sent off in disgrace, Ugartechea victoriously overcome and Piedras honorably allowed to return to his chief and report the pugnacious character of *Los Texanos Americanos*; and in the further light that Mexia had gone back to Santa Anna with abundant evidences that the Texians were his ardent friends, supporters and defenders, because they regarded him as the South Americans regarded Simon Bolivar. But there were wise men among the Texians, men capable of looking beyond the surface, men versed in history and well aware of the uncertainty of human action when men are tempted by the allurements of place, power and those gilded attractions, which nothing short of inborn and inbred republican simplicity can resist. They realized in the fullness of absolute conviction that the law of the 6th of April, 1830, still confronted them as the law of the Mexican nation; that

Bustamente still held the reins of government; that all Texas had only two representatives in the Legislature of the combined sections organized as Coahuila and Texas, and hence was powerless to influence legislation. They realized, also, that there was such a difference in the customs, training, experience and aspirations of the two peoples, as to render their political union impracticable; and hence that the political salvation of the people of Texas depended upon the erection of Texas into a distinct State, whereby their political action and local affairs could be relegated to their own intelligence, and their loyalty to the Mexican nation could be maintained as an intelligent unit; subjection to Mexican fickleness, selfishness, extravagance and turmoil these leaders saw could not be permanently endured. There was, however, no desire *per se* to wrest the territory from Mexico and its erection either into an independent State or its possible addition to the United States. In fullest sincerity, they preferred the pacification, under republican auspices, and the prosperity of Mexico, of which they desired to be a part as a self-governing State.

THE FIRST CONVENTION EVER HELD IN TEXAS, IN 1832.

In obedience to this all-pervading sentiment, soon after the departure of General Mexia and Colonel Piedras from the country, the first and second Alcaldes of the jurisdiction of Austin (Horatio Chriesman, of San Felipe, and John Austin, of Brazoria) united in a call on the 14th of September upon the people of all Texas in their respective districts, to elect delegates to a convention to assemble at San Felipe de Austin, on Monday, the first day of October, 1832.

This brings us face to face, with the most important and momentous step yet taken by the colonists of Texas — in one sense the most important ever taken, because it was to be the first assemblage of the people in an elective deliberative council. It vividly recalls to mind the incipient actions of

our ante-revolutionary forefathers in the days preceding 1776 and reminds us of their genuine devotion to enlightened liberty and appreciation of the practical means of securing and preserving it.

It seems remarkably strange that all former historians of Texas have either omitted all reference to this truly historic body, or have merely alluded to the fact that some such body assembled in 1832, without stating anything as to its composition or its acts. Doubtless this grave omission sprang from the fact that none of them ever had access to the journals of its proceedings or to the Mexican records bearing upon them and showing the commotion this assemblage created in Mexican circles. The author is more fortunate, having, to a large extent, possession of both sources of information, the official documents. The information he is enabled to furnish is, therefore, at first hands, not gathered from hearsay.

No more concise and satisfactory account of the meeting of that first convention on the soil of Texas can be given than by quoting from its official journal, viz.:

“ ASSEMBLAGE OF THE FIRST CONVENTION EVER HELD IN TEXAS, BEGINNING ON MONDAY, THE 1ST DAY OF OCTOBER, 1832, IN THE TOWN OF SAN FELIPE DE AUSTIN, AND COMPOSED OF DELEGATES ELECTED BY THE PEOPLE OF THE DIFFERENT DISTRICTS.

Official Proceedings — The Journals.

“ In compliance with an official request and public notice to the authorities and inhabitants of Texas, issued by the first and second Alcaldes of the municipality of Austin, the following members, representing the different districts of Texas, met in general convention, at San Felipe de Austin, on Monday, the 1st day of October, 1832.

“ From the district of San Felipe de Austin — Stephen F.

Austin, Wiley Martin, Francis W. Johnson and Luke Lesassier.

“ From the district of Victoria (really Brazoria) — George B. McKinstry, William H. Wharton, John Austin and Charles D. Sayre.

“ From the district of Mina, or Bastrop — Ira Ingram, Silas Dinsmore and Eli Mercer.

“ From the district of Hidalgo — Nestor Clay and Alexander Thompson.

“ From the district of San Jacinto — Archibald B. Dobson, George F. Richardson and Robert Wilson.

“ From the district of Viesca — Jared E. Groce, William Robinson and Joshua Hadley.

“ From the district of Alfred (now parts of Fayette and Lavaca counties) — Samuel Bruff, David Wright, William D. Lacy, William R. Hensley, and Jesse Burnham.

“ From the district of Lavaca — James Kerr, Hugh McGuffin, Joseph K. Looney, William Menefee and George Sutherland.

“ From the district of Gonzales — Henry S. Brown and Claiborne Stinnett.

“ From the district of Mill Creek — John Connell and Samuel C. Douglass.

“ From the district of Nacogdoches — Charles S. Taylor, Thomas Hastings and Truman Hantz.

“ From the district of Ayish Bayou — Philip A. Sublett, Donald McDonald, William McFarland, Wyatt Hanks and Jacob Garrett.

“ From the district of Snow (Neches) river — Thomas D. Beauchamp, Elijah Isaacs, Samuel Looney and James Looney.

“ From the district of Sabine — Benjamin Holt, Absalom Hier and Jesse Parker.

“ From the district of Tenaha (now Shelby County) — William English, Frederick Foye, George Butler, John M. Bradley and Jonas Harrison.

“ From the district of Liberty — Patrick C. Jack, Claiborne West and James Morgan.

“ Thus fifty-six delegates appeared and took their seats.

“ Several gentlemen were nominated for president of the convention, when an adjournment till 3 p. m. took place.

“ On re-assembling at 3 p. m. a ballot for president gave :

“ For Stephen F. Austin.....	31 votes.
“ For William H. Wharton.....	15 “
“ And for secretary, Francis W. Johnson.....	34 “
“ And for secretary, C. D. Taylor.....	11 “

“ Mr. Austin, after returning thanks and referring to the object of the assemblage, took the chair.

“ On motion of Mr. Lesassier a committee of five was appointed to prepare a memorial to the Federal (Mexican) government, praying for the repeal of the 11th article of the law of the sixth of April, 1830 (prohibiting the further immigration of North Americans into Texas), and also to set forth to the government the toils, difficulties and dangers encountered by the colonists of Texas, and their respect for and attachment to the constitution and laws of the Republic.

“ Messrs. William H. Wharton, Luke Lesassier, George Sutherland, Jonas Harrison and Patrick C. Jack were appointed, and Mr. Wharton was made chairman at the request of the mover of the resolution.

“ A committee was appointed consisting of Messrs. Charles D. Sayre, James Morgan, Jared E. Groce, Charles S. Taylor and Joseph K. Looney, to which Henry S. Brown, George B. McKinstry and John Austin were added, to draft a petition to the Federal government, praying for a reduction of duties on articles of first necessity imported into Texas, and showing that the reduction would increase the revenue of the government.

“ On the second day a committee of ten was appointed to take into consideration the land business to the east of the

San Jacinto river, and to report to the convention such memorial or memorials to be submitted to the State or general governments, or both, as might be deemed necessary.

“ Messrs. Jonas Harrison, William McFarland, William English, Philip A. Sublett, Jacob Garrett, Charles S. Taylor, Benjamin Holt, Wyatt Hanks, Frederick Foye and Elijah Isaacs, with James Morgan added, were appointed said committee.

“ William R. Hensley, Henry S. Brown, Samuel Looney, Nestor Clay and Jesse Burnham were appointed a committee to inquire into the Indian affairs of Texas and propose some plan for the protection of the frontiers.

“ John Austin, Nestor Clay, James Kerr, William McFarland, Wiley Martin and George Sutherland were appointed a committee to report the best mode of regulating the custom-house offices in Texas, until such offices should be filled and regulated by the general government. (The disorganization of the custom-houses resulted from the battle of Velasco and the trouble at Anahuac in the previous June.)

“ A committee, consisting of Messrs. Luke Lesassier, William McFarland, William Menefee, Samuel Bruff and Thomas Hastings was appointed to prepare a petition to the State government of Coahuila y Texas, for a donation of land to Texas for the purpose of creating a fund for the future establishment of primary schools, and to report the same to the convention.

“ On the third day Mr. McFarland submitted a resolution providing that a committee of two delegates from each district be appointed to report the expediency or in expediency of petitioning for a State government—that is, a State government for Texas distinct from Coahuila.

“ On this motion, Mr. Clay demanded the yeas and nays and they stood for the motion: Messrs. Henry S. Brown, Thomas D. Beauchamp, John M. Bradley, Samuel Bruff, John Connell, Silas Dinsmore, Samuel C. Douglas, Wm. English,

Frederick Foye, Truman Hantz, Joshua Hadley, Thomas Hastings, Wyatt Hanks, Benjamin Holt, Absalom Hier, Elijah Isaacs, Ira Ingram, F. W. Johnson, James Kerr, Luke Lesassier, Joseph K. Looney, Samuel Looney, George B. McKinstry, Eli Mercer, Hugh McGuffin, William Menefee, Donald McDonald, William McFarland, James Morgan, Jesse Parker, Philip A. Sublett, Claiborne Stinnett, Charles S. Taylor, William H. Wharton, Robert Willson, and Claiborne West — 36.

“The nays were, Messrs. John Austin, George Butler, Jesse Burnham, Nestor Clay, A. B. Dobson, Jared E. Groce, Wm. R. Hensley, Wiley Martin, George F. Richardson, William Robinson, George Sutherland and Alex. Thompson — 12.

“Following this decisive vote in favor of petitioning for a separate State, for such was its object, the following gentlemen were appointed on said committee, viz.: Messrs. John Austin, Henry S. Brown, Burnham, Butler, Bradley, Clay, Connell, Dinsmore, Dobson, Douglas, Groce, Hensley, Hantz, Hanks, Holt, Hier, Isaacs, Lesassier, Samuel Looney, Martin, Eli Mercer, McFarland, Menefee, Morgan, Richardson, Robinson, Sutherland, Stinnett, Thompson, Taylor, Wm. H. Wharton, and West.

“Messrs. McFarland, Hanks, Clay, Groce, John Austin, Southerland, Johnson and J. K. Looney, were appointed a committee to recommend a uniform plan for organizing the militia.

“Messrs. Beauchamp, James Kerr, Groce, Ingram and Charles S. Taylor, were appointed to prepare a petition to the State government asking that a law be passed authorizing the use of the English language in Texas in all transactions and obligations, excepting in those which have an immediate connection with the government.

“Messrs. Charles S. Taylor, McFarland, Harrison, Martin, John Austin, Bradley and Hanks were appointed to memorialize the State government on the subject of lands ‘granted to

and petitioned for by the North American tribes of Indians;’ so as to remove much anxiety evinced by them, which is founded on misrepresentation.

“ *Report on the Tariff.*

“ Mr. Jared E. Groce, Chairman of the Committee on the Tariff, reported the following

“ *Memorial.*

“ *To the Congress of the United Mexican States:*

“ The inhabitants of Texas, assembled in general convention, by means of delegates, at the town of San Felipe de Austin, respectfully represent that the duties on articles of the first necessity to the inhabitants, which are not and can not be manufactured in Texas for several years to come, are so high as to be equivalent to a total prohibition; that many other articles which are prohibited by the tariff are of the first necessity to the settlers of the country, and as the people in this section of the Republic are yet almost without resources and are generally farmers who make their support by cultivating the soil, and have no manufacturing establishments yet erected within the limits of Texas, they respectfully petition the general government to grant for three years¹ the privilege of introducing free of duty, such articles as are indispensable to the prosperity of Texas, among which this convention begs leave to enumerate the following, viz.: provisions,

¹ The modest request for so short a time as three years was palpably dictated by the apprehension that a more just and reasonable request would be rejected. Even in the very infancy of their settlement, as will be seen by the memorial, the people of Texas realized the iniquity and baneful effect of a high tariff on foreign imports and its tendency to impoverish the multitude for the enrichment of an insignificant number of persons and associations engaged in certain pursuits. In the United States it has been carried to a fearful extent under the delusive and exploded plea of protecting American working people.

iron and steel, machinery, farming utensils, tools of the various mechanic arts, hardware and hollowware, nails, wagons and carts, cotton bagging and bale-rope, coarse cotton goods and clothing, shoes and hats, household and kitchen furniture, tobacco in small quantities for chewing, powder, lead and shot, medicines, books and stationery.

“The foregoing articles include the principal imports made use of and wanted by the inhabitants of Texas. Many of them are prohibited and on those which are allowed to be introduced, the duties are so high that they amount to prohibition. The trade of Texas is small and the resources limited, but if fostered by a liberal policy on the part of the general government, it will in a few years yield a revenue of no small importance.”

This brief, pointed and sensible memorial, after due deliberation, was adopted by a substantially unanimous vote.

William H. Wharton, chairman of the committee appointed to prepare a memorial to the Federal Mexican Congress praying for the repeal of the eleventh article of the law of the sixth of April, 1830, prohibiting citizens of the United States of America from settling in Texas, submitted a memorial which, after being read and considered, was adopted by a unanimous vote. It is a State paper of dignity, ability and historic value, which, though heretofore published in no work on Texas, should be familiar to every student of Texian history, and is therefore inserted in full:

“*To the Federal Congress of Mexico:*

“Your memorialists, representatives of all the Anglo-Americans in Texas, in General Convention met, taking advantage of that sacred and Republican privilege of making known their wants and grievances, which is guaranteed them by the constitution of their adopted country, respectfully represent that they have viewed, and still view with sentiments of

deepest regret and mortification, the passage and present existence of the eleventh article of the law of the sixth of April, 1830. This law is obnoxious to your memorialists, for many reasons. Independent of its withering influence on all the hopes of Texas, it implies a suspicion of our fidelity to the Mexican constitution. Such suspicion we humbly conceive to be utterly unwarranted; and we will endeavor to prove it so, by taking a review of our conduct from the passage of the first colonization law up to the present time.

“In the year 1823 the Congress of the Mexican nation invited the citizens of the United States of the north to become inhabitants of Texas, giving to each family one sitio of land for so doing. This donation of land sounds large at a distance. Considering, however, the difficulties with which the taking possession of it is environed, it will not be thought so munificent a bounty, nor so entire a gratuity. Had these lands been previously pioneered by the enterprise of government, and freed from the insecurities which beset a wilderness trod only by savages; had they been in the heart of an inhabited region, and accessible to the comforts and necessities of life; had the government been deriving an actual revenue from them; could it have realized a capital from the sale of them, then we admit the donation would have been unexampled in the history of national liberality. But how different from all this was the real state of the case? The lands in question were situated in a wilderness of which the government had never taken possession. They were not sufficiently explored to obtain that knowledge of their character and situation, which would be necessary to a sale of them; they were in the occupancy of savages; they were shut out from all commercial intercourse with the world and inaccessible to the commonest comforts of life; nor were they brought into possession and cultivation without much toil and privation, patience and enterprise, loss of lives from Indian hostilities and other causes. Under the smiles of a beneficent heaven,

however, the untiring perseverance of the immigrants triumphed over all natural obstacles; it reduced the forest to cultivation; made the desert smile, established commercial intercourse with the rest of the world, and expelled the savages, by whom the country was infested.

“From this, it must appear, that the lands of Texas, although nominally given, were in fact really and dearly bought. It may be here premised that a gift of lands by a nation to foreigners, on condition of their becoming citizens, is immensely different from a gift or sale from one individual to another. In the case of individuals, the donor or seller loses all further claims upon the lands parted with; but in this case, the government only gave wild lands, that they might be redeemed from a state of nature, that the obstacles to a first settlement might be overcome, and that they might be placed in a situation to augment the physical strength, power and revenue of the nation. Is it not obvious that Mexico now holds the same jurisdiction over the colonized lands of Texas, that all nations hold over nineteen-twentieths of their territory? For the first six or seven years after the commencement of our settlements in Texas, we gratefully admit that our enterprise was animated, and our hardships alleviated by the liberality and kindness of the Mexican government. We insist, however, that this beneficent disposition of the government, was followed by gratitude and loyalty on our part.

“The only portion of our conduct, during this period, that could be tortured into anything like disloyalty, was the Fredonian disturbance in Nacogdoches in 1826. And, when it is considered by whom these disturbances were originated and by whom quieted, instead of exciting the suspicion of the government, we respectfully conceive that the transaction should have confirmed its confidence in our patriotism.

“The disturbances alluded to, originated with some fifteen or twenty infatuated individuals. The great mass of the settlers were opposed to their mad design, which opposition they

testified by capturing the conspirators and putting them in custody, before the arrival of a single Mexican soldier. Was there anything in this calculated to awaken the suspicions of the government? Bad and desperate men there will always be found in every community. There will always likewise be a portion capable of being easily misled, and is it not really a matter of astonishment, that in this instance, the bad, the desperate, the dissatisfied and the misguided were limited to so insignificant a number?

“ Excepting this disturbance, which was opposed by ninety-nine hundredths of the settlers and which was quieted by their zeal and patriotism, we repeat it, that up to the passage of the law of April sixth, 1830, our conduct was orderly and patriotic.

“ The passage of this law was a mortifying and melancholy occurrence for Texas. It was mortifying to us, because it must have been founded on a suspicion that we were disposed to rebel. Such suspicion did us great injustice, for we had uniformly exhibited strong proofs of our attachment to the Constitution. It was a melancholy event for us, for it blasted all our hopes, and was enough to dishearten all our enterprise.

“ It was peculiarly mortifying because it admitted into Texas all other nations except our friends and countrymen of the United States of the north—except the fathers and brothers of many of us, for whom we had emigrated to prepare comfortable homes, and whose presence to gladden our firesides we were hourly anticipating. Yes, this law closed the door of immigration on the only sister republic worthy of the name, which Mexico can boast of in this new world. It closed the door on a people among whom the knowledge and foundations of national liberty are more deeply laid, than among any other on the habitable globe. It closed the door upon a people who have brought with them to Texas, those ideas of Republican government in which from birth they had

been educated and practiced. In short, it closed the door upon a people who generously and heroically aided Mexico in her revolutionary struggle, and who were the first and foremost to recognize and rejoice at the obtainment of her independence.

“Is it for a moment to be supposed that the European parasites of power, to whom, now alone the door of immigration is left open—that those who have been taught from infancy to disbelieve in the natural equality of mankind, who have been unacquainted with constitutions, even in name, who, politically speaking, have never been accustomed to think or legislate for themselves; who reverence the arm of monarchical rule, who pay adulation at the feet of an hereditary nobility and who have contemplated republics only in theory and at a distance; is it, we repeat, to be supposed that immigrants of this description will contribute more to the advancement of liberty and the welfare of the Republic than immigrants from that land of liberal sentiment, that cradle of freedom, that mother of constitutional heroes, the United States of the north? If such be the fact, habit and education must go for nothing and all experience is set at naught and contradiction.

“Your memorialists having, as they trust and respectfully conceive, shown to your honorable bodies that their conduct up to the time of the passage of the law of the 6th of April, was orderly and patriotic, will now turn your attention to their conduct since that period.

“This law was sufficient to goad us on to madness, inasmuch as it blasted all our hopes and defeated all our calculations, inasmuch as it showed to us that we were to remain scattered, isolated and unhappy tenants of the wilderness of Texas, compelled to gaze upon the resources of a lovely and fertile region undeveloped for want of a population, and cut off from the society of fathers and friends in the United States of the north, to prepare homes and comforts suited to whose age and infirmities many of us had patiently submitted to

every species of privation. But what was our conduct? As peaceful citizens we submitted. The wheels of government were not retarded in their operation by us. Not a voice nor an arm was uplifted. We had confidence in the correct intentions of government and we believed and hoped that when the momentary excitement of the day had subsided, a returning sense of justice and liberality would give this law a brief duration. For more than two years we have remained in this peaceful, this un murmuring attitude. In this time the heroic and patriotic General Santa Anna arose as the vindicator of liberty and the constitution. We had confidence in the purity of his motives. We believed that the evils which he battled to redress were of an alarming and crying magnitude, of no less magnitude than an utter disregard of the constitution, on the part of the Vice-President and his ministers. With General Santa Anna we united as fellow-laborers in the same sacred cause, preferring rather to perish in defense of the violated charter of our rights than to live in acquiescence with acts of arbitrary and unconstitutional power. What we have done in this matter is known to the government and to the world. It was all in defense of the rights, liberties and guaranties that were spurned and trampled upon.

“ Here we would ask, what was there in all this to induce suspicion of our disloyalty to the constitution? Was it in our remaining quiet for more than two years after the passage of the law of the 6th of April? Was it in declaring for the constitution and hazarding all we held dear in its defense? Would it not have been as easy to have taken advantage of the troubles in the interior, and to have declared and battled for independence? Was there ever a time more opportune and inviting? Why did we not then declare for independence? Because in the honest sincerity of our hearts, we assure you, and we call Almighty God to witness the truth of the assertion, we did not then, and we do not now, wish for independence. No! there is not an Anglo-American in Texas whose

heart does not beat high for the prosperity of the Mexican Republic; who does not cordially and devoutly wish that all parts of her territory may remain united to the end of time; that she may steadily and rapidly advance in arts, arms, agriculture, commerce, manufactures, and in learning; in virtue, freedom and all that can add to the splendor and happiness of a great nation. As an evidence that we wished not for independence nor for coalescence with the United States of the north, your memorialists would respectfully refer your honorable bodies to the following fact, viz.: A short time since it was rumored among us that the President of the United States of the north expressed a determination to make the Neches river instead of the Sabine the line between the two Republics. This hitherto unheard of claim provoked the indignation of every inhabitant of Texas, and our constituents have with one voice, called upon us to memorialize your honorable bodies on the subject of the injustice of such a demand. May it please your honorable bodies your memorialists trust that they have conclusively shown that the whole tenor of their conduct has been characterized by good order and patriotism.

“The destructive influence of the law of the 6th of April, 1830, upon the prospects of Texas, has only been incidentally alluded to, the effect of that law being too obvious to require expatiation or argument. The law is likewise as injurious to the national revenue at large, as to us individually, for it is evident that the greatness, the power, the wealth and the independence of a nation, depend upon a proper development of its resources. Can the resources of Texas be properly developed with this law hanging over it? We believe not. We believe under such circumstances, it would remain the comparative wilderness it now is. Experience shows that native Mexicans will not settle in it; but should they do so it would not augment the physical force of the nation, for it would only be taking population from one part of the Republic to place them in

another. Will Europeans settle it? We believe Europeans of the right description, to benefit the country, will not, for many reasons. Our hopes then for the development of the resources of Texas, are naturally turned to the United States of the north, to a people who have been trained in the school of Republicanism, whose physical constitutions are adapted to the climate and who have been brought up to the cultivation of such articles as will always be the staples of Texas. Against them alone, however, the door is closed, which we contend is equally injurious to us and to the national revenue. Another point of view in which the law of the 6th of April is objectionable and has been productive of numberless difficulties, is this: the garrisons with which all parts of Texas have been lately crowded, must have grown out of this law and have been sent here to enforce it. They could not have been sent here for our protection, for when they came we were able to protect ourselves, and at the commencement of the settlements when we were few, weak and scattered and defenseless, not a garrison, no, not a soldier came to our assistance. In the presence and vicinity of these garrisons, the civil arm has generally been paralyzed and powerless, for many of the officers were law-despisers, who set the political authorities at defiance, brought them into contempt and trespassed in every respect upon the rights and privileges of their fellow-citizens. When all of these things are considered, we can but believe that the former characteristic justice and liberality of your honorable body will return to our aid, and bring about an immediate repeal of this, to us, ever to be deprecated measure.

“ That justice, that liberality, we now most respectfully, solemnly, unanimously and confidently invoke.

WILLIAM H. WHARTON,
Chairman.

LUKE LESASSIER,
JONAS HARRISON,
GEORGE SUTHERLAND,
PATRICK C. JACK.”

On the 16th of October, ten days after the adjournment, Francis W. Johnson, who had been both a member and secretary of the convention, and who was made chairman of a standing central committee, created as an advisory body to the people, made the following report:

“ *To the Ayuntamiento of Bexar:*

“ Pursuant to a call of the Alcalde of this municipality, a general meeting of the inhabitants of Texas, through delegates, took place in this town on the 1st inst., fifty-eight delegates being present. The object of the meeting was to make to the general Congress an exposition of the situation of Texas. After full deliberation it was concluded to represent to the Congress, agreeably to article 2d of the law of May 7th, 1824, that Texas has the proper requisites to form singly a State separate from Coahuila. It was further agreed to claim a reform of the maritime tariff, and the abrogation of article 11th of the law of April 6th, 1830, prohibiting the immigration of natives of the United States of the north. A request was also made to the government to appoint a commissioner for the settlement of land matters, and to establish an Ayuntamiento between the San Jacinto and Sabine rivers; also to grant certain lands to the Ayuntamientos of Texas, by the sale whereof they might raise the funds needed to erect school houses and support schools of the Spanish and English languages. In view of the exposed situation of the country to Indian depredations, the convention agreed upon framing a provincial regulation for the militia. They also appointed a standing, or central, committee in this town and subordinate committees in every section represented in the body. It was made the duty of the central committee to correspond with the subordinate committees, inform them concerning subjects of general interest, and in case of emergency, to call another general meeting or Texas convention. This committee was further instructed to open a correspondence with the people

of Bexar, and to invite them to co-operate in the furtherance of the foregoing objects.

“ The general meeting, under a sense of the high importance of the matters discussed and acted upon, agreed upon sending a delegate to Saltillo and Mexico, charged with the duty of earnestly urging them upon the consideration of the government, and to that end they selected citizen William H. Wharton as their representative.

“ It was the earnest wish of the convention that some suitable person, either from Bexar or Goliad, should accompany the delegate from this town, and co-operate with him in the presentation to the government of the matters confided to his management, but they took no step in that direction, not knowing whether the people of those sections would approve of what had been done. But, after the meeting had concluded their business, the delegates from Goliad arrived and, having manifested to the committee their hearty acquiescence in the conclusions reached by that convention, and expressed the wish of the people of Goliad that a delegate should be appointed from their district to accompany citizen William H. Wharton on his mission before mentioned, and Don Rafael Manchola having been suggested, it was agreed by the committee jointly with the delegates from Goliad that he receive the appointment, subject to the concurrence of all the subordinate committees. It was also agreed that the expenses of the delegates should be defrayed by means of voluntary contributions, and for this purpose the subordinate committees are instructed to open subscriptions aggregating the sum of four thousand dollars, out of which each delegate shall be paid the sum of two thousand dollars. All the foregoing I communicate to your body, by order of the convention, hoping that the people of Bexar will approve the measures adopted and proceed to the appointing of a committee in that city, charged with the duty of a correspondence with the committee of this town.

“ It is hoped, also, that you will approve the appointment of Don Rafael Manchola to proceed to Saltillo and Mexico in company with Mr. Wharton for the purposes above stated and that you will acquaint the central committee in this town, as soon as possible, with your decision and furnish them the names of the members of the committee appointed in your city. So soon as the documents embodying the several subjects acted upon by the convention shall have been translated into Spanish, copies thereof will be sent to the committee of your city, for the information of the public. God and the prosperity of Texas.

F. W. JOHNSON,
Chairman.”

JAMES B. MILLER,
Secretary.”

The petition for a new State was adopted, and the several memorials were forwarded to the State and general government. Wm. H. Wharton and Don Rafael Manchola, of Goliad, appointed to bear them, were unable to go in person.

The notice for the elections had been short, in consequence of which the delegates from Goliad did not arrive till after the adjournment of the convention, which occurred on the night of October 6, after a laborious session of six days, but they indorsed unreservedly the action which had been taken. The convention also created a central committee, F. W. Johnson, chairman, with power to call another convention if necessary. San Antonio, however, stood aloof, in sullen opposition, which, in connection with other matters, betrayed the gross ignorance of many influential Mexicans in regard to all that relates to constitutional liberty and the elementary rights of the citizens in a free Republican government. This ignorance was conspicuously displayed in their holding that this assemblage was virtually a treasonable body, than which a more ridiculous idea can be scarcely conceived.

CHAPTER XXII.

Events following the convention of 1832 — Important official communications.

Regarding the events connected with and following this first convention of the people of Texas as the key to the subsequent actions leading to independence, and believing that they afford the most ample justification of those steps, the spirit of truth and justice demand that the facts in full, never before given in a historical work, should be handed down to posterity.

Will any enlightened man, born or adopted into a commonwealth of freemen, deny the inherent right of the people peacefully to meet, either in primary or conventional capacity, and petition those in authority for a redress of grievances or the enactment of laws for the promotion of their welfare, provided such enactments inflict no injury upon others? This is precisely what the people of Texas did through the convention of October, 1832, and its successor in April, 1833. This and no more.

About the time of the convention in 1832, Don Jose M. de La Garza, Political Chief of Texas, stationed in San Antonio, wrote a letter to Stephen F. Austin, among other things saying :

“ It can not be doubted that certain measures adopted by the government in regard to colonization, were neither frank nor liberal. Nor can it be doubted that abuses have been committed by military men in Texas since 1830; nor that they have not been remedied, and that the government of the State has, in several instances, been disregarded and insulted. The wish of every true patriot is to see the end of all such evils, the country in peace, and its happiness and progress uninterruptedly established.”

These were cheering words from the highest Mexican official
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in Texas to Austin, president of the convention of 1832. But there is another side to the character of Don Jose M. de La Garza. Almost in the same hour he wrote to the Governor of Coahuila and Texas the following:

“In view of the actual state of affairs in this department, (*i. e.*, all Texas) and especially of the peculiar situation of the district of Nacogdoches, in consequence of the determined and wide-spread insurrection that took place in the North American settlements from the Colorado to the Sabine, of which I informed your excellency by last mail, a true Mexican can but bitterly deplore his misfortune and feel sorely the foreign hand that came boldly to rob him of his rights, employing physical force, while even rational arguments from such a source ought hardly to be tolerated, when we consider how lately these Americans have been admitted to Mexican citizenship.”

This letter from Don Jose to his superior, exhibits a system of mental gymnastics, peculiar to those who embody the two detestable traits of sycophancy to superiors and deceit towards equals and inferiors. For a generation before the Americans came to Texas, it was not an unusual occurrence for bands of wild Comanches to ride into the plaza of San Antonio, dismount and compel Mexicans to hold their horses, while they frolicked through the town, demanding and receiving contributions.

Since the advent of American riflemen, however, these same Comanches were content to come in and ask permission to camp in the vicinity of the town for the purpose of bartering their hides and peltries for such commodities as they desired.

These facts and the letter to Austin it suited his purpose to treat as if they were not.

Machiavellian as he was, however, he was not gifted with the foresight to see that a month later, his august master, Bustamente, would be compelled to surrender up the Presidency he had seized by violence and revolution.

The Ayuntamiento of San Antonio, through a letter from Angel Navarro, opposed the convention. On the 22d of November, among other missives sent forth, was one from Don Jose de La Garza, demanding to know of the Ayuntamiento of Gonzales what part, if any, that body had taken in bringing about the convention. The Alcalde of Gonzales was Ezekiel Williams, a bachelor and a worthy, law-abiding citizen, averse to turmoil and bloodshed. There was a direct road seventy-six miles in length, from Gonzales to San Antonio and not a house between, an open way for military detachments to approach. Only the Sandy creek, the Forty-mile water hole, the Cibolo and the Salado intervened. On the 16th of December Alcalde Williams replied to Political Chief Garza:

“ We acknowledge the receipt of your Lordship’s communication of the 22nd of November, 1832, in which you request this body to say how far they have taken part in the convention held in Austin’s colony, for the purpose, it is said, of making representations to the government. They answer that in no manner have they been officially concerned in said convention, and that the colonists of this jurisdiction have taken officially no part in it. God and Liberty.

EZEKIEL WILLIAMS, *Alcalde.*”

The Alcalde was ever recognized as a kind-hearted man of truth till his death which occurred after long service as county clerk under the Republic — many years later. He could not tell a lie. Hence used the word “official” to qualify his negation. But the convention itself was not “official” in a technical sense; yet in a fundamental sense it was an official assemblage sprung from the people, under which Henry S. Brown and Claiborne Stinnett were elected by and represented the people of DeWitt’s colony in the convention. That their action was satisfactory was proven by their election of the 1st of the next March to the convention of April, 1833.

This first convention of the people of Texas, the facts attending which, as before stated, have never been recounted in any history of the country, stirred the Mexican mind throughout the nation, as will be seen by translations from numerous documents emanating from Mexican officials.

The Ayuntamiento of San Antonio, through Alcalde Angel Navarro, wrote to that of San Felipe that while they deemed the object of the convention in every way commendable, they regarded it as "untimely and uncalled for," and further in this connection wrote: "no hope can be entertained at present of a successful issue of the matters urged — all such meetings" (*i. e.*, the exercise of the sacred right of petition by the people in convention assembled) "are prohibited by the supreme power and existing laws — the Political Chief of the department should have been consulted before such action was taken; and that on hearing of the event, that official expressed his surprise and displeasure that a movement so unusual should have been entered upon without his knowledge and consent."

The next document is a letter from Ramon Musquiz, successor of Garza as Political Chief, to Stephen F. Austin, president of the convention, inclosing one to the Ayuntamiento of San Felipe, written on the 8th of November. Only the latter letter was found in the Mexican archives. In it Musquiz informs the Ayuntamiento that their action in regard to the convention was "illegal and unwarranted by the constitution and existing laws, and must be considered as derogatory to the supreme government" (that is the government headed by the usurper, Bustamente), that the step taken by them was in direct violation of "the supreme order of January 10th, 1824," (an order by the provisional government before the republican constitution of 1824 was adopted — a startling fact in this connection) "which prohibits as dangerous, all such popular meetings," and gives it as his opinion that their conduct "vindicates the wisdom of that supreme

order." He charges them with exercising "powers that belong exclusively to the sovereign authority of the State," that their actions were nullities; hints at punishments, and charges them forthwith to dissolve their standing and all subordinate committees.

This arrogant and impudent communication from one whose ignorance of the principles of free government must be taken as an apology for its insulting utterances, was not calculated to pour oil upon the agitations of the period.

To these missives to Austin and to the Ayuntamiento, Colonel Austin replied in terms worthy of his character and position in the country, frankly telling Musquiz, in reply to the letter addressed to him, "that it would have been better not to have written it." It seems from a passage in his reply that the communication of Musquiz related both to the trouble with Bradburn at Anahuac and to the convention at San Felipe. Below is given the whole of the temperate, sensible and patriotic letter of Austin :

SAN FELIPE, Nov. 15, 1832.

ESTEEMED FRIEND: I agree with the sentiment expressed in your appreciated letter of the 8th inst., just received: "He is to be pitied who has the misfortune to be at the head of public affairs in revolutionary times;" but the only safe rule to follow is, to do one's duty regardless of the judgment of others. By this rule I have ever aimed to shape my actions, and my conscience is at rest. On several occasions I have found myself begirt with weighty embarrassments, but to the law of duty just mentioned, as to a polar star, I have looked for guidance and my aim has ever been to promote the true interests of the nation and of Texas.

With regard to the convention of which you speak, I can assure you it did not originate with me, but I am satisfied some good will result from its action. Already the public is better satisfied, and we have had more quiet than we had

some time anterior thereto. As to your communication to the Ayuntamiento in relation to the convention, I believe that it would have been better not to have written it. Revolutionary times are not like peaceable times. Colonel Bradburn could, with the least prudence, have avoided all the evils that, like a pall, have for some time mantled the country. I tell you candidly, that in my opinion, it would be very impolitic to translate and print your communication. I shall not do so. The Ayuntamiento may do as they please. In times like the present, any measure is bad that tends to irritate and produce excitement; every measure is good that is calculated to soothe, bind up and bring about tranquillity and good order.

I have but little hope of obtaining anything from the Government of Mexico. There is little probability that we shall soon have a stable and peaceable order of public affairs; and I give it as my deliberate judgment that Texas is lost if she take no measure of her own for her welfare. I incline to the opinion that it is your duty, as Chief Magistrate, to call a general convention to take into consideration the condition of the country. I do not know how the State or General Government can presume to say that the people of Texas have violated the constitution, when the acts of both governments have long since killed the constitution, and when the confederation itself has hardly any life left. I cannot approve the assertion that the people have not the right to assemble peaceably, and calmly and respectfully represent their wants. In short, the condition of Texas is bad, but we may fear to see it still worse.

I am settling up all my affairs, and in April I will go to the north for six months or a year. In Texas things present no hopeful aspect, but still when away I shall be glad to be informed how matters go on. I hope you will, from time to time, let me hear from you, telling me of current events, especially of such things as indicate the vitality or death of the constitution; also as to whether or not a presidential election

has occurred, and what new hope may have sprung up as to an early and peaceful settlement of the affairs of our country. In the meanwhile, please command

Your affectionate friend,

S. F. AUSTIN.

This was a straightforward, manly and discreet reply on the part of Colonel Austin. It will be seen, however, that his anticipated trip to the north was abandoned for a long and painful one to the capital of Mexico, begun in May, 1833.

The next translation on this subject is a letter from Eca y Musquiz, acting Governor of Coahuila and Texas, to the Political Chief at San Antonio. After some preliminary remarks he says:

“Your lordship will give the Ayuntamiento of San Felipe de Austin and other authorities of your department to understand, that this Government views with high displeasure all proceedings opposed to the constitution and existing laws, and that it will be compelled to take efficient measures to repress every disturbance of good order that may arise under any pretense whatever.”

On the same day in a second communication, he says that the San Felipe convention “betrays artful intentions;” that “disturbances are in view;” that “your lordship should endeavor to obtain and furnish me confidentially with such information as may lead to the detection of the true meaning of that extravagant step (the convention) and its possible connection with the revolutionary designs of certain individuals in Texas, or elsewhere in the Republic.” He then suggests the employment of spies to watch the suspected and report their movements; compliments the known patriotism of the chief and feels assured “that he will endeavor to place in their true light the maneuvers of the Ayuntamiento of San Felipe, who have for some time been distrusted by the Government.”

On the very day these letters were written at the State capital, the Political Chief at San Antonio wrote the Governor saying of the convention that "it was in violation of all law and duty that the meeting took place;" that his "main effort will be to put an end to all such serious and deplorable excesses;" but that "the stubbornness of the people (the Americans) is such as to allow me little hope of being able to recall them to a sense of due obligation to the law and government."

The next quotation comes from a communication, prompted by news from Texas in relation to the San Felipe convention written by the then Mexican idol of the colonists of Texas, General Antonio Lopez de Santa Anna, to the minister of State under the recently recalled and installed President, Pedraza. Forget not that at that moment Santa Anna occupied a warm place in the heart of every honest American citizen of Texas. He wrote to the minister:

"I deem it my duty to call special attention of the President to the condition of Texas. Satisfied as I am that the foreigners who have introduced themselves in that province, have a strong tendency to declare themselves independent of the republic; and that all their remonstrances and complaints are but disguised to that end, I think it to be of paramount importance that General Filisola should forthwith proceed to fulfill his mission (*i. e.*, to march into Texas), having first been well supplied with good officers and the greatest number of troops possible, with instructions both to secure the integrity of our territory, and do justice to the colonists. The interest of the nation requires a kind policy towards those people, for they have done us good service (by defeating Santa Anna's enemies, Piedras, Bradburn and Ugartechea) and, it must be confessed, they have not on all occasions, been treated with justice and liberality. That they have grounds to so feel towards our government is derogatory to the honor of the republic, and is deeply felt by them. Moreover, it is

possible for them to become so exasperated as to make it impracticable to restore order among them without much trouble." When, on the night of April 22nd, 1836, Santa Anna slept as a prisoner on the field of San Jacinto, this last prediction must have persuaded him that he ought to be crowned as a prophet. Every writer of Texian history and every critic on the character of the Texian people of that day, should ponder these admissions by Santa Anna of the wrongs perpetrated by his own government on the colonists.

The next translation is from a letter from the Minister of State and Relations (to whom Santa Anna's communication was addressed), to the Political Chief at San Antonio, in which he says:

"Your lordship will make use of all means in your power to cause these Coahuil-Texanos to understand that such excesses among them as have lately come to light, must inevitably bring down upon them complete ruin, and that it will be well for them that they amend their conduct without delay, and give all due submission to the laws of their adopted country."

While these communications between Mexican officials were speeding over the country, entirely unknown and undreamed of by the American colonists, the latter were indulging the illusive belief that their prayers, so reasonable and so just, would receive favorable action by the Mexican government; but as their convention had assembled while the centralist, Bustamante, was in the presidency, it was deemed advisable after Pedraza had been seated under the influence of Santa Anna, the champion of popular rights and the accepted friend of Texas, as its people vainly believed, to call a new convention, draft a constitution for the proposed new State and submit the whole question to the assumed friend of republicanism then in control of all branches of the government. In pursuance of this plan the central committee issued a call in January, 1833, for the people to elect members to a new con-

vention on the first day of March, 1833, to assemble at San Felipe on the first day of April. With this explanation, a translation of other Mexican documents is continued:

“The Alcalde of Nacogdoches to the Political Chief of Bexar:

“To comply with your lordship’s orders of the fifth and seventh of November last, to the effect that I should, by all possible means, prevent the popular elections at those and other places, of delegates to the convention proposed to be held April first, in the town of San Felipe de Austin, for the purpose of taking steps preparatory to the secession of Texas, as I entered upon the discharges of the duties of my office, and became informed of the call for the election, I summoned the Ayuntamiento that I might confer with them touching said subject. Soon ascertaining that the commissioner in this place was resolved, at every hazard, to proceed with the election on the day appointed, without delay I ordered out the militia of my jurisdiction, that by their presence they might prevent the holding thereof. But my order was not complied with on the part of the militia, in consequence of a heavy fall of rain and hail, and the few citizens who had collected for the purpose proceeded with the election. Adolphus Sterne, first register of the Ayuntamiento, was certainly present on the occasion, but I do not know whether he acted as clerk or in any other capacity. Not until to-day could I learn the names of the persons elected. I leave to your lordship to appreciate the embarrassment of my situation, being expected to preserve order in this place, and at the same time utterly without such military force as can be relied on to that end; while on the other hand, with perfect accord, the inhabitants unite to accomplish their purposes.

“All of which I respectfully report for your lordship’s information. God and Liberty.

JOSE IGNACIO YBARBO.”

“Nacogdoches, March 12, 1833.”

“ The Political Chief of Bexar to the Vice-Governor of Coahuila and Texas.

“ In compliance with my duty and in order to give your excellency an exact and complete idea of the present political situation of the colonies and other settlements on the coast and frontier of this department, I have thought proper to forward to you the accompanying papers, which, together with the other documents already in your hands, will place in their true light the movements in the town of San Felipe de Austin, towards which the attention of the supreme power in the State has been so seriously turned. This matter, in my estimation, is of such weighty importance as to justify and call for some suggestions on my part as to the origin of the difficulties and their real tendencies. These suggestions I make, both under a sense of official duty and as a Mexican, justly proud of his birth and nationality.

“ Among the North Americans who have introduced themselves into the country there are not a few men who understand the nature of a democratic government and have right conceptions of the manner in which that system was made the basis of the constitution both in the United States and Mexico. According to neither of these systems of fundamental law, as these adopted citizens know right well, has the time come to constitute Texas into a separate State; and they must be aware that if they attempt such measures it will but awaken the stern displeasure of the other sections of the country and cause them to take up arms, forcibly to compel these innovators to forego their mad undertaking. In view of such knowledge of prematureness of action on their part, and its consequences, it must be concluded that the revolutionary attempts, for some time observed among the people, have not for their object the erection of Texas into a separate State. Moreover they cannot be so ignorant as not to know that Texas has not within its limits a sufficient number of men suitably competent to take in hands the reins of government;

and what is not less important, they must be conscious of the fact that the sources of revenue within their province are too limited to support a State organization. The supposition, too, is unassumable that they wish to transform their section of the country into a territory, for the disadvantages resulting from such political condition are too obvious to the least discerning among them ; besides, their repugnance to everything having the least leaning toward a military government, is well known. Nor can it be supposed that they wish to revolutionize their province, in order that they may set up for themselves a government wholly unconnected from Mexico and every other country ; for they must be aware that such enterprise, to be successful beyond all others, demands men, arms and money far transcending their resources.

“ The above reflections being regarded as just and well founded, in order to form a rational judgment of the tendency of colonial agitation now going on, it will be necessary to look through the disguises in which its authors veil it, to the facts that give it a different aspect.

“ The desire of the United States of the north to extend its territory by the acquisition of Texas has displayed itself on several occasions ; and the power of its policy and management to expand its borders by the purchase of Florida and Louisiana has become a matter of general history to the civilized world. It is also known that the southern States of our neighboring republic have a tendency to secede from their northern sisters and organize themselves into a separate nation ; in which direction one effort has already been made this very year by South Carolina. To such new national organization the acquisition of Texas would be a boon of transcendent value, adding as it would, so extensively to its territorial area and multiplying so largely its sources of wealth. (The writer refers to nullification, confounding it with secession.)

“ When Mr. Butler, Charge d' Affaires from Washington City

to our government, passed through this city in the year 1829, he avowed to some here, but confidentially, that the object of his mission to Mexico was the purchase of Texas. This same foreign minister, in June of last year, made a journey overland from the city of Mexico to this department and Austin's colony, ostensibly for the purpose of acquainting himself with the country. But immediately after that visit the revolutionary movements of the colonists began; and anterior to that event they had been unexceptionably orderly, having even solemnly pledged themselves to take no part in the convulsion caused by the pronunciamiento in favor of the plan of General Santa Anna.

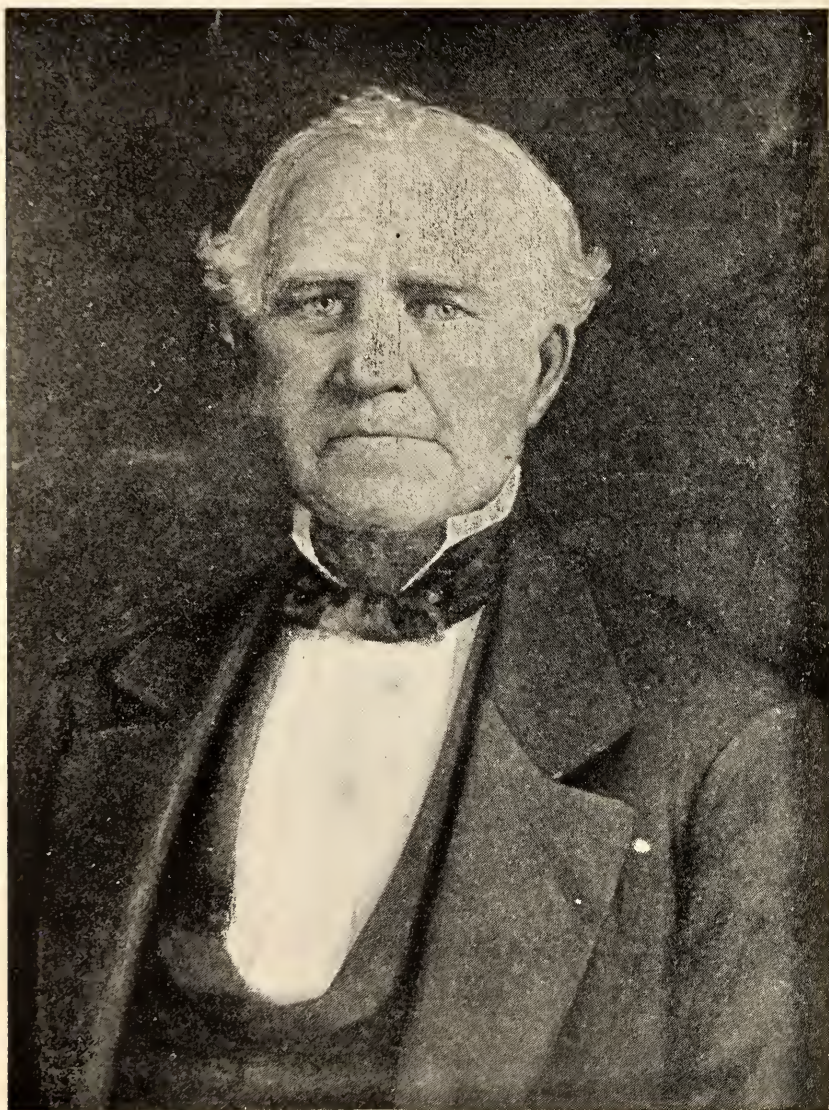
“ In the presence of these facts would it be rash to conclude that the cabinet at Washington, actively but secretly, instigated those movements, having in view the secession from the North American Union of the States of the south, the construction of these into a new confederacy, and the strengthening thereof by the addition thereto of Texas? I believe not, and so believing, deem it to be my solemn duty to lay before you the views I entertain on the subject discussed, so that your excellency may make such use of them as in your opinion will best promote the true interests of our beloved country.

“ God and liberty.

RAMON MUSQUIZ.”

“ Bexar, March 11, 1833.”

The absurdity of Musquiz's speculations, the offspring of what must be considered innate Mexican distrust of all foreigners at that period, is made manifest by the fact that President Jackson was at that very time regarded as the savior of the Union. His famous declaration that “ The Union must and shall be preserved,” is familiar to all. The movements of Mr. Butler had no significance, beyond the fact that when he ceased to be minister to Mexico, he settled in Texas; but he exerted no political influence.



SAM HOUSTON
President 1836 and 1841
Governor 1859

CHAPTER XXIII.

The Convention of April, 1833 — Its Acts and Consequences.

This brings us to the second convention of the people of Texas, before referred to, which assembled at San Felipe de Austin, on the first day of April, 1833. It seems that the records of its proceedings were never printed and were supposed to have been burned with the destruction of San Felipe in March, 1836, by the troops of Texas. Only about fifteen of the names of its members have been published by former writers. Through the memoranda of one of its members, Major James Kerr, however, I am enabled to give what is believed to be a full list of the delegates, alphabetically arranged.

THE MEMBERS.

Austin, Stephen F.	Butler, George.
Archer, Branch T.	Bowie, James.
Borden, Gail, Jr.	Bradley, John M.
Brown, Henry S.	Burnham, Jesse.
Burnet, David G.	Clay, Nestor. ¹
Bingham, Francis A.	Duke, Thomas M.

¹ NOTE. At independence, in April, 1855, the eloquent, eccentric and talented Robert M. Williamson, a member of this body, in giving an interesting and lucid account of its proceedings to me, said: "Nestor Clay, more than any other man, was the master spirit of the convention. His speeches were incisive and clear, showing perfect familiarity with the condition of affairs and displaying the comprehensive views of a statesman. His death was a great loss to Texas."

Such a compliment from such a source is alone sufficient to preserve his name among the patriots of the country. In this connection, to prevent a confusion left by some writers, it is well to say that Judge Williamson was very commonly called "Three-legged Willie." This soubriquet sprang from the fact that he had one stiff knee from which the lower part of the leg remained immovable, pointing horizontally to the rear. From the knee down

Dinsmore, Silas.	Lewis, Ira R.
Dodson, Archibald B.	Lesassier, Luke.
English, William.	Moore, John H.
Groce, Jared E.	Mercer, Eli.
Grimes, Jesse.	Menefee, William.
Garrett, Jacob.	Miller, Dr. James B.
Houston, Sam.	McDonald, Donald.
Hastings, Thomas.	Mills, Robert.
Hanks, Wyatt.	Morgan, James.
Hardin, A. Blackburn.	McFarland, William.
Harrison, Jonas.	McClure, Bartlett D.
Holt, Benjamin.	Newell, John D.
Hier, Absolem.	Royall, Richard R.
Ingram, Ira.	Richardson, George F.
Jones, Oliver.	Robertson, Sterling C.
Kerr, James.	Robinson, William.

he wore a wooden substitute for the disabled member, thereby in fact having three legs. He was a remarkable man in wit, repartee, eloquence and legal ability. As a jurist and lawyer and as an amateur vocalist he had perhaps no equal, either in Texas or the United States.

Mr. Clay was born in Daviess County, Kentucky, in 1799, the son of Captain Thomas Clay, a Virginia soldier of the revolution, who was one of the framers of the first constitution of Kentucky. Nestor received a collegiate education, represented his county in the legislature, visited Texas in 1822 and settled in what is now Washington County, in 1824, where he died in 1835. His only son to reach maturity was Thomas Tacitus Clay, who died young leaving an only son, Nestor Clay, Jr., now of Washington County.

The venerable old patriot, Willett Holmes, still surviving in Washington County, wrote me under date of August 27, 1888, that he first knew Nestor Clay on his return from college and thence knew him till his death; that he was a man of remarkable intellectual powers, nobility of soul and capability as a statesman; that he married Miss Nancy Johnson, "one of the grandest and best women ever born in Kentucky, or that ever emigrated to Texas." In my youth in Texas so much was said in praise of his lofty character by those who had known him well, that I became enamored of his memory. Cut down in the prime of life, at the dawn of the revolution, his death was indeed a great loss to the country. His brother Tacitus Clay, a valuable citizen, lived to a venerable age and left a large and honorable family in Washington County.

Smith, Henry (first Governor of Texas).	Taylor, Charles S.
Sutherland, George.	Thompson, Alexander.
Stinnett, Claiborne.	Wharton, William H.
Sublett, Philip A.	Williamson, Robert M.
Sims, Bartlett.	Wilson, Robert.
Thorn, Frost.	West, Claiborne.

This is a total of fifty-six delegates, the same number as composed the convention of 1832, and a majority of them being the same persons. Most conspicuous among the new members stands the name of Sam Houston, who had only become a citizen of Texas between the sessions of the two bodies. There is some doubt about three or four of those named being members.

In the organization of the convention William H. Wharton was elected president over Stephen F. Austin, as the latter had been over the former in the previous body. Thomas Hastings was elected secretary. A committee, of which Sam Houston was chairman and Nestor Clay, R. M. Williamson, James Kerr, Oliver Jones, Luke Lesassier and Henry Smith were members, was appointed to draft a constitution for the proposed State of Texas, to be forwarded to the Mexican Congress for approval. It was drawn, reported, discussed, amended and adopted almost unanimously.

Another committee, of which David G. Burnet was chairman and Branch T. Archer and others were members, reported the draft of a long and methodical memorial to the Mexican Congress praying—

First, for the adoption of the proposed constitution and the erection of Texas into a State of the Union, elaborately portraying the evils and injustice to Texas growing out of her association with Coahuila, the controlling population of the latter in the joint government, the great distance between the two populations, the difference in soil, climate and pursuits,

and the practical deprivation of Texas of a voice in the government.

Secondly, for the repeal of the eleventh article of the decree of April 6th, 1830, forbidding the further immigration of North Americans into Texas, ably setting forth its injustice and that its inevitable effect, if enforced, would be to perpetuate the wild and savage condition of the country.

Thirdly, for modification of the tariff laws so as to encourage immigration, agriculture and commerce.

Other incidental favors were asked ; but the two first were the overshadowing appeals.

Had these reasonable requests — dictated by common sense, the law of self-preservation and experience gleaned from the lessons of time — been granted, joy would have dwelt at every hearth-stone in Texas, the hearts of the people would have pulsed in sincerest loyalty to the Mexican Union, and prosperity would have blessed the land. Had they been granted there would have been no patriot uprising of the Texian colonists in 1835 ; no storming of San Antonio ; no immolation at the Alamo ; no declaration of independence ; no soul-revolting butcheries at Goliad ; and no avenging justice meted out at San Jacinto.

After selecting Stephen F. Austin, Dr. James B. Miller, of San Felipe and Don Erasmo Seguin, of San Antonio, as messengers to visit the city of Mexico and lay these documents before the national Congress, the convention adjourned, after a session of about two weeks.¹

¹ In a note written by Captain Archibald Hotchkiss, giving his recollection of James Bowie (the original being in my possession), he said: "I first met Bowie in Washington City in 1832. * * * Again I saw him at the convention of April, 1833, in San Felipe, and, after its adjournment, traveled with him and a party of gentlemen to Brazoria. Among them were General Sam Houston, General John T. Mason, General William Arnold, Samuel A. Sawyer, Captain Henry S. Brown, Thomas J. Chambers, and Sterret, a brother-in-law of Bowie."

General William Arnold died at Velasco, June 9th, 1833. He was an able

The work of this convention, merely a repetition of that of 1832, with the addition of the form of the State constitution desired, does not seem to have aroused the antagonism of Mexican officials in wrath proportioned to the gravity of a second offense. Still there was alarm and protest. After the call for this second convention was issued by the standing committee, the military commander of Coahuila and Texas, (the name of which bright luminary is not given and must remain unknown to fame,) wrote to the Mexican minister of war, that it was "a call to the settlements of the department to elect delegates on the first day of March, 1833, to meet at San Felipe on the first day of April, for the purpose of framing a constitution for the new government to be established." "They wish, in short," wrote the military luminary, "the erection of Texas into a State independent of Coahuila, a measure under no circumstances to be tolerated; but, as they all seem to be in deep earnest to compass their purpose, we may confidently expect the matter to culminate in political trouble and disaster." The latter utterance was as true as that virtue, intelligence and manhood will never willingly submit to the domination of ignorant, fickle and purchasable brute force. Dr. James B. Miller, a man of rare intelligence and great prudence, who was an officer in the municipality of San Felipe, a member of the convention and one of the commissioners chosen to present the memorial to the Congress of Mexico, immediately after the adjournment of the convention in April, wrote to the Political Chief at San Antonio, among other things saying:

"The convention, after long and mature deliberation on the important subject, decided unanimously that the people of Texas are in the condition prescribed by article two of the constitutive law of May 7, 1824 (the law temporarily

lawyer from Tennessee, had been an officer in the war of 1812, and subsequently a General in the Tennessee militia. He left a family in Velasco.

uniting Coahuila and Texas), which sets forth how and under what circumstances their Province may have a State organization separate from and independent of Coahuila; and thereupon they addressed a petition to the General Congress praying for the admission of Texas as one of the States of the Mexican confederation, and to said petition attached the plan of a constitution for the State to be created." He also quotes from the law of 1824 the clause declaring that, "Coahuila and Texas shall also form a State; but as soon as Texas shall be in a condition to form a State by itself, it shall make a declaration to that effect to the Congress for its further action." Precisely what the convention, in a most respectful manner, had done, and no more. Dr. Miller also informs the Political Chief that the convention had appointed Stephen F. Austin, Erasmo Seguin, and James B. Miller as commissioners to proceed to the capital of Mexico, for the purpose of laying their petition before the general government, and there urging the early formal admission of Texas into the Mexican union as a separate State. This was a plain, manly communication to the Political Chief, a gratuitous mark of respect to one who had so recently aligned himself as a suspicious, narrow-minded bigot, in his communications in regard to the convention of 1832, to Austin and the Ayuntamiento of San Felipe. It showed conclusively that the Texians were acting in sunlight and concealing nothing. A change had taken place in the Ayuntamiento of Gonzales since Alcalde Ezekiel Williams had, in the previous December, assured his lordship, the Political Chief, that that body had taken no "official" action in regard to the convention of 1832. Mr. Williams had been succeeded by James B. Patrick, a man of nerve, who on the 27th of April, 1833, wrote to the Political Chief, saying:

"The Ayuntamiento of Gonzales heartily concurs in the action of the convention of April 1, at San Felipe, on the subject of separate State organization for Texas, being of the

opinion that the people of Texas are in the legally prescribed condition for such a step, and they approve of the appointment of Stephen F. Austin, James B. Miller and Erasmo Seguin, on the part of friends of that measure, to represent them at the capital.”

James B. Patrick, courageous and honest, represented the voice of his people. Some accounts have stated that William H. Wharton was one of the three commissioners appointed to go to the city of Mexico. This is positively a mistake. The commissioners as herein stated, were Austin, Miller and Seguin; but, as we shall presently see, Austin was the only one who entered on the mission; and there is every reason to believe that had he seen the various Mexican official communications that are now presented for the first time in a history of Texas (documents giving overwhelming evidence that there was a deep-seated and senseless prejudice among the public men of Mexico against the liberty-loving American colonists of Texas, and clearly evincing a determination on their part to keep Texas politically chained to the Mexican majority in Coahuila), he would not have entered upon the hopeless mission. Strange as it may seem, from what has been stated about the time of these complications in the spring of 1833, a remonstrance was addressed to the legislature of the State, composed of Coahuila and Texas, and signed by Jose de la Garza, Angel Navarro, Jose Casiano, Manuel Ximenes, Jose Angel Seguin, Jose M. Sambrano, and Ignacio Arocha, Mexicans of San Antonio, stating that the town of Bexar (San Antonio) had been established a hundred and forty years, or in the year 1693; La Bahia del Espiritu Santo (Goliad) and Nacogdoches, a hundred and sixteen years or since 1717; and during all this long interval the presidios of San Saba, Juan, San Marcos, Trinidad, and other military settlements on the rivers Brazos, Colorado and Gaudalupe had been formed, and had again entirely disappeared, and in some of them every soul had perished in consequence of the utter neglect of the gov-

ernment, after inducing the people to settle there. The memorialists gave a mournful account of the privations and sufferings of Bexar, Goliad and Nacogdoches, owing to that neglect. During a period of more than a century since they had been founded for the purpose of extending christianity and civilization through the vast wilderness, many of the first settlers had been sacrificed in defense of their homes by the barbarous Indians, while many more had perished by famine. Since 1821 ninety-seven of the citizens had been murdered by savages in the municipalities of Bexar and La Bahia (Goliad) and the then new town of Gonzales, exclusive of the military who had fallen in expeditions against the Indians. Farther to the west the settlements had suffered still more, and at that time they were all threatened, by the powerful tribe of Comanches, with total extermination. This tribe had taken advantage of the civil strife going on between Bustamente and Santa Anna, in which all the national troops were engaged. Even the few scattering troops then in Texas had not received the twentieth part of their pay, and nearly all had to be disbanded to seek subsistence as well as they could. Only seventy men were at that time retained under arms in all Texas, and these were supported by the voluntary contributions of the poor citizens of San Antonio, to give them some defense against the Indians. The memorialists complain that the first State law of colonization had retarded the progress of improvements in Texas. They complain of the twenty-sixth article of that law, allowing six years in which to settle the land granted; and of the twenty-seventh article, requiring the land to be cultivated in totality before it could be sold. They complain of the exorbitant prices fixed for government lands, namely, from \$100.00 to \$300.00 per league of 4,428 acres, while elsewhere the price was only \$15.00 to \$20.00 per league. They also complain of the law prohibiting the immigration of North Americans to Texas. This absurd law could not be enforced for want of

troops, and its only effect had been to prevent the immigration of the wealthier and better classes of Americans, while those who had nothing to lose were not deterred by it from coming. The great value to the State of North American settlers is enlarged upon, and the repeal of the prohibitory law is urged. The settlers would give protection against the Indians, and would add greatly to the wealth and revenues of the State. These ruinous defects in the laws would be corrected at once were Texas permitted to have a State government of her own, where the wants of the people could be fully known to those who make the laws. The distance to the then seat of government (Saltillo) was 350 leagues from Nacogdoches, or near 1,000 miles, and 200 leagues from San Antonio. The assessor or judicial councillor of the State, a most important officer, could only be consulted by going that hazardous and laborious journey; and yet most of the people often had occasion to consult that officer. The tyrannical proceedings of Col. Juan Davis Bradburn at Anahuac are complained of, and also the outrage upon the people of Texas by the expulsion of their deputies from the legislature, in 1830, under the fourth article of the plan of Jalapa, and that too without giving them any trial. The want of a law for establishing primary schools is considered a serious grievance. There was then but one school in Bexar, the teacher of which received \$25.00 per month, and was paid by the pupils. They complain of the law prohibiting all who were not born on Mexican territory from retailing merchandise of any kind of foreign production. The memorialists say that Texas was allowed but two delegates to the legislature, while she was entitled to four, in consequence of increase of population since the last apportionment.

The Ayuntamiento of Austin's colony complain that Col. Juan Davis Bradburn, commandant at Anahuac, had arrested and imprisoned Don Jose Francisco Modero and Jose M. Carbajal, the former the commissioner appointed to survey

the concessions of land granted to the colonists in the district of Nacogdoches and put them in possession, and the latter his surveyor. This was done by order of Gen. Teran, January 2, 1831. Another military order is complained of, issued by the commandant general, by which the Ayuntamiento of Liberty was annulled, December 10, 1831, both orders being in direct violation of the laws of the State. It is also stated that the same commandant general had taken possession of private lands and appropriated them, in disregard of the laws of the State and the rights of property.

It is further alleged that when the Alcalde of Liberty, Hugh B. Johnson, in obedience to the laws of the State had ordered an election for members of a new Ayuntamiento (the old members having been deprived by Teran of authority to act), Col. Bradburn threatened Johnson with military force if he proceeded with the election, and thus the people were subjected to military rule.

Another charge made against Bradburn is that he had, at various times, arrested peaceable citizens, for no other cause than the expression of their opinions against his violent and arbitrary acts. In May, 1832, he imprisoned seven respectable citizens, namely, Patrick C. Jack, Wm. B. Travis, Monroe Edwards and others, and attempted to arrest George M. Patrick, first regidor. The State government was powerless to afford any remedy against these acts of tyranny. After exhausting every means to procure relief peaceably, the people finally took up arms and marched to Anahuac to release the prisoners illegally confined by Bradburn, and to re-establish the Ayuntamiento at Liberty. This was accordingly done. The citizens thus assembled encamped at Turtle Bayou, and formally pronounced in favor of the plan of Vera Cruz, in behalf of the constitution of 1824, and against the usurpations of Bustamente. This was done June the 13th, 1832. The same course was pursued by the citizens of the municipality of Brazoria and the precinct of Victoria, and,

indeed, by the people generally ; but as Col. Ugartechea, who commanded Fort Velasco, refused to support the plan of Vera Cruz, and continued to adhere to Bustamente, the people had no other recourse than to consider him an enemy, and they accordingly collected together under command of Capt. John Austin, and attacked and captured the fort, the whole garrison capitulating, not, say the memorialists, to rebels, but the national forces of Santa Anna. The memorialists then proceeded to lay down the principles by which the people of Texas are governed, and which, they think, justify the course they had pursued, and they conclude with solemn pledges to each other and to the people that they will continue to maintain their rights under the constitution of 1824.

The declaration of the Ayuntamiento of Nacogdoches sets out by saying that they " had been overawed by the military commander, Col. Jose de las Piedras, until longer forbearance would have become a crime, by exposing to his unconstitutional wishes the lives, interests and peace of our fellow-citizens." He had demanded that the militia should be placed under his command. He had called in and employed Indians in his meditated warfare upon their rights. He had insulted them (the Ayuntamiento) by saying he held Americans and Indians in the same estimation, and as standing on the same footing as colonists. The declaration concludes with an appeal to the people to rally in defense of their rights, and pledges the Ayuntamiento to stand by them.

The Ayuntamiento of Liberty justified their resistance to the tyranny of Bradburn on the following grounds: 1st. His stationing among the people numerous garrisons composed of the vilest military convicts, who were guilty of habitual pilfering, robberies and depredations. 2nd. His arrest of Madero, the legally constituted commissioner, to put the colonists into possession of their lands. 3rd. His wanton seizure and appropriation to his own use of the private property of the citizens. 4th. The arrest and imprisonment by

his guard of respectable citizens, without even the forms of trial, and solely for the gratification of his animosities. 5th. The abrogation of the town of Liberty, and the dissolution of the Ayuntamiento by military edict, and the establishment of the town of Anahuac, subject to his own control. 6th. The verbal condemnation, by the same commandant, of the citizens to labor at the public works, and the infliction of this infamous sentence in divers instances. 7th. The incarceration of citizens merely for words spoken, said to have been disrespectful to himself. 8th. His interference in the civil government, forbidding the holding of legal elections under pains and penalties, and ordering elections on his own authority.

What stronger indications of the subsequent resolve of the people of Texas in 1835, could be given than is contained in the remonstrance of the seven Mexican citizens of San Antonio cited? It proves also that the Mexicans in that place were divided in sentiment.

INDIAN DEPREDACTIONS — IRISH COLONIES, ETC.

Before following Austin on his mission to the city of Mexico, a few other incidents transpiring, late in 1832, in Mexico, and in 1833 in Texas, must be stated.

In the autumn of 1832, near the spot in Tamaulipas where Iturbide had been executed in 1824, a battle was fought between Gen. Montezuma, a Republican adherent of the Vera Cruz plan of Santa Anna, and Gen. Manuel Mier y Teran, a partisan of Bustamante, a pronounced Centralist and an implacable enemy of American influence in Texas, who, as military commander of Northern Mexico, had abundant opportunity to display his antipathies.¹ Teran was defeated and his

¹ Teran had been a gallant soldier in the revolution against Spain, but was a victim of that suicidal intolerance inherited from the mother country, toward all foreigners. His gallantry, however, entitles his memory to

army captured or dispersed and, rather than be captured, he took his own life, it was said, by falling upon his own sword.

This was followed by the armistice between Bustamante and Santa Anna, the recall of Pedraza to the Presidency, and this in turn, by the election of Santa Anna as President and Manuel Gomez Farias as Vice-President, pledged to the restoration of the constitution of 1824.

Their term began in April, 1833.

In the year 1833 the cholera made its appearance in Texas and carried off a number of valuable men. Among these were the empresario, Don Martin de Leon, of Guadalupe Victoria, a serious loss to the country, as he and his sons and sons-in-law were men of energy and liberal views, greatly esteemed by the Americans. The brave Capt. John Austin¹ fell by the same disease in Brazoria, followed by his father, who came out on a visit from Connecticut. There died also D. W. Anthony, editor and publisher of the Constitutional Advocate and Texas Public Advertiser, then the only paper in Texas, the first number of which was issued August 30th, 1832. It was a valuable paper. Thomas Westall, another useful man, died in Brazoria. During this year another event happened which, to a certain extent, tended to foster ill-feeling between the Mexican officials of San Antonio and, at least, De Witt's colony. Captain Henry S. Brown, in charge of a few men, went to San Antonio for the purpose of capturing certain refugees from Louisiana. It transpired that the

respect. In 1869 I had for a traveling companion along the coast of Yucatan his namesake and nephew, a sprightly and accomplished young man, recently returned from school in England, who was a staunch Republican.

¹ John Austin, a native of Connecticut, was not a relative of Stephen F. Austin.

William T. Austin, who came to Texas in 1830 and died in Galveston in 1874, was a younger brother of John Austin.

Henry Austin, sometimes commander of vessels and a highly intelligent and enterprising man, was a relative of Stephen F. Austin.

authorities were opposed to his purpose. Three of them, however, were captured on the Medina and held on the Salado, while two were still in town. Col. James Bowie, learning of the intended use of troops against the party, sent a note to Capt. Brown to meet him at the mission of San Jose. In the meantime, unforeseen by Bowie, a company of soldiers entered the mission, guarded the entrance and forbade all passing. Leaving their prisoners under guard a portion of the party arrived and when riding into the gate of the mission were fired upon. Basil Durbin (the same Durbin so badly wounded in the affair at Gonzales, July 2, 1826) fell, pierced by six balls. He, with Benjamin Duncan and "English" (Tom) Williams, were captured and thrown into prison. Durbin, after great suffering, recovered and after several months, they were released. Capt. Brown, with James Gibson and a few others, with the prisoners, were pursued to Gonzales by fifteen soldiers, whom they defied and who, without firing a gun, returned from that place. Thus the affair ended; but much ill-feeling toward the military remained.

In August, 1833, Josiah Wilbarger, a settler near Bastrop, with a surveying party a few miles east of where Austin stands, was attacked by Indians. Christian, the surveyor, and Strother were killed. Two men, Haynie and Staudifer, escaped to the settlement below.

Wilbarger, terribly wounded, scalped and left as dead, was found by a rescuing party, late on the next day, and conveyed in. He survived, but his skull, bleached as it had been by the sun, remained bare, and finally, in 1845, he died from the effects of the wound.

It was in the autumn of 1833, also, that the numerous Parker family, embracing that and other names, entered East Texas from Illinois, where they had lived several years. They were formerly of Georgia and Tennessee. The name of this family is rendered historic in our annals by services

rendered in the councils of the country by some who bore it, and by the death or captivity of others at savage hands.

In the spring of 1833, a band of Keechi Indians raided the settlements on Cummins' creek, now in Fayette County, committing various depredations. At the head of about twenty-five men, Captain John York pursued, overhauled and attacked them, killing eight or ten of their number. In the same year a party of Tancahuas, in retaliation for a falsely assumed offense, near the falls of the Brazos, killed a stranger named Reed and carried off his horse and effects. They were pursued by Canoma, a friendly Caddo, with seven of his men. On the eighth day Canoma returned bringing in seven Tancahua scalps, Reed's horse and effects and other trophies. The Tancahuas, from the earliest settlement of the Americans, professed and generally maintained friendly relations with them. Sometimes, however, as in this case, individuals of the tribe committed depredations, generally acts of theft, and, in a few cases, theft accompanied by murder. Other matters of interest occurred in and about 1833. The colony of De Leon had increased considerably by the incoming of a good class of Mexicans and quite a number of Americans, including several Irishmen and their families from the United States, the younger members being natives of that country and among whom were the veteran John McHenry (a settler since 1826), John Linn, with his sons John J., Charles, Henry and Edward and two daughters (subsequently the wives of Major James Kerr and James A. Moody), who came in 1830-1; Mrs. Margaret Bobo, afterward Wright (who came in 1825), Joseph Ware and others.

From about 1829 to 1833-4, the colonies of Power and Hewitson, with headquarters at the Mission of Refugio, and McMullen and McGloin, of which San Patricio was the capital, received valuable additions in a worthy, sober, industrious class of people, chiefly from Ireland, a few of Irish extraction, born in the United States, and others who were

Americans. They were more exposed to Mexican oppression than the colonists further east and equally so to hostile Indians. Twenty-six of these colonists signed the Goliad Declaration of Independence, December 20th, 1835, four of them signed the regular Declaration of Texian Independence, March 2, 1836, and fourteen of them fell in the slaughter of Fannin's men, March 27th, 1836. In the foot-note below is given a partial list of those bold and open-hearted pioneers in reclaiming the southwest portion of our territory. Those who fell with Fannin are marked thus * and those who signed the Goliad Declaration thus. †¹

¹ Lewis Ayres, Elkanah Brush, John Bowen, Morgan Bryan, † Mathew Byrne,* Daniel Buckley,* Edward Conrad (signed declaration of '36), Michael Cahill, John Caughlin; Robert Lawrence and John Carlisle, John Dunn, † (afterwards Senator), Festus Doyle, Spirse Dooley, † William Donahoe, Benjamin Dale, Patrick Downy and sons Francis, Thomas, Patrick, John and James Downey; James Elder, † Mathew Eddy,* John Fagan,* Patrick Fitzsimmons, Nicholas Fagan, E. B. W. Fitzgerald, † John Gleason,* William Gamble, John Hefferman (murdered by Mexicans early in '36), Robert P. Hearn, William Hewes, Dr. James Hewitson (colonial partner of James Power), James Hewitson, Jr., Peter Hynes, † John Hynes, Timothy Hart, † John Hart and sons Patrick, John and Luke Hart, Thomas Hennessee, Thomas Hansom, † Timothy Hoyt, John James,* J. D. Kirkpatrick, † Michael Kelly, † Charles Kelly, John Kelly,* John Keating, Dr. Alexander Lynch, † Walter Lambert, † Charles Malone, † John Malone (served in council of 1835-6), Thomas Mullen, Edward McDonough, † Patrick McGloin (empresario), John McGloin,* Edward McGloin, James McGloin, Malcolm McCanley, John McMullen (the empresario and president pro tem of the general council of 1835-6), Hugh McMinn, † Dennis McGown,* Dennis Mahoney,* Patrick Nevin,* Martin O'Toole, Daniel Driscoll, Thomas O'Connor, † (died a banker in San Antonio in 1887), C. J. O'Connor, † Patrick O'Leary, † Michael O'Donnell, † James O'Connor, † James O'Connor, Daniel O'Doyle, John O'Doyle, Edward Perry, John Pollan, † James Power (the empresario, signed the declaration of '36 and was Senator), Martin Power, William Quinn, † Patrick Quinn, John Quinn, Edward Quirk, † Thomas Quirk,* Edward Ryan,* Samuel Riley, Michael Riley, William Redmond, John Shelley, † Edward St. John, † James St. John, † William St. John, Peter Scott, John Scott, Thomas Scott, David Thomas (signed the declaration of '36), John Turner (signed the declaration of '36), John Toole, John W. Welsh, † Capt. Ira Westover.* Total, 102. Signed Declaration of Goliad, 26. Signed regular Declaration of Independence of 1836, 4. Massacred with Fannin at Goliad,

March, 27, 1836, 14 — a representation of 44 out of a 102. Yet in a time of political frenzy in Galveston in 1855, it was charged that these colonists were not true to Texas in the revolution of 1835-6. It was the privilege of the author of this work to crush the infamous slander by presenting the preceding facts, and many others attesting their fidelity in suffering, in heroism and in death till the Republic became the State of Texas in 1846.

CHAPTER XXIV.

Convention of 1833 adjourns — Santa Anna's intrigues — Austin's Matamoros letter — Santa Anna formally installed as President in April, 1833 — His machinations — Gomez, Austin, Bravo and Duran — Austin's arrival at the Capital — His labors for Texas and disappointments — His departure for home, arrest and imprisonment.

The San Felipe convention adjourned on the 13th of April, 1833. Col. Austin alone, of the three commissioners to Mexico, prepared for the journey. He probably left about the first of May. We first hear from him in a letter to the Ayuntamiento of Brazoria (of which newly created municipality Henry Smith was Alcalde), dated Matamoros, May 30, 1833, in which is manifested a degree of confidence in the future political quietude of Mexico and in the "fraternal" intentions of the newly inaugurated Santa Anna government towards Texas, which he could not have entertained had he been aware of the written utterances of Mexican officials to each other heretofore given in this work, and especially of Santa Anna's declaration to the Mexican minister that "The foreigners who have introduced themselves into that (Texas) province, have a strong tendency to declare themselves independent of the Republic; and that all their remonstrances and complaints are but disguises to that end. I think it to be of paramount importance that Gen. Filisola should forthwith proceed to fulfill his mission (*i. e.*, march into Texas), having first been well supplied with good officers and the greatest number of troops possible, with instructions both to secure the integrity of our territory and do justice to the colonists." To add to the complications of the times and show at the same time the fickleness of some men regarded as leaders, it should be stated that, a little later in 1833, Jose de la Garza (the man of double pens, who wrote to San Felipe one way and to the Governor at Monclova another), joined by the Ayuntamiento

of San Antonio, sent out a petition to the Mexican authorities fully indorsing all the complaints of the American colonists, justifying their expulsion of the military from Velasco, Anahuac and Nacogdoches, and joining in the prayer for Texas to be erected into a separate State.

But Col. Austin knew nothing of these recent hostile utterances by Santa Anna, the Minister of State, the Governor and others; nor of this change in tone by De la Garza and others at San Antonio. Had he been in possession of these evidences of bitter jealousy and hostility towards his own countrymen his faith in Mexican plausibilities would have been greatly modified; and it is hardly probable that he would have continued his journey from Matamoros to the city of Mexico.

It is due to his memory, therefore, and to the truth of history, that his position at that period of unknown complications, should be set forth as stated by himself at the time. It is shown in the following letter to the Ayuntamiento of Brazoria (of which the future Governor, Henry Smith, was Alcalde and President), the first body of the kind organized after the creation of Brazoria and the surrounding country into a distinct municipality.¹

MATAMOROS, May 30th, 1833.

“ To the Ayuntamiento of Brazoria: The public was very much agitated in this place by false reports and rumors relative to Texas; but they have been removed by the statement of facts which I have laid before his Excellency the Commander, General Don Vicente Filisola, who assures me of the paternal intentions of the government towards the people of Texas. There never has been any just cause to doubt that such are its intentions. All the vague rumors that have been circulated as to the marching of a large army to Texas with hostile views are utterly false.

¹ Soon after this the municipalities of San Augustine, Matagorda, San Patricio, Refugio and Mina (Bastrop) were created.

“ The General has orders to re-establish the custom house and the military garrisons and will proceed to do so, for the purpose of protecting the public revenue, and stopping the scandalous contraband that has been carried on in tobacco from the ports of Texas. I have assured him that he would receive the support of the colonists in sustaining the revenue law, and that they would do their duty faithfully as Mexican citizens.

“ I have pledged my honor for the truth of this declaration, and have full confidence that the people of Texas will not forget the pledge I have made, but will by their acts prove its correctness, and that the revenue laws can be enforced without the aid of large military garrisons.

“ Mr. George Fisher will leave here shortly to enter upon the duties of collector at Galveston, with only a sufficient number of troops for necessary guards, etc.

“ Whatever ideas and opinions may have heretofore existed as to Mr. Fisher they should now be consigned to oblivion and forgotten. He returns as an officer of the government and as such it is the duty of the people to respect and sustain him. I will also observe that I have investigated very minutely all the transactions in which he was concerned and have formed the opinion that the excitement which unfortunately grew out of them, was produced by misconceptions and suspicions too hastily entertained, and not from an intention to do wrong to or injure any one. I believe there were misconceptions on both sides, and probably as much on one part as on the other. Mr. Fisher will make an useful collector. His knowledge of the English Language¹ will give more facilities in his intercourse with the people than could exist with a collector who was unacquainted with that language. I therefore particularly recommend the utmost harmony with him, and that he be sustained in the discharge of his duty by all, re-

¹ Mr. Fisher was a Greek.

gardless of the clamors of a few transient traders who would involve the honest farmer in difficulties with the authorities, if they could increase their profits thereby.

“ The political events of the past year necessarily produced a temporary and partial disorganization in the regular administration of the government all over the nation, which, as a matter of course, extended to Texas. Everything has now settled down again upon the constitutional basis, and the regular operation of the laws and all the legal authorities have been restored.

“ The temporary and provisional measures which the peculiar exigencies of the times may have rendered necessary to preserve the public tranquillity, and protect persons and property, have consequently ceased all over the nation. I have assured the commanding general that they will also cease as a matter of course in Texas. I therefore particularly recommend that whatever temporary deviation from the laws there may have been in the organization of the militia, or in any other matters, should be corrected without delay, and everything restored again to the legal basis, as has been done all over the Republic.

“ The general congress adjourned the 20th of this month, and as there will not be another regular session until January next, my journey to Mexico was rendered measurably useless. I have also been very much debilitated by dysentery or cholera which prevails here. These considerations determined me to postpone my trip to the capital for the present, and I forwarded the memorial of the convention to the government through the commanding general. Since then my health has improved and an opportunity having unexpectedly presented of a passage to Vera Cruz by sea, I have concluded to embrace it, and shall depart in a few hours.

“ I will close by assuring you that I have the most unlimited confidence in the patriotism, liberality and justice of the government, and I rely with full confidence upon the people

of Texas, to sustain firmly all the authorities, both Federal and State, and to obey the laws strictly. By so doing they will procure a State government and keep away large and unnecessary military garrisons, and obtain everything that a reasonable people ought to ask for or a just and liberal government ought to grant.

“I recommend that the people of Texas should be mild, calm, and firm in favor of making a State of Texas by legal and constitutional means and by no others.

“Respectfully your friend and servant,
S. F. Austin.”

In April, 1833, Santa Anna was installed as President and Manuel Gomez Farias as Vice-President, both having been elected on the downfall of Bustamante, to succeed the term of four years which had been first occupied by Guerrero, then by the usurper, Bustamante, and finally completed by the rightful President, Pedraza. Santa Anna and Farias were hailed as the champions of Republicanism and the subverted constitution of 1824. Farias, from the Mexican stand-point, was sincerely a Republican, and an unyielding friend of constitutional government. He maintained this faith till his death and lived to preside over the assembly which, in 1857, promulgated the free constitution under which, thirty-five years later, Mexico is still making rapid strides in material, moral and political progress. Had Santa Anna possessed the same virtue and steadfastness of purpose, the Texas revolution would have been averted, and many years of revolution and internecine strife avoided in Mexico. But it was not to be. Santa Anna was a compound of hypocrisy, selfishness and unholy ambition, and the time had now arrived for him to reveal his true character. Humanity can only lament the revelation.

I quote from the pen of President David G. Burnet, than which no more graphic or accurate account can be given of the incubation and development of Santa Anna's perfidious

apostasy to that liberty under whose flag he had won the brilliant laurels which carried him triumphantly into the most exalted position within the gift of his grateful countrymen. He says: "On the first of June, succeeding his (Santa Anna's) election, his creature, Gen. Duran, got up a *grito* in favor of the church and army, kindred terms in Mexico, signifying a strong, central and despotic government. In the same breath, Santa Anna was proclaimed Dictator. The wily President, to beguile the friends of the constitution, who had so recently raised him to power, and to smooth the abruptness of his preconcerted treachery, put himself at the head of his forces and marched against the malcontents, appointing Gen. Arista, a known Centralist, second in command. Before reaching the scene of revolt, Arista pronounced in favor of Duran, arrested the President-General and re-echoed the proclamation of Dictator. Santa Anna yielded with an assured complacency, to the arrest. A scheme of more audacious and transparent iniquity was never contrived. Lorenzo de Zavala, then Governor of the State of Mexico, had protested against the appointment of Arista, and when his disaffection was known in the capital he and Farias made so bold an effort in opposition to the new revolution, that Santa Anna, perceiving the prematurity of his project, affected to escape from his durance and returned to the city. The more fully to disguise his duplicity in the ill-concerted plan, he raised another army, and with Gen. Mexia for his lieutenant, pursued the insurgents, who speedily surrendered at Guanajuato. Arista received a full pardon, and Duran, of no value to either party, was banished. Santa Anna soon retired to his hacienda, there to effect by secret intrigue, what he had failed to accomplish by political strategy in arms. The government devolved on the Vice-President, Farias. He was comparatively an honest man, and decidedly inimical to the army and priesthood as active participants in the administration of political affairs. He commenced his executive career by reducing the army and,

Congress concurring with him, laws were enacted restraining the power of the clergy. To relieve, in some measure, the financial embarrassments of the government, the Congress was engaged in a project for converting a portion of the immense revenues of the church to public uses, whereupon well known sounds of a revolution, borne from several quarters, came rattling through the streets of the capital, exciting the furious bigotry of the ignorant and vulgar to arms. Santa Anna had now publicly declared his disapproval of Farias and his policy, and Gen. Bravo had pronounced against the doomed Vice-President in the South."

In the midst of these machinations, in June Col. Austin reached the capital. It was in the midst of a general tumult, aggravated soon afterward, by the first and most appalling epidemic of Asiatic cholera ever known in Mexico, a visitation from which ten thousand deaths occurred in the capital alone. Had Austin fled from the scene his countrymen would have approved his course and welcomed him home. But he fled not. He remained at his post, in an atmosphere surcharged with death and wildest tumult, to represent his countrymen in their plea for home government, for the repeal of the edict against the people of his own nationality joining their kindred already in Texas, and for the exercise of that justice which should ever reign in lands of freedom. It was a grand exhibition of personal courage and devotion to duty, as honorable to Stephen F. Austin as it should be gratifying to his countrymen of to-day and of the days to come. This tribute is willingly paid by one who can discriminate between true manhood and the mistakes to which true manhood is at times liable, for Austin subsequently fell into errors of judgment in some grave matters. Yet it is only a matter of surprise that he did not fall into more.

The proposed constitution for Texas and the memorial, adopted by the convention of 1833, having been forwarded by Col. Austin, from Matamoros, through Gen. Filisola, were

already in the hands of the government when he arrived at the city of Mexico. Lorenzo De Zavala, still and ever after a staunch Republican, was then Governor of the district embracing the capital and valley of Mexico. He was an ardent friend of Texas and, seconding the efforts of Austin, secured the repeal of the odious 11th article of Bustamente's decree of April 6th, 1830, quite a boon in the abstract, but of greatly diminished importance if a central despotism was to be established such as it was clearly Santa Anna's intention should be established. The project for a constitution was submitted to the Congress and by it referred to a committee and there it slept till Austin became restless under hope deferred. He urged his cause before Farias, the acting President, with such vehemence as to wound the national pride of that sturdy Republican, by intimating that if Texas was not released from the grasp of Coahuila and allowed to control her own domestic affairs, the people would be driven, in view of the revolutions transpiring and anarchy existing throughout the nation (the State government then being torn asunder by the rival Governors and legislatures respectively at Saltillo and Monclova) to organize a State government of their own. But explanations followed and the two men, Farias and Austin, remained friends. Still later, on the 2nd of October, 1833, Austin addressed a communication to the Ayuntamiento of San Antonio de Bexar (wholly composed of Mexicans and from which place Political Chief Musquiz had written him in such bitter denunciation of the convention of 1832), strongly recommended "that all municipalities of Texas should come without delay, to an understanding and organize a local government for Texas, as a State of the Mexican confederation, grounded on the law of the 7th of May, 1824 (provisionally attaching Texas to Coahuila). Things should be prepared with unison and harmony, thus being ready for the time when Congress will refuse their approval." He followed this up with abundant reasons for the course

recommended. But under what fatuity of mind he could have passed all the American Ayuntamientos at Gonzales, Mina, Matagorda, Brazoria, San Felipe, Liberty and Nacogdoches, and thus unbosomed himself to a Mexican tribunal already pronounced against the plan proposed, is indeed strange.

On the 10th of December Austin left Mexico for his home in Texas, satisfied that Texas would be denied separate statehood, and that Santa Anna's pretended Republicanism was fast being laid aside in order that he might bring about the establishment of a dictatorship to be filled by himself. But, in the meantime, as in view of the antecedent facts, it would seem that ninety-nine hundredths of men of Austin's mind and intelligence would have foreseen, he was betrayed by those he trusted and a certified copy of his letter to the Ayuntamiento of San Antonio was at once dispatched to the acting President, Farias, at the capital. Orders were at once issued for Austin's arrest and return to the capital. He was overtaken and arrested at Monterey — some accounts erroneously say at Saltillo. On the 13th of February, 1834, he was lodged in a dungeon of the old Inquisition, and there, denied light, books, pen, ink and paper, and visits from friends. Here he remained till the 12th of June. He was then transferred to the prison of the Acordada and allowed more liberty in every respect; in fact rendered as comfortable as one could be in a large airy prison, looking out upon the grand *paseo* on which the *elite*, as well as the common people, passed in their daily visits to the Alameda, the great park of the city. He demanded, in every way within his power, a trial, conscious that he had committed no crime against the country, the chronic state of which since the close of honest old Guadalupe Victoria's term in April, 1829, had been one of revolution and anarchy. His case was successively submitted to a civil functionary of some sort, then to the Federal district judge and next to the Supreme Court; but

each, in turn, disclaimed jurisdiction and he remained simply a victim to politico-military tyranny, without a ray of sunshine to lighten or lessen the sense of indignation which must have given acuteness to his detestation of tyranny. Only those who have personally witnessed the nonchalant indifference with which many Mexican officials, and official menials under them, view the unmerited outrages heaped upon helpless and innocent victims within their power, can appreciate the agonizing sense of injustice then animating the bosom of Stephen F. Austin.

CHAPTER XXV.

Attempts at colonization in what is now northwest Texas — Beale's colony on the Rio Grande — Its sad failure — Murder of a party of his colonists — Captivity of women and children by the Comanches — Their final ransom by William Donoho in New Mexico — Their death in Missouri.

Leaving Austin in the Acordada prison, now in the mid-summer of 1834, let us digress for a moment to mention some other matters then transpiring, which merit mention in the history of the times.

In the city of Mexico, antecedent to 1830, there lived Stephen Julian Wilson, an Englishman and naturalized citizen, and Richard Exter, an English merchant who married Maria Dolores Soto, of that city. Exter became a partner in certain colonial contracts with Wilson and died. In 1830 Dr. John Charles Beales, another Englishman, married the widow of Exter and took his place in the contracts. The Wilson-Exter grant covered a large territory now in the Western Pan Handle of Texas, Eastern New Mexico, No Man's Land and Southwest Colorado, in other words lying west of longitude 102°, north of latitude 32° and south of an irregular line parallel to twenty leagues south of the boundary line between Mexico and the United States, which, in that locality, was the Arkansas River. In the spring of 1833 they sent from Santa Fe a surveying party, under Mr. A. Le Grande, as chief, to survey that country. Beginning at the intersection of latitude 32° and longitude 102°, a point near the present town of Midland, in Midland County, the party pushed their work industriously north and west of that initial point from June 27th to October 30th, 1833, when the fall of snow along the Obscura mountains, at the base of which they were, compelled an abandonment of the work, which was never resumed. Nor was any other step taken to comply with the colonization

laws and hence the grant expired at the end of six years from its date. The report of the surveyor, Le Grande, descriptive of the country, has, however, peculiar interest to the people now settled or settling in that country and ante-dates by twenty years the expedition of Capt. Randolph B. Marcy, U. S. Topographical Engineer, who has heretofore been awarded the credit of being the discoverer of the Ke-che-ah-qui-ho-no, or Prairie Dog Town Fork (really the south fork) of Red River.

In 1836, Le Grande held a position in the Texian army, after which his career is unknown. But he and his party crossed and recrossed the river in question many times and delineated it on their map twenty years before Capt. Marcy ever saw it. The survey, with the map and report, was made for a New York company enlisted in the enterprise by Beales.

COLONY OF BEALES IN 1834.

Dr. Beales and Dr. James Grant, a Scotch naturalized citizen of Mexico, and in some way associated with John L. Woodbury, had a large colonial grant extending from the Nueces to the Rio Grande, bounded on the south by the Laredo and San Antonio road and extending far up the country; but this was considered in Coahuila and not in Texas. Beales, as empresario, pursued the same illegal and ruinous course adopted by the New York and Galveston Bay Land Company, which had secured a transfer to itself of the grants to Burnet, Zavala and Vehlen. He organized in New York the Rio Grande and Texas Land Company. So reads a certificate of stock now before me. The following is an extract from the certificate:

“No. 407. Capital divided into 800 shares, each containing 10,000 acres, besides surplus lands.

(Wm. Jessop Ward) is entitled to one share in the estate

and funds of the Rio Grande and Texas Land Company, transferable only on the books of the company. New York, July 11, 1834.

ISAAC A. JOHNSON, *Trustee*.

J. C. BEALES, *Empresario*.

SAMUEL SAWYER, *Secretary*."

Having selected a site for a settlement on Los Moras Creek, twelve miles above its junction with the Rio Grande and perhaps twenty-five or thirty miles above the present town of Eagle Pass, Beales undertook to occupy it.

On the 10th of November, 1833, on the schooner Amos Wright, Capt. Monroe, Dr. Beales, with fifty-nine souls, mostly English, sailed from New York, destined for Copano, on Aransas Bay, Texas, and thence by ox-carts for Los Moras. After a very stormy passage they pitched their tents at Copano from December 12th to 15th. At that time there was but one shanty at the place.

On the 3d of January, 1834, having procured Mexican carts and Mexican oxen to draw their wagons (brought from New York) the party began a long, weary and somewhat dangerous march to their final destination. Omitting many interesting incidents, it can only be said that they passed the mission of Refugio, Goliad, Seguin's rancho and San Antonio, halting at each place, and reached and crossed the Nueces into the lands of the intended colony on the 28th of February, 1834. Waving the flags of Great Britain and Mexico, Mr. Little carved on a large tree in Spanish: "The first colonists for the village of Dolores passed here February 28, 1834." The name of Dolores was conferred on their intended town as an honor to Mrs. Beales. On the fifth of March, they crossed the Rio Grande opposite and five miles from the town of El Presidio Rio Grande. On the 12th having traveled several days north on its west side, they recrossed the river on to the colony lands and, on the afternoon of the 16th, arrived at Dolores.

A town was laid out and allotments of land made. All went to work with alacrity. Mr. Egerton, who had done surveying in the locality before, continued his work and the future looked bright. On the 20th, the whole party celebrated the thirtieth birthday of their leader, John Charles Beales, born in England, March 20th, 1804. On the same day the Mexican Commissioner, Don Fortunato Soto, arrived from Monclova, empowered to issue titles to the colonists. On the 25th they elected J. C. Beales Alcade, W. H. Egerton and V. Pepin, Regidors, and E. Ludecuz, Sindico.

On the 29th Dr. Beales, accompanied by Thomas H. O. S. Addicks (afterwards long a resident of San Antonio), and one or two Mexicans, left on business for Matamoros and did not soon return.

Time hurried apace. The new crops, at first hopeful, parched for want of rain and they had no irrigation. Despondency seized many and some began to seek homes and food in San Fernando, Santa Rosa and other towns sixty to a hundred miles distant in Mexico. Later in June, 1836, Mr. Power and eight others, said to be the last to leave, went to San Fernando. So far the facts stated are condensed from Beales' diary and the statements of his countryman, Kennedy, in his work on Texas. But there was a bloody finale to this attempt at colonization, the facts of which have never been published or known in Texas except to the author of this history, and imperfectly, by tradition, to Mr. Wm. B. Donoho, of Clarksville, Texas (who was born in Santa Fe a year after their occurrence), and possibly to others through him.

On the 10th of March, 1836, just two years after their arrival at Dolores, a group of the last colonists to leave the place, utterly disheartened and admonished of the necessity of seeking homes elsewhere by the murder of several of their number in a little rancho some miles away, formed a party to endeavor to return to the coast and to England. They got together sufficient carts and started, without a road, to San

Patricio or some other point in that portion of the coast-country. The party consisted of eleven men, of whom Mr. Horn had a wife and two little sons, John, then aged over six, and Joseph, aged over four years, and Mr. Harris, a wife and an infant that had been born at Dolores. One of the men was a young German. They struck the Nueces near the San Antonio and Laredo road, crossing the road and remaining in the vicinity several days, but concealed themselves as much as they could, for fear of falling in with some of Santa Anna's invading army, of whom they had as great dread as of the wild Indians. Their camp was a mile or so from the road and in a secluded spot, but they heard Mexican troops passing to and fro, probably supply trains and reinforcements. They resumed their march on the morning of April 2d, 1836, on a trail supposed to lead to San Patricio. Early in the afternoon they encamped at a large lake, containing many fine fish. Soon afterward, while the men were variously occupied or asleep, and none on guard, they were suddenly surprised and attacked by fifty or sixty mounted Comanches who, meeting no resistance, speedily killed the eleven men, made captives of the women and children, plundered the camp and moved to their main camp in the vicinity, the whole party numbering four hundred warriors. They killed the infant of Mrs. Harris the next morning. This was a month to a day after the killing of Dr. James Grant and party near the Agua Dulce, farther down the country, by the Mexican dragoons under Urrea (yet to be narrated), twenty-seven days after the fall of the Alamo, five days after the massacre of Fannin's men at Goliad, and nineteen days before the battle of San Jacinto — at that moment of terrible desolation when there was not an American west of the Brazos River, when the Mexicans were in the utmost confusion, and in a wild spot in the wilderness, far from any road. The ladies were both entire strangers in the country, and neither, after being carried into captivity on the upper plains, ever

saw Texas again; and thus it was that no one (Americans, Mexicans, or their former associates at Dolores,) ever received tidings of the terrible tragedy.

The Indians traveled south, came upon the dead bodies of Dr. Grant and his companions and farther on killed and plundered a number of Mexicans, after which they traveled up the country at their leisure for about two months, when they arrived among the principal camps in the regions of the upper Arkansas. The two ladies were in separate bands and so Mrs. Horn was separated from her two little sons. Their captivity was of the most cruel character ever practiced by those wild barbarians. The fate of the two children is unknown. But there then lived in Santa Fe a Missouri merchant and trader named William Donoho, one of those great-hearted, sympathetic men, who honor humanity. His daughter, born in 1835, and his son, William B., now of Clarkesville, Texas, born in 1837, were the first American natives of the ancient town of Sante Fe, the name of which ("holy faith") lost none of its symbolic character by having as one of its residents such a man as the father. Through the efforts, direct and indirect, and the purse of this noble man, first Mrs. Rachel Plummer (captured at Parker's fort, Texas, May 19th, 1836), next Mrs. Harris, and lastly Mrs. Horn were ransomed and restored — Mrs. Plummer to her kindred in Texas, the other two to civilization in Missouri, where, from the brutal treatment they had undergone, both soon succumbed to death; but Mrs. Horn lived long enough to record in fifty-nine closely written pages, a full and thrilling sketch of her life from birth to her safe arrival in Missouri, where her soul overflowed in gratitude to her deliverer, his kindred and others for sympathizing kindness to herself and sister in sorrow.

In 1839, Mr. William Donoho removed to Clarksville, Texas, where he became widely known. He died there in 1845, lamented as a true son of Kentucky. His estimable widow died in 1885. The son survives.

CHAPTER XXVI.

Division of Texas into three Departments — Henry Smith first American Political Chief — Rival State Governments in Coahuila — Corrupt Sales of Public Lands — Texas allowed a Superior Judge and three District Judges — Thomas J. Chambers and David G. Burnet — First murmurings of the Revolution — Severe trials of Col. Austin — Visit of Almonte to Texas.

It must be borne in mind that in 1832 Texas was divided into two departments, Bexar and Nacogdoches, each entitled to its Political Chief, an officer, under the Mexican system, virtually a Governor in his district. Henry Ruez, an old Swiss resident of Nacogdoches, was appointed chief of that department and served till superseded by the American provisional government established in November, 1835.

On the erection of Brazoria into a municipality distinct from that of San Felipe, late in 1832, Henry Smith, a native of Kentucky, resident in the district since the beginning of 1827, was elected its first Alcalde. He was a man of good education, superior intellect, comprehensive in cast of mind, and a bold champion of popular rights under any and all circumstances, instinctively opposing all subterfuges and acting on the inherent right of all men to freely express their opinions on matters affecting the public welfare. He was a first-class surveyor. He had surveyed in the wilderness, and was elected the first Alcalde of the "Cradle of Texian Liberty," because of his ability, his nerve and his unimpeachable integrity. He was destined to become the first American Political Chief and, still later, the first American Governor of Texas. Other important events crowd into the year 1833. In March, the seat of government, by legislative act, was removed from Saltillo to Monclova. This led to a revolution

and the installation of a rival Governor and legislature at Saltillo in July, 1834, leaving the people of Texas really without a government. They recognized, however, the rightful government at Monclova, the legislature of which, in its controlling majority, proved to be venal and corrupt, squandering to dishonest speculators eleven hundred leagues of land in one transaction and four hundred leagues in another, in so shameless a manner that the constitution of the Republic of Texas, adopted March 17th, 1836, declared the pretended sales and grants to be absolutely null and void, and so they remained. The constitution mentions by name John T. Mason¹ of New York, as chief beneficiary in this wholesale squandering of the public domain; but he seems to have had associates, members of an organized company in New York, of which Anthony Dey and Wm. H. Summer were active managers.

In the spring of 1833 the legislature at Monclova passed a law creating a judicial system for Texas. There were to be three districts—Bexar, Brazos and Nacogdoches—with a judge in each, and one superior judge, with appellate jurisdiction, for the whole country. Thomas J. Chambers was appointed superior judge, but never held court; yet both a letter from Col. Austin and the records of the General Land office show that he received thirty leagues (132,840 acres) of land as one year's salary, this being one of the lesser items

¹ John T. Mason, under the administration of President Andrew Jackson, was Secretary of the Territory of Michigan, while Gen. Lewis Cass was Governor, both by Jackson's appointment. In 1832, when Cass became Secretary of War, Mason was rightfully entitled, for the time being, to act as Governor, but he resigned and proceeded to the city of Mexico in quest of some grand land scheme. Thereupon President Jackson appointed his son, Stevens T. Mason, of Kentucky, as Secretary, who so deported himself, first as Secretary and next as Governor of the Territory, that on the admission of Michigan as a State, he was elected its first Governor. He was the author of the first school law of Michigan, said to have been the most thorough ever adopted in one act. The father and son were respectively natives of Virginia and Kentucky.

charged against the State government in squandering the public domain. David G. Burnet was appointed judge of the district embracing the newly created department of the Brazos. He promptly organized his court and held several sessions for the dispatch of business prior to the revolution of 1835. The names of the other two district judges are not remembered, but neither ever held court, and Burnet affirmed afterwards that he never received any compensation for his services. It will be seen, therefore, that this judiciary act, enacted so short a time before the revolution, was virtually non-effective.

Another squandering law of the legislature of 1834 was the appropriation of four hundred leagues of land (engineered through by schemers and speculators) for the avowed purpose of being equitably distributed in bounties to soldiers for defending the country against Indians. But it was charged that in enrolling the bill, after passage, its language was so interpolated as to authorize the government to sell the land, which it did for insignificant sums.

The real truth was that the Coahuilian majority in the legislature (at first ten to two, and later nine to three members, allowed to Texas), believing that a separation would soon take place, determined to make all they could out of the public domain of Texas. The whole of Coahuila, torn asunder by rival Governors, legislatures and seats of government, was in anarchy. The rivals finally submitted their claims to Santa Anna, then prosecuting his schemes for supreme power, who decided in favor of Monclova and its Governor temporarily until a new election could be held, which did not take place till early in 1835, when Augustine Viesca was elected Governor, soon, as we shall see, to be expelled by Santa Anna's minions. The department of Brazos (the third and last under Mexican domination) having been created early in 1834, in July of that year Henry Smith, ex-Alcalde of Brazoria, was appointed its Political Chief, the first American

to be so honored in the history of Texas. Having declined a re-election as Alcalde at the close of 1833, Mr. Smith was succeeded on the first of January, 1834, by Edwin Waller, as Alcalde, and Wm. H. Wharton and Henry S. Brown as his associates in constituting the municipal court or Ayuntamiento, and of this body Henry Smith was made secretary, to be promoted in July to the Political Chieftaincy, as stated. This body (Messrs. Waller, Wharton and Brown) immediately issued a printed address to the people, reviewing, in an able and dispassionate manner, the condition of the country at home and the position of Texas at the city of Mexico, as represented up to the 16th of the preceding October, says the address: "In letters from our agent, Stephen F. Austin, in whom they manifest great confidence and for whom great respect. They urge moderation and no decisive action till the mission of Col. Austin shall find solution in the action of the general government."

This was among the last public acts of Henry S. Brown, who died on the 26th of the succeeding July (1834) at his home in Columbia.

Anarchy reigned in Coahuila, and Texas was left without any government save through local tribunals. Events hastened, the aspect of affairs constantly changed and men changed their views accordingly. The conservative man, counseling moderation one day and hoping for sunshine with the next news from Coahuila or from the capital city, was liable, before a change in the moon, to have his hopes blasted and be driven to modify his views. So, from 1833 to the final issue in 1835, the best men in the colonies were more or less in a state of vacillation, the situation of Colonel Austin in Mexico constantly rising up to admonish them of the necessity of exercising caution and patience. But for the restraint thus imposed, much more decided measures, looking to the salvation of Texas, would have found favor. As it was, during the year 1834, the conviction

was forced upon many able and conscientious men, that the day was rapidly approaching when absolute separation from Mexico, or slavish submission to an ever-changing military despotism, would be the only alternatives left to Texas. Yet it was difficult for them to realize the possibility of Santa Anna, the hitherto exalted champion of popular liberty, apostatizing and becoming the perfidious and unprincipled advocate of despotism. He conducted his schemes with adroitness and bided his time, the while pouring blandishments and deceptive promises into the ears of Austin while still holding him in prison. That he overreached and grossly deceived Austin seems certain. In his letter to the Ayuntamiento of San Antonio of October 2d, 1833, Austin had advised the formation of a local government for Texas, independent of Coahuila, as a State of the Mexican confederation, "thus being ready (to use his language) for the time when the Congress will refuse their approval." This advice is what sank deep in Santa Anna's heart and he had no idea of releasing Austin until his own schemes should be perfected.

In Austin's prison diary, referring to that letter as one of the imprudent acts of his life, he says, "I had every reason to believe the people of Texas would not suffer the month of November to pass without organizing a local government, and, in that event, it is very evident that it would have been much better to organize a harmonious consultation of the respective local authorities of the municipalities, than by a popular commotion." In the same entry in his diary, referring to the condition of Texas when he left home and his failure of success at the Capital, he says: "These things crazed me, and I lost my patience." Pathetic words from one held in prison and disappointed as he was in a noble effort to serve his country.

Prison life and sore harassments preyed upon both his health and mind, as is evident from his diary and correspondence. Vague rumors reached him, doubtless set on foot by

the emissaries of Santa Anna at the Capital, to the effect that men at Monclova, including some Americans, whom he does not name, and others in Texas, were conspiring to prolong his imprisonment, for which no grounds have ever been found by any writer on the history of those times. On the contrary men of all shades of opinion in Texas, regardless of their personal relations to Col. Austin, and including those who differed with him in opinion afterwards, if not before, seem to have been a unit in lamenting and sympathizing with him in his imprisonment and in desiring his speedy and safe return home. Not one exception is known among the *bona fide* citizens of Texas, though, as he seems to have suspected, there may have been such wickedness in the hearts of a few non-resident land-schemers visiting Monclova.

In the year 1834, while Austin was still a prisoner, Santa Anna sent his confidential friend and sometime secretary, Juan N. Almonte, on a professedly friendly visit of inspection to Texas. In truth his mission was more that of a spy than an impartial inspector. He came, visited all the towns as far east as Nacogdoches, made personal friends by his personal bearing, and returned to Mexico and made two reports to his master — one to be published, which, at this day, possesses no interest, and another for the private information of Santa Anna, which the latter must have considered widely at fault when overwhelmed and a prisoner on the field of San Jacinto.

From his Acordada prison, on the 25th of August, 1834, Col. Austin wrote a very long letter to his brother-in-law, Mr. James F. Perry, of Brazoria, brief extracts from which, giving his opinions relative to the rumors referred to in regard to himself, and also in regard to political “fanatics,” “demagogues,” “agitators,” etc., in Texas, have appeared in several Texas histories. A certified copy of that letter made by Gail Borden, Jr., to be sent to Nacogdoches, as requested by him, now lies before me. Its careful perusal justifies the remarks just made in regard to his mental and

physical condition. It was written, too, with the knowledge that it, as well as all of his correspondence at that period, would doubtless pass through the hands of Santa Anna. Only on this hypothesis can some of its contents be accounted for. After speaking of his San Antonio letter and of his belief in Santa Anna's friendship for him, he says:

“ The Vice-President (Farias), on the first of October, 1833, was highly offended at me because I stated (to him) that the affairs of Texas required prompt attention of the government, for the people there had taken the position that if the evils which threatened that country with ruin, were not remedied by the government, the people of Texas would remedy them themselves, without waiting any longer, on the ground, that self-preservation rendered such a measure necessary and would justify it. The Vice-President construed this into a threat and personal insult, and we both parted in anger and very great irritation. I wrote (the next day) the letter of October 2d, to the Ayuntamiento of Bexar, — became cool again, and persevered in getting the remedies — reconciled the Vice-President, and parted with him (for Texas) on the 10th of December, in harmony and with the best of feelings and the most sincere respect. The Ayuntamiento of Bexar changed the face of things and revived the passions of the Vice-President, by sending him my unfortunate letter of October 2d. Individuals who were unfriendly to me, because I opposed a territory for Texas, and others who were unfriendly to all foreigners, improved this opportunity to inflame the mind of the Vice-President and his ministers against me, so that on my return to Mexico as a prisoner he was the most violent and bitter enemy I had. I believe him to be an honest man, and a true, federal, democratic republican in principle; but he believed, or was led by others to believe, that the political situation of Mexico required something like a Robespierrean system, or reign of terror. No one was executed, but hundreds were banished or imprisoned. Whether this system was the result

of the Vice-President's own inclination, or whether he was led into it by his counsellors and friends, I cannot say. Some think that it was all his own policy, and others that he was forced into it contrary to his wish by the force of circumstances and the excitements of the day. His administration was unfortunate for the nation and for the federal party, for no one who has any sense of justice, or of common humanity, can approve of an illegal, unconstitutional and arbitrary system of banishment and imprisonment. The religious prejudices of the people were also alarmed by the measures of that administration to a great degree; hence the reaction which is now operating all over the nation, and which some think will shake the federal system; but I am not of that opinion, for I do not believe that Santa Anna has designed to change the system, or do anything more than to get Congress together in January next, with the character and powers of a national convention, freely elected by the people, in order to re-establish or review the constitution, which has been so dreadfully outraged by all parties that now respect it."

A very few months proved that Col. Austin was most egregiously mistaken in the character and aims of Santa Anna, who was then engaged in perfecting treason to the liberties of his country; while his estimate of Vice-President Manuel Gomez Farias, his persecutor, as "an honest man, and a true, federal, democratic republican in principle," was eminently just, as verified by the steadfastness of that personage through all the trials, persecutions and revolutions of his country for a quarter of a century, ending in the downfall of Santa Anna and placing his country under the ægis of that free constitution under which it has advanced during the intervening thirty-four years.

Austin continues: "A great personal animosity is said to exist between the President, Santa Anna, and his friends, and the Vice-President, Gomez Farias, and his friends. I believe there is no harmony between them and much hatred."

After devoting considerable space to a defense of his course against rumored allegations of hostility to himself in Texas, for which there was certainly no real foundation, he says: "The government has remedied the evils complained of in Texas and which threatened the country with ruin; and those who last year acted in good faith and with pure intentions in favor of separating from Coahuila, are now opposed to it, because the reasons which made separation necessary no longer exist, and I and my friends will, therefore, now be the first to oppose such a separation, or any other measures that tend to disturb the established and regular order of things. They will discountenance all men, whomsoever they may be, who attempt to attack the Mexican government, or any of its authorities by word or deed."

The only evil remedied had been the repeal of Bustamente's ukase forbidding Americans to settle in Texas, which had not been and could not be enforced. Unexplained, this language of Austin is at war with both his prior and later course (after his restoration to freedom) and to the very object of his mission to Mexico. It would be the essence of injustice to accept it as the utterance of Stephen F. Austin, free and unshackled. He was a caged prisoner in the hands of men reckless of life when interfering with their schemes of ambition, and in writing this letter, which must inevitably fall under the eye of Santa Anna, he was seeking to fashion the key which would unlock his prison door. The whole tenor of the letter forces this construction of its object and he evidently expected and intended his friends to so regard it. Again, he says:

"Santa Anna is friendly to Texas and to me. My personal friends have cause to be grateful to him.

"* * * I have been led into so much difficulty and Texas has been so much jeopardized in its true and permanent interest by inflammatory men, by political fanatics, political adventurers, would-be-great-men, vain-talkers and visionary fools that

I begin to lose confidence in all persons except those who seek their living between the plow handles. * * * The farmers need only proclaim with one unanimous voice: 'Fidelity to Mexico! Opposition to violent men and measures!' and all will be peace, harmony and prosperity in Texas. I hope the State question is totally dead, and will so remain.'"

These latter extracts, reflecting on prominent characters, as agitators, fanatics, fools, etc., except as understood in a Pickwickian sense, came with singularly ill-grace from him who, less than two years before, had presided (in October, 1832) over the first convention ever held in Texas, composed of sixty delegates elected almost exclusively by those who held the plow-handles; and who less than seventeen months before (April, 1833) had served in the second and only similar convention ever held in the country — a convention held in like manner and by which he had been honored with the highest mark of respect and confidence in its power to bestow, by its sending him as agent to the city of Mexico to plead for the peaceful admission of Texas into the Mexican Union as a separate State. We repeat, it was the justifiable language of one seeking liberation from a dungeon and the clutches of tyranny; but it was not the language of Stephen F. Austin, free and unshackled among his countrymen in Texas, otherwise it would have branded his name with shame.

At the elections in September, 1834, within a week of the date of this letter, Austin, Oliver Jones and Vasquez were elected to the legislature from Texas, an overwhelming evidence that there was no conspiracy against but an almost universal friendship for Austin in the country. He had been a member in the session of 1831–32, as Jones had been in the succeeding session, each having a Mexican colleague; but now, for the first time, Texas was allowed three of the twelve members. No election was held, however, in Coahuila for Governor and members of the legislature, owing to the revo-

lutionary condition of its affairs, and hence this legislature was never called into being.

As has been stated, in the month of July, 1834, Henry Smith became the first Political Chief of the new department of Brazos. He was the first American ever so honored in any department of Texas, and congratulations poured in upon him from many of the most able, thoughtful and influential men of the country, from Nacogdoches, the line of the Brazos, the Colorado, Mina, Gonzales, the Lavaca and Navidad and Matagorda. Among these congratulations some were from William B. Travis, Oliver Jones, Ira R. Lewis, Wm. H. and John A. Wharton, Robert M. Williamson, Branch T. Archer, Willlam S. and John Fisher of Gonzales, and many others of respectability. Calls arose from all quarters to the Political Chief, Henry Smith, for a public expression of his views on the crisis then upon the country — the State government dissolved and Coahuila in the hands of rival military factions, each claiming to be the State government, the period of election passed and none held, the Texian agent in prison in Mexico, the general government rapidly crystallizing into a central despotism, and Texas deprived of all government save through local Ayuntamientos and Political Chiefs, the latter holding commissions from the dethroned State government. To offer advice under these embarrassing circumstances required courage, wisdom and prudence, for in a month conditions might be changed and advice, wise when given, might prove inapplicable then.

On the 20th of October, 1834, he yielded to this demand and issued a printed address to the Ayuntamientos of his department and to the people at large. He was sensibly cramped and held under restraint by the condition of Colonel Austin in Mexico and felt, in common with all the people, that Colonel Austin's safety was paramount to every consideration not affecting the immediate safety of the country. The address, therefore, after a fair review of existing condi-

tions, assumes that by the revolutionary acts of Coahuila, Texas was honorably relieved of her enforced connection with and subordination to Coahuila; and that through her local Ayuntamientos and the advisory committee improvised by the convention of 1833, had the means in a regular and orderly manner (the only means short of revolution) to insure her self-preservation by assembling a convocation, through which a local government could be formed, under the principles of the Mexican Federal constitution, as a State of the Union, to which the general government, when so moved, could give its sanction. It followed, he said, that if such sanction was never given, Texas would have this self-created local government as a bond of union, and the future must take care of itself. This was the exact advice given by Austin to the Ayuntamiento of Bexar one year and eighteen days before; but it was not in accord with the views of the Ayuntamiento of Brazoria (Waller, Wharton and Brown, of which the Political Chief was secretary), published nine months and eighteen days before. There had been nine eventful months in which both men and conditions had changed.

The people were not yet ripe for the step indicated by Smith. A majority favored it, it is true, yet many opposed it. Six of the advisory committee at San Felipe published a handbill in opposition to it. Travis, the seventh member, was ardently in favor of it, but he was a wise and prudent man who fully realized that great unity was essential to success. He was a bosom and confidential friend of Smith, and in a private letter to him dated November 1st, said among other things: "Moreover, it is thought that any movement in Texas at this time would prejudice the situation of Colonel Austin, whose popularity was never so high as it is now."¹

¹ This declaration from the immortal Travis fully sustains the grounds taken in the preceding pages, that the clandestine rumors reaching Austin in his prison, of a conspiracy against him, were utterly groundless. For the reasons stated by Travis, even among those who were not his especial

His sufferings have excited the sympathy of the people in his favor, and it is right that they should, for he has suffered in their service by faithfully representing their views and wishes.’’

The variety of opinions entertained by men of approved worth and patriotism and their mental progress and changes, in times of turmoil, establishes, if evidence were needed, the fallibility of our race. Deity, alone, beholds at a glance the past and future and all the developments yet hidden in the womb of futurity, and as a consequence alone can form infallible judgments. Man must be content to act upon what is and what has been, calling to his aid the imperfect assistance of analogy and comparative philosophy. Not having the same powers of perception and clearness of vision, it is natural that men should view events, happened and happening, with different eyes and reach dissimilar conclusions as to what steps of public policy should be taken in great emergencies.

Thus, in October, 1834, in view of existing conditions, Smith advised the formation of Texas into a Mexican State, in the mode and manner indicated; but the majority of the people did not respond. They were not so far advanced. A year later the people arrived at that point; but the chief, advanced to the position of Governor, had also advanced his views as to the means necessary to save the liberties of the people, and favored independence; but again he was in the minority. Many able, patriotic and true men favored his opinions, but the majority, in the main equally able, patriotic and true, had not arrived at that point. But at the last moment, when all hope that the storm might pass had vanished and the mercenary cohorts of the avenging despot were on their soil, marching under the flag of extermination, then, God be praised, was seen a united people, who, with one voice, declared for

friends, this seems to have been true. That Chief Smith fully participated in this sympathy the careful preservation of this letter among his private papers, and other facts, abundantly prove.

separation from Mexico and absolute independence. And thus was established the fact that honest differences in opinion and judgment did not involve differences in the essential element of patriotism and love of country. The condition of Texas, in its political relations, was so deplorable that on the 13th of October, 1834, many intelligent Mexican citizens of Coahuila met with a large assemblage of the best citizens of San Antonio de Bexar, in a deliberative assembly, and after a full interchange of views, covering several hours, came to an agreement that self-preservation demanded energetic action to prevent ruin. The venerable Don Erasmo Seguin, ex-Political Chief of that department, offered a resolution, which was adopted, calling for a State Convention to assemble in San Antonio on the 15th of November, to organize a provisional State government, in order, in the language of the resolution, to save the country from "unparalleled anarchy and confusion." Consider the date, and the man of to-day, in search of the truth, will find, even from this Mexican stand-point, a prior and most remarkable indorsement of the plan proposed, eleven days later, in a different municipality and department, two hundred miles away, by the stanch and ever true American, Henry Smith.

The Bexar resolutions were sent to every department and municipality in the country, but the time was too short for their reception in a majority of the localities. In the municipality of Brazoria, however, there was a large vote cast for two delegates, of which Henry Smith received every ballot and Dr. Branch T. Archer all but five. For the reason stated, however, this proposed convention, which might have changed the future course of events, and prevented both an Alamo and a San Jacinto, was not held. Want of communication in those days, as often in past times, operated to defeat that concert of action which might have changed the result of great issues affecting for weal or woe the destinies of multitudes. The name of Seguin is honorably associated with the introduction

and growth of Americanism in Texas and the glories of San Jacinto. Seguin, the son of this patriot, presided as master of ceremonies with scarcely an American present, in giving military interment to the ashes of the martyrs of the Alamo, ashes left by the cremating and revengeful fires of Santa Anna, and figured honorably in the counsels of the infant Republic.

CHAPTER XXVII.

Santa Anna and his Cabinet in Council on Texas — Santa Anna calls a Congress of his own adherents, to do his bidding — Letter from Austin — Defeat of the Republicans at Zacatecas — Gen. Cos at Matamoros — Escape of Governor Viesca, Milam and Cameron — Indian fight on the San Marcos — Death of Canoma, a friendly Indian Chief.

Returning to affairs in Mexico, it is found that, on the 5th of October, 1834, Santa Anna held a counsel to consider Texas affairs. There were present four members of his cabinet, three of his Generals, Victor Blanco and two other members of Congress from Coahuila, Lorenzo de Zavala, the patriot and friend of Texas, and the prisoner, Stephen F. Austin. Blanco and his colleagues zealously opposed separating Texas from Coahuila; Zavala and Austin urged its necessity and justice and, also, the repeal of the prohibitory clause of the oft-mentioned decree of April 6th, 1830. Santa Anna virtually agreed to the latter measure and soon afterwards abrogated the clause. But this was the only concession evolved by the meeting. Santa Anna announced as necessary measures, that four thousand troops, infantry, cavalry and artillery, should be stationed at San Antonio de Bexar for the protection of the coast and the frontier, and that Texas should remain united with Coahuila, giving frivolous reasons therefor; and concluded by promising increased mail facilities for the people and a parental regard for the agricultural industries of Texas.

Austin returned to his prison, apparently confiding in Santa Anna's professed regard for the welfare of Texas. About the same time, as has been stated, through Santa Anna's mediation, a temporary truce was patched up between the contending factions in Coahuila, which, with the council

referred to, if we may judge by his utterances (which, however, we cannot in view of the fact that he was a caged prisoner), seems to have placed Col. Austin in a state of mind not justified by the lowering clouds about him. On the 2nd of December he wrote :

“ All is changed since October last year (when he wrote the letter that caused his imprisonment). Then there was no local government in Texas. Now there is, and the most of your evils have been remedied, so that it is now important to promote union with all the State, and keep down all kinds of excitement. All is going well. The President, General Santa Anna, has solemnly and publicly declared that he will sustain the Federal representative system, as it now exists, and he will be sustained by all parties.”

Only on the ground that Col. Austin was a prisoner and not a free man, can these expressed views be reconciled with stubborn facts. Neither the Americans of Texas nor the Mexicans in San Antonio as shown by their call for a State convention, were aware that most of the complained of evils had been remedied, or that the imperative necessity of separating from Coahuila had been lessened. On the contrary, the events of the year, in land frauds, revolutions and other transactions in Coahuila, had intensified both the necessity and the desire. Nor could they longer be beguiled by Santa Anna's declarations of fidelity to the Federal representative system. The pen, dipped in prejudice against Col. Austin, might point to his prison utterances to cast a cloud on his claims to respect by posterity. So the pen of prejudiced devotion to his memory might withhold facts showing that his judgment as to remedies and knowledge of facts were at fault in more than one important crisis. But the pen of impartial justice will record the truth, “ Nor aught set down in malice.”

Santa Anna having dissolved the constitutional Congress in May, 1834, occupied himself in perfecting schemes for trans-

forming the whole machinery of republicanism into a central consolidated despotism, of which he was to be Dictator, though bearing the more modest title of President. On the first of January, 1835, he assembled, under the name of Congress, a body chosen through his intrigues and composed of his creatures.

Through his emissaries petitions poured in from¹ ecclesiastical, military and aristocratic sources, praying for this revolution — this destruction of republican freedom and substitution of despotism.

This body became emboldened by the encouraging petitions from the army, the clergy and the aristocracy. Remonstrances from the friends of constitutional government were

¹ It must be understood that when the "Church Party" in Mexico is spoken of, the great body of the church is not included, but its higher dignitaries, who controlled its vast wealth and who were still Spaniards in heart, or sympathy, and desired a government under which their great wealth, extraordinary powers, privileges and *fueros* including a direct political voice in the government, should be perpetuated. Their interests, as they believed, could only be preserved under a government controlled by the privileged orders — the military, the aristocracy and the higher clergy. The latter controlled fully half the wealth of the nation. Yet among them was an occasional patriot. On the other hand, the great body of the people, with scarcely a known exception, republicans and centralists, were Roman Catholics and knew no other church. The poorer clergy and village priests, among whom were large numbers who were indeed and in truth gentle fathers to loving flocks, were largely patriots, more or less and sometimes eminently in sympathy with the struggles of their people for liberty and freedom from the grinding exactions inherited from Spain. Let it never be forgotten that Hidalgo, the first to raise the banner and the cry for Mexican liberty (at Dolores on the 16th of September, 1810), and the first great martyr to Spanish cruelty (by military execution in Chihuahua in July, 1811), was a native Mexican and a poor village priest. Nor that the two most illustrious heroes in the Mexican struggle for liberty against Spanish despotism — Generals Morelos and Matamoros (both of whom, after capture, were degraded by the higher clergy, and put to death by the Spanish soldiery), were priests who died for the disenthralment of their countrymen from foreign slavery. The names of Hidalgo, Morelos and Matamoros, are household words in every Mexican hut to-day, and should be revered by every lover of humanity in every land.

contemptuously cast aside, and it boldly assumed extraordinary powers. Without trial, or hearing, it deposed the honest and sturdy, though sometimes erring, republican Vice-President, Manuel Gomez Farias, and elected General Miguel Baragan, a bigoted Centralist and partisan of Santa Anna, in his place. It hastened to pass a decree reducing the militia of the State to one for every five hundred souls (less than the ordinary police of a Mexican town or city), and requiring the remainder to be disarmed. This was simply the annihilation of the last hope of freedom, as every American knows who has any conception of the history of his country or the principles upon which its government rests. Daily revelations plainly indicated the determination of Santa Anna and his followers to destroy the Federal system and inaugurate a central military despotism. Yet, on the 10th of March, 1835, Austin, still in prison, wrote to Texas :

“The territorial question is now dead.¹ The advocates of that measure are now strongly in favor of a State government, and the subject is before Congress. A call has been made upon the President for information on the subject and I am assured the President will make his communication in a few days, and that it will be decidedly in favor of Texas and the State.”

It would be difficult to conceive of a more thoroughly mistaken view of the actual condition of things than is shown in this passage from Austin's letter ; but the fact remains that it was written inside the prison walls, a fact, in another connection and in the present day, ignored in a source to which his reputation is sacred. For it has been said, for the first time, so far as authorities have been examined, that for months before his release, Austin was out of prison and allowed the limits of the city under a bond of three hundred thousand dollars, during which time he had daily intercourse with the

¹ None but Santa Annistas ever favored it.

first men of Mexico, "making himself thoroughly acquainted with the condition of the affairs of that country, so that when he returned to Texas no one in Texas was better informed than he about their affairs." This latter statement, in view of his letter just quoted, and of subsequent events, yet to be mentioned, in justice to his reputation for wisdom, must be taken with some degree of reservation.

The legislature of Coahuila and Texas, elected under the influence of Santa Anna, assembled on the first of March, 1835, at Monclova. Augustine Viesca, also newly elected, was installed as Governor—the last ever elected as the chief executive of the *united* State. The legislature was no improvement on its predecessor, and continued the same corrupt disposal of the public domain of Texas, selling four hundred and eleven leagues (1,809,908 acres) at private sale for thirty thousand dollars, or one and two-thirds cents per acre. Many tracts of eleven leagues had been and still were sold to schemers and speculators at similarly inadequate rates. These and kindred measures becoming speedily known in Texas, whose two representatives present, Messrs. Oliver Jones and Vasquez, were powerless to withstand the wicked spoliation, rendered almost universal the desire for separation from Coahuila, and gave increased force to the conviction of a large and thoughtful element in the country that a crisis was at hand, the issue of which must be the ruin of Texas or her total separation from Mexico—a conviction which nothing could remove but good news from the national capital, in the form of guarantees that Santa Anna, as chief of the republican party, would restore, adhere to and preserve the constitutional principles of 1824. Large numbers had no hope of such auspicious tidings and firmly believed a central despotism was inevitable and sought to prepare the public mind for the dire result; but were met with various shades of opposition by that extremely conservative, halting and non-acting element almost universally found, in greater or

less numbers, in every law abiding commonwealth, and they were referred to as "agitators," "demagogues," "fanatics," etc. Among the most prudent and conversative men, however, there were forebodings of evil and a realization that a crisis impended. These and the most pronounced men only differed in degree of conviction as to the wisest course to pursue for the time being.

Feeble efforts at opposition to Santa Anna's revolutionary acts were made in several quarters, as in Jalisco, Oaxaca, Puebla and other States, but they were promptly suppressed by his military minions. The legislature at Monclova sent up a remonstrance, but its own prodigalities were sneeringly adverted to and no heed paid to its expressions.

Don Francisco Garcia, Governor of Zacatecas, however, refused to disarm his militia and submit to the rapidly forming despotism, and prepared for resistance. Santa Anna at the head of a large force, marched against him. Garcia marshaled 5,000 militia and leaving the walls of Zacatecas, imprudently gave battle, against regulars, on the open plain of Guadalupe. A sanguinary battle of two hours ensued in which the patriot Governor was irretrievably defeated, losing 2,700 in prisoners, great numbers in killed and the bulk of his arms and munitions. This disaster occurred on the 11th of May, 1835, and left no visible opposition to Santa Anna in all Mexico, excepting the legislature at Monclova and its local support, and whatever there might be, though yet unorganized, in Texas. Liberty was crushed and despotism flaunted its red flag in triumph from Vera Cruz to New Mexico and from Matamoros to California. Gloomy and portentous, whether seen or unseen by the people, was the condition of Texas. Some were slow, others quick, to realize the gathering of the storm; but all were aroused in time to prevent the destruction of their country and to preserve their liberties.

As soon as the Dictator had overthrown all opposition in Zacatecas he returned to the capital the more effectually to

direct and control those measures deemed necessary by him to the perfection of his schemes for the subversion of the last semblances of liberty in his country and the erection and perpetuation of a consolidated despotism. At that time his willing and subservient tool and reputed brother-in-law, General Martin Perfecto de Cos, of whom we shall, for a few months, hear much, was in command of all the country north of the Sierra Madre mountains, including Texas and corresponding to the territory formerly called the Eastern Internal Provinces and, during Bustamente's usurpation, as well as for a time prior thereto, under the command of General Mier y Teran.¹ Teran's headquarters, as from time immemorial in that general commandancy, had been in Monterey; but at this period Cos (who was a coast-man belonging by residence and family to Tuxpan) was stationed in Matamoros.

Cos was ordered, immediately after the fall of Zacatecas, to proceed with the necessary force from Matamoros to Monclova and bring the protesting legislature into subjection. To justify this order were cited the misdeeds of the legislature in land frauds, its refusal to disarm the militia and its declaration that the militia should be maintained and employed to reduce Saltillo, which had again (despite the patched up truce of Santa Anna's invention), revolted, declared for Santa Anna and centralism and set up a government of its own. It was further charged in justification that insurrection was meditated by the recalcitrant legislature.

¹ The not unfrequent occurrence of Spanish names joined by the letter "y" which is the same as the English conjunction "and" simply means the union of two names, those of both the father and the mother in the child. Thus, in this case, the name of the father was Mier, while the maiden name of the mother had been Teran. Hence their son Manuel had been given both names, Manuel Mier and Teran. So the preposition "de" (Castilian "of") has its distinctive use in names, indicating a locality or a family relationship, as "Antonio Lopez," with the suffix "de Santa Anna," means either the place or the family of Santa Anna. The same names united by "y" means that the parents were cousins or originally bore the same name.

Thus threatened with inevitable destruction, the legislature authorized Governor Viesca to remove the State archives to Texas and there establish a new seat of government. Viesca, with the archives and an escort of 150 Coahuilian militia and twenty Americans, started on this mission, but halted for two days at the hacienda of Dos Hermanos. Then learning that some of Cos' troops were ahead of him, and, in opposition to the urgent advice of his American and a portion of his Mexican escort, his courage failed and he returned the archives to Monclova, disbanded his forces and expressed his willingness to submit to the inevitable. On reflection, however, and upon daily being supplied with additional evidence of the intention of the centralists to crush out of existence every constitutional right and place the whole country under the heel of military despotism, he resolved to escape to Texas. At that time Colonel Ben R. Milam was in Monclova, having gone there, at his own cost and risk, to represent and plead for the rights of the American settlers of Red River, who were not embraced in any colony and whose titles to land grants as settlers, therefore, depended entirely upon the action of the State authorities. But fortunately for these settlers and others like them, and for liberty itself, the power of the venal legislature of the united state over such equitable claims and all subjects of governmental control, was forever departed and was to be assumed ere the year was out, and thereafter exercised by Texas. Dr. John Cameron was also in Monclova. He and Milam joined Governor Viesca in his attempt to reach Texas, but in a mountain pass between Monclova and the Rio Grande they were all captured and immured in prison in Monterey, to be sent to the castle of San Juan de Ulloa, at Vera Cruz.

Such was the condition of affairs that confronted the colonists of Texas in the spring of 1835. The situation was rendered more gloomy by evidences of increased hostility on the part of the savages along the whole line of frontier, from

Red River to the extreme southwest. From the history of the "Indian Wars and Pioneers of Texas," by John Henry Brown, the following is extracted in regard to the

MURDER OF TRADERS AND THE FIGHT ON THE SAN MARCOS.

"In the autumn of 1833, John Castleman, a bold and sagacious backwoodsman, from the borders of Missouri, with his wife and four children and his wife's mother, settled fifteen miles west of Gonzales, on Sandy Creek, on the San Antonio road. He was a bold hunter (much in the forest, and had four ferocious dogs, which served as sentinels at night) and on one occasion had a terrible fight with a number of Indians who were in the yard endeavoring to steal horses tied round the house. The dogs evidently inflicted severe punishment on the savages, who left abundant blood marks on the ground and were glad to escape without the horses. In doing so, in sheer self-defense, the Indians killed the dogs. Castleman, in his wanderings, was ever watchful for indications of Indians, and thus served as a vidette to the people of Gonzales and persons traveling on that exposed road. Many were the persons who slumbered under his roof rather than camp out at that noted watering-place.

"In the spring of 1835, a party of thirteen French and Mexican traders, with pack mules and dry goods from Natchitoches, Louisiana, en route to Mexico, stopped under some trees a hundred yards in front of the cabin. It was in the forenoon, and before they had unpacked Castleman told them that he had that morning discovered Indian signs near by and urged them to camp in his yard and use his house as a fort if necessary. They laughed at him. He shrugged his shoulders and assured them they were in danger, but still they laughed. He walked back to his cabin, but before he entered about a hundred mounted savages dashed among them,

yelling and cutting out every animal belonging to the party. These were guarded by a few Indians in full view of the camp, while the main body continued the fight. The traders improvised breastworks of their saddles, packs and bales of goods and fought with desperation. The engagement lasted four hours, the Indians charging in a circle, firing and falling back. Finally, as none of their number fell, the besieged being armed only with Mexican escopetas (smooth-bore cavalry guns) they maneuvered till all the traders fired at the same time, then rushed upon and killed all who had not previously fallen. Castleman could, many times, have killed an Indian with his trusty rifle from his cabin window, but was restrained by his wife, who regarded the destruction of the strangers as certain, and contended that if her husband took part, vengeance would be wreaked upon the family — a hundred savages against one man. He desisted, but, as his wife said, “frothed at the mouth” to be thus restrained from action on such an occasion. Had he possessed a modern Winchester, he could have repelled the whole array and saved both the traders and their goods.

“The exultant barbarians, after scalping their victims, packed all their booty on the captured mules and moved off up the country. When night came Castleman hastened to Gonzales with the tidings, and was home again before dawn.

“In a few hours a band of volunteers, under Dr. James H. C. Miller, were on the trail and followed it across the Guadalupe and up the San Marcos, and finally into a cedar brake in a valley surrounded by high hills, presumably on the Rio Blanco. This was on the second or third day after the massacre. Finding they were very near the enemy, Miller halted, placing his men in ambush on the edge of a small opening or glade. He sent forward Matthew Caldwell, Daniel McCoy and Ezekial Williams to reconnoitre. Following the newly made path of the Indians through the brake, in about three hundred yards, they sud-

denly came upon them dismounted and eating; they speedily retired, but were discovered and, being only three in number, the whole crowd of Indians furiously pursued them with such yells as, resounding from bluff to bluff, caused some of the men in ambush to flee from the apparent wrath to come; but of the whole number of twenty-nine or thirty, sixteen maintained their position and their senses. Daniel McCoy, the hindmost of the three scouts in single file, wore a long-tail coat. This was seized and tightly held by an Indian, but 'Old Dan,' as he was called, threw his arms backward and slipped from the garment without stopping, exclaiming, 'Take it, d—n you!' Caldwell sprang first into the glade, wheeled, fired and killed the first Indian to enter. Others, unable to see through the brush till exposed to view, rushed into the trap till nine warriors lay in a heap. Realizing this fact, after such unexpected fatality, the pursuers raised that dismal howl which means death and defeat, and fell back to their camp. The panic among some of our men prevented pursuit. It is a fact that among those seized with the 'buck-ague,' were men then wholly inexperienced, who subsequently became distinguished for coolness and gallantry.

Among others, besides those already named, who were in this engagement, were: Wm. S. Fisher, commander at Mier seven years later; Bartlett D. McClure, died in 1841; David Hanna, Landon Webster and Jonathan Scott."

It is painful to add that this Dr. Miller, later in the same year, became a tory, and left the country, never to return. From the same history of the Indian Wars is also extracted the following account of other events in the spring and summer of 1835, premising that Canoma was the chief of a small band of friendly Caddos, living much about the Falls of the Brazos, in Robertson's Colony, who rendered faithful service on previous occasions:

"In the spring of 1835 the faithful Canoma was still about Tenoxtitlan. There were various indications of intended

hostility by the wild tribes, but it was mainly towards the people on the Colorado, the wild Indian, as is well-known to those conversant with that period, considering the people of the two rivers as separate tribes. The people at the Falls, to avert an outbreak, employed Canoma to go among the savages and endeavor to bring them in for the purpose of making a treaty and recovering two children of Mr. Moss, then prisoners in their hands.

“Canoma, leaving two of his children as hostages, undertook the mission and visited several tribes. On returning he reported that those he had seen were willing to treat with the Brazos people; but that about half were bitterly opposed to forming friendly relations with the Coloradians, and that at that moment a descent was being made on Bastrop on that river by a party of the irreconcilables.

“The people at the Falls immediately dispatched Samuel McFall to advise the people of that infant settlement of their danger. Before he reached his destination the Indians had reached the settlement, murdered a wagoner, stolen several horses and left; Col. Edward Burleson, in command of a small party, was in pursuit.

“In the meantime, some travelers lost their horses at the Falls and employed Canoma to follow and recover them. Canoma, with his wife and son, armed with a written certificate of his fidelity to the whites, trailed the horses in the direction of and nearly to the Three Forks of Little River, and recovered them. On his return with these American horses, Burleson and party fell in with him, but were not aware of his faithful character. He exhibited his credentials, with which Burleson was disposed to be satisfied; but his men, already incensed, and finding Canoma in possession of the horses under such suspicious circumstances, gave rein to unreasoning exasperation. They killed him and his son, leaving his wife to get in alone, which she lost no time in doing. She reported these unfortunate facts precisely as they

had transpired, and as they were ever lamented by the chivalrous and kind-hearted Burleson.

“ This intensely incensed the remainder of Canoma’s party, who were still at the Falls. Choctaw Tom, the principal man left among them, stated that they did not blame the people at the Falls, but that all the Indians would now make war on the Coloradians, and, with all the band, left for the Indian country.

“ Soon after this, in consequence of some depredations, Major Oldham raised a company of twenty-five men in Washington, and made a successful attack on the Keechi village, on the Trinity, now in Leon County. He routed them, killed a number and captured a considerable number of horses and all their camp equipage.

“ Immediately after this, Capt. Robert M. Coleman, of Bastrop, with twenty-five men, three of whom were Brazos men well known to many of the Indians, made a campaign against the Tehuacanos, at the famous springs of that name, now in Limestone County. He crossed the Brazos at Washington on the 4th of July, 1835. He was not discovered till near the village. The Indians manifested stubborn courage. A severe engagement ensued, but in the end, though killing a considerable number of Indians, Coleman was compelled to retreat — having one man killed and four wounded. The enemy were too numerous for so small a party ; and it was believed that their recognition of the three Brazos men among their assailants, stimulated their courage and exasperated them against the settlers on that river, as they were already towards those on the Colorado.

“ Coleman fell back upon Parker’s Fort, two and a half miles above the present town of Groesbeck, and sent in an express, calling for an augmentation of force to chastise the enemy. Three companies were immediately raised — one commanded by Capt. Robert M. Williamson, one by Capt. Coheen and a third by Dr. George W. Barnett. Col. John

H. Moore was given chief command and Joseph C. Neill (a soldier at the Horseshoe), was made adjutant. They joined Coleman at the fort and rapidly advanced upon the Tehuacanos at the springs, but the wily red men had discovered them and fled.

“ They then scoured the country up the Trinity as far as the forks, near the subsequent site of Dallas, then passed over to and down the Brazos, crossing it where old Fort Graham now stands, without encountering more than five or six Indians on several occasions. They, however, killed one warrior and made prisoners of several women and children. One of the women, after her capture, killed her own child, for which she was immediately shot. Without any other event of moment the command leisurely returned to the settlements.”

CHAPTER XXVIII.

Preliminary organizations of the Municipalities — Self-preservation guiding the deliberations of the people — Cos made both Civil and Military Governor — Travis disarms a Mexican company at Anahuac.

Thus the reader has presented to him a comprehensive view of the actual condition of Texas in the first half of the year 1835. The borders exposed to the ravages of the wild savages; the State government destroyed by the minions of a military despotism; and the constitutional government of the nation overthrown and superseded by the head of that despotism, which was resolved on the annihilation of free government and the substitution therefor of a centralized, one-man power, sustained by and devoted to the interests of the military, the aristocracy and the politico-clerical orders. Civil government, in its freedom of action, was crushed out of being. In so far as the people of Texas saw and comprehended the import of this revolution, no peaceful ray of hope illumined their future. If ever an enlightened, liberty loving people on earth had just and holy ground for resorting to revolution in defense of their own homes, rights and firesides, the people of Texas had from the fall of Zacatecas, on the 11th of May, 1835. That fall crushed their last hope of relief through any agency in Mexico and plainly admonished them that their political salvation thenceforward depended upon their own stout arms and the mercies of Him who reigneth over all the earth.

But the people had no organization through which to secure concert of action. The Ayuntamientos, when agreed among themselves respectively, might locally supply this want; but this was a frail reliance. Some might act and others not, and

some might be divided. Besides, the action needed to meet the crisis was beyond their jurisdiction. The sound, practical sense of the people rapidly asserted itself.

On the 8th of May, 1835, the Ayuntamiento and the citizens of Mina, or Bastrop, ever in the fore front, held a joint meeting, discussed the condition of affairs and, as the first step towards organization and resistance, appointed a permanent advisory body, to be known as a Committee of Safety and Correspondence, consisting of D. C. Barrett, B. Manlove and John McGehee, to whom, at a second meeting on the 17th, Col. Edward Burleson and Samuel Wolfenberger were added. The name of Burleson alone was a sufficient guaranty of the efficiency and good faith of the body.

On the 17th, the people of Gonzales, like Bastrop, ever ready to face danger for their country, took similar action, appointing James B. Patrick, James Hodges, Wm. W. Arrington, John Fisher, George W. Davis, Bartlett D. McClure and Andrew Ponton.

And on the same day, May 17th, that Bastrop held her second and Gonzales her first meeting, the people of Viesca, in Robertson's Colony, on the Brazos, met and organized a Committee of Safety and Correspondence consisting of Samuel T. Allen, John Goodloe Warren Pierson (afterwards familiar as a captain among the Mier prisoners), Albert G. Perry, E. L. R. Wheelock, Silas Parker and J. L. Hood.

Thus the outside and most exposed populations on the three rivers, Guadalupe, Colorado and Brazos, populations ever distinguished for undaunted courage and patriotism, were the first to adopt the means looking to self-preservation and concert of action against the impending destruction of their liberties by Santa Anna. The action taken was simultaneous, although between these settlements there were no connecting roads and there had been no consultation. It was spontaneous.

Meetings were also held in the chief settlements throughout the country. It has been said by some writers that the War

Party of the day, as contradistinguished from the Peace Party, endeavored to plunge the country into a war prematurely, and they have been stigmatized as "fanatics," "demagogues" and "agitators." The allegation is at war with the truth. It has its parentage in the desire to cover the extreme conservatism of men to whom the people looked as leaders; yet who opposed independence until a unified public sentiment left no grounds upon which such conservatism could stand. It is notorious that early in 1835, so soon as Santa Anna's ultimate designs became manifest to the more enlightened people of Texas, a large, high-toned and honest element became satisfied that the last hope of salvation to Texas was in a total separation from Mexico and an appeal to the liberty-loving people of the United States for assistance in the struggle inevitably to follow a declaration to that effect. Among the men who so felt and so believed, were Henry Smith, William H. Wharton, John A. Wharton, Dr. Branch T. Archer, William G. Hill, Wm. Barrett Travis, James Bowie, Robert M. Williamson, Dr. Asa Hoxey, Edward Burleson, Ira R. Lewis, George Sutherland, James B. Patrick and others, scattered over the country; and there is every reason to believe that Gen. Sam Houston, Thomas J. Rusk, John Forbes, Charles S. Taylor, Frost Thorn and others, of Nacogdoches; the Hardins, of Liberty, and Almanzon Huston, Alexander Horton and others, of San Augustine, participated in this feeling. Yet, without a known exception, they yielded their convictions to that conservative element which still hugged the delusive phantom of adhesion to the already destroyed Federal system and the constitution of 1824. The greatest incentive to this surrender of convictions, was the safety of Col. Austin. Men felt that almost any concession that would save him from the vengeance of the tyrants in Mexico was not only justifiable, but a duty. None more deeply felt so than Henry Smith, the Wharton brothers, Dr. Archer, Robert M. Williamson, Travis and others, who saw no hope, in the final analysis of the

future, but in absolute independence from Mexico. Facts prove this to be true, as is shown in the following summary:—

Santa Anna, after forcibly deposing Governor Augustin Viesca, appointed Miguel Falcon in his place; but Falcon, proving to have some respect for justice and the rights of the people, was removed and Cos was made both civil and military Governor. At this time Cos was trying to cajole the American colonists through letters assuring them of Santa Anna's paternal regard for their welfare. Capt. Tenorio, with a small detachment of troops, had been stationed at Anahuac to enforce the collection of the customs dues. An intercepted letter from Cos to Tenorio informed the latter that two companies from Nuevo Leon and a battalion from Morelos would sail immediately for Texas, and that they would be followed by another strong force; moreover, that the force which had conquered Zacatecas was then in Saltillo and had been ordered to Texas, and would soon settle matters. The bearer of these secret messages of evil to Texas was seized as a spy, and they thus fell into the hands of responsible parties at San Felipe.

These and kindred facts becoming known to the aggressive, or War Party, at San Felipe, created intense feeling. A meeting was held which considered as an outrage the enforced collection of duties at Anahuac and Galveston Bay, for the support of the troops sent and being sent for their subjugation. It was voted that those already at Anahuac before the arrival of re-inforcements, should be disarmed and sent out of the country. Wm. Barrett Travis was requested to raise men and effect that object. This he did, and on the 30th of June, without bloodshed, Tenorio and forty men surrendered to Travis. They were shipped round to Harrisburg and assisted on their way out of the country, their arms being safely deposited in Harrisburg. They proceeded quietly to San Felipe, where they were kindly treated.

This action created quite an excitement for a short time. The progressive people, comprehending the portentous crisis impending over the country, sustained and defended it. A large and respectable element, holding strong conservative views, thought it was unfortunate and untimely. An insignificant, but blatant tory element, branded it as an outrageous and ungrateful act towards the government headed by Santa Anna. The chief of this class exclaimed: "It seems to me that I never heard of an attack so daring, so ungrateful and unprovoked, as that held forth by the people of San Felipe."

It was not long, however, with the continued unfolding of Santa Anna's schemes, till no one, outside of a little nest of tories in the region of Liberty, had aught to say in condemnation of the people of San Felipe, Travis, or his men, in regard to the matter. The arms and everything else taken from the Mexicans, were restored to them and they were furnished with supplies and allowed to retire to San Antonio, there to swell the ranks of those yet to be defeated by Texian citizen soldiers, at the cost of the life of their great-hearted leader, Col. Ben R. Milam.

A meeting was held in Columbia on the 28th of June, of which Warren D. C. Hall was president, and Byrd B. Waller, secretary. A committee to prepare resolutions was appointed consisting of John A. Wharton, Henry Smith, Warren D. C. Hall, James F. Perry, Josiah H. Bell, Samuel Whiting, George B. McKinstry, Walter C. White, Pleasant B. McNeel, J. A. E. Phelps, Edwin Waller, Edmund Andrews, James P. Caldwell and E. G. Head. A majority of these men were then convinced that nothing short of independence would finally save the country; yet they united in favor of resolutions declaring,

1. That it is the duty of the citizens of Texas to unite in the support of the constitution and laws of their adopted country.

2. That inasmuch as Texas is left in a state of anarchy and without a Governor, legislature or council, we recognize the

Political Chief (James B. Miller, holding his office by the appointment of the deposed and imprisoned Governor,) as the highest executive officer, and that we earnestly recommend an immediate organization of the militia, etc.

3. That a permanent committee of five be appointed.

Warren D. C. Hall, John A. Wharton, Wm. H. Jack, John G. McNeel and George B. McKinstry were appointed.

The other proceedings were in harmony with the foregoing

Exactly at what time cannot be stated, but quite early, Matagorda appointed a committee consisting of S. Rhoads Fisher, Ira R. Lewis, L. H. W. Johnson, T. Catlett, William L. Cazneau, S. B. Brigham, R. H. Boyce and Henry W. Hollinsworth, Secretary.

The meeting at San Felipe, June 22d, was followed a few days later, by a published address from its chairman, the eloquent Robert M. Williamson, reviewing the condition of affairs and intended to prepare his countrymen for those results which he believed to be inevitable. Its logic, though necessarily clothed in guarded language, was irresistible to many, and made a deep impression throughout the country. News necessarily spread slowly. The people were anxious to live in peace, improve their condition and develop the country. There was no field open to the mere demagogue or agitator. The horizon was too dark for such despicable characters to figure. War, blood and carnage were in view, and only courageous souls dared enter the arena as champions of all that is held dear by American freemen. This is said with more emphasis, because, for reasons best known to themselves, some persons writing of those days have sought to create the impression that the bolder and more outspoken men of that period were influenced by the detestable principles of demagoguery and the wild spirit of fanaticism. After so thorough an analysis of concurrent facts, conditions and acts as it is possible to make, the author of this work, realizing his responsibility to that great tribunal, the judgment of pros-

perity, unhesitatingly brands the allegation as untrue and unjust,—as untrue and unjust as, in the dawn of the American revolution, were similar allegations against Patrick Henry of Virginia, and Samuel Adams, of Massachusetts.

The journals of the consultation which organized a provisional government in November, 1835, are prefaced by the proceedings of a meeting held in Columbia on the 15th of August, 1835, recommending such an assemblage, thereby leaving the inference that that was the first meeting and recommendation of the kind, which is altogether incorrect, as will be seen by the proceedings of

THE MEETING AT SAN FELIPE DE AUSTIN.

“At a general meeting of the citizens of the jurisdiction of Austin, assembled on the 14th day of July, 1835, (a month and a day before the corresponding meeting in Columbia), at the town of San Felipe de Austin, pursuant to a call made by James B. Miller, Esq., Political Chief of the department of Brazos, Major Jesse Bartlett was called to the chair, and Thomas R. Jackson chosen secretary.

“A delegation from the jurisdiction of Columbia, viz: Messrs. John A. Wharton, James F. Perry, Sterling McNeel, Josiah H. Bell, and James Knight, were announced, and, on motion of Dr. C. B. Stewart, were invited to assist in the deliberations of the meeting.

Upon motion of John Rice Jones, Esq., it was

“*Resolved*, That the chairman of this meeting appoint a committee of five delegates to consult with the delegation from the jurisdiction of Columbia, and with them jointly frame resolutions expressive of the wishes and determination of the citizens of the jurisdictions of Austin and Columbia.

“Whereupon, the chairman appointed Martin Allyn, John Rice Jones, C. B. Stewart, Joshua Fletcher and Joseph

Urbane said committee, who, after due deliberation, returned the following resolutions, which were unanimously adopted:

“ *Resolved*, That this meeting and delegation believe it to be the desire and intention of the citizens of the jurisdictions of Austin and of Columbia and of all the people of Texas, to preserve peace and good order and to maintain a firm adherence to the general (Mexican) government, so long as the government protects them in the enjoyment of their rights and liberties.

“ *Resolved*, That an imminent crisis has arrived in the affairs of the people of Texas, in which their lives, rights and liberties are deeply endangered, and that for their preservation it is necessary that we should unite ourselves together and act in concert in their defense.

“ *Resolved*, That an early consultation of the people of all Texas by their chosen delegates, is necessary to the attainment of union, concert of action and determination of conduct in the protection and defense of our rights and liberties.

“ *Resolved*, That a committee of three persons be elected, with full power to unite with like committees from the jurisdiction of Columbia and other jurisdictions, and call together in General Council the people of all Texas, by chosen delegates, and to adopt such other measures as the emergencies of the period may require.

“ *Resolved*, that it is necessary that every citizen of the country should prepare himself and be in readiness to defend his rights and liberties.

“ These resolutions were severally read and unanimously concurred in by the meeting.

“ *It was further Resolved*. That this meeting heartily and unanimously unite in feeling and purpose with the citizens of the jurisdiction of Columbia, and that we invite the citizens of all of the other jurisdictions of Texas to unite with us in furtherance of the resolutions of this meeting.

“ Whereupon the meeting adjourned.”

THE NAVIDAD AND LAVACA MEETING.

On the 17th of July a large meeting was held of the citizens on and near the Lavaca and Navidad rivers, at the gin-house of William Millican. Its members lived in a territory twenty miles wide by fifty in length, in which there was no town. They were all farmers and not a politician or professional man among them. Major James Kerr, the oldest inhabitant, was elected president, and Samuel C. A. Rogers (in 1891 living in the same vicinity), was made secretary. There never was on the soil of Texas a better average population. George Sutherland, who afterwards led a company in storming Bexar, and had a horse killed under him at San Jacinto (and his son, William, then also present, killed in the Alamo) who had been in the legislatures of both Tennessee and Alabama and in the Texas conventions of 1832 and 1833, was there. John Alley, who also led a company under Milam in storming Bexar, with his brothers, Thomas and William, was there. The veteran, John McHenry, who had fought for liberty in South America, followed Long and suffered imprisonment with Milam and John Austin, was there. Andrew Kent, who afterwards gave up his life in the Alamo, had come thirty-five miles to be there. John S. Menefee, a soldier at San Jacinto, was there with his venerable father, Thomas Menefee, and his younger brother, George S., Bazil Durbin was there. S. Addison White, a soldier of Velasco, with his father, Archibald S., and his brothers, John M. and James G., was there. Francis M. White, subsequently in the storming of Bexar (a legislator, commissioner of the land office, and yet living honored and loved), was one of the assembly. So was Patrick Usher, a worthy son of North Carolina, yet to be a gallant soldier, a judge and a legislator and finally to die a prisoner in Perote. And with all these were

assembled the adult members of the families of Dever, Heard, Wells, Stapp, Williams, Coleman, New, Looney, Scott, York, Andrews, Millican, Guthrie, Beatty, Whitson, Hatch, Benj. J. White, Milby, McNutt, Felix B. Earnest and Paul Scarborough (both destined to perish as Santa Fe, prisoners) and Keller and others, composing a first class population of farmers, far removed from any town or center of political agitation. These facts are stated because of the unjust assertion of more than one contributor to the history of that momentous period that the War Party, or as sometimes stigmatized, the "demagogues," "agitators," and "fanatics," were found in the towns, while the farmers generally composed what was inappropriately called the Peace Party. There was no unconditional Peace Party, beyond an insignificant little nest of tories, who received the prompt attention of Gen. Houston, immediately after the battle of San Jacinto, the commanding agent in which prompt attention was Capt. D. L. Kokernot (late a venerable citizen of Gonzales County, under whom served also a recently arrived youth from New York bearing the name of Charles A. Ogsbury, late a well-known citizen and ex-editor of Cuero, Texas). On the contrary, the farmers most exposed geographically to Mexican vengeance — as those on the Navidad, Lavaca, Guadalupe and west side of the Colorado — generally belonged to or sympathised with the War Party, while the most conspicuous advocates of the other element in the country resided in the towns. But it is repeated again and again, that these differences of opinion, changed more or less by every fresh arrival from Mexico, constituted no conclusive index to the patriotism of the country. With the same degree of conviction as to the unalterable designs of Santa Anna and his supporters for the subjugation and ruin of Texas, all were for war, and all for independence, as a few short months abundantly demonstrated.

The Navidad meeting, thus auspiciously constituted, after a free and full interchange of views, unanimously declared —

Their belief that Santa Anna was hostile to State sovereignty and the State constitution:

That they would oppose any force that might be introduced into Texas for any other than constitutional purposes:

That, whereas, there were then at Goliad two hundred infantry en route to reinforce the garrison at Bexar (as promised by Cos in his letter to Tenorio), they called upon the Political Chief to intercept them, and, as a greater guaranty against invasion, to take the necessary steps to capture and hold Bexar.

That they favored a general consultation of delegates from all the municipalities of Texas.

They concluded by calling on the militia to hold themselves in readiness to march at a moment's warning, which the militia did, as was proven by the alacrity with which, when the emergency arrived, the companies of Captains Alley and Sutherland marched to the seat of war at Gonzales and San Antonio de Bexar.

These spirited proceedings were promptly reported at San Felipe and other places. There was a lull at San Felipe, however, caused by awaiting the report of Gritten and Barrett, who had been sent, as will be seen, on a mission to Cos. The people at Gonzales, however, warmly approved the Navidad resolutions, as shown in a letter of July 25th, from James B. Patrick to James Kerr.

CHAPTER XXIX.

Preliminary Assemblages of the People — Gritten and Barrett — Lorenzo de Zavala — Important Correspondence — Return of Austin from Mexico — Complications in regard to Robertson's Colony.

On the 17th of July, a conference was held in San Felipe, wholly distinct from the large public meeting of the 14th, between eleven gentlemen, viz.: John A. Wharton, James F. Perry, Stirling McNeel, James Knight, and Josiah H. Bell of Columbia, Alexander Somervell, John Rice Jones, Wylie Martin, Jesse Bartlett and Dr. Charles B. Stewart of San Felipe, and D. C. Barrett of Mina. They spent four days without important results. A majority declined to indorse the call, already sent forth for a general consultation. In reply to Ugartechea's hypocritical letter, giving assurances of the good will of Santa Anna, they gave him assurances of the conciliatory spirit of Texas and expressed regret at the recent occurrence at Anahuac. They appointed Edward Gritten and D. C. Barrett, whose loyalty was seriously questioned at a later and darker period, to visit Gen. Cos in Matamoros and explain to him the recent affair at Anahuac and assure him of the "adherence of Texas to the general government and its institutions." By what vote this extraordinary action was carried, cannot be stated; but it is certain that it was by a lean majority. The affair at Anahuac was the recent disarming of the garrison at that place by Travis.]

Barrett and Gritten proceeded to San Antonio and after conferring with Ugartechea, Gritten returned for additional instructions; but when he reached San Felipe public opinion had advanced too far. The mission, as ought to have been seen, proved abortive and died a speedy death.

In the meantime, however, as Barrett wrote to the political



LORENZO DE ZAVALA



chief of the Brazos (Dr. James B. Miller), from San Antonio, August 8th, while he and Gritten supposed they were favorably moving the heart of Ugartechea: "Lo, at this auspicious moment, a courier arrived from Gen. Cos, interdicting all communication with the colonies, leaving them to go to the devil in their own way."

It was said the illustrious Cos had received a copy of the Texas-imbued Fourth of July address of Robert M. Williamson, which had caused this order to lock the doors of intercourse with the colonies, until he could unlock them at the head of a sufficient army to overrun the country.

The next day a counter-order arrived from Cos. He had heard of the last conference in San Felipe and their peaceful assurances. Still, something must be done to appease the offended dignity of the nation.

The chief "agitators" must be surrendered to the military to be chastised by the national authorities. Santa Anna, through Tornel, minister of war, so decreed in duplicate orders to Cos.

Since we left Lorenzo de Zavala (the attested friend of Santa Anna in all his struggles as the champion of republicanism from 1822 to 1833), assisting Austin in the conference of the President and his cabinet in October, 1834, that pure and honest patriot had been sent out of the country as minister to France; but, as soon as convinced of Santa Anna's fixed apostasy, he had resigned his mission and sought an asylum on lands already owned by him, on the San Jacinto River, in Texas, strangely enough erecting his domicile in view of the spot where Santa Anna was to be defeated and captured. Wondrous indeed are the ways of that Providence which

"Shape our ends —
Rough hew them as we may."

Santa Anna, actuated by the guilty conscience ever harassing treachery, determined to tear Zavala from his retirement

and wreak vengeance upon him. Through Tornel he so ordered Cos. Cos who passed the order to Ugartechea, who directed the already indignant Tenorio to execute it. This individual's name is perpetuated solely by his surrender with forty men without firing a gun, to Travis with only twenty, and by his connection with this attempt to seize and deliver the pure and faithful Zavala to the mercies of one who felt that his existence was a continuing reproach to his own perfidy.

Tenorio applied to Wylie Martin, acting Political Chief during the inability of Dr. James B. Miller, for the arrest and delivery to him of Zavala. Martin refused because of want of authority. This is greatly to his credit and must not be forgotten should other acts of his provoke criticism. But the conspirators and tyrants — for there were two classes in concert — were not content with wanting Zavala. They wanted possession of Travis, Williamson, Samuel M. Williams, Francis W. Johnson, Baker and a number of others, proving their utter contempt for the right of free speech and their determination to rule intelligence and patriotism by brute force.

At that time there was a spy in the camp at San Felipe, one who had, in a short residence at Gonzales, made a favorable impression, but who now developed the loathsome attributes of a tory and a traitor. This disgrace to our race was known as Dr. James H. C. Miller. It is gratifying to be unable to name the State of our Union which gave him birth, for the commonwealth is not responsible for such involuntary stains upon its escutcheon. This creature was doing the foul work of a spy for Ugartechea. On the 25th of July, following the last conference referred to in San Felipe, he wrote from the latter place to John W. Smith¹ in San Antonio:

¹ It would be unjust to John W. Smith to let this pass without comment. He came to Texas with the family of Green DeWitt in the fall of 1827. He settled in San Antonio, married a Mexican lady and reared a respectable family. He was ever true to Texas and bore one of the last dispatches from

“All here is in a train for peace. The war and speculating parties are entirely put down, and are preparing to leave the country. They should now be demanded of their respective chiefs, a few at a time. First, Johnson, Williamson, Travis and Williams; and perhaps that is enough. Captin Martin, once so revolutionary, is now, thank God, where he should be, in favor of peace and his duty; and by his influence, in a good degree, has peace been restored. But now they should be demanded. The moment is auspicious. The people are up. Say so, and oblige one who will never forget his true allegiance to the supreme authorities of the nation, and who knows that, till they are dealt with, Texas will never be quiet. Travis is in a peck of troubles. Dr. James B. Miller disclaims his act in taking Anahuac, and he feels the breach. Don Lorenzo de Zavala is now in Columbia trying to arouse the people. Have him called for and he also will be delivered up. Williams, Baker and Johnson are now on a visit to him, and no doubt conspiring against the government. Fail not to move in this matter, and that quickly, as now is the time.”

John W. Smith allowed Ugartechea to see this letter of Miller. That functionary, not being able to draw the line of distinction between an American tory and a true American, who can differ in opinion with his brother on a question of expediency and yet die for him on a question of principle, was so far misled by this epistle as to believe the Americans would yield up their countrymen to the tender mercies of drum-head Mexican courts-martial. Such a conception was simply appalling to every Texian who was not, in soul and spirit, a tory. He therefore issued an order to all the Alcaldes of the country, commanding them to adopt all needful measures to secure the arrest of Zavala, Travis, John H. Moore, Jose M. J. Carbajal, Juan Zambrano, Williamson,

Travis, in the Alamo, to the colonies; and rendered valuable services in the Mexican invasions of 1842. It would be dishonorable, knowing them, not to state these facts.

Johnson, Williams and Moseby Baker, and to deliver them to Captain Tenorio, at San Felipe. Carbajal and Zambrano were arrested and sent to Mexico. He informed them that if they refused they would be compromised, and he would send a military force to arrest the parties demanded. Ugartechea, however, was glad to be informed by some person of elastic conscience that the gentlemen sought had all left or were leaving the country, for, after his experience with *Los Americanos* and their rifles at Velasco, on the 26th of June, 1832, he had no idea of risking any ordinary number of his dragoons, on a hostile mission, along the highways of the colonies. Practically, the scheme of arrest ended with this paper fusilade.

In July committees of safety and correspondence, and in favor of a general consultation, were formed in Nacogdoches, San Augustine, Tenaha (Shelby,) Bevil and Liberty. At the meeting in Nacogdoches, Gen. Sam Houston offered a series of resolutions, which were adopted, in favor of the constitution of 1824, but breathing the spirit of liberty and unqualified opposition to military rule. So, step by step, the country was rapidly unifying in opposition to despotism and, though yet unseen by many, drifting into the channel which flowed inevitably into the stream of independence.

There was found at San Felipe a sort of advisory committee, composed of two or three different persons from as many municipalities. It was rather a nondescript organization, composed of men of different views, and though assuming in its later days, the title of General Council, amounted to little, as the people looked to their respective committees of safety, men of their own selection, for information and advice. By the middle of August every municipality had such a committee and all were committed to the election of a convention, under the improvised title of a General Consultation, a title rather facetiously adopted as a tub to the Mexican whale which had a holy horror of a *Convencion*, as meaning revolution, while *Consultacion* with them signified something

like an assemblage of motherly old dames at a tea party. The Texians, practical men as they were, cared little for mere words and kept their eyes on the "substance of things hoped for and the evidence of things not seen."

In July, Ugartechea reached San Antonio with five hundred troops, the first installment of a large force intended by Santa Anna to overrun and overawe the country and expel from it every American who had come in since the iron decree of April 6th, 1830. Captain Thompson, an Englishman, in the Mexican naval service, in command of the armed schooner, *El Correo*, was sent to Anahuac to inquire into the Tenorio affair. Instead of that he assumed the attitude of a vulgar and insolent braggart, violated his orders, captured a vessel floating the American flag, and committed numerous other outrages. The merchant schooner, *San Felipe*, was fitted out under Captain Hurd, who captured both Thompson and his vessel and sent them to New Orleans as pirates, where Thompson was imprisoned some time and then released. He returned to Matamoros and was kind on various occasions to Texian prisoners and, strange to say, became so enamored of Texian character that he abandoned Mexico and became an enthusiastic citizen of Texas.

Thus before the expiration of July there was a general agreement throughout the country to elect on the 5th of October, delegates from each municipality to a general Consultation to assemble in *San Felipe* on the 16th of that month. But, in addition to what had been so generally agreed upon, on the 7th of August, the exiled patriot, Lorenzo de Zavala, published an earnest address to the people in its favor, and on the 15th of August, to place its success beyond all doubt and secure perfect unanimity, a large meeting was held at Columbia, over which William H. Wharton presided and of which William T. Austin was secretary. By this unusually large and talented gathering of the people of Columbia, Brazoria and the surrounding country, it was :

“ *Resolved*, 1. That a consultation of all Texas, through her representatives, is indispensable.

“ *Resolved*, 2. That a committee composed of fifteen persons, to be called a Committee of Safety and Correspondence for the jurisdiction of Columbia, be elected, and that they be instructed to prepare an address to all the jurisdictions of Texas, requesting them to co-operate with us in the call of a consultation of all Texas.

“ *Resolved*, 3. That the committee communicate with all Texas in the most prompt manner, by sending confidential agents to each jurisdiction, and that said committee keep the people constantly advised of all political intelligence of general interest, and that they continue to act until displaced by the people or the Consultation.

“ *Resolved*, 4. That we hold ourselves bound to pay our proportion of all expenses incurred by said committee in sending expresses, printing, etc.

“ *Resolved*, 5. That we invest the Committee of Safety and Correspondence, as our agents, with full power to represent the jurisdiction of Columbia; to use the most efficient means to call a consultation, and to use all means in their power to secure peace and watch over our rights.

“ *Resolved*, 6. THAT WE WILL NOT GIVE UP ANY INDIVIDUAL TO THE MILITARY AUTHORITIES.”

The following gentlemen were selected said committee, viz.: John A. Wharton, Henry Smith, Warren D. C. Hall, Silas Dinsmore, James F. Perry, John G. McNeel, Robert H. Williams, William H. Jack, Francis A. Bingham, John Hodge, Wade Hampton Bynum, Branch T. Archer, William T. Austin, P. Bertrand and Isaac T. Tinsley. William H. Wharton was admitted to the committee.

This action, if any were needed, settled the question, though the people had already resolved in favor of the movement and fixed on the fifth of October as the day for electing the delegates. Through couriers these proceedings were

known and sanctioned, inside of ten days, in every municipality in Texas.

The question of a convention, under the title of "consultation," was therefore irrevocably settled throughout Texas, before the 25th of August, and almost everywhere from ten to twenty days earlier, and the people felt great relief, as the first grand step towards harmonious and organized opposition to the impending despotism had been taken. And while these matters had been transpiring, other steps had been and were still being taken, to organize the people in military companies. Dr. James B. Miller, Political Chief of the Brazos, and Henry Ruez, chief of the Nacogdoches department, had taken every step in their power to accomplish that object. General Sam Houston had been elected commander of the Nacogdoches department and had issued an inspiring address to the people. Every one, excepting such Tories as James H. C. Miller (who speedily departed to parts unknown), felt a new inspiration under the auspicious "signs of the times."

Here it is well to pause and ask the impartial reader to review the overwhelming grounds justifying the people in taking these measures of preparation for the defense of their homes and firesides, their wives and children. No free people known to history ever had stronger grounds for resisting oppression. Yet while this is true, it is equally true that men of intelligence and patriotism often differ widely in opinion, drawing dissimilar conclusions from the same combination of facts. A striking illustration of this truth is found just at this time in a letter from T. Jefferson Chambers to John J. Linn of Guadalupe Victoria, dated San Felipe, August 5th, 1835, in which he says: "I am informed that you are in a great state of alarm, fearful that the general government meditates an attack upon the colonies. This I regret exceedingly, as I am of opinion that your fears are groundless, and have probably proceeded from misstatements and causeless rumors. I have no doubt of the good

disposition of the general government towards us, and it certainly would be bad policy in us to provoke an unnecessary war with a nation which has so generously adopted us as its children. I have no doubt that all the rumors and consequent bad feelings which have been created for a few months past, have been originated by those who have desired to produce difficulties between the colonies and Mexico for particular purposes; and that the whole will pass away in a short time from the bright prospects of Texas, like a vapor from before the sun, if the proper policy be pursued. The intelligence by the last mail was of the most favorable kind. A new Governor had been installed according to the 118th article of the constitution of the State, and tranquillity and peace are again returning. This (Brazos) department and that of Nacogdoches, are determined not to be plunged into an unnecessary war with their adopted brethren, and certainly a revolution by force of arms is not the sound policy which Texas ought to pursue, when she would stand alone against the whole nation, and the war would assume the aspect of a struggle between foreigners and the Mexicans, and whose end would be that all parties would unite against her. Texas cannot, ought not, to dictate to the nation, of which it forms a very inconsiderable part, and the greater part of whose inhabitants were adopted but yesterday, and have scarcely made permanent tracks upon its soil. Therefore, I beseech you, do not involve yourself in needless difficulties, and tranquillize your fears until actual and unprovoked aggression be offered us, when we will unite and defend and sustain ourselves. And rely upon it, if we *wait till then*, we shall have no hostilities."

Seven days after this, Bonilla, Santa Anna's chief minister, wrote that the people of Texas had no rights but such as the nation might confer and that they would be compelled, by force, to submit to any changes in the government which the nation (Santa Anna and the centralists being considered the

nation) might adopt. At that very moment, Cos, through Ugartechea, was demanding a number of the most distinguished and patriotic citizens of Texas to be surrendered to the military and sent to the interior of Mexico for trial, in the language of Santa Anna, for "chastisement." The advance guard of a large Mexican force had been some time in San Antonio, to which frequent additions were made and it was notorious that Cos, with vengeance in his heart, and a large reinforcement with him, was on the eve of arriving. It was moreover declared by the military that they intended to enter the colonies, seize all demanded persons who were not surrendered, and expel all persons from the country who had come in violation of the prohibitory law of April 6th, 1830.

There were not wanting allegations that the writer of this remarkably mistaken and unprophetic letter had great personal interest to influence his judgment in the fact that he was, as has been previously shown, the Superior Judge of Texas, of whom Austin, in 1835, wrote to Barrett: "In 1833, thirty square leagues of land were voted by the legislature to a young man (who had previously received a grant of eleven leagues) as pay for one year's salary as judge." Yet this judge, T. J. Chambers, never held a court. A few months later, however, he tendered his services and a loan to Texas and, by authority of the provisional government, proceeded to Kentucky to raise troops in which he accomplished much, laboring with patriotic zeal to secure the independence of the country. He was simply one of many whose views were revolutionized by the current of events, and whose loyalty and patriotism in the final analysis of war, were questioned by none.

The effect of this letter upon Mr. Linn, to whom it was addressed, was in nowise convincing, as is shown in a letter written by him at Victoria on the 29th of September, to Major James Kerr, on the Lavaca, in which he says:

"Juan Amador has just arrived from Goliad and says that

the Alcalde of that place was struck and whipped in the street by a military officer, for not being able to get carts ready as soon as he wanted them to take those arms and munitions to Bexar. Juan was also insulted as being one of the 'Valientes' of Guadalupe, the soldiers saying it would be but a short time until they would visit us and take what little in money we had, etc. The new officers coming with the arms said that as soon as General Cos could reach Bexar it would be the signal to march for San Felipe. I think it now time to stop Senor Cos and take him prisoner to San Felipe, instead of his taking it. This may be said to be different from what I proposed in Matagorda, but things have changed."

Gritten, the associate messenger of Barrett to Cos, wrote on the 10th of September, from San Antonio, to Major Kerr and Dr. Francis F. Wells, on the Lavaca, sending some papers and requesting their transmission to Matagorda. After apologizing for his non-acquaintance with those gentlemen, he says: "Something ought to be done by the colonies collectively, either to give up the persons demanded or prepare for resistance, as the military authorities assure me positively that troops will march into the colonies whether or not the obnoxious individuals be given up, having for object, as they assert, not to disturb the peaceable inhabitants but the arrest of those individuals, the placing of troops on the frontier at the posts and towns, the support of their employes (the troops) and the preventing of bad characters crossing into Texas from the United States. * * * Military preparations are making for marching into the colonies. Warlike stores and more troops and General Cos are expected to arrive in a few days."

While Gritten developed into an enemy of Texas, these statements proved to be true, although the march into the colonies was defeated by the bold course of the people of Gonzales, three weeks later.

We have now to record the most pleasing and joyful occur-

rence to the people since 1833. On the first day of September, 1835, at the mouth of the Brazos, Stephen F. Austin once more put foot on the land in whose wilderness, on that day, thirteen years and eight months before, he was the first to plant American civilization.

The secondary father of colonial Texas, a restored free-man, though shattered in health, was again at home and gladness covered the land. Exactly when or under what circumstances he was released, cannot be stated, for his promised full report of his mission to the people, from the rapid succession of events during the short remainder of his life, seems not to have been made, and no writer, so far as known to the author, has ever given these facts. A suggestion by one biographer that he was released under an amnesty act passed early in 1835, is negatived by the fact that that act was strictly limited to native Mexicans, a clause to which the legislature at Monclova objected, demanding that it should apply to the colonists of Texas. It seems more reasonable and in the nature of things, that when Santa Anna found nothing further to be gained in furtherance of his schemes by Austin's longer detention, he allowed him to return home; and as he came by sail to New Orleans and thence in like manner to Texas, he probably left the city of Mexico in the last ten days of July, about two years and a month after his arrival there and seventeen months after his first imprisonment, while his entire absence from Texas, from about May first, 1833, to September first, 1835, covered two years and four months — twenty-eight months of portentous interest to Mexico and to Texas.

CHAPTER XXX.

Complications in regard to Robertson's colony — The bitter attacks of Robertson, in final analysis, misleading, as Austin had no control in management.

It must be borne in mind that while nearly fourteen years had been added to the scroll of time since Mr. Austin began colonization in Texas, he had in fact been only about ten years in the country, the remainder of the time being consumed in his two prolonged trips to Mexico. Hence it is the more remarkable that the affairs of his colony were managed with such great skill and that he enjoyed in such an unusual degree the confidence and esteem of his colonists. That he was ably assisted and sustained by his secretary, and in one grant his partner, Samuel M. Williams, we have his own assurances and the testimony of their contemporaries. His controversies in regard to Robertson's colony, and his course in regard to Edwards' colony, to a certain extent, built up prejudices and bitter opposition to him. It was claimed by Sterling C. Robertson, and believed by many that he (Robertson) had been outrageously treated by the State government, on false and malicious grounds; and that when the Governor declared his contract, as successor to Robert Leftwich (the original empresario), and the Nashville company (which held under Leftwich), forfeited and annulled, it was wrong in Austin, then being a member of the legislature, to secure the transfer of the colonial privilege to himself and Samuel M. Williams. The complication was increased, when, a little later, this action was rescinded and Robertson's rights restored; and yet still more, when still later, the latter act, without apparent cause, was



STERLING C. ROBERTSON
(*Empresario*)

abrogated and Austin and Williams re-instated. It is shown, however, that Robertson introduced over two hundred families and finally received the corresponding premium lands; that he was among the delegates who signed the Declaration of Independence and was in the first senate of the republic and also a member several years later, abundant evidence that he possessed the confidence of his fellow-citizens in the colony, then (after the Republic was established) known as Robertson and Milan counties, now embracing eight or ten counties. On the other side, on the second of December, 1836, only twenty-five days before his death, in a written communication to the first senate, of which as stated, Robertson was a member, Austin gave his version of the whole matter. He claimed that the government had lost confidence in Robertson and ordered his expulsion from the country; that he intervened in his behalf at one time and had his rights restored; and finally, when Robertson's case became hopeless, as a means of protecting his own colonists below by settling the country above, he sought and obtained for himself and Samuel M. Williams, the right to colonize an immense country, covering the country from the Colorado to near the Trinity above the San Antonio and Nacogdoches road. There is another side to this question. The original grant was to Robert Leftwich for the Nashville company, granted April 25th, 1825, and allowed six years in which to settle eight hundred families. In 1827 it was confirmed to the Nashville company. Time passed. In 1830 Major Sterling C. Robertson, as the assignee and successor of Leftwich and the Nashville company, arrived (on a second trip to the country) with about two hundred families; but through the intrigues of others, the contract was annulled by the Governor and the families virtually denied the right of settlement. Some of them, at the request of Austin, settled in his colony. The story is a long one and cannot be given in full; but, justice to Major Robertson and his descendants in Texas, demands a

brief recapitulation. He was a grandson of General James Robertson of the revolutionary army, a Virginian, and in his veins flowed the blood of the Monroes and Randolphs. General James Robertson was the first settler of middle Tennessee and the founder of Nashville, and is honored in the annals of that State as, in the highest degree, a noble man and patriot. His Texas grandson, feeling himself wronged in regard to his colony, made a determined fight to secure his rights and defend his reputation. To this end he sought and procured the warm testimonials of numerous persons and presented the same to the Governor of Coahuila and Texas. These testimonials, in the original Spanish, are among the archives of Coahuila in Saltillo. Certified translations of them, procured in 1869, and two or three years ago were placed in my hands. I condense the substance of a number of documents that throw light on the controversy: —

“ MOST EXCELLENT SIR: Sterling C. Robertson, a member and agent of the Nashville company organized to colonize lands in the department of Texas, respectfully shows your Excellency that he is entitled to have a certified copy of the petition of Mr. Stephen F. Austin, in which he asks the confirmation of his last contract in which are included the lands of said Nashville company and other documents, which are the occasion of his solicitude. * * *

STERLING C. ROBERTSON.”

Monclova, March 22, 1834.”

The first document, certified by Thomas Bassett, Alcalde, San Felipe, December 17, 1830, is a power of attorney from Samuel M. William to Stephen F. Austin, to represent him in getting a colonial grant above Austin's colony.

The second document, dated February 4, 1831, is the application of Austin, for himself and Williams, to settle eight hundred families within the following bounds, which included

and swallowed up the colony of the Nashville company, or Robertson's colony, viz.:

Commencing on the left bank of Lavaca Creek, ten leagues from the coast (now in Lavaca County), thence up said creek in a westerly course to its head; thence in a direct line to the northwest to an intersection with the Bexar and Nacogdoches road, known as the upper road and following the same in a northeast course to the Colorado River (*i. e.*, Bastrop), thence up the right bank of said river to the mouth of the Brazos Salado, or Colorado, which enters about fifteen leagues above the mouth of Pecan or Nueces River [this point can only be the mouth of the main Concho. The designation given as Brazos Salado, is an absurdity]; from the mouth of said Brazos Salado, in a direct line northeast to the ridge dividing the waters of the Brazos and Trinidad (Trinity), and following said ridge to the southeast to the main heads of the San Jacinto River; and thence down the meanderings of this river to a line ten litoral leagues from the coast; thence following said line westerly to the place of beginning.

As before said, this vast territory embraced the lands of Robertson's colony, and hence arose the trouble. The special features of the grant need not be stated, except that exceptions, or exemptions, were made in regard to some prior local grants and it was not to attach to Robertson's grant till the assumed expiration of his contract on the 15th of the following April, two months later, which, however, Robertson disputed, as the State had most unjustly interfered with his effort to fulfill his contract.

The next document, dated San Antonio, March 29, 1831, is an order from Ramon Musquez, Political Chief, for the expulsion across the Sabine of all families introduced by Robertson since Bustamente's tyrannical decree of April 6, 1830.

The next is an offer by Samuel M. Williams to receive these exiled families in Austin's colony. But why, if they came in violation of the tyrannical edict of Bustamente,

should Austin any more than Robertson, be allowed to receive them?

The next is a power of attorney from H. H. League, empresario of the Leftwich, Nashville, or Robertson colony, appointing with full powers, Sterling C. Robertson as agent of the colony, dated October 10th, 1830.

The next is an application by Sterling C. Robertson to Walter C. White, acting Alcalde, to take testimony proving that he had complied with the law. His request was granted and the testimony (December 6, 1831) taken as follows:

Diadem Millican gave the names of sixty-one persons known to him personally who had been introduced by Robertson and forty-nine of them before the decree of April 6th, 1830. On December 22, 1831, Daniel Millican made a similar affidavit, covering numerous other names.

On the 2nd of January, 1832, before Horatio Chriesman, Alcalde at San Felipe, John S. Black gave similar testimony and a list of the settlers.

Levi Bostick, James Bostick, Henry Tisdale, George Taylor, James B. Martin, Elmelech Swearingen, Robert Cunningham and Wm. L. Sorijo, all testified to the same general facts, showing that in the aggregate, Robertson had introduced over two hundred families.

Then follows the sworn statements of Joseph Scott, Samuel Arnold, Alexander Thompson, Samuel Herndon, Jesse M. Coano, Henry Applewhite, Socrates Moseley, R. Williams, all taken separately, but all agreeing in the substantial facts in vindication of Major Robertson and each giving a list of the settlers introduced according to his personal recollections.

The next translation is the testimony of William Pettus, then known throughout Texas as Colonel Buck Pettus, of San Felipe, who, on the 15th of December, 1831, before Horatio Chriesman, Alcalde, and Ira R. Lewis and John H. Money, attesting witnesses, in substance, testified that he was forty-six years old; that he was well acquainted with Sterling

C. Robertson and knew a good deal about the grant made by the government to the Nashville company of which he (Robertson) was a member; that said company in 1826 employed an agent to attend to organizing said colony and settling the colonists in the country, that quite a number of families did settle in the colony in 1826 and that they told him they had done so, but that the said families afterwards joined the colony of Austin, as they told the affiant, by the persuasions of Stephen F. Austin. In 1830 Sterling C. Robertson came as agent of said colony, bringing with him a great number of families, and told him (Pettus) that he had contracted with about three hundred families, who would arrive here in a very short time, and he soon after saw a large number of families arrive, who informed him that they had come to establish themselves in that colony, but who afterwards settled in Austin's colony. Being asked what part Stephen F. Austin had taken in this business, he replied, that being anxious to have said colony settle for greater protection against the Indians, he went with said Robertson to see Colonel Austin to solicit his assistance and kindly offices in procuring from the government an extension of time in which to settle the affairs of said colony; that Colonel Austin appeared to take great interest in the matter and promised to make every effort to assist in said colonization scheme. That Austin went to Saltillo, under authority (as a member of congress) and before his return word came back that Austin had secured said colony for himself. Pettus continued: "Your declarant, not believing that Austin would act so perfidiously, took the liberty of denying said rumor positively; and on his return, your declarant asked him if he had done so, which Austin denied and continued to deny till the following autumn, when he himself and his secretary (and in this affair his partner), Samuel M. Williams, published the truth from their office,

stating that orders had arrived to expel said Robertson from the country. Your declarant went and inquired into the truth of this; but Colonel Austin pledged him his word that he would use every possible means to get said order revoked. Afterwards your declarant was informed that no such order had ever existed, but only to expel eight or ten families brought by Robertson during the following autumn. When Austin had made known the fact that said colony had been turned over to him, your declarant asked him why he had been denying it, and he said that there had been great difficulties produced by said Robertson, and he hoped that he would abandon the country and he (Austin) would then be able to better serve said families." Being asked how long he had been in the country and if he knew that Austin had brought any families into the country at his own expense, and if Austin had been in the habit of selling the land to the settlers, said Pettus answered: that he had come to this country, when it was first established (*i. e.* 1822); that he had paid his own expenses; that he did not know a single settler whose expenses had been paid by Austin; and that he believed they all came at their own expense. "At the commencement" he testified, "they were charged a bit ($12\frac{1}{2}$ cents) an acre and afterwards \$550.00 for a league. Later the price was lessened and remained until now \$60.00 a league, exclusive of surveyor's and commissioner's fees, and the price of making out the papers, seal, etc.; and often after receiving the money from the colonists for the land and promising them certain tracts of land, they had been swindled and the same land given to other parties who would also pay for the same. These facts can be proven by hundreds of persons * * *

"WM. PETTUS.

"Sworn to before Horatio Chriesman, Alcalde, and Ira R. Lewis and John H. Money, attesting witnesses."

Under date of San Felipe, February 6th, 1834, the following official paper was sent:

“ *To His Excellency the Governor of Coahuila and Texas:*

“ The corporation of the municipality of Austin respectfully state that on February 5th, 1834, Sterling C. Robertson whom we know to have been the agent and a member of the Nashville Colonization Company of the State of Tennessee, United States of North America, solicited this body to take some steps to investigate the status of said colony touching the contract made with said company to colonize in this country and receive a grant of land in the province of Texas originally conceded 15th of April, 1825, to Robert Leftwich, and confirmed to said company by the free State of Coahuila and Texas in 1827. This council in compliance with said petition, having carefully examined into the facts and the evidence which has been presented to them and having carefully examined into the rights of said company as to said land grants, forward the following information to your excellency, accompanied with the proofs obtained by us, or made to us. That this council, in accordance with the facts laid before it, by Sterling C. Robertson, relating to said Nashville company, is of the opinion that said contract was not forfeited or violated by said company; but that prior to the passage of the law of April 6th, 1830 (forbidding the further immigration of North Americans into Texas), said Robertson had introduced with the object of colonizing in the lands of said Nashville company, at least one hundred families, which, according to the opinion of this body, under article eight of the colonization law of March 24th, 1825, was a fulfillment of the contract as far as said one hundred families were concerned. That this body is of the opinion that when the law abolishing article eleventh of the law of April 6th, 1830, took effect, said company possessed the privilege or right of one year in which to fulfill their contract from the

date of the abolishment of said article eleven since the effect and operation of said law was opposed to said contract. Said Robertson was prohibited positively, by an order from his excellency, General Manuel Mier y Teran from settling the families that he had introduced. That by the industry, perseverance and indefatigable labors of said Sterling C. Robertson, in his efforts to establish said Nashville company, he had gained the general and universal admiration, not only of the public but of this body; and we are all satisfied that a very great majority of the people of Texas anxiously desire that he be recognized as the head of said colony. * * *

God and Liberty.

San Felipe de Austin, February 6, 1834.

ROBERT M. WILLIAMSON, *President*.

WM. B. TRAVIS, *Secretary*."

"Petition directed by Sterling C. Robertson, member of the Nashville Company, and agent of Hosea H. League, manager of the same, to the Honorable Congress:

"Sterling C. Robertson, member of the Nashville Company, or Colonization Association of Texas, and agent of Hosea H. League, manager of said company, with the most profound respect, presents the enclosed petition to your Honorable Body. The Nashville Company has ever desired to introduce and establish in the department of Texas the colonists stipulated for, and to fulfill in every particular the contract concluded with the government of this State on October 15th, 1827, and to promote the interests of the country in agriculture, manufacturing enterprises, arts, etc., and to increase the population, and to make this the permanent home and country of its relatives and friends, and, under the beneficent and liberal laws of the Government born of this new Republic, has directed all its efforts and indefatigable energies to these laudable ends.

"But, after having spent about \$32,000 in this business, it

finds that all its efforts have been interrupted and frustrated by an uninterrupted course of misfortunes and intrigues and unforeseen opposition and by the rascality and perfidy of agents and deceitful friends which this company could neither control nor direct.

“ The troubles this company had with its first agent, Robt. Leftwich, are too well known to the Supreme Government to be referred to here. It suffices to state that they were great and costly. Afterwards, when Hosea H. League was appointed agent of this company and made manager of the same by the Government, the association, animated with renewed hopes, made great preparations to fulfill its contract with the government. But another misfortune soon befell it. The agent was accused, in Austin's colony, with being accomplice to a homicide and was imprisoned and guarded for the long space of sixteen months, suffering rigid and bitter persecution, until the people, outraged at the violation of the law and justice, and seeing no other remedy, presented the Alcalde with a petition with 600 or 700 signatures, asking his release from prison.

“ This persecution was so bitter and unreasonable that the Alcalde could do no less than look upon it as a strange and unwarranted thing. Meanwhile the association, in the autumn of 1829, dispatched your humble servant to your Honorable Body with a number of families. On entering the country he encountered great difficulties, the Military Commandant at once demanding their passports, which unfortunately, some of the families did not have, the Mexican colony being nearly three hundred leagues from the point from which they started. Others did not consider passports necessary, thinking our contract sufficient, having observed that a simple certificate from Colonel Austin sufficed to admit persons coming into his colony. And was it not natural to conclude that the laws of the country were open alike to all? I obtained a license from the Military Commandant of Tenoxtitlan to remain on the

boundary of our grant while I explored the country and selected the most favorable point for a settlement, hoping to receive a resolution from His Excellency, General Teran, and from the Government, that I flattered myself would be favorable. On my return I found the response from the Government, stating that they hoped our colony would remain and that they were desirous of having it do so. Thus favored with the protection of the Government and the good-will of the Commandant at that point I arranged everything for the comfort of the families that I had introduced into the country, and returned to the United States of North America in December of that year, 1829, in order to bring out other families. Early next year I introduced directly, or indirectly, into the country, over three hundred families. I also contracted with many families living near our frontier to transfer them to our colony, so that if no impediment had been thrown in the way we would have established at our own cost and expense almost the total number of 800 families, being the number stipulated in our contract.

“ But shortly before my arrival I received notice, for the first time, given in the law of April 6th, 1830. Many families had already arrived and all of them had sold their effects and disposed of their homes and left their friends and native land. What could they do? To return was ruinous. Confiding in the kindness and good faith of the Government, in the contract they had made with us and in the important principle in the constitution prohibiting the passage of a retroactive law violating the obligation of contracts, they came to this country with all their property and their hopes. It is difficult to express the surprise, confusion and desperation of these families, when, after arriving, they learned that they were expelled from the country and would not be permitted to settle in it. It was utterly incomprehensible to me. Having returned from Tennessee to bring out other families, assured by the authorities of the country of the protection of the

Government, believing and knowing that we had a contract with it in almost exactly the same words as the one made with Colonel S. F. Austin and that settlers from the United States of North America were admitted almost daily into the colony of that gentleman, under the principle that the contract with him was made previous to the passage of the act of April 6th, 1830; and knowing also that ours was made prior to his and that we had commenced the settlement as early as 1826, I was confounded, and not until long afterwards, did I know that all this was occasioned by false information given to the Government in this business. In a visit made by me to His Excellency, General Teran, he informed me that notice had been given the Government that we had brought only eight families into the country (see the enclosed statements). Its falsity you will see from the statements accompanying this and the memorial from the illustrious council of San Felipe de Austin upon this matter. In this state of our affairs, with such a great number of families introduced and denied the right of settlement in conformity with our contract, sustaining immense expenses, scattered and terrorized by false rumors, set afloat to induce the settlers or immigrants to deny that they were from Tennessee, I presented myself to Mr. Austin, soliciting his intervention and kindly offices with the Government in our favor, ignorant of the language of the country, and the fact that he was the cause of all our misfortunes.

“ This gentleman, pursuing the same insidious policy that had ever characterized his nefarious and perfidious designs, received me with smiling countenance, and promised me upon his word of honor, before witnesses (see enclosed statements), to use all his influence to obtain from the Government permission for the settlement of said families in our colony, and a prolongation of the time in which to fulfill our contract, occasioned by the difficulties we had before labored under with the Government and authorities of the country. Knowing

that he had just been elected a deputy to the sovereign congress of the State, and informed of his great and almost infallible influence with the Government (a thing which made him so despotic with these unfortunate people), we consoled ourselves with the hope of being able to obtain the protection of the Government by means of his interposition. But what was his conduct after compromising his honor? Before the expiration of the time given for the fulfillment of our contract, he succeeded in engrafting our colony with the one he had obtained for himself. His friends denied this perfidy and he himself on his return also denied it until the fact was made public by the parties who had seen his contract with the Government. After this he confessed that he had denied it on account of the difficulties of the position in which he was placed and that he had hoped that I would meanwhile leave the country, disgusted with so many obstacles (see the declaration), using every artifice to cause me to flee the country, menacing me with disgrace and punishment from the Government, stating that he had an order for my expulsion; that if I went away he would provide for the necessities of the unfortunate families and receive them into his own colony (see the declaration).

“ Thus has Mr. Austin ever advanced his own interests by the labor of others and prospered by their misfortunes. We had introduced about 300 families into the country within the time allowed by our contract commencing as early as the year 1826, undergoing immense expense and fulfilling both the spirit and letter of the colonization laws of 1824 and March, 1825. But we were not permitted to settle them in our own colony (see order No. 1 from the Political Chief), and we have had no reward whatever.

“ Mr. Austin never introduced a single family into Texas at his own expense, and settled his colonies with families excluded from the contracts of the empresarios by article 16, of the aforesaid law, and with those introduced by us and

other empresarios, thus failing to comply with articles 8 and 12 of the aforesaid law (see declaration No. 9). But it is notorious that Mr. Austin was allowed to receive families that we were prohibited from introducing as can be proven by letters seen by various persons written by General Teran about this matter.

“ We have been at immense expense in complying with the law and been denied the privilege of settling our colony according to contract; while Mr. Austin, who has never spent a dollar in introducing families, but on the contrary has always sold the lands to settlers in his colonies (see declaration No. 9) has been made large grants of land.

“ We have administered to the necessities of our colonists at our own expense, while Mr. Austin has sold the lands to his, and after receiving the money has taken the land from them and sold it to other parties at new prices (see declaration No. 9). We lost our colony and Mr. Austin acquired his from it. We complied with our contract before the expiration of the time agreed upon with the Government, and one month and eighteen days before the termination of our contract Mr. Austin had contracted with the Government for it. We made great efforts to fulfill the contract and increase the population of the country. Even before receiving the contract with the Government, Mr. Austin had made arrangements to make a private speculation with it and afterwards sold it for \$6,000 (see declarations 8 and 10). He is still making a speculation of it, selling land grants at \$50.00 a league to purchasers, giving the Government-title to it (see declaration) instead of using the lands to get the country settled up, and enriching himself at the expense of the State and its citizens and perverting the colonization laws and especially the additional article of instruction to the commissioner and its legitimate and generous intention, and disgracefully abusing the latter part of article 9 of his contract which he had inserted with this premeditated end

in view. Is it just for us to lose our rights that he may secure his base ends? Does justice demand the sacrifice of all our labor, property and affairs in order that an interested party, through false and lying statements, may secure it all by his wicked practices? I will recapitulate to your Honors the established facts proven by documents I have the honor to present, which I vow and obligate myself to prove at any time and place it may be necessary.

“On April 15th, 1825, there was a contract of colonization made by and between the Supreme Government of this State and Robert Leftwich for the Company of Nashville, to introduce 800 families into a colony the boundaries of which were marked out in said contract according to the colonization law of March 24th, 1825. Within six years from the date of the contract, which would terminate April 15th, 1831 (see the contract). And early as 1826 we had settled some families in our colony (see declaration). Before the passage of the law of April 6th, 1830, we had introduced over 100 families (see memorial of the Illustrious Council of San Felipe). Before the expiration of our contract we had introduced into the country over 300 families (see declaration). The first families we introduced were expelled by the Mexican authorities, as I believe, through false information given by Messers Austin and Williams (see the order from the Political Chief of Texas, from the office of Mr. Williams, to the Alcalde of San Felipe). Some of these same families were afterward incorporated with Mr. Austin's colony under a contract made by him with the government, almost at the same time ours was and by virtue of the same law (see declaration and official statement of Mr. Williams). How could the law of April 6th, 1830, be construed against us and in Mr. Austin's favor at one and the same time? On February 25th, 1831, Austin, for himself and Mr. Williams, closed a new contract with the Government for the grant of an immense tract of land, including within its limits the whole of ours and the

time for the expiration of ours did not come for one month and eighteen days after Mr. Austin closed this new contract with the Government. At the same time Mr. Austin was working to obtain this contract he had his word of honor pledged to the Nashville Company to ask for the appointment of a commissioner and the extension of the time for fulfilling their contract, on account of the obstacles placed in our way by the authorities (see declaration No. 9). These gentlemen procured this new contract without doubt by abusing the confidence of the Government and the false information they gave it, since article two of the same explicitly declared that it was made with the intention and understanding that the Nashville Company had absolutely failed to comply with any part of its contract.

“From these undeniable facts it appears to me that the following consequences incontestibly result: That the contract made with Austin and Williams, February 25, 1831, is void as far as the lands of the Nashville Company are concerned, for two reasons ; it was void *ab initio*, because it could not be made while there was another contract in existence at that time for the same lands. The Nashville Company could not lose its rights until its contract expired, because, although they might not have introduced a single family until the last day of their contract and then brought in the full 800, it would have been a complete fulfillment of their contract and none could be made with any one else till then.

“It was void also because it was made under a supposed mistake and error, which was that the Nashville Company had not complied with a single part of their contract (see art. 2nd of the contract). There is no doubt but what the Government was cheated by the false statement of these two gentlemen.

“It is a fact also that the Nashville Company have an unquestioned right to establish the 100 and more families which they introduced before the passage of the prohibitory law of April 6th, 1830, and with this exception I ask the

Supreme Government to appoint a commissioner to place them in possession of the lands due them.

“ And finally, it appears to me very unjust for the time to be counted against me while the Mexican authorities kept us from doing anything, being one year and nine days, and this while our families were coming in every day, and in consequence of it many of them had to hunt homes in other colonies and many were admitted into neighboring colonies by these same authorities. In consequence of all the foregoing, I ask your Honorable Body earnestly, without soliciting a prolongation of our contract, to assert our rights and to declare the contract of the partners, Austin and Williams, celebrated the 25th of February, 1831, null and void, so far as the lands granted our colony are concerned; that the families introduced by our Company before the expiration of our contract be settled in our colony, and, if you think it right and just, that your Honors extend the time for the termination of our contract for one year and nine days for the time which the Mexican authorities prevented us from entering on our lands. I believe that I have asked nothing of an extravagant nature nor anything more than pure justice in my petition.

“ I am well aware of the many instances, not only of rigorous justice, but also of great generosity, shown by your Honors in cases analogous to the present. We believe confidently that your Honors will not deny the justice of our cause, and that, not only our colonists, but all Texas will see that justice will be meted out alike to all.

“ Therefore, I supplicate your Honors to grant my petition so that we may get justice.

“ Monclova, April 2, 1834.

STERLING C. ROBERTSON (L. S.)”

“ I further state: In case that you may not be able to decide upon matters during the present session on account of lack of time for investigation, that I trust your Honors will

suspend the aforesaid contract of the partners, Austin and Williams, as far as the lands of the Nashville company are concerned, until you reach a final decision, as this appears to me to be no more than is justly due us.

S. C. ROBERTSON (L. S.).”

“ *Most Excellent Sirs:*

“ Sterling C. Robertson, a member of the Nashville Company, organized to establish a colony in Texas, and agent of the empresario of the same, Hosea H. League, with the most profound respect represent to Your Excellency that said company desirous always of complying in every respect with the contract made by it with the Government on April 15, 1825, to introduce 800 families on the lands designated by said contract, as early as the year 1826 had introduced some families and before the passage of the prohibitory law of April 6, 1830, had introduced over 100 families as shown by the sworn documents accompanying this memorial. After the passage of said law they introduced many more families but neither the first nor the last families were settled upon our lands or in our colony according to the contract made with us, on account of orders issued prohibiting the same and expelling them from the country. Notwithstanding all this, they never left the country and are found to-day scattered in various places in the department of Bexar, without homes or lands, awaiting the final action of Your Excellency. Mr. Austin, being deputed by the congress of the State and about to go to the capital, promised me, upon his word of honor, to secure the appointment of a commissioner for the Nashville company to put the families belonging to the same in legal possession of their lands, and also to solicit an extension of time to fulfill our contract, on account of the obstacles and difficulties placed in our way by the Mexican authorities; but, oblivious of the good faith which should ever actuate all right minded men, and depising those principles of honor which are

never forgotten only by the perfidious and evil, he blinded the Government with false information, causing them to believe that we had never taken a single step towards the fulfillment of our contract. And the result was, that with these false, insidious statements he succeeded in securing our colony for himself and his companion in iniquity, Samuel M. Williams, which he accomplished on February 21, 1831, celebrating with the Government a contract which included all the lands of our colony. But this last contract was void ab initio, because the Government could not contract these same lands to others while there was a contract pending with us, and although we might not have introduced a single family until the day that our contract expired, and on that day brought in the 800, our contract would have been legally fulfilled and the Government could not have disposed of the lands until, as it appears to me, that day was past, not even if we had introduced a smaller number than the 800. But the contract of said partners is void because they obtained it through false and perfidious representations, and the Government granted it, acting upon an erroneous and mistaken knowledge of the true facts, which were, that we had never taken the first step towards fulfilling our contract, as can be ascertained from article 2d of the contract made with the partners, Austin and Williams, all of which is proven by the accompanying documents. In consideration of all this I earnestly solicit the appointment of a commissioner by the Government to legally place the 100 and more families introduced by us previous to the passage of the prohibitory law of April 6, 1830, in possession of the lands due them under the contract. I also entreat your Excellency to transmit this petition and the accompanying documents to the Honorable Congress and recommend their favorable consideration, and that they may please to declare the contract made with Austin and Williams null; also that all the families introduced by us after the passage of the prohibitory act of April 6, 1830, may be

established in our colony according to the stipulations of our contract and the proper colonization laws.

“I entreat Your Excellency to grant my petition so that I may receive justice.

“Monclova, April 2, 1834.

STERLING C. ROBERTSON, (L. S.)”

“This is an exact copy of the original as it exists in the archives of the Government (Secretary's office) from which this copy was taken by request of Don Andres E. Carruthers, by order of the Citizen Governor. And, in order that the parties interested may secure the benefit desired to be procured by the archives or records.

“I hereby subscribe myself in Saltillo, capital of the State of Coahuila of Zaragoza on this the 29th day of September, 1869.

J. SARAPIO FRAYOSO, *Secretary.*”

“CONGRESSIONAL HALL OF THE FREE STATE OF COAHUILA
AND TEXAS.

“*Most Excellent Sirs:*

The Honorable Congress in session on the 24th of this month have seen fit to submit to Your Excellency the resolution passed by them in regard to the colonization laws as applying to the statements made by the Empresario Sterling C. Robertson, and the documents accompanying them presented by him, and we have the honor to communicate to Your Excellency for your information and other purposes, our adjustment of said matter, and we reiterate our high consideration and appreciation to your Excellency.

“God and Liberty and Federation.

“Monclova, April 26th, 1834.

JOSE JESUS GRANDE, D. S. (L. S.)”

MARIA DE URANGA, D. S. (L. S.)”

“ *To His Excellency, Gobernador del Estado:*

“ In fulfillment of the order communicated to me by the Honorable Congress, dated April 26th of this year, after having examined the statements of the stranger, Sterling C. Robertson, and the documents accompanying it, knowing that the contract with the partners, Austin and Williams, made with this Government, February 25, 1831, was merely conditional, nor could it be otherwise with regard to the land set apart for the Nashville Company, and in virtue of the information furnished by the council of San Felipe de Austin, to the effect that said company had introduced at least 100 families prior to April 6th, 1830, in accordance with instructions and decree of the Government I will make the following dispositions :

“ First. This government considers void the Austin and Williams contract so far as the same embraces the lands granted to the Nashville Company, spoken of in article 2nd of said contract, the interested parties being able to deduce the concessions granted them in each contract, and the Government will designate other lands equivalent in value to be set apart to Austin and Williams, provided there is not a sufficient amount of land left within the limits of their colony to supply the families they have obligated themselves to introduce.

“ Second. The families introduced by the Nashville Company before the termination of their contract should and ought to be settled on their lands.

“ Third. The limits designated for the Nashville Company's land are just as stated by article 20 of the disposition made by this Government in the presence of Citizen Stephen F. Austin, on October 15th, 1827.

“ Fourth. The families introduced into said colonies at the expense of the partners, Austin and Williams, will be protected in the possession they have acquired legally and this will not release the contracting parties from the number of

families they have agreed to introduce, although they may adjust their difficulties in regard to changing settlements.

“Fifth. Certified copies of the foregoing will be sent the parties interested for their information.

“Monclova, May 22d, 1834.

VIDAURRI. (L. S.)”

“JOSE MARIA DEL VALLE, Official. (L. S.) (L. S.)”

“SUPREME GOVERNMENT OF THE FREE STATE OF COAHUILA
AND TEXAS.

“*Most Excellent Sir:*

“The citizen, Sterling C. Robertson, a member of the Nashville Company, organized for the purpose of establishing a colony in Texas, and agent of the empresario of said Company, with the most profound respect, represents to Your Excellency that having already introduced a considerable part of the families contracted for by our Company and desirous of rapidly fulfilling completely our contract made with the Government, and according to the last disposition made of this matter and to augment the industry and prosperity of the people, I entreat Your Excellency to appoint a commissioner to expedite the titles to the settlers as they properly are entitled to them according to the laws and our contract. I trust Your Excellency will confer said nomination upon Citizen Wm. H. Steele, if you consider him worthy the confidence of the Government. I hope Your Excellency will respond to my solicitation and that I may receive justice and favor.

STERLING C. ROBERTSON. (L. S.)

Agent of the Colony.”

“Monclova, May 22d, 1834.”

“MONCLOVA, May 24th, 1834.

“In response to the above petition, the Government hereby appoints Citizen Wm. H. Steele, Commissioner for the colony

contracted for by the Nashville Company, who will proceed to discharge this commission in accordance with the law governing subaltern-commissioners of March 26th of this year, and in accordance with the requirements necessary to be observed with the Commissioner-General of Bexar, and a copy of the above named law with this decree inserted, forwarded to the Commissioner herein appointed so that he may be informed of his appointment.

(Vidaurre. L. S.)

JOSE MARIA FALCON, 2d Officer (L. S.)”

CHAPTER XXXI.

More in Regard to Robertson's Colony.

The version of Major Robertson has thus been given. He uses terms of bitter denunciation, which must be lamented. It has been stated that Austin's long detention in Mexico left Williams in charge. In fact, from April, 1833, to the beginning of hostilities in 1835, and, during that period, until the end of all colonial contracts, Austin had no means of participating in the management.

On the 20th of April, 1833, on the eve of leaving for Mexico, Austin wrote James F. Perry, saying:

"I made an arrangement with John Austin and Williams as to the upper colony, above the San Antonio road, and what is made out of that colony is to be equally divided between us. Williams is to attend to the business, but nothing is to be done contrary to law or the true interests of the country. That is, there is to be no kind of wild speculation. My object in this is more to have the business attended to and that wilderness country settled, than to make a speculation." These were Austin's statements privately written to his brother-in-law at the last moment before his departure on that momentous mission to Mexico, in which he was to be so long immured in a dungeon because of his fidelity to Texas.

On the eve of Austin's departure for the United States, with his colleagues, William H. Wharton and Branch T. Archer, on the 17th of December, 1835, Austin wrote Mr. Perry saying:

"As regards the upper colony I have never received one cent. I have had nothing to do with it. My name has been

used for the benefit of others, and I have received all the abuse and calumny. Williams knows all about it.”

On December the 24th (same year) still detained at the mouth of the Brazos, he wrote Mr. Perry :

“ * * * I have never received one cent out of any of the proceeds of the upper colony, and I know nothing about it and have had nothing to do with it.”

It must be borne in mind that from June, 1833, to September, 1835, Austin was in Mexico, over half the time an actual or quasi-prisoner suffering for Texas, and that his partner, Samuel M. Williams, in these complications with Robertson's colony, was in charge of the business and was present at the State capital during a part of the time. He represented his own case to the government, but they, as is shown, decided in favor of Robertson. The final result was that the settlers received their lands and the contractors their premium lands.

On the first day of September, 1835, Austin arrived at Velasco at the mouth of the Brazos. The whole country, including as well those who differed with his views and lacked confidence in his capacity for leadership, rejoiced at his safe return. A dinner was given him on the 8th of the month at Brazoria, attended by men of all shades of opinion. In his address, often since published, he said :

“ I fully hoped to have found Texas at peace and in tranquility, but regret to find it in commotion ; all disorganized, all in anarchy, and threatened with immediate hostilities.

“ This state of things is deeply to be lamented ; it is a great misfortune, but it is one which has not been produced by any acts of the people of this country ; on the contrary, it is the mutual and inevitable consequence of the revolution that has spread all over Mexico and of the imprudent and impolitic measures of both the general and state governments, with respect to Texas. The people here are not to blame, and cannot be justly censured. They are farmers, cultivators of the soil, and are pacific from interest, from occupation, and

from inclination. They have uniformly endeavored to sustain the constitution and the public peace by pacific means, and have never deviated from their duty as Mexican citizens. If any acts of imprudence have been committed by individuals, they evidently resulted from the revolutionary state of the whole nation, the imprudent and censurable conduct of the State authorities, and the total want of a local government in Texas. It is, indeed, a source of surprise and credible congratulation, that so few acts of this description have occurred under the peculiar circumstances of the times. It is, however, to be remembered that acts of this nature were not the acts of the people, nor is Texas responsible for them. They were, as I before observed, the natural consequences of the revolutionary state of the Mexican nation; and Texas certainly did not originate that revolution, neither have the people, as a people, participated in it. The consciences and hands of the Texians are free from censure and clean.

“The revolution in Mexico is drawing to a close. The object is to change the form of government, destroy the federal constitution of 1824, and establish a central, or consolidated, government. The States are to be converted into provinces. * * *

“The federal constitution of 1824 is about to be destroyed, the system of government changed, and a central or consolidated one established. Will this act annihilate all the rights of Texas, and subject this country to the uncontrolled and unlimited dictation of the government?

“This is a subject of the most vital importance. I have no doubt the federal constitution will be destroyed, and a central government established, and that the people will soon be called upon to say whether they agree to this change or not. This matter requires the most calm discussion, the most mature deliberation, and the most perfect union. How is this to be had? I see but one way, and that is by a general

consultation of the people by means of delegates elected for that purpose, with full power to give such an answer, in the name of Texas, to this question, as they may deem best, and to adopt such measures as the tranquility and salvation of the country may require.

“It is my duty to state that General Santa Anna verbally and expressly authorized me to say to the people of Texas, that he was their friend, that he wished for their prosperity, and would do all he could to promote it; and that, in the new constitution, he would use his influence to give to the people of Texas a special organization suited to their education, habits and situation. Several of the most intelligent and influential men in Mexico, and especially the Ministers of Relations and War, expressed themselves in the same manner. These declarations afford another and more urgent necessity for a general consultation of all Texas, in order to inform the general government, and especially General Santa Anna, what kind of organization will suit the education, habits, and situation of this people.”

In view of the fact that two and a third years before, Colonel Austin, thoroughly fortified and charged with the wishes of the people, had peacefully and respectfully submitted their petitions to the Mexican Government, in return for which, he had been long imprisoned and just now released, was it not the essence of simplicity for him to advise the adoption of measures to repeat the painful and degrading farce of “informing the general government, and especially General Santa Anna, what kind of organization will suit the education, habits and situation of this people?”

Again Col. Austin said: “This country is now in anarchy, threatened with hostilities; armed vessels are capturing everything they can catch on the coast, and acts of piracy are said to be committed under cover of the Mexican flag. Can this state of things exist without precipitating the country into a war? I think it cannot, and therefore believe that it is our

bounden and solemn duty as Mexicans and as Texians, to present the evils that are likely to result from this mistaken and most impolitic policy in the military movements.”

Considering that a large division of Santa Anna's army were then in possession of the principal town in the country, and soon to have their numbers increased till, as they believed, they could overrun and subdue the country, it looks much as if in his long suffering and imprisonment, the subtle genius of Santa Anna had beguiled the mind of Austin. As the stern facts confronted the American colonists at that date, such representations and appeals to Santa Anna, would be as fruitless as his subsequent butcheries at Goliad and his black bean lottery, seven years later, were infamous and horrible in the estimation of all christendom.

Colonel Austin joined heartily, however, in support of the consultation already called, and, as he came to realize more fully the actual condition of things, and the general determination of the people to form a government, provisional, or otherwise, not only advanced to that position, but became a zealous and efficient worker in that cause, of necessity abandoning the chimerical idea of again applying to the mercies or the magnanimity of Santa Anna for relief.

In a few days he proceeded to San Felipe, arriving there about the 15th of September. He was invited to become chairman of their existing committee of Safety and Correspondence, in which position, apparently growing in faith, he labored with zeal during his short connection with it, a period of three weeks, till called to another field, yet to be reached in the order of events.

A great difficulty in writing history to one who desires his readers to see events as they actually occurred and to connect cause with effect and effect with cause, is to avoid the one-sided and partial statements of persons or writers imbued with prejudices for or against particular men or measures. The mission of the true historian is to honestly record facts,

causes and effects, and, in so far as he may truthfully and conscientiously do so, to supply explanatory matter, whereby posterity, freed of the prejudices of the hour, may possess the elements upon which to base correct opinions of the past, and thus, by analogy, become fortified with data to guide their actions in the future. Beyond this, history is utterly without value. Beyond this, history degenerates to the level of romance, and is divested of its mission as an instructor to those yet to be born. After the successful American revolution against the right of a foreign government, to govern a self-sustaining and thinking people who had defied danger, destitution and hardships to secure in the western world peaceful homes for themselves, families and kindred, no event has occurred in the world's history more worthy of admiration, more inspiring or more justly deserving the approving smiles of heaven, than the Texas revolution against Mexico, now about to confront us.

CHAPTER XXXII.

Death of Green De Witt — State Land Sales — Sam'l M. Williams — Austin's Appeal.

But before proceeding with these narrations two or three intervening occurrences must be mentioned. The first is that the empresario, Green De Witt, having not only fulfilled his contract by introducing the number of families stipulated for, but eighty families in addition, found himself early in 1835, in declining health, and, anxious after so much toil, to leave his family, in the event of his death, well provided for, visited Monclova to secure the proportionate amount of premium lands for the extra eighty families, to which he was justly entitled. He arrived there in the midst of the high-handed outrages, revolutions and military interventions which have been narrated. Disease, aggravated by a keen sense of wrong, made rapid encroachments on his constitution, and on the 18th of May, 1835, he died in Monclova, far removed from his wife and children and his colonists on the Guadalupe, the San Marcos and the Lavaca.¹ It has been said by one or more writers, that Austin was the only empresario who fulfilled his contracts by introducing the number of colonists required by his several concessions. This is untrue so far as De Witt was concerned, for, as has been said, he exceeded the requirement by eighty families, and that he introduced worthy people is attested by their deeds of valor and patriotism, surpassed by

¹ Green De Witt was born in Lincoln County, Kentucky, in September, 1787. He married Sarah Sealy, who was born in West Virginia, in the same year, and died in Gonzales in 1854. Removing first to St. Louis and next to Ralls County, Missouri, De Witt was sheriff of the latter. In 1822 on his arrival in Mexico, Austin found De Witt already there seeking a grant, which however, he only got from the State government April 15th, 1825.

no people in Texas or America. Their misfortune was that, being then, and long after continuing, a strictly frontier people, ever exposed to Indian inroads, as well as the later invasions of the Mexicans and the depredations of Mexican freebooters for which Mexico, as a government, was not responsible, and De Witt, dying as he did, neither he nor they had any representative in the court of literature to chronicle their virtues, their sacrifices or their heroism. Beyond this De Leon, McMullen and McGloin, Power and Hewitson, so far as times permitted, fulfilled their agreements.

Reference has been made to the sale of four hundred leagues of land, in March, 1835, by the then State government, to private individuals, for speculative purposes. Two hundred of these leagues were sold to Samuel M. Williams, secretary of Austin's colony, and Austin's partner in the Robertson colony matter, and a hundred each to two other individuals whose names are not remembered. Mr. Williams also secured from the same legislature a charter for a bank, under which, many years later, under that sometime-fiction in law called vested rights, he established and maintained a bank in Galveston, notwithstanding the State constitution of 1845, adopted before the bank was organized, prohibited the establishment of such institutions in the State. The question was adjudicated and the Supreme Court sustained the plea of vested rights for the unexpired term of the original period allowed.

On the 29th of July, 1835, responsive to the public clamor on the land sale question, Mr. Williams published an explanatory and defensive address "to the people of Texas." That document is now before me, but is too long to be quoted; but it may be said, he denied having had any agency in the passage of the law of March 14th, 1835, and continued: "I was an entire stranger to every member of the legislature at the time of my arrival in Monclova, two weeks anterior to the time the law was passed, with the exception of Mr. Carbajal, who did not arrive at that place until about the 10th of the

month, three or four days previous to the passage of the law. The members from the different departments of the State were mostly strangers to one another. The body was composed of new members and therefore cannot be presumed to have had any concerted plan on that subject, nor in fact on any other."

He then reviews the financial impoverishment of the State — its great need of money — the prior sale to Mason and others — and avows his devotion to the interest of Texas and says: "If the land purchase or monopoly is an obstacle to prevent a happy adjustment of any misunderstanding between Texas and the general government, I promise, as one, not to be backward in an endeavor to remove such obstacle; and in that particular, as in everything else, I am willing to abide by the laws of the nation to which we belong. Consequently, if I have offended any law, by that law and the constitution I am willing to be judged."

The constitution of the republic in March, 1836, outlawed all such sales and there the matter ended. Mr. Williams heartily sustained the revolutionary cause with his purse and personal influence; was for many years in business in Galveston; represented it in the Congress of 1839, was employed in several important missions by the government and died at an advanced age, enjoying general esteem. This summary is due to his memory and the truth of history.

On the 19th of September, 1835, Austin, in behalf of the committee of safety of San Felipe, sent forth an address breathing a very different tone from that in his Brazoria speech on the 8th. It was patriotism condensed into practical action and was worthy of the cause and the man. He said: "Information of the most important and decisive character has just been received from Bexar, from unquestionable authority, which in the opinion of this committee, calls for the prompt attention of the people. The substance

of this information is, that General Cos was expected at Bexar (San Antonio), on the 16th of this month with more troops; that there was a plan to try to foment division and discord among the people, so as to use one part against the other and prevent preparation, and that the real object is to break up the foreign settlements in Texas. This committee has no doubt of the correctness of the information, and therefore recommend that the people should maintain the position taken by them at their primary meetings, to insist on their rights under the Federal constitution of 1824 and the law of the 7th of May, of that year, and the union of the Mexican confederation.

“ That every district should send members to the general consultation, with full powers to do whatever may be necessary for the good of the country.

“ That every district should organize its militia, where it is not already done, and hold frequent musters, and that the captains of companies make a return without delay, to the chief of the department, of the force of his company and its arms and ammunition, in order that he may lay the same before the general consultation of Texas. Volunteer companies are also recommended.

“ This committee deem it to be their duty to say that, in their opinion, all kinds of conciliatory measures with General Cos and the military of Bexar are hopeless, and that nothing but the ruin of Texas can be expected from any such measures. They have already and very properly been resorted to, without effect. War is the only recourse. There is no other remedy. We must defend our rights, ourselves and our country by force of arms. To do this we must unite; and, in order to unite, the delegates of the people must meet in general consultation and arrange a system of defense and give organization to the country so as to produce concert. Until some competent authority is established to direct,

all that can be done is to recommend this subject to the people and to advise every man in Texas to prepare for war and lay aside all hope of conciliation."

In view of what had previously transpired in the isolated actions of the people, it was perhaps well enough for Austin, in this address, to prolong the phantasm of insisting "on their rights under the Federal constitution of 1824, and the law of the 7th of May of that year, and the union of the Mexican confederation;" but his own statement of the ills and perils of the country, would seem amply sufficient to show the absurdity of that position, unless intended to pave the way to greater union and concert among the people. Besides, the term, "Mexican confederation," though often used, was a misnomer. A confederation in the sense intended, is a voluntary union of independent States for specified purposes, to be accomplished through such agencies as the confederating parties may desire, as in the case of the thirteen original American colonies, afterwards thirteen independent States, in establishing the government of the United States. In Mexico the facts and the application of the facts were the very reverse. The national government, as the unit of one people, was first formed, germinated from the imperial unit or oneness of Iturbide's despotism; and it proceeded to cut the country up into districts and call them States, as a State of our own Union divides its territory into municipal districts, called counties. The American Union is a confederation. The Mexican republic a centralized nation.

In a letter of the same date to Peter W. Grayson, Austin again speaks in patriot tones, saying: "The final answer of General Cos has just been received. It is positively declared that the persons who have been demanded shall be given up, and that the people of Texas must unconditionally submit to any reforms or alterations that congress choose to make in the constitution, etc. I give you the substance, which is that we have no rights except what the government thinks

proper to grant us as a favor. Can, or will, the people of Texas submit to this? ”

Couriers were passing to and fro over the country, bearing communications from individuals and committees ; but they were too numerous and too much of the same general tenor to justify reproduction. Only such as afford light necessary to a clear understanding of facts are given.

CHAPTER XXXIII.

THE WAR OPENS.

War Opens — First Declaration of Independence — Gonzales at the Front — Austin's Patriotic Appeal — Houston's First Orders as Department General.

The first actual hostilities and clash of arms between the American colonists and the troops of George III, King of England, occurred in a battle on Alamance Creek, in North Carolina, on the 16th of May, 1771.¹ But history accorded to Lexington, Massachusetts, the honor of the first passage of arms in the actual revolution, on the 19th of April, 1775.

The first declaration of American independence from the dominion of the British crown was made at Mecklenberg, North Carolina, on the 20th of May, 1775, immediately on receipt of news that American blood had been shed by British soldiers at Lexington, one month and one day before. A convention of delegates from all parts of the county of Mecklenberg, was then in session at Charlotte, and made the declaration, while the great declaration of history promulgated at Philadelphia and handed down to posterity, was not made till the 4th of July, 1776, thirteen months and fourteen days afterward.

The Mecklenberg declaration of independence, after

¹ The royal governor, Tyron, had over eleven hundred troops — the colonists two thousand. The battle lasted two hours, when the colonists retreated, leaving twenty dead and having several wounded. The royalists lost sixty-one in killed and wounded. "Thus," says Wheeler, the accomplished historian of North Carolina, "and here was the first blood spilled in these United States, in resistance to exactions of English rulers, and oppressions by the English government."

victory crowned the revolution, was long allowed to almost entirely pass from the knowledge of men. Patriotism, however, at a later day, restored it to its rightful place in American history. An incident connected with it gives it a peculiar interest to the sons of Texas. When adopted it was enrolled, signed, and sent by Captain Patrick Jack, on horseback, from Mecklenberg to the Continental Congress in Philadelphia. Among the descendants of that first messenger to bear such tidings in America, were three grandsons, brothers, who cast their lots with Texas from 1828 to 1831, viz.: Patrick C., William H. and Spencer H. Jack, all of whom were men of lofty patriotism, brilliant talents and private virtues, and one of whom, as we have seen, was one of the first victims (with Travis and others) incarcerated by Bradburn on false accusations to be sent to Mexico for trial before military tribunals.

Texas had her Alamance at Velasco, June 26th, 1832, supplemented at Anahuac and Nacogdoches; and her Mecklenberg declaration at Goliad, December 20th, 1835.

In the year 1831 the Mexican government presented to De Witt's colony a valuable four-pounder cannon, for defense against the Indians. It was held, always subject to duty, by the authorities at Gonzales, and was highly prized. The first step toward disarming the people of Texas, in accordance with the late act of Santa Anna's self-made congress, was to get possession of this gun. For this purpose a force of 150 dragoons, under Castinado, was dispatched from San Antonio to Gonzales, where they arrived on the 28th of September. But the people of Gonzales heard of their approach in time to organize a company under Captain Albert Martin, a merchant of the place. Captain Martin took position at the ford, half a mile below the town, and disputed their passage, upon which they went into camp in the valley immediately opposite the town.

Immediately upon receiving information of this Mexican advance upon their town, the people of Gonzales sent mes-

sengers to Bastrop; to their trusted friend on the Colorado, John H. Moore, and to their brethren on the Lavaca and in Victoria. The people of Gonzales and Bastrop, so long exposed to a common danger from hostile savages, and so often co-operating in mutual defense, were bound together by the strongest ties of interest and affection.

Among those fearless men of Gonzales were their chosen leaders, Captain Albert Martin and George W. Cottle and thirty men destined to swell the list of martyrs at the Alamo, the gallant Mathew Caldwell, the Fuquas, Hodges, Pontons, McClures, McCoys, Lockharts and others. The recognized leader at Bastrop was the then well-tried and afterwards distinguished Edward Burleson, whose memory is sacredly embalmed in every surviving true old Texian heart. He was supported by the gallant and dashing Robert M. Coleman and others, brave and true. John H. Moore had a certificate of courage and fidelity in the heart of every man in the country, and was in physique, voice and bearing, the nearest approach to the Highland chief of the legends in the country. At the tap of drum, blast of bugle or shout of courier, such men were ever ready, with or without rations, to mount and away. So too, of the less exposed men of the Lavaca and the Navidad.

And as the tidings reached the various localities, no time was lost in reaching their threatened brethren of Gonzales. They stood not upon the order of going, but went — quickly went, and were soon joined by a gallant band under Capt. Ben Fort Smith, from Brazoria, Columbia and Old Caney.

A day or two after the arrival of the Mexicans, during which some unimportant interviews took place, the Gonzales people merely seeking delay, Captains Moore, Coleman, Smith, Goheen, from below on the Guadalupe, and Alley, from the Navidad and Lavaca, arrived, each with a few men, besides a few others, making in all about a hundred and sixty men, of whom Robert M. Williamson was one, James Kerr of the Lavaca, and John J. Linn of Victoria were among the privates

in Alley's company. These detachments elected John H. Moore as their commander, and Castinado was then informed that they had determined not to surrender the cannon, to which he replied that his orders were emphatic and he would take it by force. He thereupon took a strong position on De Witt's mound, further up the valley. Colonel Moore believed his intention was to await reinforcements and determined not to allow him that advantage. He quietly crossed the river during the night of October first, and, on the morning of the second, while yet a heavy fog shrouded the earth, attacked the Mexican camp, opening the engagement by a shot from the disputed four-pounder and advancing rapidly. Very soon the fog lifted and the Mexicans were in rapid retreat, leaving four dead on the field and having a number wounded, while the Texians met with no casualty, the fire of the enemy, from their elevated positions, passing over their heads. And thus actual war was inaugurated.

Cos, with six hundred additional men, reached San Antonio and assumed personal command about this time, while Ugartechea was dispatched across the Rio Grande to bring on more troops.

The news of this collision, making war an existing fact and not a speculative possibility, flew over the country as rapidly as fleet steeds could carry it and aroused an almost universal determination to drive every menacing Mexican soldier from the soil of Texas.

Without concert from any quarter, a company of fifty-two men was made up of citizens of Matagorda, the lower Colorado, Navidad and Lavaca, who, after electing George M. Collinsworth, of Matagorda, their captain, moved forward, determined to capture the Mexican garrison at Goliad and hold that place. After a night march on foot they arrived in Victoria, weary and hungry. In a little while they were feasted with a good breakfast, their knapsacks filled and received words of good cheer.

Captain Collinsworth so arranged his march as to arrive in the vicinity of Goliad some time after nightfall. Passing along the narrow roadway, three miles east of Goliad, a voice from an adjoining thicket called out in distinct English :

“ Who are you ? ”

“ American volunteers, bound for Goliad. Who are you ? ” promptly answered Colonel Collinsworth.

“ I am Ben Milam,¹ escaped from prison in Monterey, trying to reach my countrymen in Texas. Hearing you approach, I thought you were Mexican soldiers and sprang into this thicket ; but hearing your voices in my mother tongue, was too much, so I called out to determine who you were.”

“ God bless you, Colonel Milam. Come out in the road and go with us to capture Goliad. We are all your friends, and George Collinsworth is our captain.” Such was his greeting from numerous voices.

Milam, who had in 1822-3 been in prison in the city of Mexico and had otherwise passed through many vicissitudes of fortune and danger, wept, on embracing his old friends in the party. He was inexpressibly happy in falling into the ranks as a private soldier.

The march was resumed, the river crossed by wading, and the fort quietly reached at 11 o'clock at night. The church door, entrance to the quarters, was battered down, and the whole company rushed in, firing at every moving object. The sentinels on duty and the men fired a few shots, but the surprise was complete and the little garrison surrendered at discretion, having been reduced two or three days before to Lieutenant-Colonel Sandoval, Captain Savriego, Ensign Garza and twenty-four soldiers, three of whom were killed and one wounded. Samuel McCulloch of the Navidad, received a

¹ Colonel Milam had escaped from Monterey, and traveled above four hundred miles by night, resting by day. His companions (Governor Viesca and Dr. John Cameron), escaped soon afterwards, en route to Saltillo and reached Goliad in November.

musket ball in his shoulder, and nearly fifty-five years later, still carried it there. Otherwise, Collinsworth's men met with no casualty. This was in the closing hours of October 9th, 1835.

Captain Collinsworth, knowing that Captain Ben Fort Smith, with his company, had previously left Brazoria for Gonzales, wrote him next morning, detailing the result of his movement, and added that the Mexicans had sent couriers for reinforcements to several points and requesting his aid, and at 8 p. m. added a second letter, based on further information and more urgent in tone. These he dispatched by courier, with this note to Mrs. Margaret C. Linn, Victoria:

“ Dear Madam :

“ I take the liberty of requesting you to forward the express which the bearer has to Captain Smith, as it is of the utmost importance that it should be done forthwith; or send a pilot with the bearer towards Gonzales or any other way Captain Smith may have taken. I am now in possession of Fort Goliad.”

Pause a moment, reader, to reflect that this note was written to a young bride, not yet a mother, educated, refined and accomplished, as were many whose graces gave tone to society in that period of excitement and danger.

Mrs. Linn promptly complied with the request of Captain Collinsworth. The next movement is given in the following extract from a letter from Major James Kerr, to the authorities at Gonzales, dated in Victoria, 11 p. m. October 10th.

“ On the arrival of Captains Smith and Alley, from Gonzales, yesterday evening, at Burns' place, 22 miles above here, we were informed that Captain Collinsworth had passed here for Goliad yesterday morning. The two companies encamped for the night, and this morning crossed the Guadalupe and pressed forward for Goliad. John J. Linn and my-

self came this way to hurry on supplies, etc. * * * This moment Ben R. Milam, with an escort of a few men, in charge of the three officers captured at Goliad, arrived, bound for San Felipe."

No reinforcement of Mexicans, however, arrived at Goliad, and all eyes were turned towards San Antonio, and the citizen soldiers were unanimously in favor of advancing upon and capturing that place. The various committees of safety throughout the country were using every exertion to uphold the popular cause.

Still, a spirit of conservatism held many in restraint. Colonel Austin was performing herculean labor. After hearing of the written demand on Gonzales for the four-pounder, made by Ugartechea before sending the force to take it, he wrote, on the 29th of September, the most patriotic assurances to those at Gonzales and justified their refusal, but concluded the communication with this extremely conservative advice :

"This committee beg leave to suggest that, inasmuch as the position taken by the country is purely defensive, it is very important to keep this principle constantly in view, and to avoid making attacks, unless they should be necessary as a measure of defense."

Yet five days later, after the collision at Gonzales, in a communication to the committees of Nacogdoches and San Augustine, this admirable expression of patriotic fervor sprang from his pen, dated October 4th :

"War is declared against military despotism. Public opinion has proclaimed it with one united voice. The campaign has opened. The military at Bexar has advanced upon Gonzales. General Cos has arrived, and threatens to overrun the country. But one spirit, one common purpose, animates every one in this department, which is to take Bexar, and drive all the military out of Texas, before the campaign closes. There are about three hundred volunteers at Gonzales at this time, and

there will be upwards of five hundred more in a few days. It is confidently believed in this quarter that the people of the department of Nacogdoches will turn out and join the army of the people, now in the field and facing the enemy. Arms and ammunition are needed; we have more men than guns. Could not some muskets be procured from the other side of the Sabine? This committee will contribute, and is responsible that the people here will do the same, to pay a full proportion of the expense. This is all important; a few wagon loads of muskets and fixed ammunition would be of the utmost service at this time. Could not volunteers be had from the United States? Our cause is one that merits the moral and physical aid of a free and magnanimous people, and those who now step forward may confidently expect that Texas will reward their services. * * * This committee relies on you to forward copies of this communication to other committees in that quarter and enclose papers to some printer in the United States for publication, in order that the public may be generally informed of the present state of affairs in Texas. An express has been sent to San Jacinto and Trinity. It would, however, be important for that committee to communicate with the people of the Trinity and of Bevil's settlement, as it inspires confidence to know that the whole country is acting in unison, and with one and the same spirit and purpose. This, as I before observed, is to take Bexar and to drive the military out of Texas before the campaign closes."

This eloquent utterance met with popular approval everywhere and drew many to Colonel Austin who had considered him as in the rear of a well-formed and rapidly strengthening public opinion. No one at the moment proposed to go further; but *Independence* stood as a beacon, still farther on the highway, beckoning the multitude to come up higher, and her votaries were many and rapidly growing in numbers. But the election for delegates to the grand consultation was to occur next day, October 5th, and that body was to assemble at San Felipe on

the 16th — so that all were willing to await the action of that body.

The state of the public mind may be learned from the following correspondence of the committees of safety:

The Committee of Safety at San Felipe issued the following circular, September 19th, 1835:

“Information of the most important and decisive character has just been received from Bexar, from unquestionable authority, which, in the opinion of this committee, calls for the prompt attention of the people. The substance of this information is that Gen. Cos was expected at Bexar, on the 16th of this month, with more troops; that he intended to make an immediate attack upon the colonies; that there was a plan to try and foment discord and division among the people so as to use one part against the other, and prevent preparation; and that the real object is to break up the foreign settlements in Texas. This committee have no doubt of the correctness of the information and therefore recommend —

“That the people should maintain the position taken by them at their primary meeting — to insist on their rights under the Federal Constitution of 1824 and the law of the 7th of May of that year, and union with the Mexican confederation.

“That every district should send members to the general consultation with full powers to do whatever may be necessary for the good of the country.

“That every district should organize its militia where it is not already done and hold frequent musters, and that the captains of companies make a return without delay, to the chief of this department, of the force of his company and of its arms and ammunitions in order that he may lay the same before the General Consultation of Texas. Volunteer companies are also recommended.

“This committee deem it to be their duty to say that, in their opinion, all kind of conciliatory measures with Gen-

eral Cos and the military at Bexar are hopeless, and that nothing but the RUIN of Texas can be expected from any such measures. They have already been resorted to, without effect. War is our only recourse. There is no other remedy. We must defend our rights, ourselves and our country by force of arms. To do this we must unite, and, in order to unite, the delegates of the people must meet in general consultation and arrange a system of defense and give organization to the country so as to produce concert. Until some competent authority is established to direct, all that can be done is to recommend this subject to the people and to advise every man in Texas to prepare for war and lay aside all hope of conciliation.

S. S. AUSTIN, *Chairman.*”

CORRESPONDENCE BETWEEN THE COMMITTEES OF SAFETY OF MINA, GONZALES AND SAN FELIPE.

I am directed by the Committee of Safety of Gonzales to address you for the purpose of procuring immediate assistance to repel an expected attack of the enemy: The circumstances which influence us to this measure are these: A demand at the instance of Ugartechea, has been made for a piece of cannon, which has been in this town upwards of four years. This cannon is not needed in Bexar, for they have eighteen pieces there, all unmounted, besides those which they have mounted; this piece was given us unconditionally, as we are informed, for the defense in the colony. From every circumstance and from information, we are justified in believing that this demand is only made to get a pretext to make a sudden inroad and attack upon this colony for marauding and other purposes.

The Alcalde, with the approbation of the people, has refused to deliver up the cannon; and we are satisfied that as

soon as Colonel Ugartechea is informed of the fact, he will immediately send a force against this colony at least, thinking us too weak to resist him. We therefore earnestly request you to send what force you can collect immediately to our assistance. You need make no delay about provisions, for we have plenty at your service. The time we think is most pressing, and the occasion most urgent. In haste, etc.

By order of the committee,

(Signed) G. W. DAVIS, *Secretary*."

The following is in response :

"SAN FELIPE DE AUSTIN, September 29th, 1835.

"The Committee of the Jurisdiction of Austin has received the communication directed to the Committee of Safety of Mina by you, in the name of the people of Gonzales, under date of the 25th inst., stating that Colonel Ugartechea had made a demand for the piece of cannon at that place, and that the people in a general meeting, had refused to give it up. You state that "from every circumstance, and from information, the people are justified in believing that this demand is only made to get a pretext to make a sudden inroad and attack upon that colony for marauding and other purposes;" in consequence of which those people request assistance to aid in repelling an attack should one be made.

"The present movements of the people of Texas are of a popular and voluntary character in defence of their *constitutional rights* which are threatened by military invasion of an *unconstitutional* character. The people are acting on the defensive, and, therefore, there cannot be a doubt, that it was correct in the people of Gonzales, under this principle, to detain the piece of cannon which was given to them by the authorities of a *constitutional* government to defend themselves and the country if necessary.

"On this principle the people of this, and of every other

section of the country, as far as this committee is informed, are ready to fly at a moment's warning to the defence of those people should they be attacked. Companies of volunteers have already marched, and more are in readiness, should they be needed, to repel an attack.

“ This committee beg leave to suggest that inasmuch as the position taken by the country up to the present, is *purely defensive*, it is very important to keep this principle constantly in view, and to avoid making attacks unless they should be necessary as a measure of defence.

Yours respectfully

S. F. AUSTIN, *Chairman of Committee.*”

“ SANTA FELIPE DE AUSTIN, Oct. 3, 1835.

“ CIRCULAR FROM THE COMMITTEE OF SAFETY OF THE JURISDICTION OF AUSTIN.

“ All are aware of the present movements of volunteers towards the western frontiers. For the information of every one, this committee deem it proper to state, as briefly as possible, the leading facts which have given rise to this excitement.

“ When the circular of this committee, under date of the 19th ult., was issued, information of an unquestionable character had been received here, as to the marching of the soldiers from Bejar, in some short period, within the limits of the colonies. The object appeared to be the apprehension of certain citizens, among whom Señor Don Lorenzo de Zavala, now a citizen of Texas, was particularly designated and aimed at. This gentleman has come to Texas, as to an asylum from the persecution of the present administration of Mexico. His offence we know not, except that he is the known friend of free institutions. This distinguished man, the authorities of Texas have been arbitrarily required by a military mandate to surrender into the hands of General Cos, who, in his zeal

to secure the person of this patriotic and virtuous citizen, actually issued an order some time since, addressed to Colonel Ugartechea, commandant at Bexar, to march into the colonies and *take him*, at the risk of losing all the force he should employ. The mere intimation of such an order would be an evident disrespect to the citizens of Texas; by the issuing of it, with the corresponding threats of Colonel Ugartechea of putting it into execution, is at once an open outrage upon the civil authorities of Texas, and upon the constitution. But what is of most importance, such proceedings serve plainly to show us all, what *kind of government* the present reformers in Mexico are aiming to subject us to — which is the *government of the bayonet*, and the regulation of all the affairs of Texas by military power, regardless of the constitution, of the civil authority, and of all the legally vested, equitable, and natural rights of the people of Texas.

“That such is the real and ultimate object of the military power now reigning in Mexico, and that the reasons assigned for the present hostile movements are nothing but mere pretexts to cover the main objects, and thus fill the country with troops, is clear and evident; but should there still remain doubts on the mind of any person, let him weigh and materially consider the following acts, and draw his own conclusions:

“The Constitutional Governor of this State, Viesca, and also another Governor, Falcon, who had been constitutionally installed to succeed Viesca, have been deposed by the military at Monclova. The State authorities were imprisoned, and a Governor appointed by the acting President of the general government of Mexico. This is evidently an act of military usurpation and despotism, and the State of Coahuila and Texas is at this time without any constitutional or legal government at all, and the people of every part of the State, and those of Texas in particular, are left at full liberty to provide for themselves as they may deem best.

“ But a more general, though succinct view of matters, is necessary for a full and proper understanding of this subject.

“ A disastrous and ruinous civil war was kindled in 1832, by means of an insurrection against the Bustamente administration and General Santa Anna was placed at its head. The avowed object of this insurrection was to *protect the federal system, and sustain the Constitution* of 1824, which, it was *then* alleged, was attacked and endangered by the measures and projects of the Bustamente administration. On this principle the people of Texas supported General Santa Anna to defend the Constitution of 1824, and the federal system. This general was enthusiastically supported by every liberal and free Mexican, and by friends of the Federal system in every part of the nation. With this support he triumphed. He became a man of the people — the protector of the federal system — the oracle of public opinion — the arbiter of the nation’s destinies. How has he used this power, *thus acquired*? Let the military despotism now enthroned in Mexico upon the ruins of the federal system — let the friends of this system, who are now groaning in prisons or wandering in exile — let the Constitution of 1824, which still raises its dying voice from beneath the feet of military usurpation — let the free and impartial in Mexico and in the whole civilized world give answer. They say he used it to *destroy* what he avowed he had taken up arms to protect, he used the federal party as a blind instrument to destroy the federal system; he abandoned his federal friends who had given him power, and united with the military, ecclesiastical and *central* party, against whom he took up arms in 1832. This same party is now governing in Mexico, and they say to the people of Texas, in the language of friendship and persuasion — in that of *sugar-plums and honey*, that in the new Constitution or central government that is organizing in Mexico, guarantees shall be given to the people of Texas, their rights shall be protected and secured,

and they are told that the government expects from their 'docility' a *submission to all the reforms and alterations that may be agreed to by the majority of the nation*. But who compose, and what is a majority of the nation spoken of by the minister, and how are these reforms to be effected? It is composed of the same military power before spoken of, who have assumed the voice of the nation, and have suppressed, by military influence, the free expression of public opinion; and the reforms are to be effected by *unconstitutional means*; a sufficient proof of which is, that the present Congress in Mexico, which was elected by constitutional power alone, have, by their own act, declared themselves to be invested with powers of a national convention, to frame a new constitution, or reform that of 1824 as they think proper.

"What is here meant by *reforming* the Constitution of 1824, may be clearly deduced by the 'reform' of the militia made by this same general Congress. This 'reform' reduced the militia of the State to *one militiaman* for every five hundred inhabitants, and disarmed all the rest. The people of Zacatecas resisted this iniquitous law, but were unfortunate, and compelled, for the time being, to submit to the military powers of the reformers: so that, in fact, 'reform' means destruction.

"From this condensed view of the past, let every impartial man judge for himself what degree of faith or credit ought to be given to the professions of the present government of Mexico, and ask himself whether a subtle poison may not be concealed in the *sugar plums*, or a sting in the *honey*, that is now offered to the 'docile' people of Texas.

"But, in addition to this general view of matters, information of the most positive and unquestionable character is in the possession of this committee, that every possible effort is making by the government in Mexico to raise troops, money, and resources to fit out an expedition — *an army of invasion*

against Texas. Infantry, artillery, and cavalry, have been ordered from San Luis Potosi, Saltillo and Tamaulipas, and all the disposable infantry at Campeche, has also been ordered on to Texas by water, as it was supposed they would stand the climate better than other troops. Magazines of arms and ammunition are forming at Matamoros, Goliad, and Bexar, and the old barracks and fortifications at the latter place are repairing to receive a large force. In short, the common talk all over Mexico among the military, is the *invasion* of Texas.

“Now, if the present government of Mexico is sincere in its profession of liberal guarantees for Texas, why all this preparation for a military invasion? Why has General Cos marched with all the disposable force at Matamoros (about four hundred men) to Bexar where he now is, according to last accounts. Can it be that the government, in its fatherly care for Texas, fears that there are servile slaves in this country who will oppose *liberal guarantees*? Or is it that the promised guarantees are only a cover and false show, to quiet Texas until the general government is prepared to give to it a military government?

“It is well known to all that the reforms spoken of by the minister, and now being made in Mexico, contemplate the abolition of the federal system, the establishment of a central or consolidated government which is to absorb and swallow up all the powers and authorities of the nation: military commanderies will supply the place of State governments, and the vested rights of Texas under the Constitution and law of May 7, 1824, are to be disregarded and violated.

“Ought, or can, or will the people of Texas submit to all this? Let each man study the subject, and answer for himself. If he will submit let him go to the military power and prostrate himself. If he will not submit, let him give his answer from the mouth of his rifle!

“In regard to the present movements of the military, the letter from Gonzales, and extracts from other letters of

unquestionable faith, will inform the public. By these letters the people of Texas are told that their fellow-citizens at Gonzales *have been attacked — the war has commenced!* They will also perceive that General Cos has arrived with a reinforcement of troops, and is preparing for a campaign of extermination against the people of Texas.

“The headquarters of the ARMY OF THE PEOPLE for the present is at Gonzales. It is already respectable in numbers, and invincible in spirit.

“This committee exhorts every citizen who is yet at home, to march as soon as possible to the assistance of his countrymen now in the field. The campaign is opened. Texas must be freed from military despots before it is closed.

S. F. AUSTIN,

Chairman of Committee of the Jurisdiction of Austin.”

On the 6th of October, the committees of Safety of San Augustine and Nacogdoches adopted a preamble and resolutions advising that a commander in chief of that department should be chosen. Sam Houston was chosen and on the 8th he issued the following

DEPARTMENT ORDERS.

HEADQUARTERS, TEXAS,
DEPARTMENT OF NACOGDOCHES, }
Oct. 8th, 1835.

“The time has arrived when the revolutions in the interior of Mexico have resulted in the creation of a Dictator, and Texas is compelled to assume an attitude defensive of her rights and the lives and property of her citizens.

“Our oaths and pledges to the Constitution have been preserved inviolate. Our hopes of promised benefits have been deferred. Our constitutions have been declared at an end, while all that is sacred is menaced by arbitrary powers.

The priesthood and the army are to mete out the measure of our wretchedness. War is our only alternative. “*War in defence of our rights*” must be our motto!

“Volunteers are invited to our standard. Liberal bounties of land will be granted to all who will join our ranks with a good rifle, and one hundred rounds of ammunition.

“The troops of the department will forthwith organize under the direction of the Committee of Vigilance and Safety, into companies of fifty men each, who will elect their officers, and when organized they will report to the headquarters of the army unless special orders are given for their destination.

“The morning of glory has dawned upon us. The work of Liberty has begun. Our actions are to become a part of the history of mankind. Patriot millions will sympathize with our struggles, while nations will admire our achievements. We must be united, subordinate to the laws and authorities which we avow, and freedom will not withhold the seal of her approbation. Rally around the standard of the constitution, entrench your rights with manly resolution, and defend them with heroic firmness. Let your valor proclaim to the world that Liberty is your birth-right. We cannot be conquered by all the arts of anarchy and despotism combined. In heaven and valorous hearts we repose our confidence.

“Our only ambition is the attainment of rational liberty—the freedom of religious opinions and just laws. To acquire these blessings we solemnly pledge our persons, our property and our lives.

Union and courage can achieve everything, while reason, combined with intelligence, can regulate all things necessary to human happiness.

SAM HOUSTON,

*General-in-Chief of Department.*¹

¹ EXTRACT FROM AN OFFICIAL LETTER FROM THE MINISTER OF INTERIOR RELATIONS OF MEXICO TO THE MUNICIPALITY OF GONZALES.

“When the General Congress takes into consideration the reforms of the constitution which have been requested unanimously by almost all the

towns of the Republic, that august assembly will bear in mind the wants of the inhabitants of Texas, for the purpose of providing a remedy; and, the government will very cheerfully co-operate in that object by making the propositions which may most conduce to so laudable an end, reckoning always on the good sense and docility of the colonists, who, on adopting this for their country, subjected themselves to the alterations that, respecting the institutions, the majority of the nation may think fit to agree upon; which disposition the government is decided on supporting in fulfillment of its duty, as it is, also, of protecting all the inhabitants of the Republic, lovers of order, and of punishing those who foment sedition."

(Signed) "BONILLA."

Mexico, Aug. 5th, 1835."

FROM GONZALES.

"September 30th, 1835.

"*Fellow-citizens of San Felipe and La Vaca:*

"A detachment of the Mexican forces from Bexar, amounting to about one hundred and fifty men, are encamped opposite us; we expect an attack momentarily. Yesterday we were but eighteen strong, to-day one hundred and fifty, and forces continually arriving.

We wish all the aid and despatch that is possible to give us, that we may take up soon our line of march for Bexar, and drive from our country all the Mexican forces. Give us all the aid and despatch possible.

Respectfully yours,

CAPTAIN ALBERT MARTIN,

" R. M. COLEMAN,

" J. H. MOORE.

CHAPTER XXXIV.

Austin elected Commander at Gonzales — Arrives near San Antonio — Victory at Concepcion — Protest of the Goliad Volunteers against the Removal of Capt. Dimmitt.

In the meantime an irregular and fluctuating force was still at Gonzales, with Colonel John H. Moore in temporary command. Burleson and other men, with more or less experience in border warfare, had arrived. A sort of advisory council of one from each company was formed as a temporary nucleus of authority. On the 6th of October several gentlemen wrote Colonel Austin advising and requesting him to visit Gonzales. After having served on the committee of San Felipe only twenty-two days, he left on the 8th and arrived at Gonzales on the morning of the 11th. On the same day, through company elections, he was unanimously chosen to the chief command, a most flattering mark of esteem and confidence. Thereafter, by courtesy and a common understanding, he was accorded the title of General, and was so recognized by the provisional government organized a few weeks later.

The volunteers then on the ground, about three hundred in number, were on the 13th formed into a regiment, with John H. Moore as Colonel, Edward Burleson as Lieutenant-Colonel and Alexander Somervell as Major, all elected by the men.

General Austin selected as his staff, Warren D. C. Hall, adjutant and inspector general, with David B. Macomb as assistant; Peter W. Grayson and Wm. T. Austin aides-de-camp; Wm. H. Jack, brigade, inspector; and William H. Wharton,¹

¹ It seems that there had been an alienation of feeling between Colonel Austin and Wm. H. Wharton. We have a published statement made by Captain Wm. J. Russell in 1887 that, through his instrumentality, on their

judge-advocate. Colonel Milam having just arrived, on the 14th, was put in command of a company of scouts.

The little force, with officers enough for a grand division of two or three thousand, took up the line of march for San Antonio and on the 20th encamped on the Salado Creek, fourteen miles from the objective point, and there encamped for a week, the only reason for which was to await reinforcements, which continued to arrive till about seven hundred well armed riflemen were on hand with the four pounder which had served both sides as a reason for bringing on hostilities. Some random skirmishing, of no consequence, took place on two or three occasions.

In this time the Consultation had assembled at San Felipe, on the 16th, but there was no quorum because of so many of the members-elect being with the volunteers, chiefly with Austin, but several, as James Power of Refugio, John J. Linn of Victoria and James Kerr of the Lavaca (though of the municipality of Matagorda), with the troops at and west of Goliad. Those present, therefore, adjourned to meet again on the first of November and took the necessary steps to inform the absentees of that fact. Thereupon, a number of those present took advantage of the opportunity to visit the volunteers before San Antonio. Among these were General Sam Houston, Dr. Branch T. Archer, Henry Smith, John A. Wharton, Edwin Waller, William Menefee, Elder Daniel Parker, of Nacogdoches, and others. They arrived during the week the volunteers were encamped on the Salado. The citizen soldiers demanded speeches from those who were regarded as orators and were successively gratified by eloquent] and

first night in Gonzales, a cordial reconciliation took place between them. Coming into possession, after that publication was made, of perhaps twenty private letters to a confidential friend, on public affairs, by Colonel Wharton, it is a pleasure to say that in no single instance is there a disparaging remark or unkind allusion in regard to Colonel Austin. The letters cover the remaining period of the latter's life.

patriotic addresses from Messrs. Houston, Archer, the two Whartons, Wm. H. Jack; the old timed Baptist preacher, Daniel Parker, and perhaps others. It was an enthusiastic occasion and increased the fire of patriotism in every breast. It became known that many of the members of the Consultation present did not intend to leave the army to take their seats. This created alarm among the enlightened citizen-volunteers, who realized the absolute necessity of at once forming a government to keep down the hydra-headed monster anarchy. They therefore held a mass meeting and demanded that these men, intrusted by the people with a momentous responsibility, should repair to their post of duty at San Felipe. This remarkable fact, so honorable both to the soldiery and the delegates and perhaps the only instance of the kind on record, seems to have escaped the knowledge of former historians. But of its truth there is no question. It was distinctly asserted in a debate in the Texas house of representatives in the session of 1839-40, on the Cherokee land bill, both by General Houston and Wm. H. Jack, in the presence of Messrs. Archer, Menefee (then a member) and Waller.

The members of the Consultation, thus relieved of what was doubtless esteemed an embarrassing attitude, and virtually commanded as to their duty, left the army and proceeded to San Felipe.

On the 27th, General Austin moved his encampment to the mission of Espada about ten miles below San Antonio, and sent Colonel Bowie and Captain James W. Fannin, with ninety-two men, to select a suitable camping ground as near as practicable to San Antonio. They encamped for the night in the little crescent shaped bend of the river immediately in front of and distant about two hundred yards from the abandoned mission of Concepcion, placing out sentinels and stationing one man in the tower of the lofty building.

What followed is given by those gentlemen in a joint report, from which the following is extracted :

“ The night passed quietly without the least alarm ; and at dawn of day, every object was obscured by a heavy, dense fog, which entirely prevented our guard, or lookout from the mission, seeing the approach of the enemy.

“ About half an hour by sun, an advance guard of their cavalry rode upon our line, and fired upon a sentinel who had just been relieved, who returned the fire and caused one platoon to retire ; but another charged on him (Henry W. Karnes) and he discharged a pistol at them, which had the same effect.

“ The men were called to arms ; but were for some time unable to discover their foes, who had entirely surrounded the position, and kept up a constant firing, at a distance, with no other effect than a waste of ammunition on their part. When the fog rose, it was apparent to all that we were surrounded, and a desperate fight was inevitable, all communication with the main army being catoff. Immediate preparation was made by extending our right flank (first division) to the south, and placing the second division on the left, on the same side so that they might be enabled to rake the enemy, should they charge into the angle, and prevent the effects of a cross-fire of our own men ; and at the same time, be in a compact body, contiguous to each other, that either might re-enforce the other, at the shortest notice without crossing the angle, in an exposed and uncovered position where certain loss must have resulted. The men, in the meantime, were ordered to clear away bushes and vines, under the hill and along the margin, and at steepest places to cut steps for footholds, in order to afford them space to form and pass, and at suitable places to ascend the bluff, discharge their rifles and fall back to reload. The work was not completed to our wish, before the infantry were seen to advance, with arms trailed, to the right of the first division, and from their

line of battle at about two hundred yards distance from the right flank. Five companies of their cavalry supported them, covering our whole front and flanks. Their infantry was also covered by a large force of cavalry.

“ In this manner, the engagement commenced at about the hour of 8 o'clock, a. m., on Wednesday, 28th of October, by the deadly crack of a rifle from the extreme right. The engagement was immediately general. The discharge from the enemy was one continued blaze of fire, whilst that from our lines, was more slowly delivered, but with good aim and deadly effect, each man retiring under cover of the hill and timber, to give place to others whilst he reloaded. The battle had not lasted more than ten minutes, before the brass double-fortified four pounder was opened on our line, with a heavy discharge of grape and canister, at the distance of about eighty yards from the right flank of the first division and a charge sounded; but the cannon was cleared as if by magic, and a check put to the charge. The same experiment was resorted to, with like success three times, the division advancing under the hill at each fire, and thus approximating near the cannon and victory. ‘The cannon and victory’ was truly the war cry, and they had only fired it five times, and it had been three times cleared, and their charge as often broken, before a disorderly and precipitate retreat was sounded, and most readily obeyed, leaving to the victors their cannon. Thus a small detachment of 92 men gained a decisive victory over the main army of the Central Government; being at least four to one, with only the loss of one brave soldier (Richard Andrews), and none wounded, whilst the enemy suffered in killed and wounded near one hundred, from the best information we can obtain, which is entitled to credit, say sixty-seven killed, among them many promising officers. Not one man of the artillery escaped unhurt. * * * Had it been possible to communicate with you, and bring you up earlier, victory would have been decisive, and Bexar ours before 12 o'clock.”

The wounded man, Richard Andrews, died the same day. A county in West Texas perpetuates his name. A man named Penjarvis, had his Bowie knife driven by a ball partly into his body, but survived. The brave Henry W. Karnes, so distinguished on that and on many subsequent occasions, was wounded by the explosion of his powder horn, which he resented in language so unrefined, as to provoke a laugh from all around him. Jacob H. Shepherd, long afterwards a citizen of Walker County, stood by Karnes and was slightly burned by the explosion. The man in the tower claimed to have had rare sport in firing from his concealed and exalted position.

The main body of the volunteers, then aggregating about seven hundred men, arrived an hour after the close of the engagement. Bowie and Fannin said that, if it had gotten up in time, "the victory would have been decisive and Bexar ours before 12 o'clock." If such could have been the case, it would have avoided much toil and many heart-burnings. Still, no one was at fault for the failure. They did all that men could do on hearing the guns of the enemy, to reach and sustain their comrades.

Austin divided his force into two bodies, stationing one below the town, and, with the other, took position a mile or so above. Bowie and Fannin were in charge of the first and Burleson of the second position; but there was a lack of organized authority leading to confusion and want of concert of action, due largely to the presence of an unnecessary number of officers. Bowie and perhaps others holding merely staff positions were allowed command in the lines, a mistake in all similar cases fruitful of discord. Austin made no pretence to a knowledge of military affairs and early betrayed his deficiency in that respect by too much counseling and consulting and the issuance of instructions, lacking that affirmative character which inspires confidence in a commander.

Bowie was zealously in favor of an attack on Cos in the

town, following up the brilliant victory already won, while the volunteers were full of enthusiasm. But the golden moment was allowed to pass and the enemy given time to strengthen his defenses and, later, to receive a heavy reinforcement.

Scouts were kept constantly out watching all the lines of approach from Mexico. Travis rendered valuable service in this way, at one time, forty miles west, capturing three hundred horses under escort from San Antonio to the Rio Grande on account of the lack of forage. Milam, Captain Byrd Lockhart and Captain Briscoe figured in similar services, and Deaf Smith, without command, brought into action his qualities as a scout. Men, in small numbers, were arriving and departing at will. In short, it was a voluntary assemblage of free citizens without the authority of law or government, and of sheer necessity lacked the coherency and vital authority necessary to success in all cases requiring time, patience, perseverance, and above all, wisely exercised but positive authority. Austin, from the first, was unwaveringly in favor of storming San Antonio, but wanted to await the arrival of heavy guns, of the ultimate reception of which there was no certainty, while others, like Milam and Bowie, believed that the plan finally adopted, of relying upon their trusty rifles and penetrating through stone walls, from house to house, was the most certain and least hazardous of all modes of attack, and time triumphantly vindicated this theory. From some cause, not explained, two days after the victory at Concepcion, Bowie, who had been acting as aide-de-camp, addressed a note to Austin, saying:

“ I have declined further action under the appointment given to me by yourself. This, you will, therefore, look upon as my resignation. I will be found in Captain Fannin’s company, where my duty to my country and the principles of human rights shall be discharged on my part, to the extent of my abilities, as a private.”

On the 31st, Austin advised Bowie and Fannin of the proposal, received through a servant, of two companies of the army of Cos to desert and come out at a given signal, etc., and asked them to make the indicated signal. They replied at once, agreeing to do so, but added — “ * * * if these two companies do not join in a given time (say five days, or some certain day), let us storm the town simultaneously. We cannot doubt for a moment the result.”

This was October 31st. On November 2d, Bowie wrote to Austin: “I take the liberty to tender you my resignation of the nominal command I hold in the army. I hope you will appoint some other person to occupy the post, more capable than myself * * *

“I deem it of the utmost importance for you to effect a union of the two divisions of the army as soon as practicable. Great dissatisfaction now exists in this division, and unless counteracted by the measure I suggest, I seriously apprehend a dissolution of it.”

Matters passed from day to day, without any decisive step or act and the restlessness of the citizen-volunteers, as is ever the case under such conditions, increased. Who was to blame, may be answered by saying, the peculiar circumstances existing, and a few persons. The two divisions, however, as urged by Bowie, united in the camp above town on the next day.

On the 2d of November Austin held a council of twenty-six officers, whose names he gives, including captains, lieutenants and members of his staff, who, after discussing the question of storming San Antonio as contradistinguished from the slow siege or starving-out policy, voted twenty-five against storming to one in favor of it, the gentleman voting in the affirmative being Major Benjamin F. Smith, who, says Austin, “voted substantially in the affirmative, saying that in his opinion the town ought to be taken immediately.” That Major Smith was more wise than the twenty-five who voted against him may be prudently assumed from the fact that

when, a little over a month later, Milam did successfully storm San Antonio, Cos had four hundred more men and the Texians two hundred less than when that vote was taken; while the relative condition otherwise, excepting in the materially increased strength of the Mexican fortifications, remained the same.

A few immaterial skirmishes occurred during the first three weeks of November, but the condition remained without material change, excepting that the Texian force in that time decreased, in the aggregate, from about nine hundred to about five hundred. Complaints arose against the temporary committee at San Felipe, which called forth a defensive letter from R. R. Royall, its chairman, to Fannin, dated November 15th, saying among other things: "If your commander; or his staff, could see two inches from their noses, and order supplies in time, the country has means, men and all that is necessary, if system was pursued and timely application made;" an ungracious remark in view of the fact that when the letter was written, Austin had been only thirty-five days in command of a new, moving, daily changing and poorly organized band of fresh volunteers, aided by a staff as wholly inexperienced as he was himself in that line of administration.

It will be remembered that Captain George M. Collinsworth commanded at the capture of Goliad on the 9th of October. The company was increased by additional volunteers; but Collinsworth, in some way, was promoted Major, left the company and repaired to San Antonio, upon which the company elected Philip Dimmitt, an old and experienced citizen, as their Captain. Under his orders, Adjutant Ira Westover, with forty men (including as privates James Kerr, James Power, John J. Linn, Augustus H. Jones and others of high standing) attacked and captured the Mexican fort of Lipantitlan, twelve miles above San Patricio, on the west bank of the Nueces. It was a gallant and daring enterprise and occurred

on the 5th of November, 1835. The Texians only had one man wounded, William Bracken of the Lavaca, who had come to the country with Green De Witt, while the Mexican loss was considerable, including a gallant and worthy young man (Capt. Rodriguez) who, at his own request, was tenderly conveyed by his captors to San Patricio to die, and, after death, was buried by them with military honors.

The successful affair at Lipantitlan, on account of its advanced geographical position and the interference of its garrison in stopping intercourse with the Rio Grande, was hailed throughout the country with a joy altogether beyond its intrinsic importance. It had the effect, however, of preventing three of the gentlemen named — Messrs. Kerr, Power and Linn — from taking their seats in the grand Consultation which sat in San Felipe from the 3rd to the 14th of November, and also caused the release of several Irish prisoners held by the Mexicans.

From his headquarters at San Antonio, November 18th, Austin dispatched this order to Captain Dimmitt, commander at Goliad :

“ To Captain Philip Dimmitt :

“ On receipt of this you will deliver to Captain George M. Collinsworth the command of the fort and the town. I regret to say that I am compelled to adopt this measure owing to complaints made by Governor Viesca, and also by the acting Alcalde and other sources.

“ These complaints show in substance that great harshness has been used towards the inhabitants of Goliad. This conduct is the reverse of what I expected and have ordered, and is well calculated to injure the cause we are engaged in.

“ Colonel Gonzales did not come here, as I am informed, owing to the reception Governor Viesca and himself met with at Goliad. This officer would have been very useful here,

for there is little doubt he could have drawn nearly all the cavalry out of Bexar.

“ God and Liberty.

“ STEPHEN F. AUSTIN.”

Some one had falsified to Austin on the latter point. Hearing of the escape from prison and the approach of Governor Viesca, Captain Dimmitt sent Messrs. Kerr, Linn and Power (all of whom spoke Spanish and were personally acquainted with the Governor), with an escort, to meet, welcome and conduct him into Goliad. They met him eight or ten miles out and escorted him into the town, where he was welcomed with a military salute and hospitably entertained, until he left for San Felipe. They did everything but recognize him as Governor, which they could not, and would not do, on the eve of the formation of a government by their own people. This, and this only was the grievance of Governor Viesca.

This order of Austin to Captain Dimmitt was most unfortunate. At San Antonio a feeling had grown up that he was too much given to councils and lacked that affirmative self-reliance deemed necessary in a chief commander, under such surroundings, to inspire confidence and, consequently, cheerful obedience. Some of the more enlightened and daring spirits evidently participated in this feeling. Still, in a purely voluntary organization, without law or the semblance of legal authority, where men are held in comparative inactivity for any length of time — and here this condition had existed for twenty-eight days — such manifestations of restlessness are inevitable. The order to Dimmitt, however, went to the opposite extreme in the exercise of a power and authority the possession of which by him was unanimously denied by the citizen volunteers at Goliad. On receipt of the order and information of its contents, the entire force, independent of Captain Dimmitt, held a meeting and had it read, on the 21st.

A long letter and a series of protesting resolutions, signed

by every one of the sixty-seven members of the company (Captain Dimmitt taking no part), were the same day forwarded to General Austin. They were published in full in the *Texas Republican*, in Brazoria, December 16th, 1835, from which the following extracts are made. The letter, after expressing respect for and confidence in the patriotism of the General concludes :

“On hearing the order read, our ground was instantly taken. No time was allowed for management or the insidious approaches of intrigue. Your volunteers appointed a committee, composed of J. W. Baylor, B. Noble, John P. Borden, Benjamin J. White, Sr., and Dugald McFarlane, to prepare a preamble and resolutions expressive of their sentiments, who were instructed to report the same for their adoption. Both have been read and both have been adopted by the signers hereto.¹

THE GOLIAD RESOLUTIONS.

“1. *Resolved*, That we entered the service of our country as citizen-volunteer-soldiers; that, as such, we claim and can

¹ The sixty-seven signers were: J. W. Baylor, Dugald McFarlane, Ira Ingram, Wm. S. Brown,* Thomas S. Mitchell, James O'Connor, W. Redfield, R. L. Redding, George McKnight,* James Duncan, Wm. S. Winningham,* Lewis Poweble, A. Silsbee, Gustavus Colwell, Charles Smith, James Elder, John P. Borden, Isaac Robinson, John J. Bowman, B. Noble, Benjamin J. White, Sr., Edward Quirk, Henry Valentine, George W. Paine,* Daniel Martindale,† David George, Spirse Dooley, Robert McClure, James St. John, Thomas O'Connor, Thomas Brien, Michael Riley, Andrew Devereaux, J. B. Dale, Michael O'Donnell, James Rawls, Charles Malone, Edward St. John, Thomas M. Blake, Augustus H. Jones (died in Gonzales County in April, 1877), J. L. McKenzie, Joseph Codle, Elkanah Brush, John James,* Thomas George, Charles Musser, Thomas Anderson, Mariano Carbajal, Morgan Brien, Martin Lawler, Benjamin J. White, Jr., Willie Cumming, Patrick O'Beary, William Quinn, Benjamin Rawls, John Bowen, Napoleon B. Williams,* John Huff, Jeremiah Day, Patrick Quinn, Jefferson George, John Dunn, Walter Lumbert, John Fagan,* John P. Hancock, Thomas Todd, P. Loupey — 67.

The seven marked thus * were murdered with Fannin's men, March 27th, 1836. Daniel Martindale † escaped from that massacre.

never surrender but with life, the right to elect, and to elect freely, our immediate commander.

“ 2. *Resolved*, That in conformity with this principle, and in pursuance of this determination, we have elected and recognize as our present captain, Citizen Philip Dimmitt; that we have every confidence in his capacity, firmness, patriotism and uncompromising devotion to the great cause in which all we hold near and dear, both as citizens and citizen-soldiers, is now involved.

“ 3. *Resolved*, That we regret the order of the 18th instant, for the delivery of the immediate command over us to another, as an unmilitary, ill-advised, ill-timed and arbitrary act.

“ 4. *Resolved*, That to the citizen (George M. Collinworth) named in the order as the successor of Captain Dimmitt, we have no personal objections. On the contrary, he has our confidence, both as an officer and a man; we know, we esteem, we highly respect and love him. He was once the elected commander of our company, but he withdrew from us. He was elected to the position of Major and left us without a commander. We elected another to fill his place, and it has been ably filled.

“ 5. *Resolved*, That it is not our province to prefer charges and specifications against any officer; much less is it our place on this occasion, to anticipate or presume of any against the man and the officer of our choice. When they are made, however, it will be competent for all concerned to fill the places allotted them, with calmness and decision; and for the interested party (Captain Dimmitt) to discharge, and fearlessly discharge, as he thus far has done since our association with him, his duty to himself, his company and his country.

“ 6. *Resolved*, That while we retain and adhere to the right of freely electing our company officers so long as we remain in the service under existing regulations — or rather during the want of all regulations — we freely concede to the com-

mander-in-chief that of so applying and disposing of us as, in his opinion, the advancement of the common cause of Texas may require.”

“ Done at Fort Goliad, November 21st, 1835.”

No further action followed this proceeding as, four days later, Austin retired from the army. These are facts, however, of not only great interest, but of great importance, as affecting cause and effect in other matters of grave import, to happen within the next ten months.

These protestants were chiefly respectable citizens of the country, above the average in intelligence — a number being men of talent and subsequent prominence. Captain Dimmitt himself died in a Mexican dungeon in 1841, and many of them gave up their lives in defense of their country. Yet these men awarded General Austin the fullest credit for honesty and patriotism and avowed their readiness to go whithersoever or do whatsoever he might order them. They simply rejected his authority to appoint their company officers, assuming that he had been elected by about three hundred citizen-volunteers as their commander at Gonzales, without law or government — while a less number at Goliad had elected Dimmitt as their captain; yet for the good of the cause, until a government could be formed, they were more than willing to recognize Austin as commander-in-chief. The true facts should be understood.

CHAPTER XXXV.

Meeting of the Consultation and its Labors — Formation of a Provisional Government — Henry Smith made the first American Governor of Texas, and Sam Houston Major-General and Commander-in-Chief of Her Armies — Austin, Wharton and Archer Chosen Commissioners to the United States — Rights of the Cherokee Indians.

THE GENERAL CONSULTATION.

The general Consultation, as per adjournment on the 16th of October, for want of a quorum, re-assembled at San Felipe on the first day of November, 1835, but a quorum did not appear till the third.

On that day the body organized by unanimously electing Dr. Branch T. Archer of Brazoria as president. Dr. Archer had formerly served as Speaker of the House of Delegates in the Virginia legislature and possessed excellent qualifications as a presiding officer. Peter B. Dexter was elected secretary. Dr. Archer delivered the following address:

“GENTLEMEN: I return to you my thanks for the honor you have conferred upon me. The duties which devolve upon the members of this body are arduous and highly important: in fact the destinies of Texas are placed in your hands; and I hope that you are now assembled, in every way prepared to discharge those duties in a manner creditable to yourselves and beneficial to your country. I call upon each and all of you, to divest yourselves of all party feelings, to discard every selfish motive, and look alone to the true interests of your country. In the words of the Hebrew prophet I would say: ‘Put off your shoes, for the ground upon which you stand is holy!’ The rights and liberties of thousands of freemen are in

your hands, and *millions yet unborn may be affected by your decision.*

“*The first* measure that will be brought before the house, will be a declaration in which we will set forth to the world the *causes* which have impelled us to take up arms, and the objects for which we fight.

“*Secondly.* I will suggest for your consideration the propriety of establishing a “Provisional government,” the election of a Governor, Lieutenant-Governor, and council, and I would recommend that these officers be clothed with both legislative and executive powers. This measure I conceive absolutely necessary to prevent Texas from falling into the labyrinth of anarchy.

“*Thirdly.* The organization of the militia requires your immediate attention. You have an army in the field whose achievements have already shed lustre upon our arms: they have not the provisions and comforts necessary to continue their services in the field. Give them character, or their victories, though they are achieved not without danger and glory, will, nevertheless, be unproductive of good. Sustain and support them, and they will do honor to you, and render incalculable service to their country. But neglect them — Texas is lost. The adoption of a code of military laws is indispensable. Without discipline and order in the ranks, your armies will be mobs, more dangerous to themselves than to their adversaries, and liable at all times to be cut to pieces by a handful of regulars. I know the men that are now in the field; there never were better materials for soldiers; but without discipline, they can achieve nothing. Establish military laws, and, like the dragon’s teeth sown by Cadmus, they will produce armed men. It will be necessary to procure funds, in order to prepare the contemplated government, and to carry on the war in which we are now engaged. It will, therefore, be our duty to elect agents to procure these funds. I have too high an opinion of the plain, practical sense of the

members of this body, to think for a moment that they will elect any but some of our most influential citizens to this important post. Without funds, however heroically your armies may fight, however wisely your councils may legislate, they will erect but a baseless fabric, that will fall by its own weight.

“There are several warlike and peaceful tribes of Indians that claim certain portions of our land. Locations have been made within the limits they claim, which has created great dissatisfaction amongst them. Some of the chiefs of those tribes are expected here in a few days; and I deem it expedient to make some equitable arrangement of the matter that will prove satisfactory to them.”

“Permit me to call your attention to another subject. Some of our brethren of the United States of the north, hearing of our difficulties, have generously come to our aid; many more, ere long, will be with us; services such as they will render should never be forgotten.

“It will be proper for this convention to secure to them the rights and privileges of citizens, to secure to them their land in ‘head right,’ and place them on the same footing with those of our citizens who have not yet obtained from government their lands, and, in all other respects, to place them on an equal footing with our most favored citizens. Again, the path to promotion must be open. They must know that deeds of chivalry and heroism will meet their reward, and that you will throw no obstruction in their pathway to fame.

“Some fraudulent sales or grants of land, by the late government of Coahuila and Texas, will require your attention. The establishment of mails, and an express department, is deemed necessary to promote the interests of the country, besides other minor matters that have escaped my observation in this cursory review.

“Finally, gentlemen and friends, let me call your attention from these details to the higher position which you now

occupy. Let me remind you that the eyes of the world are upon you, that battling, as we are, against the despotism of a military chieftain, all true republicans, all friends to the liberties of man, are anxious spectators of the conflict, or deeply enlisted in the cause. Let us give evidence that we are true descendants of that band of heroes who sustained an eight years' war against tyranny and oppression and gave Liberty to a new world. Let our achievements be such that our mother country, when she reads the bright page that records them, shall proudly and joyfully exclaim: 'These are my sons!' their heroic deeds mark them as such. Again gentlemen, let me admonish you, that the ground on which you stand is holy; that your decisions will affect the rights and liberties of thousands of freemen, the destinies of millions yet unborn, and, perhaps, the cause of Liberty itself. I do not view the cause in which we are engaged as that of freemen fighting alone against military despotism; I do not view it as Texas battling alone for her rights and her liberties; I view it in a nobler, more exalted light; I view it as the great work of laying the corner-stone of Liberty in the great Mexican Republic."

This was the third deliberative body organized under American auspices in Texas, having been preceded by the conventions of October 1st, 1832, and April 1st, 1833. They assembled in times of *peace*, peacefully to inaugurate measures for its perpetual continuance. Their overtures were spurned and their messenger of peace wantonly incarcerated in prison, an outrage against humanity and liberty and a defying insult to every freeman in Texas.

This third body assembled in the midst of war. The clash of arms had already resounded through the land—first at Gonzales, next at Goliad, then at Concepcion and around the precincts of ancient Bexar, then under actual siege, and, two days after their assemblage, at Lipantitlan. They had assembled not again as humble petitioners for justice but

as stern, liberty-loving soldiers and lawmakers. How they discharged the momentous trust reposed in them will be seen as facts are unfolded.

R. R. Royal, who was a delegate from Matagorda, and who had been for a short time chairman of a central advisory committee at San Felipe, reported its acts for the information and approval of the Consultation. The acts were approved and the committee thanked, and from that day and hour we trace the only governmental powers recognized by the people of Texas.¹

¹ All the members of the Consultation were never present at one time and a few from the southwest did not arrive at all, being in the expedition against Lipantitlan. The following is believed to be a complete list, given by municipalities.

Austin (San Felipe de) — Wyley Martin, Thomas Barnett, Randall Jones, Jesse Burnham, William Menefee.

Nacogdoches — Sam Houston, James W. Robinson, William Whitaker, Daniel Parker, N. Robbins.

Washington — Philip Coe, Elijah Collard, Jesse Grimes, Asa Mitchell, Asa Hoxey.

Harrisburg — Lorenzo de Zavala, Clement C. Dyer, John W. Moore, M. W. Smith, David B. Macomb, Wm. P. Harris.

Liberty — George M. Patrick, Wm. P. Harris, Henry Millard, J. B. Woods, A. B. Hardin.

Gonzales — William S. Fisher, Jos. D. Clements, George W. Davis, James Hodges, Wm. W. Arlington, Benj. Fuqua.

Teneha — Martin Parmer.

Columbia, or Brazoria — Henry Smith, John A. Wharton, Branch T. Archer, Edwin Waller, John S. D. Byrom.

San Augustine — Almanzon Huston, Wm. N. Sigler, A. E. C. Johnson, Alexander Horton, A. G. Kellog, Henry W. Augustin, Jacob Garrett.

Mina, or Bastrop — Robert M. Williamson, James S. Lester, Don Carlos Barrett.

Matagorda — Ira R. Lewis, James Kerr (absent at Lipantitlan), Charles Wilson, R. R. Royall.

Bevil — Stephen H. Everitt, John Bevil, Wyatt Hanks, Thomas Holmes, John H. Blount.

Viesca — Samuel T. Allen, Albert G. Perry, John G. W. Pierson, Alexander Thompson, James W. Parker, J. L. Hood.

Jefferson — Claiborne West.

On the first day of the session John A. Wharton offered and the Convention adopted a resolution that the president appoint a committee of one from each municipality (twelve being then represented), to prepare a declaration setting forth to the world the causes that "impel us to take up arms, and the objects for which we fight." The committee consisted of Messrs. Wharton, Menefee, De Zavala, Royall, Mitchell, Fisher, Williamson, Sam Houston, Almanzon Huston, Hanks, Millard and Allen.

The taking of Goliad and the victory at Concepcion called forth strong resolutions of approval on the same day

The constitution of this assemblage of more than fifty representative men of Texas was peculiar, and, it is believed, has never been fully and fairly stated. That an overwhelming majority of them believed that an absolute declaration of independence was inevitable at an early day and the only ultimate hope of political salvation, there is not a scintilla of doubt; but from one cause or another the majority were opposed to that grand step at that time. Some were afraid their constituents had not yet arrived at the conclusion that independence was already the only alternative, and preferred organizing a provisional government or a quasi state, of the Mexican Union, simply as an educating step to the people. They well knew that such a course was what, in ecclesiastical history, is termed a *pious fraud*, for the republican constitution of Mexico, establishing the so-called federal system, had already been trampled under foot and bayoneted to death on the plains of Zacatecas.

Viesca, Governor of Coahuila, was then a refugee on the soil of Texas, but they did not know it and supposed him to be a prisoner en route to, or actually in, the dungeons of San Juan de Ulloa.

Guadalupe Victoria — John J. Linn (absent at Lipantitlan).

Refugio — James Power (absent at Lipantitlan).

San Patricio — John McMullen.

A test vote, under this state of feeling in the Consultation, was had on the 6th, after discussions on that and the two preceding days, as to whether the committee of twelve should report a declaration of independence, or one favoring the formation of a provisional State. The vote stood: for independence, fifteen; for a provisional State, thirty-three — total, 48, showing about eight or ten absentees. The yeas and nays were not taken, but it is conceded by every writer familiar with the subject that Henry Smith, John A. Wharton, Dr. Asa Hoxey, Robert M. Williamson, James W. Robinson, Edwin Waller, J. S. D. Byron and Dr. George M. Patrick were of the fifteen, while Dr. Archer, the president, and not voting, was on the same side.

The friends of independence, confident that in a short time public opinion would come to their support, and anxious that great unity should prevail in the momentous step, when taken, gracefully yielded their cherished point, but resolved, while doing so, to bring the majority as near to that point as possible. This could only be done through the declaration yet to be made; and it will be seen that they in a measure succeeded. Here is the

“UNANIMOUS DECLARATION OF THE CONSULTATION, ADOPTED
NOVEMBER 7TH, 1835.

“Whereas, General Lopez de Santa Anna and other military chieftains have, by force of arms, overthrown the federal institutions of Mexico and dissolved the social compact which existed between Texas and other members of the Mexican confederacy; now the good people of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE

“1st. That they have taken up arms in defense of their rights and liberties, which were threatened by the encroach-

ments of military despots, and in defense of the republican principles of the federal constitution of Mexico of 1824.

“2nd. That Texas is no longer morally or civilly bound by the compact of union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the Mexican confederacy, as will take up arms against military despotism.

“3d. That they do not acknowledge that the present authorities of the nominal Mexican republic have the right to govern within the limits of Texas.

“4th. That they will not cease to carry on war against said authorities whilst their troops are within the limits of Texas.

“5th. That they hold it to be their right, during the disorganization of the federal system and the reign of despotism, to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican government so long as that nation is governed by the constitution and laws that were formed for the government of the political association.

“6th. That Texas is responsible for the expenses of her armies now in the field.

“7th. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

“8th. That she will reward by donations in lands, all who volunteer their services in her present struggle, and receive them as citizens.

“These declarations we solemnly avow to the world and call God to witness their truth and sincerity, and invoke defeat and disgrace upon our heads should we prove guilty of duplicity.”

This declaration, drawn by the pen of John A. Wharton, was signed by every member present, and by Messrs. Kerr, Linn and others as soon as they reached San Felipe.

The next thing was to prepare the basis for a Provisional Civil Government and an army to sustain it. This duty was intrusted to a committee consisting of Messrs. Henry Smith, of Brazoria, Millard, Jones, Wilson, Dyer, Hoxey, Lester, Arrington, Robinson, Everitt and Almanzon Huston.

Henry Smith chiefly drew the plan for the civil government and Almanzon Huston of the military, and they were reported to the consultation November 9th, and, with slight modifications, adopted as an organic act or decree on the 11th, when it was enrolled and signed, as had been the declaration. It is here inserted.

THE PLAN OF THE PROVISIONAL GOVERNMENT.

“Article I. That there shall be and is hereby created, a Provisional Government for Texas, which shall consist of a governor, a lieutenant-governor, and a council to be elected from this body, one member from each municipality, by the majority of each separate delegation present and the governor and lieutenant-governor shall be elected by this body.

“Article II. The lieutenant-governor shall be president of the council, and shall perform the duties of Governor in case of the death, absence or other inability of the Governor, during which time a president pro-tem shall be appointed to perform the duties of the lieutenant-governor in council.

“Article III. The duties of the general council shall be to devise ways and means; to advise and assist the Governor in the discharge of his functions; they shall pass no laws, except such as in their opinion the emergency of the country requires, ever keeping in view the army in the field, and the means necessary for its comfort and support. They shall pursue the most effective and energetic measures to rid the country of her enemies and place her in the best possible state of defense. *Two-thirds of the members elect of the general council shall form a quorum to do business; and in order that no vacancy*

shall happen in the council, if any member, from death or other casualty, shall be incapacitated to act, the governor shall immediately, on information thereof, notify the member elected to fill vacancies, and on his default, any member who has been elected to this body from the same jurisdiction. The governor and council shall be authorized to contract for loans, not to exceed one million dollars, and to hypothecate the public lands and pledge the faith of the country for security of payment. That they have the power to impose and regulate imposts and tonnage duties, and provide for their collection under such regulations as may be most expedient.

“They shall have power, and it is hereby made the duty of the governor and council to treat with the several tribes of Indians, concerning their land claims, and if possible, to secure their friendship. They shall establish post-offices and postroads and regulate the rates of postage, and appoint a Postmaster-General, who shall have competent powers for conducting this department of the Provisional Government, under such rules and regulations as the governor and council may prescribe. They shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high courts of admiralty, agreeably to the law of nations.

“They shall have power to appoint their own secretary, and other officers of their own body; also that they shall have the power to create and fill such offices as they may deem proper; *provided, nevertheless*, that this power does not extend to officers heretofore rejected by this house.

“That the governor and council have power to organize, reduce or increase the regular forces as they may deem the emergencies of the country require.

“Article IV. The governor, for the time being and during the existence of the provisional government, shall be clothed with full and ample executive powers, and shall be commander in chief of the army and navy, and of all the military forces of Texas by sea and land; and he shall have full power,

by himself, by and with the consent of the council, and by his proper commander, and other officers from time to time, to train, instruct, exercise and govern the militia and navy; and for the special defence and safety of the country, to assemble and put in warlike attitude the inhabitants thereof, and to lead and conduct them by their proper officers; and with them to encounter, repel, resist and pursue, by force of arms, as well by sea as by land, within or without the limits of Texas; and also to destroy, if necessary, and conquer, by all proper ways and enterprises and means whatever, all and every such person or persons as shall at any time, in a hostile manner, attempt or enterprise the destruction of our liberties, or the invasion, detriment or annoyance of the country; and by his proper officers use and exercise over the army and navy and the militia in the actual service, the law martial, in times of war, invasion or rebellion, and to take or surprise by all honorable ways and means consistent with the law of nations, all and every such person or persons, with their ships, arms, ammunition and goods, as shall, in a hostile manner, invade, or attempt the invading or annoying, our adopted country. And that the governor be clothed with all these and all other powers which may be thought necessary by the permanent council, calculated to aid and protect the country from her enemies.

“Article V. There shall be constituted a Provisional Judiciary in each jurisdiction represented, or which shall be represented in this house, to consist of two judges, a first and second, the latter only to act in the absence or inability of the first, and be nominated by the council and commissioned by the governor.

“Article VI. Every judge so nominated and commissioned shall have jurisdiction over all crimes and misdemeanors recognized and known to the common law of England; he shall have power to grant writs of habeas corpus in all cases known and practiced to and under the same laws; he shall have power to

grant writs of sequestration, attachment or arrest, in all cases established by the civil code and code of practice of the State of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases and shall also be made a court of record for conveyances, which may be made in English, and not on stamped paper, and that stamped paper be, in all cases, dispensed with; and shall be the notary public of their respective municipalities. All office fees shall be regulated by the governor and council; all other civil proceedings at law shall be suspended until the governor and general council shall otherwise direct. Each municipality shall continue to elect a sheriff, alcalde and officers of ayuntamientos.

“Article VII. All trials shall be by jury; and, in criminal cases, the proceedings shall be regulated upon the principles of the common law of England and the penalties prescribed, by said laws, in cases of conviction shall be inflicted, unless the offender shall be pardoned, or fine remitted; for which purpose a reasonable time shall be allowed to every convict to make his application to the governor and council.

“Article VIII. The officers of the Provisional Government, except such as are elected by this house, or the people, shall be appointed by the general council, and all officers shall be commissioned by the governor.

“Article IX. All commissions to officers shall be in the name of the people, free and sovereign, and signed by the Governor and secretary; and all pardons and remissions of fines granted, shall be signed in the same manner.

“Article X. Every officer and member of the Provisional Government before entering upon the duties of his office, shall take and subscribe to the following oath of office: “I, A. B., do solemnly swear (or affirm) that I will support the republican principles of the Constitution of Mexico of 1824, and obey the declaration and ordinances of the consultation of the chosen delegates of all Texas in general convention assembled, and

the decrees and ordinances of the Provisional Government; and I will faithfully perform and execute the duties of my office agreeably to law, to the best of my abilities, so help me God."

"Article XI. On charges and specifications being made against any officer of the Provisional Government for malfeasance or misconduct in office, and presented to the governor and council, a fair and impartial trial shall be granted to be conducted before the general council; and if, in the opinion of two-thirds of the members, cause sufficient be shown he shall be dismissed from office by the governor.

"Article XII. The governor and council shall organize and enter upon their duties immediately after the adjournment of this house and hold their sessions at such times and places as in their opinion will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

"Article XIII. The general council shall appoint a treasurer, whose duties shall be clearly defined by them and who shall give approved security for their faithful performance.

"Article XIV. That all land commissioners, empresarios, surveyors, or persons in anywise concerned in the location of lands, be ordered forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the land office can be properly systematized by the proper authority, which may hereafter be established; that fit and suitable persons be appointed to take charge of all the archives belonging to the different land offices, and deposit the same in safe places, secure from the ravages of fire, or the devastation of enemies; and that the persons so appointed be fully authorized to carry the same into effect, and be required to take and sign triplicate schedules of all the books, papers and documents found in the several land offices, one of which shall be given to the governor and council, one left in the hands of the land

office, the other to be retained by the said person ; and they are enjoined to hold such papers and documents in safe custody subject only to the order of the Provisional Government, or such competent authority as may be hereafter created ; and the said persons shall be three from each department as commissioners to be forthwith appointed by this house to carry this resolution into full effect, and report thereon to the government and council, and that the Political Chiefs immediately cease their functions. The different archives of the different primary judges, alcaldes, and other municipal officers of the various jurisdictions, shall be handed over to their successors in office, immediately after their election or appointment ; and the archives of the several political chiefs of the departments of Nacogdoches, Brazos and Bexar, shall be transmitted forthwith to the Governor and council for their disposition.

“ Article XV. All persons now in Texas, and performing the duties of citizens, who have not acquired their quantum of land, shall be entitled to the benefit of the law of colonization, under which they immigrated, and all persons who may immigrate to Texas during her conflict for constitutional liberty, and perform the duty of citizens, shall also receive the benefits of the law under which they immigrated.

“ Article XVI. The governor and council shall continue to exist as a Provisional Government until the re-assembling of this Consultation or until other delegates are elected by the people, and another government established.

“ Article XVII. This convention when it may think proper to adjourn, shall stand adjourned to meet at the town of Washington, Texas, on the first day of March next, unless sooner called by the executive and council.

“ Article XVIII. All grants, sales and conveyances of lands illegally and fraudulently made by the State of Coahuila and Texas, located or to be located within the limits of Texas, are hereby solemnly declared null and void, and of no effect.

“Article XIX. All persons who leave the country in its present crisis, with a view to avoid a participation in its present struggles, without permission from the alcalde or judge of their municipality, shall forfeit all or any lands they may hold or may have a claim to, for the benefit of this government: Provided, nevertheless, that widows and minors are not included in this provision.

“Article XX. All moneys now due, or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the governor and general council, and the receipts of the treasurer shall be a sufficient voucher for any and all persons who may pay moneys into the treasury; and the governor and council shall have power to adopt a system of revenue to meet the exigencies of the State.

“Article XXI. Ample power and authority shall be delegated and are hereby given and delegated to the governor and general council of the Provisional Government of all Texas, to carry into full effect the provisions and resolutions adopted by the Consultation of the chosen delegates of all Texas in general convention assembled, for the creation, establishment and regulation of the said Provisional Government.

PROVISIONS FOR AN ARMY AND MILITARY DEFENSE.

“Art. 1. There shall be a regular army created for the protection of Texas during the present war.

“Art. 2. The *regular* army of Texas shall consist of one major-general, who shall be commander-in-chief of *all the forces* (*i. e.*, both regulars and volunteers), called into public service during the war. [It must be borne in mind that the forces then in the field were volunteer citizens, acting in the entire absence of government, *who could* and *who did* come and go at the individual pleasure of each man. — J. H. B.]

“Art. 3. The commander-in-chief of the regular army of

Texas shall be appointed by this convention (Consultation) and commissioned by the governor.

“ Art. 4. He shall be subject to the orders of the governor and council.

“ Art. 5. His staff shall consist of one adjutant general, one quartermaster-general, one paymaster-general, one surgeon-general and four aides-de-camp, with their respective ranks as in the United States army in time of war, to be appointed by the major-general and commissioned by the governor.

“ Art. 6. The regular army of Texas shall consist of men enlisted for two years, and of volunteers for and during the continuance of the war.

“ Art. 7. The regular army of Texas, while in service, shall be governed by the rules, regulations and discipline, in all respects, applicable to the regular army of the United States of America in time of war, so far as is applicable to our condition and circumstances.

“ Art. 8. The regular army of Texas shall consist of eleven hundred and twenty men, rank and file.”

Art. 9 provided for 150 rangers to be placed in detachments on the frontier.

Art. 10 subjected all able-bodied men, over sixteen and under fifty years of age, to military duty.

Arts. 11 and 12 provided the mode of organizing the militia.

This plan of a Provisional Government was adopted and the provisional officers elected on the 12th, and it was duly enrolled and signed by the fifty-four delegates present on the 13th of November. The absent members from the west, Kerr, Linn, Power, McMullen, Malone and others signed it on reaching San Felipe, at a later day.

John A. Wharton submitted as an addenda the following, which was adopted:

“ *Resolved*, That the governor and council be empowered

to issue writs of election to fill any vacancies that may occur in this body, and for the representation of those jurisdictions not yet represented; or to cause a new election *in toto* for delegates to the convention of the first of March next."

James Kerr, Robert M. Williamson, George Sutherland and John J. Linn were appointed as archive-commissioners for the department of Bexar, under the fourteenth article of the organic law. For the department of Brazos, Asa Mitchell, Robert Peebles and Clement C. Dyer; and for the department of Nacogdoches, A. E. C. Johnson, Stephen H. Everitt and J. Leplessor.

A resolution of thanks to Stephen F. Austin, James W. Fannin and Benj. Fort Smith, for offers of aid through their landed property, was adopted.

On the 12th the Consultation proceeded to the election of officers under the organic law. Henry Smith of Brazoria and Stephen F. Austin, then at San Antonio, were put in nomination for governor. The vote stood:

For Henry Smith.....	31 votes
“ Stephen F. Austin.....	22 “

Upon which Henry Smith was declared duly elected as the first governor of Texas.

For lieutenant-governor James W. Robinson, of Nacogdoches, received fifty-two votes — all present excepting himself.

MEMBERS OF THE COUNCIL ELECTED.

From Austin, William Menefee; Brazoria, John A. Wharton; Bevil, Wyatt Hanks; Gonzales, J. D. Clements; Harrisburg, William P. Harris; Liberty, Henry Millard; Mina, D. C. Barrett; Matagorda, Charles Wilson; Nacogdoches, Daniel Parker; San Augustine, Almanzon Houston; Teneha, Martin Parmer; Viesca, Albert G. Perry; Washington, Jesse

Grimes; — in all thirteen — increased afterwards to twenty-one by delegates from additional municipalities.

The next thing in order was the all-important matter of electing a major-general, to be commander-in-chief of all the forces of Texas, regulars and volunteers. To his will, wisdom, courage and unfaltering patriotism, were to be intrusted the destinies of Texas. There were many able and noble men in the country, orators, patriots, civilians — tried old veterans of the war of 1812 and of the Creek war, in the land of their birth — former privates, lieutenants and captains, — Milam, who had entered the Mexican revolution as a patriot and passed through fiery trials with admirable personal bearing; Bowie, in whose fearless courage and strong intellect was reposed unbounded confidence; many who had won character and confidence in the ranks or subordinate positions, besides a number of eloquent, patriotic and gallant gentlemen, wholly or comparatively without military experience, who enjoyed the public confidence and esteem. But there was one who in youth had exhibited undaunted courage, received honorable wounds and flinched not, and had thus won and still enjoyed the closest friendship and love of the hero of New Orleans, the Horse Shoe and many other fields, then President of the United States. This man, the son of a widowed but noble Virginia mother, removed in his childhood to the wilds of East Tennessee and had risen from obscurity through the gallant services and innate talent and eloquence. He had served as a major-general of militia (not then as since, an empty honor), four years as a member and leader in the lower house of Congress of the United States (wherein sat Randolph, Clay, Webster, Grundy, Polk and Barbour), and then had served as governor of the Volunteer State, which held as citizens, Jackson, Carroll, Coffee, Trousdale, Hugh L. White, Felix Grundy, James K. Polk, Trooper Armstrong, and John Bell. He was one whose personal appearance distinguished him, as Saul of Tarsus, from his fellows. He was present as a member of the

Consultation. His name was Sam Houston, and by a unanimous vote he was elected commander-in-chief. He returned thanks and accepted the position in an impromptu outburst of eloquence that electrified every heart.

Thereupon Governor Smith, Lieutenant-Governor Robinson, the thirteen members of the council and General Houston subscribed to their respective oaths of office, solemnly administered by Dr. Branch T. Archer, president of the Consultation. It was a most solemn and impressive occasion, witnessed by many noble and iron-nerved men, who profoundly realized the mighty interests, for weal or for woe, involved in the act. If for weal, the political birth of a new, liberty-loving people; if for woe, the depopulation and relapse of Texas into the condition of a wilderness. Well they might, and reverently they did, "avow these declarations to the world—call God to witness their truth and sincerity, and invoke defeat and disgrace upon their heads should they prove guilty of duplicity." ¹

¹ "To Sam Houston, Esquire:

"In the name of the people of Texas, free and sovereign: We, reposing special trust and confidence in your patriotism, valor, conduct and fidelity, do by these presents constitute and appoint you to be major-general and commander-in-chief of the armies of Texas and of all the forces now raised or to be raised by it, and of all others who shall voluntarily offer their services and join the army, for the defense of the constitution and liberty, and for repelling every hostile invasion thereof; and you are hereby vested with full power and authority to act as you shall think best for the good and welfare of the service.

"And we do hereby strictly charge and require all officers and soldiers under your command to be obedient to your orders, and diligent in the exercise of their several duties.

"And we do also enjoin you to be careful in executing the great trust reposed in you, by causing strict discipline and order to be observed in the army and that the soldiers be duly exercised, and provided with all convenient necessities.

"And you are to regulate your conduct in every respect by the rules and discipline of war adopted by the United States of North America, or such as may be hereafter adopted by this government; and particularly to ob-

On the motion of Mr. Almanzon Huston it was

“*Resolved*, That there shall be three commissioners appointed by this body as agents to the United States of North America, to be commissioned by the governor and council, who shall delegate them such powers and give them such instructions as the governor and council may deem expedient.”

Immediately on the adoption of this resolution, Messrs. Branch T. Archer, William H. Wharton and Stephen F. Austin (the two latter being then in the army at San Antonio) were elected as such commissioners, and an express sent to notify them of the fact.

The name of the municipality of Columbia was restored to Brazoria.

A solemn declaration was passed that “the Cherokee Indians and their associate bands, twelve tribes in number, agreeably to their late general council in Texas, have derived their just claims to lands included within the bounds hereafter mentioned (viz.: lands lying north of the San Antonio road and the Neches, and west of the Angelina and Sabine rivers), from the government of Mexico, from which we have also derived our rights to the soil by grant and occupancy.”

It further pledged them a treaty and the marking of their boundaries; guaranteed them the peaceable enjoyment of their lands; declared illegal surveys made by white men in their bounds; and declared friendship for and good faith towards those Indians, and on the 13th of November, 1835, it was

serve such orders and directions, from time to time, as you shall receive from this or a future government of Texas.

“This commission to continue in force until revoked by this or a future government.

“Done at San Felipe de Austin, on the fourteenth day of November, eighteen hundred and thirty-five.

“HENRY SMITH, *Governor*.

“P. B. DEXTER, *Secretary of Provisional Government*.”

signed by every member of the consultation present, fifty-four in number.

This solemn declaration at a later day, as will be seen hereafter, became the subject of acrimonious disputations, but language could not be made more plain or obligatory than was this guarantee to these tribes.

Notwithstanding this initiatory or compromise declaration made by the consultation of conditional fealty to the defunct constitution of 1824, it is a significant fact that Henry Smith, an avowed friend of independence, was elected Governor over Austin, who was considered at that time, as wedded to the idea of Texas remaining an integral part of Mexico, an opinion fully warranted by his former and later utterances. It was not opposition to General Austin per se, but a difference of opinion. Robinson, the Lieutenant-Governor, had made two eloquent speeches in the consultation in favor of independence. Archer and Wharton, two of the three commissioners to the United States, were unreservedly for independence, and it was well understood that General Houston had only hesitated from prudential motives, soon to pass away.

On the 14th the consultation closed its labors and adjourned. Representing less territory and fewer souls, it was the counterpart of the first Continental Congress in 1774; but surpassed that body in the efficacy of the governmental structure erected to meet the emergency.

The new government entered at once energetically upon its duties, enacting such provisional laws or decrees, as were deemed necessary to bring order out of chaos, prepare for military defense, establish post-routes, regulate internal and foreign commerce and impost duties, improvise a navy, establish local judicial tribunals, raise both regulars and volunteers, form a treaty with the Cherokees, etc. Governor Smith delivered an inaugural message, ably and patriotically dealing with the issues then confronting the country. When the

council assembled and organized on the 14th, fifteen instead of thirteen members took their seats, the additional ones, arrived since the original selection, being Claiborne West, of Jefferson, and Juan Antonio Padilla, of Guadalupe Victoria.

For a time harmony and energy prevailed, and there we will leave them and return to the volunteer army at San Antonio, which we have followed up to Austin's Goliad-Dimmitt order on the 18th of November.

CHAPTER XXXVI.

Austin and Wharton leave the Army as United States Commissioners — Burleson elected to succeed Austin — Arrival of the New Orleans Grays — Their Names — The Grass Fight — The Famous Decree of October 3, 1835 — Austin to the General Council.

Nothing of interest occurred until the 21st, when the following order was issued :

“ HEADQUARTERS, November 21, 1835.

“ It is announced to the army that it will be organized into divisions this day for the purpose of storming Bexar to-morrow morning. The captains of companies will report to-day a roll of their respective companies, stating those who have left yesterday or to-day. All communication with Bexar is prohibited.

“ S. F. AUSTIN.”

This was answered on the same day in these two laconic notes :

“ *S. F. Austin, Commander-in-Chief:*

“ On receipt of your general order of this date, announcing that an attack on the fortifications of Bexar would be made by storm to-morrow morning, I have ascertained the disposition of the officers and men of my division, and believe it to be my duty to report that a majority of them are opposed to the measure, and are unwilling to attempt it, and I concur with them in opinion.

“ PHILIP A. SUBLETT, *Lieut.-Col.*”

“ CAMP NEAR BEXAR, 21st November, 1835.

“ *S. F. Austin, Commander-in-Chief:*

“ On receipt of your general order of this date, announcing that an attack on the fortifications would be made by storm to-morrow morning, I have ascertained the disposition of the officers and men of my division, and believe it to be my duty to report that a majority of them are opposed to the measure, and are unwilling to attempt it.

“ *EDWARD BURLESON, Col. Commanding.*”

There is a remarkable identity of language in the two responses, yet a marked contrast in one respect. Sublett closed by saying, “ and I concur with them in opinion.” Colonel Burleson says nothing of the kind.

Thereupon came this countermanding order:

“ November 21, 1835.

“ Colonel Edward Burleson and Lieutenant-Colonel Philip A. Sublett, who are the immediate commanders of the two divisions of the army, having in the above reports made known to me that a majority of their respective divisions are opposed to the storming of Bexar and are unwilling to attempt it; and having ascertained from other sources that this majority is very large, and that not more than one hundred men can be obtained to go into the measure, necessity compels me to countermand the order for storming.

“ *S. F. AUSTIN.*”

Late in the afternoon of the same day, the 21st, the company of New Orleans Grays, afterwards so distinguished for gallantry, and the first to join the standard of Texas from the United States, arrived in the vicinity, and, on the 22d, reported themselves for duty. They numbered sixty-four men, and sailed from New Orleans in October, on the schooner

Columbus, Captain Leidsdorf, for the mouth of the Brazos, with an invaluable supply of munitions, provisions and military stores, contributed by the citizens of that, the most patriotic city in the United States. At Velasco and Quintana, vis-a-vis sisters at the mouth of the Brazos, they were welcomed by grateful huzzas, the waving of handkerchiefs by enthusiastic ladies and the roar of artillery. On the steamer *Laura*, they were transported up the river to Brazoria, where the wildest enthusiasm was manifested by the whole population. Flowers were strewn along their line of march by ladies and little girls, cannon boomed, handkerchiefs waved and loud huzzas greeted them as they advanced. Mrs. Jane Long, the queenly and patriotic widow of General Long, gave them a feast and their souls were made glad by an outpouring of generous hospitalities. They promptly moved forward on foot, 250 miles, to San Antonio. At Victoria they received a similar ovation, presided over by those two noble ladies, Mrs. Margaret C. and Miss Susan Linn, assisted by other ladies. Of all companies that came to Texas, the New Orleans Grays stand pre-eminent. Many of them were murdered with Fannin four months later and others gave their lives to Texas on other fields, while others like William G. Coke, Thomas Wm. Ward, Thomas S. Lubbeck and Martin K. Snell, lived to win honorable reputation in after years. Their muster-roll, it is supposed, was burned with the adjutant-general's office in 1855, and for that reason a copy is appended in the note below, together with their places of nativity, from an original preserved and furnished me by one of their number in 1886, Sidney S. Callender, then a retired printer and publisher in New Orleans, known to me as a reliable gentleman, with whom I served on the Rio Grande in 1842.¹

¹ Alexander Abrams, Ohio; G. L. Addison, Maryland; Louis F. Amelung, Louisiana; Charles Bannister, Louisiana; John Belden, New York; Wm. Blowne, England; Wm. Boyle, Pennsylvania; Nathaniel Brister, Virginia; Sidney S. Collender, Mississippi; Charles J. Carrier,* South Carolina;

On November 24th, Austin announced to the volunteers that he and William H. Wharton, their judge advocate, had been appointed commissioners to the United States and must leave them. He had them paraded for the purpose of ascertaining how many would remain in camp to continue the investment of the town, under a commander to be elected by themselves. Only four hundred and five responded, and these included the sixty-four New Orleans Grays. This number, it is believed, constituted in the main, all who were then on the ground. They elected Colonel Edward Burleson to succeed Austin. Burleson appointed Francis W. Johnson as his adjutant-general, and Peter W. Grayson and William T. Austin his aids-de-camp.

Austin and Wharton, after a service of forty-four days, (October 11th to November 24th), left for San Felipe. The

Seth Carey, Vermont; James M. Cass,* Connecticut; Wm. Chamberlain, Ohio; Charles W. Connor, Pennsylvania; Wm. G. Cooke, Virginia; John Connell, Pennsylvania; Michael Cronican, Massachusetts; Noah Dickinson, Jr.,* Upper Canada; V. Drouellard, Louisiana; Wm. D. Durham, England; George M. Gill* (or Gillard), Pennsylvania; Wm. Graham, Nova Scotia; Francis H. Gray,* Scotland; George Green,* England; John L. Hall, Maryland; Julian Harley, South Carolina; Wm. Harper,* Ireland; E. S. Heath,* Massachusetts; Nicholas Herron, Virginia; Stuart Hill, ———; Nathan Holbrook, Massachusetts; Wm. L. Hunter,† Virginia; Francis Johnson, Maine; Allen O. Kenney,* Virginia; Francis Leonard, Louisiana; Albert M. Levy, Virginia; Thomas S. Lubbeck, South Carolina; Dennis Mahoney,* Ireland; Robert C. Morris (captain of the company), Louisiana; Adam Mosher, Kentucky; Marshal B. McIver, Kentucky; John D. McLeod, England; John D. McNeel, North Carolina; James Nowland, Ireland; Christopher O'Brien, Ireland; Wm. G. Preuch,* Louisiana; F. Proctor, Louisiana; John Reese,* Wales; Joseph P. Riddle,* Pennsylvania; Richard Ross, Illinois; Hiram H. Russell, Tennessee; Charles Sargeant,* Massachusetts; Henry S. Smith, New York; Martin K. Snell, Pennsylvania; Thomas R. Striff, Virginia; George Stephens, England; E. N. Stringer, Louisiana; Hartwell Walker, New Hampshire; Thos. Wm. Ward, Ireland; James West,* Pennsylvania; John Wood,* South Carolina; Mandred Wood, Pennsylvania; Edward Wrentmore, England; and George Voss,‡ Germany; total, sixty-four — representing sixteen States and six foreign countries.

The sixteen marked thus * were murdered with Fannin. One marked thus † escaped. One marked thus ‡ was saved as a mechanic.

outlook, with the volunteers decreased one-half in number, the Mexican fortification greatly strengthened, and a large re-inforcement under Ugartechea daily expected, was certainly darker than at any time since the engagement at Concepcion, twenty-seven days before. But there were lion-hearted men in that little band and the end was not yet. "Old" Ben Milam was there.

From San Felipe, November 13th, the day succeeding his election as commander-in-chief, General Houston wrote to Captain James W. Fannin at San Antonio, tendering him the appointment of inspector-general, saying :

"So soon as convenient, should you accept the appointment, I will require you to join me at this place, or wherever the headquarters of the army may be established. But, my dear sir, if your presence is necessary for the safety of the army in camp, or is *in anywise* necessary, *do not abandon it*. Two days since the agent started to New Orleans for artillery and means to reduce San Antonio. When can they reach camp? Not before March next. Would it not be best to raise a *nominal* siege, fall back on La Bahia and Gonzales, leaving a sufficient force for the protection of the frontier (which, by the way, will not be invaded), furlough the balance of the army to comfortable homes, and when the artillery is in readiness, march to the combat with sufficient force, and at once reduce San Antonio. * * * All admit that nothing can be done until the cannon arrive. * * * I hear our friend, Colonel Bowie, is at the head of the army. I am glad of it. I congratulate him and the army. Bid him God-speed. You may show him this letter.¹ * * * Remember our maxim : 'It is better to do well *late than never*.' The army, without means, ought never to have passed the Guadalupe without the proper munitions of war to reduce San

¹ General Houston had been wrongly informed, but this shows the high estimation in which he held Colonel Bowie.

Antonio. Therefore, the error cannot be in falling back to an eligible position."

This letter was confidential, but was some years since published with Fannin's letters to and from various parties.

The following letter to Capt. Wylie Martin at San Antonio, in this connection is of interest:

"SAN FELIPE DE AUSTIN, Nov. 24th, 1835.

"MY DEAR SIR: In accordance with our last conversation, I take pleasure in explaining my views, if they can, in any possible event, be of service to our country or countrymen.

"If, in the range of human occurrences, it shall be proper or even necessary for the army of the people before Bexar to fall back, because of the men not being prepared with proper clothing for winter, and the want of necessary artillery, and munitions of war, I would suggest to you the advantage of retiring in good order, and sending the cannon, baggage and sick, in advance, so that they can at least reach the Cibolo under conduct of a strong guard, and a vigilant officer to command it, before the enemy takes up his line of march.

"It would seem, then, that the army should be formed in two divisions, one to pursue the route to La Bahia, and the other, that of Gonzales. There ought to be a sufficient force left at La Bahia to make a firm defense at that place, and all possible means used for that purpose.

"Gonzales being, in my opinion, the most important interior key to Texas (proper), should also be placed in a condition for defense, with a force of from one to two hundred placed there, under a firm and prudent commander, who will, at once, establish discipline and organization; and, using the greatest vigilance, retaining a few horses to keep out scouts. This, it seems to me, must be a rallying-point for Texas.

"Your friend,

"SAM HOUSTON.

It will be seen that time soon controverted the opinion of General Houston, sustained the wisdom of Austin's advance upon San Antonio, and, through the genius of Milam, not only proved that San Antonio could be taken without cannon, but set an example followed by General Taylor in the capture of Monterey, nearly eleven years later. San Antonio had her Concepcion and Monterey her Independence Hill and Bishop's palace, but the genius of Milam guided the tunneling hosts to victory in both, in San Antonio in person, in Monterey by example.

There had been, as stated, in the month since Austin arrived in the vicinity of San Antonio, a great deal of scouting and, besides the splendid victory of Concepcion, several slight skirmishes. In one of these, however, near the powder-house, in full view of the town, seven or eight of the enemy were killed. Bowie, Byrd Lockart and Travis, in command of small detachments, had been as far west as the Nueces, burning the grass wherever it was high enough, to destroy nature's forage for any advancing mounted force. Cos found it necessary to send out at night foraging parties to cut and bring in grass for his horses. A rumor spread through the camp that a Mexican force was en route for San Antonio, carrying a large amount of silver to pay off the troops and purchase needful supplies. On the 26th of November (one account says on the 28th), while Colonel Bowie was at the head of a small party, a few miles west of San Antonio, he discovered about two hundred Mexicans advancing from the west, and from the packs on loose animals, believed it was the party with silver. He sent a runner to camp for help. Such men as could mount pressed forward as fast as possible, and those on foot followed, all in rather helter-skelter order. But before their arrival the Mexicans approached so near the town that Bowie determined to take the hazards and furiously — cautious men might say recklessly — attacked them. A severe fight ensued, during which General Burleson and his

men arrived in irregular squads and eagerly joined in the contest. But the enemy, losing a number of their men and seeing the advancing re-inforcements, abandoned their pack-animals and fled into the town. Strange to say the Texians lost not a man. One man struck down by a spent cannon ball from the fort, was left as dead ; but he regained consciousness and, seeing none of his comrades, concluded all were captured and took to the hills, which he traversed to the Guadalupe and followed that stream, until at the end of several days, almost perished, he struck the settlements, and was so mortified when he realized his mistake, that he never stopped until he crossed the Sabine. The packs proved to be bundles of grass cut on the Medina ; and hence this somewhat ludicrous engagement was christened and has ever since been known as the Grass Fight. No two writers have fully agreed in regard to this comparatively insignificant affair, insignificant in blood, but decidedly significant in inspiring mutual confidence among the volunteers. I have given the facts as substantially given by half a dozen participants, including the published account of Wm. S. Taylor and Jacob H. Shepherd, and the unpublished one of Darwin M. Stapp, all men of courage and integrity. All agree that Bowie was the hero of the occasion and that General Burleson and his men did all that was possible under the circumstances. Among the first to arrive and join Bowie was the father of General Burleson (James Burleson), a brave old soldier of the Creek war, whose presence created the wildest enthusiasm among the younger men. Among the latter was Joel W. Robison, deceased in 1888 at Warrenton, Fayette County. Robison had fought as a boy at Velasco, was in the skirmish at Gonzales and next at Concepcion, and was soon to follow Milam into San Antonio and to be at San Jacinto. When the days of peace came he honorably and on repeated occasions represented his county in the State councils.

On the last day of Austin's command, November 24th, he

wrote to the commandant at Goliad, among other things saying that the "government in Mexico is organizing an army of ten thousand men, to be commanded by General Santa Anna in person, who is to be on in the spring; and efforts are making to send re-inforcements to this place."¹

It was late in the month of October that the Mexican decree of October 3d became known in Texas. In the language of President David G. Burnet, in his historical compend published in 1859:

"Before that period arrived (the assembling of the Consultation) intelligence was received from Mexico corroborating and realizing our most alarming apprehensions. By a decree of the supreme government, of the third of October, 1835, the Federal constitution, *so long contemned and abrogated, in fact*, was abolished in form. The State legislatures were suppressed and department councils substituted, and the government was transformed into a *central consolidated republic* (rather despotism) the army its pedestal, the church its pillars * * * That Texas was under no obligation, political or moral, to accept the new form thus thrust upon her, will not be questioned by any who can comprehend the genius and appreciate the inherent rights of the people under all representative governments. The social compact was forcibly dissolved; the elements composing the body politic were disintegrated, and Texas, being an integrant of that body, *was at perfect liberty to choose her own future organism.*"

This brief extract from the incisive pen of President Burnet, himself for a time halting before joining the friends

¹ In fact the re-inforcements under Ugartechea were then en route; yet a month later when every semblance of republicanism had been crushed in Mexico and despotism had been crystallized by the imperial decree of the 3d of October, General Austin bitterly opposed independence and characterized its advocates as "an unprincipled party * * * clanned together to get possession of the public affairs to promote their own aims of ambition and personal aggrandizement."

of independence, presents the whole situation confronting the people of Texas so distinctly that none can be mistaken in regard to the all-pervading and all-controlling issue, viz., either submission to an absolute military despotism, or the declaration and achievement of independence. Fortunately for liberty and human rights — fortunately for the United States and the Anglo-Saxon race in America, and, as over half a century has conclusively demonstrated, fortunately for Mexico, the people of Texas declared for independence, placing their all at hazard with a firm reliance upon their own prowess and upon that Almighty Power in whom they, as their forefathers had done, trusted for mercy, for justice and for guidance.

On the 30th of November, having reached San Felipe on the previous day, General Austin addressed a long communication to the provisional government, announcing his readiness to proceed to the United States, recounting the recent events and present state of affairs at San Antonio, and expressing his views as to the future.

He says:

“I must particularly call the attention of the provisional government to the volunteer army, now in the field. That their services have been and now are in the highest possible degree useful and important to Texas, is very evident. Had this army never crossed the Guadalupe, a movement which some have condemned, the war would have been carried by the centralists into the colonies and the settlements on the Guadalupe and La Vaca would probably have suffered, and perhaps been broken up. The town of Gonzales had already been attacked, and many of the settlers were about to remove.

“What effect such a state of things would have had upon the moral standing and prospects of the country, although a matter of opinion, is worthy of mature consideration; and more especially when it is considered that at that time the opinions of many were vacillating and unsettled and much division prevailed. The volunteer army has also paralyzed the force of

General Cos, so that it is shut up within the fortifications of Bexar, incapable of any hostile movement whatever, outside the walls, and must shortly surrender or be annihilated. The enemy has been beaten in every contest and skirmish, which has proved the superiority of the volunteers, and given confidence to every one. Our undisciplined volunteers, but few of whom were ever in the field before, have acquired some experience and much confidence in themselves and in each other, and are much better prepared for organization and to meet a formidable attack than they were before.

“ The post at Goliad has been taken by the volunteers and the enemy deprived of large supplies which were at that place, and of the facilities of procuring others by water, through the port of Copano, which is also closed upon them by the occupation of Goliad. The enemy has been driven from the river Nueces by a detachment of the volunteers who garrison Goliad, aided by the patriotic sons of Ireland from Powers’ Colony. More than one hundred of the enemy, including many officers, have been killed; a great many have been wounded, others have deserted, and a valuable piece of brass cannon, a six-pounder, has been taken, and another preserved (the one that was at Gonzales) from falling into the hands of the enemy. Three hundred head of horses have been taken, and the resources for sustaining an army in Bexar are all destroyed or exhausted so that an enemy at that place is at this time more than three hundred miles from any supplies of bread-stuffs and many other necessary articles. All this has been effected by the volunteer army in a little more than one month, and with the loss of only one man killed in battle and one wounded (who has nearly recovered) before Bexar; one wounded at Goliad and one at Lipantitlan on the Nueces. In short, the moral and political influence of the campaign is equally beneficial to Texas and to the sacred cause of the constitution and of liberty, and honorable to the volunteer army. This army is composed principally of the most intelligent, respect-

able and wealthy citizens of the country ; and of volunteers from Louisiana and Alabama, men who have taken up arms from principle, from a sense of duty, and from the purest motives of patriotism and philanthropy. They have bravely sustained the rights of Texas, and the cause of Texas, and the cause of Mexican Liberty, and patiently borne the exposure and fatigue of a winter's campaign during the most inclement, wet and cold spell of weather known in this country for many years. The most of them have families, whose loss would have made a fearful void in our thin community. They might have been precipitated upon the fortification of Bexar, which were defended by seven or eight hundred men, and a number of cannons, and taken the place by storm, against superior numbers ; and Texas might, and in all probability would, have been covered with mourning in the hour of victory. On consultation with the officers in councils of war, it was deemed most prudent not to hazard so much in the commencement of the contest, when a disaster would have been so materially injurious ; and the system was adopted, of wasting away the resources and spirits and numbers of the enemy by a siege, the ultimate success of which appeared to be certain without any serious hazard on our part. That the fall of Bexar within a short time, and, with a very little loss, will be the result, I have no doubt."

"The decree of the 3d of October, therefore, *if carried into effect*, evidently leaves no remedy for Texas but resistance, *secession from Mexico*, and a direct resort to natural rights."

These last were words of courage and wisdom ; but the trouble was, in the language of President Burnet, that by this decree, "the Federal constitution so long contemned and abrogated in fact was abolished in form." Yet Austin, as if unaware of the actual and notoriously existing facts, qualifies his position with the contingency "*if the decree be carried into effect*," while six days before he wrote the com-

mandant at Goliad, that Santa Anna was preparing to invade Texas at the head of ten thousand men.

In a second communication of December 2nd, Austin declares himself in favor of a new convention, to be elected by the people, with plenary powers, etc. This could only be construed, on its face, as an expression in favor of independence, else why clothe the body with *plenary* powers, or indeed, any more power than that possessed by the recent body, fresh from the people which established the provisional government? It will be seen that three weeks later he was intensely hostile to independence.

CHAPTER XXXVII.

The Siege of San Antonio — Storming of the Place — Milam saved the Cause, but lost his Life — Capitulation of Cos and Surrender of the Alamo and San Antonio — Official Reports.

Next, in the order of events, were the momentous occurrences at San Antonio de Bexar. The number of volunteer citizens there, between Austin's arrival on the Salado, October 20th, and his retirement November 24th, had increased at one time to nearly eleven hundred men and again decreased to about five hundred. Every one came and went at pleasure. All professed a desire to take the town and its Mexican garrison under Cos. The fact remained, however, that when the test came on the 21st of November, the order for attacking the place had to be countermanded. The question in the mind of the attentive reader, will naturally arise, where were Milam and Bowie and Travis when this took place? Why were they not heard from when it was officially reported to Austin and affirmed, as he officially says, by his own observation, that a large majority of the men were opposed to the attack? The answer is, that they were in subordinate positions, on detached service, scouting towards the Rio Grande, and were not in camp when the matter was discussed. It reveals the lack of a master, leading-spirit — one of those rare men endowed by nature with the capacity, in times of peril, both to lead and to command. There were among them men personally as brave as the bravest, but they lacked self-confidence and that spirit of daring, combined with faith, so essential in such great emergencies, to successfully lead men into desperate hazards. The fourth of December arrived and

so did Milam, from a perilous scout to the west. The failure of November 21st had been repeated that morning; at least one or two authorities so assert, but there is margin for doubt of its accuracy. But, be that as it may, there is abundant evidence to show that the soul of Milam rose equal to the occasion; that he realized its transcendent importance to the salvation of Texas; that he regarded failure, under all the existing surroundings, as an irretrievable disaster. He drew a line and in stentorian voice appealed to his countrymen then present to follow him in storming and taking the town, and exclaimed: "Who will follow old Ben Milam?"

From that little halting-band sprang forth and into line, three hundred inspired patriots, avowing their resolve to follow him to victory or death.

Milam divided his followers into two bodies, commanding one in person and placing the other, by consent of the men, under the adjutant-general, Francis W. Johnson, the same gallant captain who figured at Anahuac in 1832. No more full or graphic account of the storming of the town can be given than is contained in the final report of Colonel Johnson; who succeeded to the command when his valiant chief fell—a fall that called forth lamentations and sorrow in every household in Texas, and not in Texas alone, for Kentucky mourned her patriot son, from Clay, Crittenden, Rowan, Johnson, and the most distinguished of the State to the humblest. In Arkansas, Louisiana and the valley of the Mississippi and in the noblest breasts of Mexico, though hiding in caverns and forests from the minions of Santa Anna, the death of Milam was also deplored as a loss to liberty and civilization. All felt that a loyal and unselfish champion of human rights had fallen—gone down as Warren at Bunker Hill, to be remembered in the generations to follow as the embodiment of all that constitutes the noble, the brave and the true in man.

Here is the report of Colonel Johnson :

“ SAN ANTONIO DE BEXAR, December 11, 1835.

“ *General Burleson, Commander-in-Chief.*

“ SIR: I have the honor to acquaint you, that on the morning of the 5th inst., the volunteers for storming the city of Bexar, possessed by the troops of General Cos, entered the suburbs in two divisions, under the command of Colonel Ben. R. Milam. The first division under his immediate command, aided by Major R. C. Morris, and the second under my command, aided by Colonels Grant and Austin, and Adjutant Brister.

“ The first division, consisting of the companies of Captains York, Patton, Lewellyn, Crane, English, and Landrum, with two pieces and fifteen artillerymen, commanded by Lieutenant-Colonel Franks, took possession of the house of Don Antonio de La Garza. The second division, composed of the companies of Captains Cooke, Swisher, Edwards, Alley, Duncan, Peacock, Breeze and Placido Benevides, took possession of the house of Verramendi. The last division was exposed for a short time to a very heavy fire of grape and musketry from the whole of the enemy's line of fortifications, until the guns of the first division opened their fire, when the enemy's attention was directed to both divisions. At seven o'clock, a heavy cannonading from the town was seconded by a well directed fire from the Alamo, which for a time prevented the possibility of covering our lines, or effecting a safe communication between the two divisions. In consequence of the twelve pounder having been dismounted, and the want of proper cover for the other gun, little execution was done by our artillery, during the day. We were, therefore, reduced to a close and well directed fire from our rifles, which, notwithstanding the advantageous position of the enemy, obliged them to slacken their fire, and several times to abandon their artillery, within the range of our shot. Our loss during this day

was one private killed, one colonel and one first lieutenant severely wounded; one colonel slightly, three privates dangerously, six severely and three slightly wounded. During the whole of the night, the two divisions were occupied in strengthening their positions, opening trenches, and effecting a safe communication, although exposed to a heavy cross fire from the enemy, which slackened towards morning. I may remark that the want of proper tools rendered this undertaking doubly arduous. At daylight of the 6th, the enemy were observed to have occupied the tops of houses in our front, where, under the cover of breastworks, they opened through loop-holes, a very brisk fire of small-arms on our whole line, followed by a steady cannonading from the town, in front, and the Alamo on the left flank, with few interruptions during the day. A detachment of Captain Crane's company, under Lieutenant W. McDonald, followed by others, gallantly possessed themselves, under a severe fire, of the house to the right, and in advance of the first division, which considerably extended our line; while the rest of the army was occupied in returning the enemy's fire and strengthening our trenches, which enabled our artillery to do some execution, and complete a safe communication from right to left.

“Our loss this day amounted to three privates severely wounded, and two slightly. During the night the fire from the enemy was inconsiderable; and our people were occupied in making and filling sand bags, and otherwise strengthening our lines. At daylight on the 7th, it was discovered that the enemy had, during the night previous, opened a trench on the Alamo side of the river, and on the left flank, as well as strengthening their battery on the cross-street leading to the Alamo. From the first they opened a brisk fire of small-arms, from the last a heavy cannonade, as well as small-arms, which was kept up until eleven o'clock, when they were silenced by our superior fire. About twelve o'clock, Henry W. Karnes, of Captain York's company, exposed to a heavy fire from the

enemy, gallantly advanced to a house in front of the first division, and with a crowbar forced an entrance, into which the whole of the company immediately followed him and made a secure lodgment. In the evening, the enemy renewed a heavy fire from all the positions which could bear upon us; and at half-past three o'clock, as our gallant commander, Colonel Milam, was passing into the yard of my position, he received a rifle shot in the head, which caused his instant death, an irreparable loss at so critical a moment. Our casualties otherwise during this day, were only two men slightly wounded.

“At a meeting of the officers at 7 o'clock, I was invested with the chief command, with Major Robert C. Morris (late captain of the New Orleans Grays) as second. At ten p. m. Captains Lewellyn, English, Crane and Landrum with their respective companies, forced their way into and took possession of the house of Don Jose Antonio Navarro, an advanced and important position, close to the square. The fire of the enemy was interrupted and slack during the whole night, and the weather exceedingly cold and wet.

“The morning of the 8th continued cold and wet, with but little firing on either side. At nine o'clock the same companies who took possession of Don Jose Antonio Navarro's house, aided by a detachment of the Grays, advanced and occupied the Zambrano Row, leading to the square, without any accident. The brave conduct on this occasion, of William Graham, of Cook's company of Grays, merits mention.¹

“A heavy fire of artillery and small-arms was opened on this position by the enemy, who disputed every inch of ground, and who, after suffering a severe loss in officers and men, were forced to retire from room to room, until at last they evacuated the whole house.²

¹ Lieut. William G. Cook had succeeded Morris as captain of the New Orleans Grays.

² This result was attained by the Texians tunneling through thick stone partition walls from room to room.

“ During this time our men were re-inforced by a detachment from York’s company, under command of lieutenant Gill.

“ The cannonading from the camp was exceedingly heavy from all quarters during the day, but did no essential damage.

“ Our loss consisted of one captain seriously wounded, and two privates severely. At 7 o’clock p. m. the party in Zambrano’s Row were re-inforced by Captains Swisher, Alley, Edwards and Duncan and their respective companies.

“ This evening we had undoubted information of the arrival of a strong re-inforcement to the enemy, under Colonel Ugartechea. At half-past ten o’clock p. m. Captains Cook and Patton, with the company of New Orleans Grays, and a company of Brazoria volunteers, forced their way into the priest’s house in the square, although exposed to the fire of a battery of three guns, and a large body of musketeers.

“ Before this, however, the division was re-inforced from the reserve, by Captains Cheshire, Lewis and Sutherland, with their companies.

“ Immediately after we got possession of the priest’s house, the enemy opened a furious cannonade from all their batteries, accompanied by incessant volleys of small-arms against every house in our possession, and every part of our lines, which continued unceasingly until half-past six o’clock, a. m., of the 9th, when they sent a flag of truce, with an intimation that they desired to capitulate. Commissioners were immediately named by both parties ; and herewith I send you a copy of the terms agreed upon.

“ Our loss in this night’s attack, consisted of one man only (Belden of the Grays) dangerously wounded, while in the act of spiking a cannon.

“ To attempt to give you a faint idea of the intrepid conduct of the gallant citizens who formed the division under my

command, during the whold period of the attack, would be a task of no common nature, and far above the power of my pen. All behaved with the bravery peculiar to freemen, and with a decision becoming the sacred cause of liberty.

“To signalize every individual act of gallantry, where no individual was found wanting to himself or to his country, would be a useless and endless effort. Every man has merited my warmest approbation, and deserves his country’s gratitude.

“The memory of Colonel Ben R. Milam, the leader of this daring and successful attack, deserves to be cherished by every patriotic bosom in Texas.

“I feel indebted to the able assistance of Colonel Grant, (severely wounded the first day), Colonel W. T. Austin, Majors S. Morris and Moore, Adjutant Brister, Lieutenant Colonel Franks of the artillery, and every captain (names already given) who entered with either division, from the morning of the 5th, until the day of the capitulation.

“Doctors Levy and Pollard also deserve my warmest praise, for their unremitted attention and assiduity.

“Dr. John Cameron’s conduct during the siege and treaty of capitulation, merits particular mention ; the guides, Messrs. Erastus Smith, Kendrick Arnold and John W. Smith, performed important service; and I cannot conclude without expressing my thanks to the reserve under your command, for such assistance as could be afforded me during our most critical movements.

“The period put to our present war by the fall of San Antonio de Bexar, will, I trust, be attended with all the happy results to Texas which her warmest friends could desire.

“I have the honor to subscribe myself,

Your most obedient servant,

“F. W. JOHNSON, *Commanding.*”

GEN. BURLESON'S REPORT.

“BEXAR, December 14th, 1835.

“*To His Excellency Henry Smith, Provisional Governor of Texas:*

“SIR: I have the satisfaction to enclose a copy of Col. Johnson's account of the storming and surrendering of San Antonio de Bexar, to which I have little to add that can in any way increase the luster of this brilliant achievement, to the Federal arms of the volunteer army under my command; and which will, I trust, prove the downfall of the last position of military despotism on our soil of freedom.

“At three o'clock on the morning of the 5th instant, Col. Neill, with a piece of artillery, protected by Capt. Roberts and his company, was sent across the river to attack, at five o'clock, the Alamo, on the north side, to draw the attention of the enemy from the advance of the division which had to attack the suburbs of the town, under Colonels Milam and Johnson. This service was effected to my entire satisfaction; and the party returned to camp at nine o'clock a. m.

“On the advance of the attacking division, I formed all the reserve, with the exception of the guard necessary to protect the camp, at the old mill position, and held myself in readiness to advance, in case of necessity, to assist when required; and shortly afterwards passed in to the suburbs to reconnoitre, where I found all going on prosperously, and retired with the reserve to the camp. Several parties were sent out mounted, under Capts. Cheshire, Coleman and Roberts, to scour the country, and endeavor to intercept Ugartechea, who was expected, and ultimately forced an entry, with re-inforcements for General Cos. Captains Cheshire, Sutherland and Lewis, with their companies were sent in as re-inforcements to Col. Johnson, during the period of attack; and Captains Splane, Ruth, and Lieut. Borden with their companies, together with Lieut.-Cols. Somervell

and Sublett were kept in readiness as further assistance if required. On the evening of the 8th, a party from the Alamo of about fifty men, passed up in front of our camp and opened a brisk fire, but without effect. They were soon obliged to retire precipitately, by opening a six-pounder upon them, commanded by Capt. Hummings, by sending a party across the river, and by the advance of Capt. Bradley's company, who were stationed above. On the morning of the 9th, in consequence of advice from Col. Johnson of a flag of truce having been sent in, to intimate a desire to capitulate, I proceeded to town, and by two o'clock a. m. of the 10th, a treaty was finally concluded by the commissioners appointed, to which I acceded immediately, deeming the terms highly favorable, considering the strong position and large force of the enemy, which could not be less than thirteen hundred effective men; one thousand one hundred and five having left this morning with Gen. Cos, besides three companies and several small parties which separated from him in consequence of the fourth article of the treaty.

“In addition to a copy of the treaty I enclose a list of all the valuable property ceded to us by virtue of this capitulation.

“General Cos left this morning for the mission of San José, and, to-morrow, commences his march to the Rio Grande, after complying with all that had been stipulated.

“I cannot conclude this despatch without expressing in the warmest terms, my entire approbation of every officer and soldier in the army, and particularly those who so gallantly volunteered to storm the town, which I have the honor to command, and to say that their bravery and zeal on the present occasion, merit the warmest eulogies which I can confer and, the gratitude of their country. The gallant leader of the storming party, Colonel Ben R. Milam, fell gloriously on the third day and his memory will be dear to Texas as long as there exists a grateful heart to feel, or a friend of liberty to lament his loss. His place was most ably filled by Col. F. W. Johnson, adjutant-general of the army, whose coolness

and prudence, united to daring bravery, could alone have brought matters to so successful an issue with so very small a loss against so superior a force and such strong fortifications. To his shining merits on this occasion, I bore ocular testimony during the five days' action.

"I have also to contribute my praise to Major Bennett, quartermaster-general, for the diligence and success with which he supplied both armies during the siege and storm.

"These despatches with a list of killed and wounded will be handed to your Excellency by my first aid-de-camp, Colonel Wm. T. Austin, who was present as a volunteer, during the five days' storm, and whose conduct on this and every other occasion, merits my warmest praise.

"To-morrow I leave the garrison and town under command of Colonel Johnson, with a sufficient number of men and officers to sustain the same, in case of attack, until assisted from the colonies; so that your Excellency may consider our conquest as sufficiently secured against every attempt of the enemy. The rest of the army will retire to their homes.

"I have the honor to be,

"Your Excellency's obedient servant,

"EDWARD BURLESON,

"*Commander in Chief of the Volunteer Army.*"

"CAPITULATION, ENTERED INTO BY GEN. MARTIN PERFECTO DE COS, OF THE MEXICAN TROOPS, AND GENERAL EDWARD BURLESON, OF THE COLONIAL TROOPS OF TEXAS.

"Being desirous of preventing the further effusion of blood and the ravages of civil war, we have agreed on the following stipulations:

"1st. That Gen. Cos and his officers retire with their arms and private property, into the interior of the republic, under parole of honor; that they will not in any way oppose the re-establishment of the Federal Constitution of 1824.

"2d. That the one hundred infantry lately arrived with the

convicts, the remnant of the battalion of Morelos, and the cavalry, retire with the General; taking their arms and ten rounds of cartridges for their muskets.

“ 3d. That the General take the convicts brought in by General Ugartechea, beyond the Rio Grande.

“ 4th. That it is discretionary with the troops to follow their General, remain, or go to such point as they may deem proper; but in case they should all or any of them separate, they are to have their arms, etc.

“ 5th. That all the public property, money, arms, and munitions of war be inventoried and delivered to General Burleson.

“ 6th. That all private property be restored to its proper owners.

“ 7th. That three officers of each army be appointed to make out the inventory and see that the terms of the capitulation be carried into effect.

“ 8th. That three officers on the part of Gen. Cos remain for the purpose of delivering over the said property, stores, etc.

“ 9th. That Gen. Cos, with his force, for the present occupy the Alamo; and General Burleson, with his force, occupy the town of Bexar; and that the soldiers of neither party pass to the other armed.

“ 10th. Gen. Cos shall, within six days of the date hereof, remove his force from the garrison he now occupies.

“ 11th. In addition to the arms before mentioned, General Cos shall be permitted to take with his force a four-pounder, and ten rounds of powder and ball.

“ 12th. The officers appointed to make the inventory and delivery of the stores, etc., shall enter upon the duties to which they have been appointed, forthwith.

“ 13th. The citizens shall be protected in their persons and property.

“ 14th. Gen. Burleson will furnish General Cos with such provisions as can be obtained, necessary for his troops to the Rio Grande at the ordinary price of the country.

“15th. The sick and wounded of General Cos’ army together with a surgeon are permitted to remain.

“16th. No person, either citizen or soldier, to be molested on account of political opinions hitherto expressed.

“17th. That duplicates of this capitulation be made out in Castilian and English and signed by the commissioners appointed, and ratified by the commanders of both armies.

“18th. The prisoners of both armies, up to this day, shall be put at liberty.

The commissioners, José Juan Sanchez, adjutant-inspector; Don Ramon Musquez and Lieutenant Francisco Rada, and Interpreter Don Miguel Arciniega, appointed by the Commandant and Inspector-General Martin Perfecto de Cos, in connection with Col. F. W. Johnson, Major R. C. Morris, and Captain J. G. Swisher, and Interpreter John Cameron, appointed on the part of General Edward Burleson, after a long and serious discussion, adopted the eighteen preceding articles, reserving their ratification by the Generals of both armies.

In virtue of which, we have signed this instrument in the city of Bexar on the 11th of December, 1835.

(Signed) JOSE JUAN SANCHEZ,
 RAMON MUSQUEZ,
 J. FRANCISCO DE RADA,
 MIGUEL ARCINIEGA, *Interpreter*,
 F. W. JOHNSON,
 ROBERT C. MORRIS,
 JAMES G. SWISHER,
 JOHN CAMERON, *Interpreter*.

I consent to and will observe the above articles.

(Signed) MARTIN PERFECTO DE COS.

Ratified and approved.

(Signed) EDWARD BURLESON,
Commander-in-Chief of the Volunteer Army.

A true copy.

EDWARD BURLESON, *Commander-in-Chief.*”

Thus ended this glorious conception of Milan, so worthily completed by Johnson. Burleson was eager to join in the perilous hazard, but it was the unanimous verdict of every leader that as commander-in-chief, he should remain at headquarters in command of the reserves, and in a position to guide and control under any emergency that might arise. His name among the frontiersmen, from Red River to San Patricio, was a tower of strength, and his life too important to be hazarded, as things then stood, except in the last resort. All who may trace his career in the years to follow, will realize the sacrifice he made in obedience to the wish of his comrades and subordinates.

CHAPTER XXXVIII.

Commissioners to the United States — Wharton's Attitude — Meeting in Brazoria Declares for Independence — List of Signers — List of the General Council — Letter from Fannin.

After the capitulation and retirement of Cos and his fifteen hundred men, or rather the survivors of that number, across the Rio Grande, not a Mexican soldier remained on the soil of Texas, and the great body of the citizen-volunteers returned to their homes, leaving the New Orleans Grays and a few others as a temporary garrison in charge of the arms, munitions and supplies captured. There we leave them to trace the actions of the Provisional Government at San Felipe and to give other facts connected with the history of the times.

It will be remembered that Messrs. Wharton, Austin and Archer were chosen by the consultation, on the 12th of November, as commissioners to the United States, and that Austin and Wharton, on the 24th, left the army at San Antonio for San Felipe on that mission. At San Felipe on the 29th, Colonel Wharton addressed a letter (designed for the Provisional Government) to Dr. Archer, president of the consultation, declining the appointment, from a belief that under the existing circumstances he could be of no essential service to the country in that capacity. In it he said: "The Declaration of the Consultation and the attitude assumed by it, appears to me to be too indefinite to induce foreign governments or capitalists to lend us aid, either of a pecuniary or other nature. Understand me; I do not blame the Consultation for their declaration. They were not empowered and it was not in the contemplation of those who elected them to make any other. It was generally thought and I then thought it a matter of policy so to declare. It was thought (by a

majority over a very strong minority) that a declaration for the constitution would neutralize the prejudices or enlist the sympathies and assistance of the Federal party of the interior in our favor; and also that under such declaration we could obtain the requisite loans, etc., from the capitalists of the United States. Since then, from intercepted letters from General Santa Anna and others to General Cos, promising reinforcements of from five to ten thousand soldiers, and from the general tone of the papers of the interior, I have been forced to conclude that both parties of the interior will unite against us, *whatever be our declaration*, believing, or pretending to believe, it an attack upon the integrity of the republic. And moreover, from the papers of the United States, and my own correspondence, I believe that under any declaration *short of absolute independence*, we will receive no efficient or permanent aid or pecuniary assistance from the United States, they believing it an internal domestic quarrel, about which they can feel but little interest. So that, situated as we are, we encounter all the evils of a declaration of independence without realizing the one-fiftieth part of the advantages of such a declaration."

Colonel Wharton ably argues for a new convention with plenary powers for independence, etc., and asserts that the army in the field is in favor of independence, and concludes :

"Allow me to say that I believe the sustaining the army at present in the field and the raising of a regular army to take its place, and the immediate convocation of a convention with radical powers are more important than all things else put together. And permit me also to hope and recommend that no pains will be spared to effectuate these purposes within the powers of the Provisional Government. A belief in the importance of sustaining the army will induce me to return immediately to it, with all the recruits that I can possibly raise. The army is much in want of sugar, coffee, flour, tobacco, clothing, etc., and if not furnished as soon as pos-

sible, great dissatisfaction will ensue. Be so good as to communicate as much of this as is necessary to Governor Smith and the council.

“Yours, very truly,

“WILLIAM H. WHARTON.”

Colonel Wharton's resignation was not accepted. On the contrary, his colleague, Dr. Archer, to whom his communication was addressed, Governor Henry Smith, his brother, Colonel John A. Wharton, Dr. Asa Hoxey of the council, and many others were more ardently in favor of independence than Colonel Wharton himself, and they joined in an appeal to him to proceed on the commission, with the assurance that, in their opinion, public sentiment was so rapidly crystallizing, if indeed it was not already crystallized, as to render a convention and independence certain at the earliest practicable moment. There is every reason to believe that General Sam Houston joined in this view of the situation, as did representative men from San Augustine and Nacogdoches.

These expectations were well founded. At a meeting in Nacogdoches on the 15th of November, including twenty-one members of the committee of safety, resolutions in favor of independence — strong and unequivocal — were carried by an unanimous vote.

In Brazoria, on the 15th of December, a large meeting was held, Dr. T. F. L. Parrott presiding and Robert Eden Handy, secretary. Speeches were made by Dr. Archer, John A. Wharton and Benj. C. Franklin, and resolutions were adopted, with but one dissenting voice, declaring in favor of a formal declaration of independence, and declaring that “we respond to the declaration of the citizens of Nacogdoches in favor of independence, and promise them our aid and co-operation.”

A similar meeting was held in Columbia, December 25th, over which Josiah H. Bell (who managed the infant colony while Austin was in Mexico in 1822-3), presided, and of

which Mathew St. Clair Patton was secretary. Wm. H. Patton (a captain at the capture of San Antonio), Asa Brigham (afterwards treasurer of the republic), Dr. Anson Jones (afterwards president of the republic), Edwin Waller, M. C. Patton and Josiah H. Bell as a committee reported resolutions in favor of independence, among which were these:

“ *Resolved*, That the time has now arrived when it is necessary to declare the total and absolute *independence of Texas*, and that the people are at liberty to establish such form of government, as in their opinion, may be necessary to promote their prosperity; and that a call be made on the Governor and Council to order writs of election to issue for elections to be held for members of a convention to be held as early in January next as practicable, and that the convention be held on or before the first of March ensuing.”¹

At Goliad on the 20th of December ninety-two men, many of them members of Captain Philip Dimmitt's company of volunteers, and a number of them well-known citizens from different parts of the country, signed and published a declaration of independence, declaring:

“That the former province and department of Texas is, and of right ought to be, a *free, sovereign and independent State*:

“That we hereto set our names, pledge to each other our lives, our fortunes and our sacred honor to sustain this declaration — relying with entire confidence upon the co-operation of our fellow-citizens and the approving smiles of the

¹ Besides the committee of six and secretary, every man present signed the resolutions, viz.: John Sweeny, John D. Patton, James Collinsworth, Benj. C. Franklin, John Foster, A. B. Smeltzer, G. Tennille, T. S. Alsbury, James Welsh, H. Blédsoe, T. P. Harroll, Thomas McDougal, J. Gordon, L. C. Manson, John Chaffin, Cyrus Campbell, S. M. Hale, C. R. Patton, Devereaux J. Woodcliff, B. J. James, R. D. Tyler, Daniel T. Fitchett, Jesse Williams, James A. Phelps, Peyton R. Splane, Pleasant Ball, Willis A. Farris, George B. McKinstry — total, 35.

God of the living to aid and conduct us victoriously through the struggle, to the enjoyment of peace, union and good government; and invoking His maledictions if we should either equivocate or, in any manner whatever, prove ourselves unworthy of the high destiny at which we aim.”¹

This declaration was transmitted through a committee consisting of Thomas H. Bell, Benjamin J. White, Sr., William G. Hill, William S. Brown, J. Dodd Kirkpatrick and John Dunn, to the council of the Provisional Government at San Felipe, and it was also printed in handbills; but, when it reached that body, the majority of whom were wedded to the idea of continuing the contest to the end as an integral part of Mexico, under the abrogated constitution of 1824, they used every means to prevent its circulation and effect among the people. The impotent cry, though reduced almost to a whisper,

¹ The signers were William G. Hill, of Brazoria; Joseph Bowman, George W. Welsh, J. D. Kirkpatrick, Wm. E. Howeth of the Brazos; Albert Pratt, Alvin Woodward, D. M. Jones, J. C. Hutchins, E. B. W. Fitzgerald, Hugh McMinn, Wm. Robertson, Horace Stamans, Peter Hynes, Dugald McFarlane, of Matagorda; H. F. Davis, Francis Jones, G. W. Paine, Allen White, Joseph Cadle, W. H. Living, Victor Loupy, Sayle Antoine, Michael Kelly, George W. Cash, Charles Malone, C. J. O'Connor, Edward McDonough, Wm. Gould, John Shelley, Patrick O'Leary, Timothy Hart, James St. John, John Bowen, Michael O'Donnell, Nathaniel Holbrook, Alexander Lynch, J. W. Baylor, H. George, Benj. J. White, of the Navidad; R. L. Redding, James W. Scott, Lewis Powell, John Pollan, James Duncan, David George, Gustavus Caldwell, John James, Morgan Bryan, Thomas O'Connor, Henry J. Morris, James O'Connor, Spirse Dooley, Elkanah Brush, W. Redfield, Albert Silsbee, Wm. Haddin, James Elder, Thomas Todd, Jeremiah Day, Wm. S. Brown, of Brazoria; Benj. Noble, M. Carbajal, Thomas Hanron, of Matagorda; John Johnson, Edward Quirk, Robert McClure, Andrew Devereau, Charles Shearn, J. B. Dale, Ira Ingram, of Matagorda; John Dunn, Walter Lambert, Miguel Aldrete, Wm. Quinn, B. H. Perkins, Benj. J. White, Jr., Edward St. John, D. H. Peeks, Philip Dimmitt, Francis P. Smith, Thomas M. Dennis, of Matagorda; C. A. Parker, C. M. Despalier, Jefferson Ware, David Wilson, Wm. Newland, Charles Messer, Isaac Robinson, John J. Bowman and J. T. Bell — total, 92, of whom 31 belonged to the Irish colonies, more exposed to Mexican assault than any others in Texas. Of the ninety-two, fully a third maintained their pledges with their lives, largely as members of Fannin's command.

was still kept up of "agitators," "adventurers," "the endangered rights of the old settlers," "the friendship of the defunct federal party in Mexico," and kindred phrases, while the great body of the people — the bone, sinew, talent and patriotism of the country, had advanced far beyond that class of the council referred to, and realized that Mexico — central, federal, liberal and republican — was a unit against the Anglo-Americans of Texas, and resolved to expel them from the country and colonize it with native Mexicans, retired officers and convicts. Still some good and true men hesitated,¹ others thought the existing declaration of the Consultation was, in certain contingencies, equivalent to a declaration of separation, and that those contingencies had transpired — while the fidelity of a few was suspected by some, and two or three were believed to be engaged in the interest of Mexico. These facts will appear as we proceed.

We have seen that to Henry Smith as Governor, and a legislative council, was committed for the time being the destinies of the country with power, by enactments under the organic law, to raise, equip and sustain land and naval forces for the defense of the country against Mexican invasion; to grant letters of marque and reprisal; to establish a postal system, and generally to do any and all things deemed necessary to

¹ Strange as it may seem, Major James Kerr, who presided at the famous patriot meeting on the Navidad, July 19, 1835 — who was among the first to go to the relief of Gonzales and next to Goliad — who fired the shot that mortally wounded the chivalrous young Mexican, Lieutenant Marcelino Garcia, at Lipantitlan — at the time in question (December, 1835), occupied this illogical position, opposing an absolute declaration of independence, on the grounds that that of November 7th, by the action of Mexico, had become virtually its equivalent. Yet that instrument declared fealty, under the constitution of 1824, to the Mexican Union, and under it the Provisional Government was formed as a quasi-State of that Union. Under the facts as then existing, the position was wholly untenable. This fact is to be lamented. However, on the first of February, 1836, hastening events had made plain that which was earlier seen by others, and he was elected to the final convention as the friend of unqualified independence.

preserve the liberties of Texas and, provisionally, establish a system of civil administration to meet present necessities. To Henry Smith was committed the executive department. He became the head of the government, commander-in-chief of the army and navy (to be created) and was clothed with powers of appointment in some cases, subject to the approval of the council and with the power to veto and defeat acts passed by the council, unless, on reconsideration, repassed by that body. In brief, his powers, so far as analogous, were similar to those pertaining to the Governor of an American State, and, in at least two respects, to those of the President of the United States. For the balance he was simply a worthy son of Kentucky, thoroughly conversant with the history of his country, and thoroughly imbued with the principles upon which its liberties were based.

During the existence of this council, the municipalities of Colorado, Jackson and Sabine were created and allowed representation. The names of several municipalities were changed, as Teneha to Shelby; Bevil to Jasper; Mina to Bastrop; Viesca to Milam.

It must be borne in mind that frequently a member would retire and be succeeded by some other member of the Consultation from his municipality. It is necessary, therefore, in justice to all to subjoin the following list of all who, for longer or shorter periods, served in the council, though never but one at the same time from the same municipality.

Municipality of Austin. — Wylie Martin, Thos. Barnett, William Menefee, Randall Jones.

Municipality of San Augustine. — Almanzon Huston, A. E. C. Johnson.

Municipality of Colorado. — William Menefee, Jesse Burnham.

Municipality of Nacogdoches. — Daniel Parker.

Municipality of Washington. — Jesse Grimes, Asa Mitchell, Asa Hoxey, Phillip Coe, Elijah Collard.

Municipality of Liberty. — Henry Millard.

Municipality of Milam. — A. G. Perry, Alex Thompson.

Municipality of Shelby. — Martin Parmer, Jas. B. Tucker.

Municipality of Gonzales. — J. D. Clements.

Municipality of Bastrop. — D. C. Barrett, Bartlett Sims.

Municipality of Matagorda. — R. R. Royall, Charles Wilson, Ira R. Lewis, James Kerr.

Municipality of Harrisburg. — William P. Harris.

Municipality of Brazoria. — John A. Wharton, Edwin Waller.

Municipality of Jasper. — Wyatt Hanks.

Municipality of Jefferson — Claiborne West, G. A. Patillo.

Municipality of Victoria. — Juan A. Padilla, John J. Linn.

Municipality of Refugio. — James Power, John Malone.

Municipality of Goliad. — Ira Westover.

Municipality of San Patricio. — Lewis Ayers, John McMullen.

Municipality of Sabine. — J. S. Lane.

Municipality of Jackson. — James Kerr, who represented the old municipality of Matagorda till the creation of Jackson, in which he resided and thereafter represented. The same remarks apply to William Menefee, who first represented the old municipality of Austin — then the newly created one of Colorado.

The secretaries of the council were Peter B. Dexter and Elisha M. Pease.

The secretaries of the Governor were Dr. Charles B. Steward and Edward B. Wood.

In the original organization but fourteen municipalities were represented, but finally, by the creation of Jackson, Colorado and Sabine, and the arrival of members from four others, the number was increased to twenty-one; but at no time were all represented, and after about the 10th of January there was never a quorum present at any one time.

The council, under the inspiration of diverse promptings,

early betrayed the influence of faction and, step by step, proceeded to adopt measures anarchial in tendency and disastrous in results. They passed acts, ignoring the functions of the Governor and of General Houston, commander-in-chief of the army, and, under the pretexts of advancing the public interests, through an *agency* placed James W. Fannin in command of a body of troops independent of the commander-in-chief, elected unanimously by the representatives of the people in the Consultation. General Houston was fulfilling, in a twofold sense, positions involving the safety and salvation of the country. As commander-in-chief he was exerting all his powers to organize an army, not of volunteer citizens free to go and come as they pleased, but an army under law and government to save the country from anarchy and ruin. At the same time, under the actions of the Consultation and a law introduced into the council by Major James Kerr and passed by that body, he was commissioned by Governor Smith, with John Forbes of Nacogdoches and Dr. John Cameron (the gallant Scot, recently escaped from prison in Mexico with Governor Viesca), to proceed to east Texas and enter into a treaty with the Cherokee Indians and their twelve associate bands — a measure deemed essential to the salvation of the country, in case of the advance of a Mexican army. There were over two thousand warriors among these tribes, expert riflemen. It was known that Mexican emissaries were among them, and no influence short of that of General Houston, personally known to every Cherokee in both Texas and the Indian Territory, was believed to be sufficient to restrain them from an attack upon the retreating and defenseless families of Texas, in case of disaster at San Antonio, Goliad or Gonzales. This weighty mission, in which the lives of women and children were involved, aside from his responsibilities as commander-in-chief, without men, munitions, or a military chest, was sufficient to awe the spirit of any man of less courageous soul. Yet

even he, in a spirit of indignation and disgust at the usurpations and vacillations of the council, permitted his great powers, at a critical period, to lie dormant and awaited a new assemblage of the people's representatives in convention.

In this period of confusion and uncertainty, while faction was being generated in the council, Fannin arrived in San Felipe. His views were solicited by some of its members. His reply, in his own chirography and over his own autograph, is before me and is partly reproduced here:

“ SAN FELIPE, December, 1835.

“ *Major James Kerr, Member of the Council:*

“ SIR: In conformity with your request, I herewith submit my views in regard to the true interests of Texas, both politically and in a military point of view. Allow me to say that I am farther induced to this course, as I am direct from the army (at San Antonio) and feel satisfied that I speak the sentiments and wishes of the brave men now battling for the liberties and independence of Texas.

“ 1st. I would most respectfully urge the calling of another convention of the sovereign people of Texas, by the Governor and Council, * * * clothed with as full powers as the people themselves possess, that they may, then and there, act as circumstances and our peculiar necessities may then require. It is useless for me to go into a labored discussion to prove the absolute necessity of this course. It must be apparent to every reflecting mind. Let me add that the army now in the field feel indignant at the idea of the same members who have recently been in session, adjourning and meeting again, without submitting to the decision of their sovereigns what they had done and receive an approval of their labors. (So far Fannin breathes the spirit of patriotism and independence, but forgets the difficulty of printing at that time and that the Consultation had only been adjourned about two weeks:— J. H. B.)

“It was expected that a severance of all political ties between Coahuila and Texas would have immediately followed by adoption of a separate State constitution, under the constitution of 1824, to be submitted to the people for ratification or rejection, or, secondly, a Declaration of Independence. * * * With respect to the military, one major-general has been elected. His command, of course, in a military point of view, would be a division — say two brigades. If two brigades, you should then appoint two brigadier-generals,” etc., etc.

Fannin unwittingly in this letter betrays the weakness that led to his downfall—a yearning for prominence in the army. He utterly ignored the fact that the one major-general elected (and major-general was the highest rank yet known to the American people), had been in express terms made (not, as in a large army, the commander of a division or two brigades), but commander-in-chief of all the forces of Texas. Had he and the council, which subserved his views by indirection and distinct evasion, recognized and in good faith acted in obedience to this great legal fact, he and his noble followers at Goliad would not have surrendered three months later to Urrea, a few days later to be shot dead as so many dogs.

Gonzales, Goliad, Concepcion, Lipantitlan—these were fought by citizens voluntarily assembled together outside of all legal authority. After the Provisional Government was organized (November 14th), but before it could organize any force to meet the emergency, the same voluntary individual citizens fought the Grass Fight (November 26th), and successfully captured San Antonio (December 5th to 10th). Neither Austin, Burleson, Moore, Milam, Johnson, Bowie, Travis, Collinsworth, Dimmitt, nor any man nor soldier in all those brilliant achievements, acted by authority of, or under any government. They were voluntary combinations of freemen held together by the cohesive power of

patriotism. Austin was not sent, as one historian affirms, by the council to take command of the volunteers at Gonzales. He was elected to the position October the 11th, and the Council was not organized till November 14th. Nor was he sent by the pseudo committee (sometimes called council) at San Felipe, for it too was formed after Austin was in command. While on this point it is well to understand the true state of affairs at that time. Each municipality, so far as known, between the middle of July and the first of October, organized an advisory body styled a Committee of Safety and Correspondence. Of that at San Felipe, as has been shown, Austin was chairman for a short time after his arrival from Mexico and before he joined the volunteers at Gonzales. But on the 14th of October a sort of general committee was formed at San Felipe, composed of a member from each municipal committee so far as such committees had time to and chose to be so represented. The number of such was five or six. The existence of this committee was short, terminating when the Consultation organized on the third of November. Its actions, though patriotic and wise, only applied to immediate emergencies; but confusion arises in the minds of many, because it either received or assumed the title of General Council—a title belonging alone to the body created by the Consultation as the legislative branch of the Provisional Government.

At this period, covering the latter portion of November and the first half of December, the labors of Governor Smith seem to have been herculean and wisely directed to the salvation of the country. His communications to the council, of more than daily occurrence, were short, incisive and unselfishly devoted to the public weal. It is refreshing to read them and realize not only his broad comprehension of the great issues before the country, but the self-abnegation with which his mind and heart were devoted to its welfare. He urged the council to its duty. He presented them evidence,

through intercepted correspondence from Santa Anna to Cos, of the preparations being made by the former to invade, overrun and drive from the country its American population and urged every action in their power to prepare for the emergency. In the same communication of December 4th, referring to the commissioners to the United States, appointed twenty-two days before, and delayed for want of action by the council, he says:

“It must be acknowledged by all that our only succor is expected from the East (the United States) where, as yet, we have not dispatched our agents. Sufficient time has elapsed since the rising of the convention, for them to now be in the United States. They have called on me in vain, day after day, time after time, for their dispatches (at least some of them have), and they are not yet ready. I say to you the fate of Texas depends upon their immediate dispatch and success. Why, then, delay a matter of such vital importance, and give place to minor matters, which could be much better delayed? Permit me to beg of you a suspension of all other business until our foreign agents are dispatched.”

He also urged in the same communication, the passage of a law calling another convention, clothed with plenary powers, for well his clear mind realized that the present anomalous condition could not longer continue without irretrievable disaster and final ruin; for he firmly believed that the hermaphroditic organization under which they existed being neither State, provincial, departmental nor national — could not meet the essentials of political salvation; and as every one knew, for he was among the earliest and had been perhaps the most unwavering champion of the cause, he was unconditionally in favor of a complete separation from Mexico and the organization of an independent republic — a fact that brought upon him not only the opposition of the rapidly diminishing number of honest men who yet worshiped the corpse of the constitution of 1824, but the vile secret machinations

of the few who were submissionists at heart and those, also, who were directly or indirectly in the interest of Mexico, by which is meant such hireling-conspirators as Edward Gritten, an Englishman by birth, but a Mexican by adoption, marriage and interest, who accompanied Almonte as secretary, in his spying expedition in 1834, and now succeeded in humbugging simple-minded men into the belief that he was a friend of Texas. This man, Gritten, found willing coadjutors in Dr. James H. C. Miller, the only traitor claiming residence in De Witt's colony, and, as a few then and many afterwards believed, in a member of the council from Mina, or Bastrop. The member referred to lost caste in his own municipality — never again resided in it — and located in Brazoria, where he soon died. Yet I do not believe he was, as Gen. Houston and many others thought, a traitor, but simply a fanatic in favor of the constitution of 1824.

Among the so-called Mexican republicans of that period who refused to sustain Santa Anna in establishing a despotism in Mexico, was Gen. Jose Antonio Mexia, a former friend but now an exile from Santa Anna. He headed an erratic expedition from New Orleans for the capture of Tampico and was barely enabled to escape with a portion of his followers.

CHAPTER XXXIX.

Governor Smith on the Condition of Affairs — Order for Electing a Plenary Convention on February 1st, 1836 — Usurpations of the Council — Trouble Brewing — Address by the Council to the Mexican People — Gen. Mexia — Veto by the Governor — Commissioners to Treat With the Cherokees.

Here is extracted certain passages from the “ Life of Henry Smith, the first American Governor of Texas,” by John Henry Brown. On the 9th of December Governor Smith transmitted to the council a communication, evincing his zeal in the organization of an army under the supervision of the commander-in-chief elected by the Consultation — thus early aligning himself against the impending anarchical course of intermeddling and usurpation by the council, so fraught with demoralizing tendencies. He wrote:

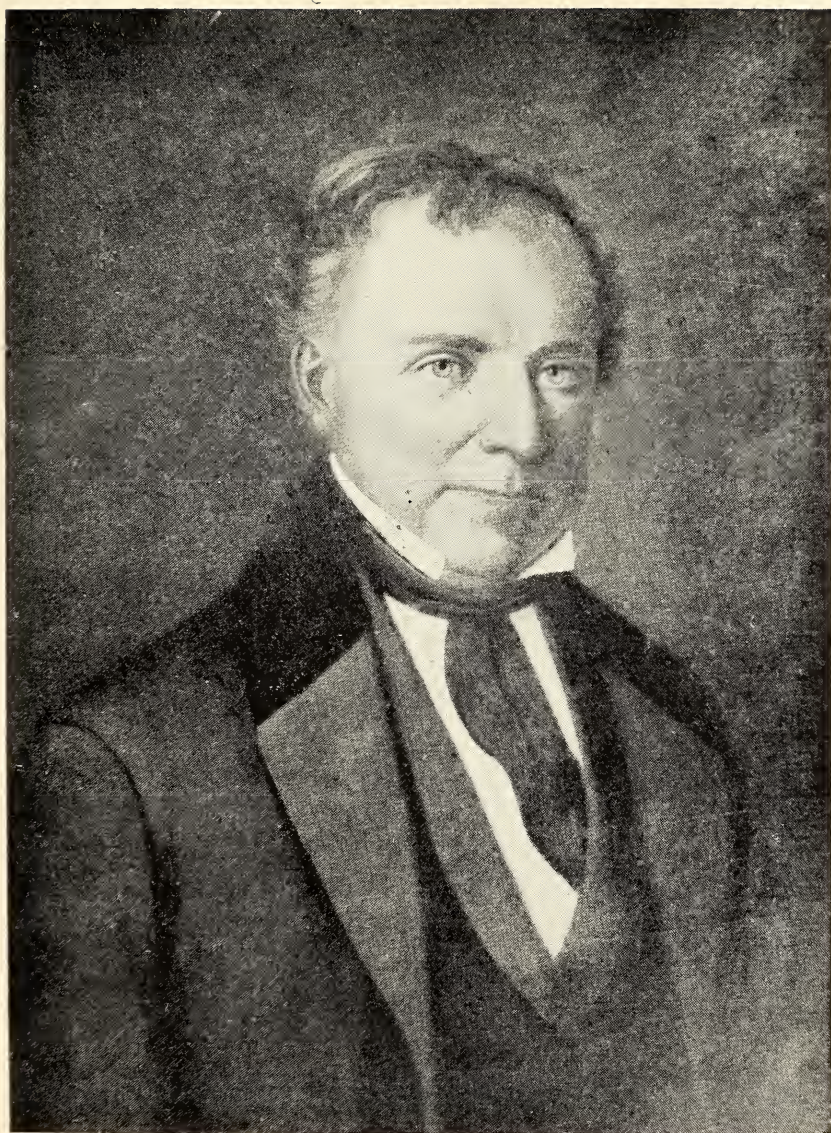
“ GENTLEMEN : I transmit to your honorable body the copy of a letter received in my department from the commander-in-chief, General Sam Houston. Your honorable body will see by the tenor of his communication, the reasons and propriety of his request. And seeing myself that delays in the organization of the army would be dangerous, I confidently hope that everything consistent with your duties in that matter will be promptly attended to. With sentiments, etc., I am, gentlemen,

“ Your obedient servant,

“ HENRY SMITH, *Governor.*”

December 8, 1835.”

Here, a day later, is another, manifesting his keen insight into the motives of men and his utter want of faith in Mexican military chieftains, of the class to which General Mexia



HENRY SMITH
Provisional Governor
1836

belonged; for he was thoroughly assured they would never consent to the independence of Texas, the object most dear to his own heart. In his extreme sensitiveness on this point he doubtless suspected that the move in favor of co-operation with Mexia, was to strengthen the feeling in favor of fighting as an integral part of Mexico, under the already slaughtered constitution of 1824, and thereby repress the growing feeling in favor of absolute independence, in favor of which prominently stood Governor Smith, Archer, the Whartons, Williamson and others.

“GENTLEMEN: I herewith transmit to your honorable body the following bills, which I have had under consideration. The one authorizing persons to be appointed to make provision for General Mexia, etc., as it stands, I cannot approve, for the following reasons:

“First. I have no confidence in General Mexia’s co-operating in the smallest degree in our favor. That his intention to make a descent on the seaports west of us is for the purpose of robbing, to recuperate his own desperate fortunes, I have no doubt; but can see no possible advantage he would be to Texas. What his designs or intentions really are, I have no right to know; but really think it would be unwise to run this government to the expense necessary to fit him out, without having any guarantee from or control over him or his conduct. Furthermore, as the bill runs, it would seem the outfit would be made before this government would be advised of his plans. Besides, I consider it bad policy to fit out, or trust Mexicans in any matter connected with our government; as I am well satisfied that we will in the end find them inimical and treacherous. For these and many other reasons not enumerated I cannot sign the bill. Three other bills which I have also transmitted to you, I have approved. With sentiments, etc., I am, “Your obedient servant,

“HENRY SMITH, *Governor.*”

“December 9, 1835.”

On the 10th of December, following the wise message of Governor Smith of the previous day, the council passed the following extraordinary resolution, utterly ignoring the prerogatives of the Governor and Commander-in-chief.

“ *Whereas*, The Provisional Government of Texas, having received information of which there is no doubt that the enemy have large re-inforcements on the road to our frontiers, with whom there is \$10,000 in money, and if the same is not cut off, or prevented from uniting with the forces now at Bexar, our small but patriotic army will be compelled to retire, being overpowered by four times their number ; Therefore, be it resolved by the general council of the Provisional Government of Texas: That General Mexia be, and he is hereby invited, together with the brave officers and men under his command, to repair immediately to Bexar by the way of Goliad, and there co-operate with the volunteer army of the people.

“ *Resolved*, That an express be dispatched immediately to General Mexia, at Velasco, with a copy of this resolution.

“ *Resolved*, That the services of Col. Power be accepted, and that he be requested to repair immediately to Velasco, or any other point, and wait on General Mexia with a copy of the resolution passed this day, requesting General Mexia to proceed to Bexar and to accompany the expedition and extend all the aid in his power, with authority to draw on this government for any amount of money necessary in forwarding the objects of said resolution.”

It is a sufficient answer to this unfortunate and disorganizing gauntlet cast by the council at the feet of the Governor, to say : That General Mexia did not go to Bexar to co-operate in the reduction of that place, but sailed down the coast and made a worse than Quixotic night landing at Tampico, from which he made a speedy and inglorious retreat to his vessel, leaving twenty-seven of his American dupes prisoners in the hands of the enemy, to be shot as so many wild beasts a few

days later. Secondly, that the Mexican re-inforcements had already entered Bexar, under Ugartechea; yet our brave volunteers were not (as the council predicted) “*compelled to retire*,” but, on the very day on which the doleful resolution was adopted, compelled the surrender of Cos and the entire Mexican army in Bexar.

On the 10th of December, under the urgent request of Governor Smith, the council passed an ordinance providing for an election throughout Texas, to be held on the first of February, 1836, for delegates to a convention, to be clothed with plenary powers, and to assemble in Washington on the first day of March — resulting in that noble assemblage which declared Texas to be an independent republic, the object most dear to the heart of Governor Smith; but the ordinance allowed “all free white men and Mexicans opposed to a central government” to vote. To this latter clause the ever vigilant Governor objected in the following terse style, which subsequent events fully justified:

“GENTLEMEN: I transmit to your body various bills which I have considered and signed. The one with resolutions requiring me to communicate with the committee at the city of Mobile, for the purposes therein named, I have not as yet complied with, nor am I at present in a situation to do so promptly, as my health is bad, and my situation quite uncomfortable, but hope in a few days to be better situated to discharge the functions of my office. I have signed the revenue, post-office and many other bills and resolutions of minor importance, all of which I transmit to you, with one to call the convention, not approved, inasmuch as I consider it in some degree exceptionable.

“My objections are confined to the third and fourth articles, and are these: That the Mexican population within our limits, particularly where they are unmixed with other population, could not properly be tested, at an election, to know whether

they were in favor of centralism or not — that being made the touchstone for eligibility. Under existing circumstances, I consider one fact plain and evident: that they who are not for us must be against us. In my opinion they should be so considered and treated. Actions always speak louder than words; and a very great proportion of the inhabitants of Bexar afford fair examples. They have had, it is well known, every opportunity to evince their friendship by joining our standard. With very few exceptions they have not done so, which is evidence, strong and conclusive, that they are really our enemies. In many instances they have been known to fight against us. I therefore consider that they should neither be entitled to our respect or favor, and as such not entitled to a seat in our councils. As it respects the other Mexican jurisdictions that are intermixed with our own population, where the touchstone could be more properly applied — it would be different. I, therefore, hope you will reconsider the bill, and make the alterations suggested, as I consider the objections reasonable and justly founded. I am,

“Your obedient servant,

HENRY SMITH, *Governor.*”

“December 12, 1835.”

Governor Smith well understood and thoroughly believed that though Mexicans might profess opposition to a centralized government, they would never consent to a separation from Mexico on the basis of Texian independence. A majority of the council, however, were in favor of the delusion of fighting under the now defunct constitution of 1824, as a State or a quasi-State, of the Mexican *nation*, — for *federation* it had ceased to be under the overwhelming domination of Santa Anna and his minions. On the 13th, therefore, they passed it over the warning voice of the Governor.

On the 11th of December, the council adopted an address to the Mexican people, based on the preposterous idea that

there still existed a powerful organized opposition to the despotic centralized government in that country — an assumption without any real foundation, after the annihilation of the liberal army of Zacatecas, by Santa Anna on the 11th of May, 1835, followed later, in the summer, by the dispersion and captivity of the officers of the State government of Coahuila and Texas, at Monclova, by the military minions of Santa Anna. Governor Viesca had escaped from the military and fled into Texas, and when this address was sent forth to the Mexican people, the armies of Santa Anna held undisputed sway over the whole of Mexico, beyond the population of Texas. In view of the actual condition of things, this address, pledging themselves to co-operate with the Liberal or Federal party of Mexico, and to continue as a State of the Mexican confederation, seems farcical. At that very moment Santa Anna was organizing a powerful army for the invasion and subjugation of Texas to his will — vowing to drive from the country or exterminate all who might refuse to obey or oppose his despotic designs.

While fully approving Governor Smith's distrust of Mexicans from the stand-point of Texian independence, the spirit of truth and justice demands that General Mexia should be chronicled as a Mexican patriot. As a Mexican in Mexico, he gave his life in opposition to Santa Anna's despotism. In a pitched battle on the plains of Perote, in 1839, he was defeated and captured by Santa Anna.

That apostate from the cause for which Mexia, Zavala and himself had done so much from 1822 to 1832, had the brave and faithful Mexia summarily put to death. His only son, General Enrique Mexia, is extensively known in Texas as a polished gentleman, and as a gallant and unwavering patriot in the trials of his country after he came to man's estate. He was the honored representative of his country at the dedication of the Capitol of Texas in the spring of 1888. He is entitled to the respect and friendship of the people

of Texas and of all who appreciate honorable manhood, irrespective of nationality.

On December 11th, the council adopted a resolution providing for the election by itself of a "judge advocate general for the armies of Texas, with the rank, pay and emoluments of colonel in the lines," etc. On the same day, in secret session (which, by the way, was a mode of proceeding too often resorted to by that body), they proceeded to the election of numerous officers, both civil and military, after which the injunction of secrecy was removed and the result became public. Among other positions so filled, Edward Gritten was elected collector of the port of Copano; but the most remarkable action was in the election of Don Carlos Barrett, a member of their own body, to the office of judge advocate general, the ink recording the creation of which was not dry.

This action, combined with the action of the council in fostering the myth known as the Federal party in Mexico, in face of the rapid change everywhere apparent as in progress in favor of absolute separation from Mexico, as the only hope of political salvation, seems to have so incensed Governor Smith as to lead him into the use of severe expletives. On the 17th he transmitted the following communication to the council:

"GENTLEMEN: Your list of the names of various persons elected by your body to fill the different offices therein named has received my consideration. With most of the persons elected I have no acquaintance, but feel bound to presume that inasmuch as you are the guardians of the people, you feel the responsibility of the trust reposed, and would not confer an appointment of either honor, trust or profit on any man either unworthy or incapable of performing the functions of his office.

"Just emerging, as it were, from chaos, and assuming something like an organized form of government, we should be ex-

tremely cautious and fill our offices, both civil and military, with men who are honest and capable and who love virtue for her sake alone. To such men I would extend commissions with a satisfaction which can be much better felt than expressed. When, however, nominations are returned by your body of individuals within my own knowledge, who are to receive commissions at my hands to fill high, honorable and important stations, who have either by design or otherwise been imposed upon you, it is a duty which I owe to you, myself and my constituents, to notify you of your error.

“Ever feeling the weight of responsibility placed upon me by the suffrages of the people, as guardian of their rights, however unpleasant or painful the task, sheer justice shall be administered to the best of my abilities, without favor or affection. Having thus premised, I beg the favor of your honorable body to reconsider two of the appointments contained in your list, and strike out the names of Edward Gritten and D. C. Barrett, and let others be substituted in their stead. I never can extend to them commissions, unless compelled by a constitutional majority of your body, for the reasons which follow: First, of Mr. Gritten, as Collector of Revenue of the port of Copano. It is well known that Mr. Gritten made his first appearance in Texas as secretary of Col. Almonte, who was an avowed spy upon us under the orders of Santa Anna; an Englishman by birth and a Mexican by adoption and long residence; allied to our enemies by affinity and commerce, he has not joined our army and I have ever considered him a spy upon us.

“It must be evident that we have good, honest and capable men whose interests identify them with the country and whose characters are above suspicion, and I confidently hope your honorable body will make another selection.

“Respecting Mr. D. C. Barrett, I regret extremely that it is my disagreeable and painful though bounden duty to object to his appointment as ‘Judge Advocate General of all

of the armies of Texas, with the rank and pay of Colonel in the line.'

"I object, in the first place, because the office is new and unheard of in the country. And secondly, I am bound to prefer against Mr. Barrett the following specification of charges."

Here followed six charges which were, if true, of too grave a character to justify depositing official power in his hands and the Governor asserted that they could be sustained.

The council, however, after considerable discussion, in secret session, on December 25th, adopted antagonizing resolutions, as will be seen further on.

Notwithstanding this discourteous action (refusing to spread the message on the journals), the impropriety and evil tendency of the resolution creating an important office and filling it with a member of their own body — especially with one who was antagonizing the growing sentiment in favor of independence — of which Governor Smith was the champion — was so potent, that Mr. Power, the Irish member from Refugio, introduced, on the same day ~~that~~ Governor Smith's remonstrating message was presented, the following resolution:

"*Resolved*, That no member of this council shall be eligible to any office created by it while a member of the council, nor for three months after he vacates his seat as a member."

This resolution, of course, was not adopted by the majority who had just violated its wise and salutary principle, but "was read and ordered to lie upon the table."

The following message shows with what keen watchfulness Governor Smith presided over the new government:

"SAN FELIPE, December 18, 1835.

"*Gentlemen of the Council*:

"I herewith transmit to your body a communication received from the commander-in-chief of the army (Gen. Sam

Houston), in which he complains of delays on your part, in making the necessary appropriations for the recruiting service. It must be obvious to all that everything connected with the speedy organization of the army should be attended to as speedily as possible; and that no obstacle should be thrown in the way, in the least calculated to retard that object which is so essentially necessary to the protection of the country. I, therefore, confidently hope that your body will immediately consider the matter, and make such appropriation as will be ample and sufficient for that service, and place it under such restrictions and securities as will be calculated in all cases to secure the government from fraud or imposition. And by no means permit any barrier to remain in the least calculated to retard or discourage the recruiting service, on which so much depends.

“ I further have to suggest to you the propriety of appointing the commissioners on the part of this government to carry into effect the Indian treaty, as contemplated by the convention. I can see no difficulty which can reasonably occur in the appointment or selection of the proper agents on our part, having so many examples and precedents before us. The United States have universally sent their most distinguished military officers to perform such duties; because the Indians generally look up to, and respect their authority as coercive and paramount. I would, therefore, suggest the propriety of appointing Gen. Sam Houston, of the army, and Col. John Forbes, of Nacogdoches, who has been already commissioned as one of my aids. These commissioners would go specially instructed, so that no wrong could be committed, either to the government, the Indians, or our individual citizens. All legitimate rights would be respected, and no others. I am well aware that we have no right to transcend the superior order and declaration made by the convention; that we must keep strictly within the purview of that article, and, if I recollect that article right, the out-

line or external boundaries were demarked within which the Indian tribes alluded to should be located ; but at the same time, paying due regard to the legitimate locations of our own citizens within the same limits. If those Indians have introduced themselves in good faith under the colonization laws of the government, they should be entitled to the benefits of those laws and comply with their conditions. I deem it a duty which we owe to them to pay all due respect to their rights, and claim their co-operation in the support of them, and at the same time not infringe the rights of our own countrymen, so far as they have been justly founded. These agents, going under proper instructions, would be enabled to do right, but not permitted to do wrong, as their negotiations would be subject to investigation and ratification by the government, before they would become a law. I am, gentlemen,

“ Your obedient servant,

“ HENRY SMITH, *Governor.*”

CHAPTER XL.

SURRENDER OF BEXAR.

Further discord between the Governor and Council — Capture of San Antonio de Bexar and action thereon by the Council.

Mr. Barrett then offered the following resolution, which was adopted:

“*Resolved*, That the General Council feel that no better or more suitable report can be made to the people of Texas and to the world, of the brilliant storming and taking of Bexar than that contained in the report of the brave officers who have communicated their achievements to the Provisional Government, and that the same be given to the printer for publication, and five hundred copies, in handbill form, be printed as soon as possible.”

The report has already been given.

Notwithstanding the resolution just quoted, the keen eye of the Governor seems to have discovered a tendency towards anarchy, as will be seen by the following of the same date:

“GENTLEMEN: “I herewith transmit to your honorable body two appointments which purport to have been made by the commander-in-chief of the volunteer army at Bexar (F. W. Johnson). I lay them before you by special request, well knowing that you understand your duties in that particular, and as such will appreciate those appointments in a proper manner. The campaign against Bexar seems to have terminated by capitulation. It is now time for the government to bring everything under its own proper control, and pursue the organic system in place of confusion or desultory warfare. This alone can cure evils which necessitous precipitancy has

thrown in upon us. That this newly framed organization, springing from the midst of anarchy and confusion, could be sustained without encountering difficulties, could not be expected. Restless, disorganizing spirits are, and ever have been, busy, both in the camp and at home, with their vile intrigues and machinations, to sap the very foundation of all our hopes. Your honorable body can not be so blind as not to discover their base purposes. I now warn you to place on them the mark of Cain, as an assurance that their merited fate awaits them. I have previously admonished you that no common duties devolved on you; that a bold, determined stand on your part was necessary to the preservation of the country. The foundation already laid must be sustained, and the fabric reared upon it. It is for you, then, who have been intrusted with the charge, to aid by your indefatigable perseverance, to complete the building. There is virtue in the people, and they will sustain you. I am, gentlemen,

“Your obedient servant,

“HENRY SMITH, *Governor.*”

“December 18, 1835.”

The Governor was sustained in his opposition to this irregular mode of appointments, by a report from the committee on military affairs.

On the 25th of December the council finally adopted the following resolutions, responsive to the Governor's message of the 17th:

“*Resolved*, by the general council, That this council does not recognize, or acknowledge, any power in the executive branch of said government, to object to, or veto appointments to office made by this council. That the appointing power is exclusively with the council, and the commissioning is the duty of the Governor, consequent upon his office; and even, if otherwise, the veto as returned upon the list of officers appointed by this council dated on the 11th inst., was not

returned within the three days prescribed by the ordinance and decree declaring the mode of passing, signing and publishing the ordinances, decrees and resolutions of the Provisional Government of Texas. The list of officers appointed was sent to the executive officer the 12th of December and returned December the 17th.

“2nd. *Resolved*, That by the 11th article of the organic law, this council can only consider charges and specifications preferred against a member of this council, for malfeasance or misconduct in office.

“3rd. *Resolved*, That the charges of this character preferred by the governor in his message of the 17th inst., against Messrs. Gritten and Barrett, the general council repel, as being untrue, and the other charges are not a subject-matter proper to be investigated by this council, according to the aforesaid article of the organic law.

“4th. *Resolved*, That the Governor be, and he is hereby requested, to issue commissions forthwith, to the persons named in the certified list of the persons elected under date of the 11th instant.

“5th. *Resolved*, That the Governor be furnished with a copy of the foregoing resolutions.

“On motion of Mr. Menefee the seals of secrecy were removed from all proceedings in secret session up to this date.

“*Resolved*, That the message of the Governor of the 17th inst., be filed among the papers of the council, *and not entered on the journals.*”

THE BREACH WIDENING.

On December 25th the committee on military affairs submitted the following extraordinary report and resolutions, so abounding in Quixotic ideas and schemes to demoralize and confuse the military operations of the country, as to stamp them with the condemnation of every one at all versed in the imperious necessity of discipline and a directing head in the

prosecution of war. A man of the clear perceptions and fixedness of purpose of Governor Smith could only regard such action by the council, if allowed to prevail, as leading to disaster, if not to ruin.

“The committee on military affairs, to whom was referred Major F. W. Johnson’s letter of December 18, 1835, from headquarters at San Antonio de Bexar, have had the same under consideration, and from the information contained therein, together with the movements of General Cos, after his departure from San Antonio de Bexar, learned from a private source, renders it necessary to concentrate on the frontier, at the most important points, all the troops that can be raised and that as speedily as possible.

“We are also informed by the communication received from Bexar that advices have been received at that place, stating that Gen. Ramirez Sesma had arrived at Laredo with five hundred cavalry and one thousand infantry, for the purpose of re-inforcing Gen. Cos, and that an army was raising at San Luis Potosi, to be commanded by Santa Anna.

“Your committee would therefore recommend that an express be sent to the commander-in-chief of the regular army of Texas, forwarding to him a copy of the letter received from Bexar of the 18th inst.; and the private intelligence of the movements of Gen. Cos; and further, that Col. J. W. Fannin be ordered to proceed forthwith to the west and take command of the regular and auxiliary troops, and that Col. Travis be ordered to repair with all possible dispatch to the frontier, or seat of war, with all the troops he can bring into the field at this time, under his command; and that the troops at Washington, and such as may be on the Guadalupe, will be ordered to repair immediately to Goliad, Copano or Bexar for the purpose of co-operating with and acting in concert in the general defensive or offensive operations which may be ordered or deemed necessary.

“Your committee would further earnestly recommend,

that the commander-in-chief be ordered to concentrate all the troops under his command, or that can be brought into the field, at Goliad or Copano, with all possible dispatch, taking care at the same time to procure, by his contractors, the necessary supplies of provisions for the sustenance of his troops, and that his orders be executed with all promptness and dispatch; and further, that the commander-in-chief be required to arrange and give orders to his recruiting officers and make such dispositions of his recruiting officers as may be deemed best by him. Therefore your committee recommend the adoption of the following resolutions:

“Inasmuch as the number of troops fit for duty now in the field is very much augmented, there being four hundred troops now at Bexar, seventy at Washington, eighty at Goliad, two hundred at Velasco and several companies on their march to the different military posts and places of rendezvous, making in the aggregate seven hundred and fifty men now in service and ready for active operations, and at least one hundred more, not enumerated in the above aggregate, who will join the army in a few days, active operations should be immediately commenced; for the expenses of the above number of men, now in service, together with the officers and contingent expenses, are too great for Texas in the present state of her finances. Besides, to keep the troops idle who have entered the service, will do us great injury at this time. It will induce those who are willing and able to aid us, to believe that we have no use for any more troops; it will give our enemies time to fortify Matamoros and Laredo, so they can demonstrate on us in the spring or whenever they think proper, knowing their fortifications would enable them to retreat safely, even if they were defeated, and should it become necessary to take either of the aforesaid places, for the security of our frontier it would be far more difficult than it would be at this time, and no man can doubt the importance and necessity of striking a decisive blow at once. By taking Matamoros, we have

the possession of the key; yes, the commercial depot of the whole country north and northwest for several hundred miles. We can then fortify the place; demonstrate, when the occasion presents itself, or it becomes necessary, upon the towns north and west. We can also land provisions and all the munitions of war and troops, if necessary, at that point (Matamoros), at any time with perfect safety, and without incurring half the risk and expense we must at present. And we can also command the Gulf of Mexico from that point to the city of New Orleans, and land our troops and supplies wherever we please.

“Therefore be it resolved, by the General Council of the Provisional Government of Texas, that his Excellency, Henry Smith, Governor, be, and he is hereby earnestly requested to concentrate all his troops by his proper officers, at Copano and San Patricio, for the purpose of carrying into effect the objects expressed and contained in the foregoing report.

“Be it further resolved, That no officer of the regular army of Texas shall receive pay until he is in actual service, under orders of the commander-in-chief.”

On the same day the chairman of the same committee presented the following report, which was read and adopted:

‘Your committee, to whom was referred the petition of certain officers asking permission to proceed to Copano, have had the same under consideration, and would respectfully recommend to the honorable, the General Council, that his Excellency, the Governor, be requested to give said petitioners permission or orders to proceed to Copano to fortify and defend said place, until they receive further orders, and that his Excellency, Henry Smith, Governor, be requested to notify the commander-in-chief of the regular army of Texas of the same.

“Your committee deems it important to order Capt. Allen to that point, and also to accept the service of such volunteers as tender their services to aid Capt. Allen and his company,

and for many important reasons. In the first place, provisions, ammunition and supplies will be ordered to Copano by our agents in New Orleans, and they will be liable to be taken by our enemies, unless a sufficient force is sustained there to guard them. Besides, we are threatened with a large army under the command of Santa Anna, and by building fortifications at different points on the frontier of our State we shall be able to contend against a much superior force to what we otherwise should. It will also throw an additional number of troops on the frontier to co-operate and act in concert with the regular and auxiliary troops, should a large force be sent to invade us immediately, which we have every reason to believe will be the case, and that before we can even raise and organize a regiment of the regular army. Your committee would therefore respectfully recommend to the council the adoption of the following resolution:

“ *Resolved*, That Capt. Allen and J. Chenoweth’s petition, together with this report, be copied by the secretary and handed to his Excellency, Henry Smith, Governor of the Provisional Government of Texas.”

On the 26th of December Governor Smith sent in, with suggestions of remedial action, a communication from John Forbes, of Nacogdoches, stating that there had been a combination of “ six or eight speculators, sustained by individuals from the States, who employ them, to engross the lands that are properly the public domain; and that the intentions of the government and its acts (closing all land offices from the 13th of November until there should be a settled government) relating to public land, and even its judicial acts, have been delayed greatly to the injury of the public.”

Against such villainies the indignant voice of Governor Smith was raised and the council appealed to for measures of relief and protection. He said:

“ Your honorable body will plainly see from the foregoing, the situation of the land office in the east, and that the acts

of the convention have not been carried into effect ; nor does it appear that it can be, short of a military force ; and whether such a course would be calculated to produce salutary effect, is for your honorable body to determine. That some kind of effort should be made by us to sustain and protect the public interest, must be obvious to all. While we are contending with a powerful foe, even for our very existence, that we should find men among us capable of committing piracies both on sea and land is, I must admit, rather discouraging ; but permit me to say to you that every opposition has a powerful tendency to stimulate me to greater exertion, and I hope it will have the same effect on your honorable body. Opposition, strong, vigilant and persevering, was by me anticipated. So I am not taken by surprise, or deceived, in the men who stir it up. They never consider the public good, but seek their own private interests ; hence they are ever vigilant and on the wing.

“ It is made our duty to guard and protect that which they wish to destroy. They dread organization as a great evil, because honest investigation follows as a matter of course, which they dread.

“ I would recommend to the consideration of your honorable body the propriety of some efficient course to be adopted, to carry into effect the decrees of the late convention, and also the decrees of the Provisional Government, predicated on their authority. Let us faithfully and honestly discharge our duty and the country will sustain us.

“ HENRY SMITH.”

It is pleasing to say that all such frauds and villainies finally came to naught by rejecting every pretended claim and title after the 13th of November, 1835, and before the organization under the republic.

The commissioners to the United States, through the persistent efforts of Governor Smith, were finally equipped with

commissions, instructions, etc., and repaired to Velasco, to sail for New Orleans ; but they were detained, for want of a vessel first and heavy weather afterwards till the 27th of December, when they (Austin, Archer and Wm. H. Wharton), together with Col. John A. Wharton, adjutant-general, under authority from Gen. Houston to secure and hasten forward munitions of war, sailed on the schooner William Robbins for New Orleans.

In the meantime two or three hundred volunteers from the United States had arrived at Velasco and were encamped in that vicinity — gallant young men, largely from the best families in Georgia and other southern States, destined, many of them, to perish in the battle and massacre at Goliad.

CHAPTER XLI.

Austin's Communication — The Commissioners, Austin, Archer and Wharton, sail for the United States.

It is impossible to do justice to Gen. Austin, at this critical period of factions and diverse opinions, except by quoting his own utterances. In his communication to the council of November 30th, he had said :

“ The decree of the 3d of October, therefore, if carried into effect [it had been in effect ever since the expulsion of Farias from, and the introduction of Barragan into, the Vice-Presidency], evidently leaves no remedy for Texas but resistance, secession from Mexico, and a direct resort to natural rights.”

This was followed two days later (December 2d) by a second communication to the council in which he said :

“ At the time of the former elections (October 5th), the people did not and could not fully understand their situation ; for it was not known then to a certainty what changes would take place in Mexico [many of the wisest and truest men in Texas thought the change was accomplished months before and were in favor of independence when those elections were held], what kind of government would be established, or what course would be pursued towards Texas. It was only known that the Central party was in power — that all its measures tended to the destruction of the Federal system, and that preparations were making to invade Texas. But at the present time the people know that the government is changed ; that Centralism is established by the decree of October last, and that they (the people of Texas) are threatened with annihilation. In short, the whole picture is now clearly before their view, and they see the dangers that are hanging over them. Can these

dangers be averted by a provisional organization which is based upon a declaration (that of November 7th) that is equivocal and liable to different constructions? Does not the situation of the country require a more fixed and stable state of things? In short, is it not necessary that Texas should now say in plain and positive and unequivocal language what is the position she occupies and will occupy; and can such a declaration be made without a new and direct resort to the people, by calling, as speedily as possible, a convention with plenary powers, based upon the principle of equal representation?"

These were words of wisdom, the natural outgrowth of Austin's former conservative expressions. He had thus arrived at the position occupied at the time of the October elections by Governor Smith, Dr. Archer, Dr. Asa Hoxey, the brothers Wharton, Robert M. Williamson, Dr. Charles B. Stewart, Edwin Waller, James Collinsworth, James W. Robinson and many other prominent men. He was now understood to be in favor of independence, and a feeling of renewed brotherhood spread over the land. Had he remained on that rock, written no more, and gone to the United States to labor, as he and his colleagues did, for the welfare of the country, there can scarcely be a doubt that he would have been the first president of the republic of Texas. But he did not remain on that rock. By what process of ratiocination he was controlled can only be surmised on the ground of ill-health, bodily pain, mental anxiety and consequent paroxysms of morbid sensitiveness. Apparently in the latter condition, he addressed another communication to certain members of the council and two others at San Felipe, as follows:

“ QUINTANA, December 22, 1835.

“ DEAR SIRs: We expect to get off to-morrow in the Wm. Robbins; Archer, the two Whartons and myself and several other passengers.

“ There has been a great deal of low intrigue in the political maneuvering of a party who I am at last forced to believe have their own personal ambition and aggrandizement in view, more than the good of the country. These men have operated on Archer until they have made him almost a political fanatic, preaching a crusade in favor of liberty against the city of Mexico, the only place short of which the army of Texas ought to stop, etc.

“ The Mexicans say that it is rather curious that the people of Texas should fight against military rulers, and at the same time try to build up an army that may, in its turn, rule Texas as it pleases. I think it probable there will be some thousands volunteers from the United States in a few months. They nearly all wish to join the regular army on the basis of volunteers. What shall we do with so many? How support them? I fear that the true secret of the efforts to declare independence is, that there must then be a considerable standing army, which, in the hands of a few, would dispose of the old settlers and their interests as they thought proper.

“ The true policy for Texas is to call a convention, amend the declaration of the 7th of November last, by declaring Texas a State of the Mexican Confederacy under the basis laid down in the fifth and other articles of said declaration of the 7th of November, form a constitution and organize a permanent government. Every possible aid should be given to the Federal party in the interior; but it should be done as auxiliary aid, in conformity with the second article of the declaration. By doing this the war will be kept out of Texas. This country will remain at peace. It will fill up rapidly with families, and there will be no great need of a standing army. I believe that the combinations in the State of Tamaulipas are very extensive to form a new republic by a line from Tampico, west to the Pacific, and it is probable that the capitulation at Bexar was made to promote that object. In short, it is much easier to keep the war *out* of Texas, than to

bring it back again to our own doors. All that is necessary is for us *not to do anything that will compel the Federal party to turn against us*, and if they call on us for aid let it be given as *auxiliary aid*, and on no other footing.

“This takes away the character of a national war, which the government in Mexico is trying to give it, and it will also give to Texas just claims on the Federal party, for remuneration out of the proceeds of the custom houses of Matamoros and Tampico, for our expenses in furnishing the *auxiliary aid*. But if Texas sends an *invading* force of foreign troops against Matamoros, it will change the whole matter. Gen. Mexia ought to have commanded the expedition to Matamoros and only waited to be asked by the Provisional Government to do so.

“I repeat: It is much easier to keep the war out of Texas and beyond the Rio Grande, than to bring it here to our own doors. The farmers and substantial men of Texas *can yet save themselves*, but to do so they must act in union and as one man.

“This I fear, is impossible. In the upper settlement Dr. Hoxey is loud for independence. Of course he is in favor of a large standing army to sustain it, and will no doubt be ready to give up half, or all, of his property to support thousands of volunteers, etc., who will flood the country from abroad.

“It is all very well and right to show to the world that Texas has just and equitable grounds to declare independence; but it is putting the old settlers in great danger to make any such declaration, for it will turn all the parties in Mexico against us. *It will* bring back the war to our doors, which is now far from us, and *it will* compel the men of property in Texas to give up half or all to support a standing army of sufficient magnitude to contend with all Mexico united.

“Yours respectfully,

“S. F. AUSTIN.”

This communication was read in the council December 31, 1835, and is indorsed "Referred to committee on State and Judiciary, E. M. Pease, Secretary." The original, so indorsed, is in my possession.

A still greater evidence of Gen. Austin's morbidly sensitive condition and temporary unfitness to guide or to understand the actual state of public sentiment, is found in a letter written three days later to Mr. Royall, as follows:

"QUINTANA, December 25, 1835.

"DEAR SIR: The affairs of Texas are more entangled than I suspected they were. While the real friends of the country have been laboring in good faith for the general good of all, a few men, an unprincipled party, have clanned together to get possession of the public affairs to promote their own aims of ambition and personal aggrandizement. There has been much low intrigue, and amongst others I have been deceived and treated with bad faith. My whole thoughts and soul were devoted to the common cause of Texas, and I could not suffer even my suspicions to descend so low as to suppose that there were individuals who could be influenced by any other motives than purely patriotic ones. I ought to have known better, but I was unwilling to believe that so much bad faith and political dishonesty and low intrigues existed as I am now compelled to believe has been and no doubt will continue to be practiced by Wharton and a few others.

"What ought the owners of the soil, the old settlers of Texas, who have redeemed this country from the wilderness and made it what it is, think of men who will collect the signatures of persons on their first landing, who had not been here a day, or only a few days in the country, and attempt to impose a paper thus signed upon the world as the opinion of the people of Texas. This has been done here, and a large number of names collected to a paper for declaring independence. It is time for the people of Texas to look to their true

interest and distinguish between those who serve them in good faith and those who are mere political jugglers and base political intriguers.

“I am associated in a mission to the United States with a man that I cannot act with — a man whose conduct proves that he is destitute of political honesty, and whose attention is much more devoted to injure me than to serve the country. I mean Wharton. Dr. Archer, I believe, is governed by pure intentions, but he is very wild, as I think as to his politics, and too much inclined to precipitate this country into more difficulties than there is any necessity for. Associated with such men, what have I to expect? or what has the country to hope? The war is now taken beyond the limits of Texas. Why bring it back by adopting such a course as must and will turn all parties in Mexico against us? Will the people of this country suffer themselves to be jeopardized in this manner by a few men who attempt to assume their voice?

“I have given my opinion on these matters in a letter to the Provisional Government, which Col. Fannin takes up, and to which I refer you. (His letter of December 22nd.) The fact is that Texas is now in the hands of a party, and the whole objects of this party are to retain the power and serve themselves. If they are not checked they will saddle the people with an army and a debt, and involve them in a war that will be difficult to bear. The people ought to look to their interest before it is too late. I find that I have but little to expect, that is if I am to judge of the future by the past few months, and that I can be of but little use to Texas. I go on this mission from a sense of duty. It is a bad example for any one to refuse the call of the people when the country is in difficulty. I have been called to go, and I obey the call; but if party influence and low intrigues and cabals are to govern Texas, I wish to have as little to do with her affairs in future as possible.

Perhaps I am myself somewhat to blame. My unsuspecting

disposition and the great importance I have always attached to union and harmony, may have led me into errors by trusting and countenancing men who were unworthy of my notice or of confidence. When I arrived here last September I found the country distracted and divided. My first object was to try and unite and harmonize, and I set the example by harmonizing and acting with my personal enemies. I did it in good faith and in the firm belief that I was serving Texas by such a course. Had there been good faith in the men I thus attempted to harmonize, it would have been a service to the country, but there was not, and for this reason the course I adopted did harm. I find that parties must and will exist. I have heretofore tried to keep them down. I have never been a party man, but in future I believe the public good will be promoted by having the parties clearly and distinctly marked. Let a line be drawn between them, let the people understand that such a line is drawn and judge for themselves. Jackson's rule is a true one: 'everything for friends and nothing for enemies.'

"I beg leave to recommend my friend, Col. Fannin, to you and my friends generally as a man who is identified with the soil and interests of Texas, and as an honorable soldier.

"Farewell,

"S. F. AUSTIN."

The letter of Austin, on the eve of his departure, bears intrinsic evidence of a disturbed imagination. That he wholly misapprehended the feelings and attitude of Col. Wharton is evidenced by twenty odd private and confidential letters (now in my possession) written by that gentleman during this mission, in not one of which is there aught but kindly feelings manifested towards Gen. Austin. But Austin himself furnishes the most ample proof of what has been said. There can be no doubt in regard to his condition when he wrote the two Quintana letters. The week's sea voyage to New

Orleans, and perhaps his direct personal association at sea with the brothers Wharton, that grandest of Texian women, Mrs. Sarah A. Wharton, and the grand old Roman, Archer, effected a happy revulsion in both his mental and physical condition. That this is true let his own words speak. Arriving in New Orleans, refreshed and reinvigorated, on the fourth of January, on the 7th, he wrote the following:

“NEW ORLEANS, January 7, 1836.

“*Messrs. R. R. Royall and S. Rhoads Fisher.*

“DEAR SIR: I am happy to inform you that the cause of Texas and of liberty stands very high in this city and all over the United States. The spirit of the people is aroused by the evident justice of our cause, and they will sustain us. The universal wish and expectation in this quarter is (as Governor Smith declared in a letter to Travis on the 13th of October), that Texas ought to declare herself *independent at once*.

“I have always been cautious and unwilling to involve the pioneers and actual settlers of Texas in anything like precipitation. As to the right of Texas to declare herself absolutely independent, I have no doubt; none can possibly exist; but, *when I left home*, I was not fully satisfied that we should be sufficiently sustained. Information received here has satisfied me on this subject. The people of Texas in future need not hesitate to declare independence, from any doubts about being sustained; and, as for myself, I am willing to go into the measure, and believe we ought to do it without delay.

“At the last accounts Santa Anna had left Mexico and was rapidly marching on to Texas. He had reached San Luis Potosi.

“Yours respectfully,

“S. F. AUSTIN.”

Here are two pictures; one on the 25th of December, Austin sick, morbid and suspicious, writing to Royall of low intrigues and personal animosities towards himself, and on the 7th of

January, only thirteen days later, after a sea voyage, with renovated health, rejuvenated spirits and the gangrene of suspicion, previously fostered by intriguers, washed away, Austin, *himself again*, writing to the same Royall in favor of unconditional independence. Ten days before he wrote the first letter, the people of Brazoria, with but one dissenting voice, had declared for independence. On the very day he wrote it the people of Columbia, in the same municipality, passed unanimously and signed resolutions in favor of independence. Five days before, ninety-two gallant soldiers and prominent citizens had signed and proclaimed a declaration of independence at Goliad; and on the 15th of November, forty-five days before, Nacogdoches had boldly declared for independence.

Yet, in the face of these manifestations from the people of the country, enfeebled in health and misled (it is firmly believed), by ambitious intriguers and a few who were wolves in sheep's clothing, Austin penned his two Quintana letters. Partial biographers have unwisely tried to explain in part and in part have withheld these antagonistic facts. The truth and the whole truth is due the children of Texas, yet to be born, who, properly informed, will ever hail the *name of Austin*, as that of the father of *Americanism* in Texas, and revere his memory as such. But they will never regard him as the father of *Texian independence*, for to do so would be an unpardonable distortion of the truth. He was a recruit to that cause, according to his own declarations, from and after the 7th day of January, 1836.

Gen. Austin did not confine the knowledge of his conversion to the cause of independence to Messrs. Royall and Fisher; but, on the same day, wrote the following letter to the commander-in-chief of the army:

“ NEW ORLEANS, January 7, 1836.

“ *Gen. Sam Houston:*

“ DEAR SIR: In all our Texas affairs, as you are well apprised, I have felt it my duty to be cautious in involving the

pioneers and actual settlers of the country by any act of mine until I was fairly and fully convinced of the necessity and capabilities of our country to sustain it. Hence it is that I have been censured by some as being over cautious. Where the fate of a whole people is in question, it is difficult to be over cautious or too prudent. Besides these general considerations, there are others which ought to have weight with me individually. I have been either directly or indirectly the cause of drawing many families to Texas; also the situation and circumstances in which I have been placed have given considerable weight to my opinions. This has thrown a heavy responsibility upon me; so much so that I have considered it my duty to be prudent, and even to control my own impulses and feelings. These have long been impatient under the state of things which has existed in Texas and in favor of a speedy and radical change. But I have never approved of the course of forestalling public opinion by party or partial meetings, or by management of any kind. The true course is to lay facts before the people and let them judge for themselves. I have endeavored to pursue this course.

“A question of vital importance is yet to be decided by Texas, which is a declaration of independence. When I left Texas I thought it was premature to stir this question and that we ought to be very cautious of taking any step that would make the Texas war purely a national war, which would unite all parties against us, instead of it being a party war, which would secure us the aid of the Federal party. In this I acted contrary to my own impulses, for I wish to see Texas free from religious intolerance, and other anti-republican restrictions, and independent at once; and, as an individual, have always been ready to risk my all to obtain it; but I could not feel justifiable in precipitating and involving others until I was fully satisfied that they would be sustained. Since my arrival here I have received information which has satisfied me on that subject. I have no doubt we can obtain all and even much more help than we need. I now think the

time has come for Texas to assert her natural rights, and were I in the convention I would urge an immediate declaration of independence. I form this opinion from the information now before me. I have not heard of any movement in the interior by the Federal party in favor of Texas, or of the constitution. On the contrary, the information from Mexico is, that all parties are against us, owing to what has already been said and done in Texas in favor of independence and that we have nothing to expect from that quarter but hostility. I am acting on this information. If it be true, and I have no reason to doubt it, our present position in favor of the republican principles of the constitution of 1824 can do us no good, and it is doing us harm by deterring that kind of men from joining us that are most useful.

“ I know not what information you may have in Texas as to the movements of the Federal party in our favor, nor what influence they ought to have on the decision of this question, this being a matter on which the convention alone can determine. I can only say, that with the information now before me, I am in favor of an immediate declaration of independence. Santa Anna was at San Luis Potosi at last accounts marching rapidly with a large force against Texas. We must be united and firm and look well to the month of March and be ready. I shall try to be at home by that time.

“ Yours respectfully, “ S. F. AUSTIN.”

THE GEORGIANS TO COL. FANNIN.

On their arrival at Velasco, the Georgians addressed Col. Fannin as follows :

“ *To Col. J. W. Fannin :*

SIR: In compliance with a resolution adopted at a meeting of the commissioned and non-commissioned officers of the Georgia battalion, we beg leave, in the name of that meeting, to tender its unfeigned and heartfelt gratitude for the kindness and cordiality with which you have been pleased to greet

us and our companions in arms upon the shores of Texas. Be assured, sir, that a welcome from any other source, however kind or respectable, could not have given rise to prouder feelings. As Americans we hail you as the champion of Liberty! As Georgians we hail you as a brother, and recur with pleasing sensations to the home of your and our nativity. When first we knew and admired you, actuated by that in-born love of liberty and detestation of tyranny, peculiar to the American character, and recently so eminently developed in you, we paused not to calculate the cost, but with arms in hands, at once resolved to unite with our brethren of Texas, and share their destiny. And although, sir, it constituted the zenith of our ambition, as the sons of Georgia, to add to that bright star in the American confederacy, the honor of having acted a companion's part in the cause of suffering Texas, yet we were unconscious of the fact, until since we left home, that our wishes in that regard, were in a great measure realized, and that Georgia's honor and chivalry stood proudly vindicated in your person. The intelligence met us, and, like a beacon of light, at once cheered our hopes and illuminated our pathway. But, without being unnecessarily tedious, the undersigned beg leave in conclusion to assure you not only in behalf of the meeting we represent, but of the "Georgia battalion" generally, that it is deeply sensible to the kind partiality which you have exhibited for the State we claim to represent, in the advancement which you have been pleased to make of their brethren in arms, to posts of honor and preferment. Accept, dear sir, our sincere and heartfelt regard.

WILLIAM WARD, *Major.*

WARREN J. MITCHELL, M. D.,

Regimental Surgeon.

W. A. O. WADSWORTH, *Captain.*

DAVID I. HOLT, *Quartermaster.*

HENDERSON COHART, *Assistant.*

JAMES C. WYNN, *Captain.*

URICH J. BULLOCK, *Captain.*

December 23, 1885."

To which on Christmas day, 1835, Colonel Fannin made the following reply :

“ To Messrs. Wm. Ward and others, members of the Committee of the Georgia Battalion :

GENTLEMEN: I have the honor to acknowledge the receipt of yours conveying to me, in the kindest and most flattering manner, the sentiments of the Georgia battalion.

The welcome I have extended towards you, was one of duty, but I must add, also, one of *proud satisfaction*. My heart must cease its pulsations, ere I forget myself a “ Georgian ” or neglect her warm-hearted sons, in whatever clime we may meet.

The love of liberty, with them, is an innate principle, and “ grows with their growth, and strengthens with their strength.” Born, raised and educated in the school of liberal principles and free institutions, and recognizing no other system of political economy, save that bequeathed to posterity by *Washington*, and more recently inculcated by Jefferson, you have promptly and nobly met my own expectations, in marching to their “ rescue ” in this western wilderness of promise.

In the name and in behalf of the people of Texas I greet you as brothers in arms, thrice welcome because strangers to most of her inhabitants, and, owing to your geographical situation, unacquainted with the many advantages it really so eminently possesses. You have left “ *home* and its many endearments ” to embark in their cause and make it your own.

The days of chivalry are past, but not their recollection. Many a bold knight performed wondrous deeds of arms in the cause of the holy cross and under the most sacred banner. Many were the lances shivered, and rich the blood shed, simply to gratify some proud beauty, and obtain a crown from her fair hand, or some other token of favor.

The *conservation* of the Georgia battalion, in the cause of

Texas, is a striking proof and carries with it infallible evidence of their legitimate descent from the true stock of 1776.

The same love of liberty and detestation of tyranny, so boldly exemplified in the sires, is now to be found, and, I hope soon to be acted out, in the sons. No longer can the questions be asked of me, "Where are your friends? What are they doing for the cause of Liberty? Where are your *Georgia volunteers?*" The answer is made by the shrill sound of the fife, the soul-stirring beat of the drum, and the flash of the bright sun on your brighter arms..

As a Texian, devoted to the *cause*, all hail! As a Georgian, reared in the midst of you, and recurring to the days of "Auld lang syne," with a proud and swelling heart, all hail!

Let me say to you, go on in the good work, prospering and to prosper. Prepare yourselves by suitable *discipline* to withstand the onset of an enemy, and to command respect and admiration for the *Georgia battalion*.

What small distinction I have obtained for myself, and the brave men I have had the honor to command, and to which you so kindly refer, was the result of *discipline*. It gives confidence and will *insure success*. Let me entreat you, as one who feels a deep and abiding interest in each and every one of you, to bear in mind this charge and then you will be always ready. Let me exhort you to look to the past and remember the "Brazos Guards," and first division of the army of the people, which I have had the honor and good fortune to lead to victory, and profit thereby. [At Concepcion, October 28, 1835.] * * * Assuring you that, in whatever situation in life I may be cast, this day, with its connecting circumstances, will ever be cherished by your friend and fellow-citizen.

J. W. FANNIN, JR.

Velasco, Dec. 25th, 1835."

On the 8th of January, 1836, Col. Fannin issued the following address :

“ ATTENTION, VOLUNTEERS !

An expedition to the west has been ordered by the general council, and the volunteers from Bexar, Goliad, Velasco, and elsewhere are ordered to rendezvous at San Patricio between the 24th and 27th instants, and report to the officer in command. The fleet convoy will sail from Velasco, under my charge, on or about the 18th, and all who feel disposed to join it, and aid in keeping the war out of Texas, and at the same time cripple the enemy in their resources at home, are invited to enter the ranks forthwith.

J. W. FANNIN, JR.”

It is but justice to Col. Fannin to copy from his correspondence with the Lieut.-Governor such extracts as bear most prominently upon his peculiar attitude, and the responsibilities growing out of it.

From the mission of Refugio he addressed the Lieut.-Governor on the 17th of February, 1836, saying:

“ Not the least doubt should any longer be entertained, by any friend of Texas, of the design of Santa Anna to overrun the country and overrun or exterminate every white man within its borders. May I be permitted to ask of them in sober earnestness, ‘ *Why halt ye between two opinions?*’ Your soil is again to be polluted by the footsteps of the hirelings of an unprincipled despot. Will the freemen of Texas calmly fold their arms, and wait until the approach of their deadly enemy compels them to protect their own firesides? * * *

It is useless to controvert the fact that our true strength and geographical situation are well known to Santa Anna.

This expedition against Texas has long since been determined by Santa Anna; and Colonel Almonte was sent to

Texas for the express purpose of ascertaining these facts, which, you will see from his report, he faithfully executed. * * *

In conclusion, let me implore you to lose no time and spare no expense in spreading these tidings throughout Texas, and ordering out the militia 'IN MASS.' Spare us, in God's name, from elections in camp. Organize at home, and march forward in order and good may result from it.

I have barely time to say that an election was holden on yesterday for Colonel and Lieut.-Colonel and that myself and Maj. Ward received nearly a unanimous vote. * * *

In haste, I have the honor to subscribe myself with sentiments of high consideration.

Your obedient servant,
J. W. FANNIN, JR., *Col. Commanding.*'

Yet in all this Col. Fannin was acting under an illegal *agency*, utterly ignoring the rightful Governor and the rightful commander-in-chief.

CHAPTER XLII.

Commissioners to treat with the Cherokees — Membership of the General Council — Governor Smith's Denunciatory Message to the Council — Col. Joseph C. Neill in Temporary Command at San Antonio — Attempt to Depose Governor Smith.

Santa Anna's advanced division appeared at San Antonio on the 23d of February.

Austin was detained in the United States, laboriously co-operating with Messrs. Wharton and Archer, till in June. His zeal and success were all that his most ardent friends could desire, and did great good to the cause of Texas.

Under the ordinance of December 22d, previously introduced by Mr. Kerr, of Jackson, on the 25th, Governor Smith commissioned Gen. Sam Houston, Col. John Forbes and Dr. John Cameron, as commissioners to treat with the Cherokees and their twelve associate bands.

Two troubles confronted the country and interfered with harmonious action. The membership of the council frequently changed, and it so happened that a few who remained all or the greater part of the time were men who had no proper conception of the difference between executive, legislative and military functions, and these men led the council into a series of reactionary measures and usurpations which led to the destruction of the Johnson and Grant parties on and west of the Nueces and the defeat and perfidious slaughter of Fannin and the noble band of men under his command. Had these law-givers — some of them accidental men of the hour — understood the horn-book of representative government and its admirable distribution of powers, and governed themselves

accordingly, neither the Grant nor Johnson party, nor the men under King, Ward, or Fannin (chief of the whole), need to have perished as they did.

The changing characteristic of the council seems to have escaped the attention of writers; but in justice to many who had no lot or part in its anarchical proceedings and to others who left in disgust, it should be borne in mind. To illustrate this. John J. Linn¹ of Victoria, only sat in the council from December 11th to the 28th, a period of only seventeen days. James Kerr only sat from November 30th to January 7th, thirty-nine days. Jesse Burnham, Henry Millard, William Menefee, McMullen, Randall Jones, Jesse Grimes, Wilson, Asa Mitchell, Dr. Asa Hoxey, Collard, John A. Wharton, Fuqua, and, indeed, a large majority of those who served in the body were only there for fractional portions of the session. Those who served most continuously and for the longest period were D. C. Barrett, J. D. Clements, Wyatt Hanks, Alexander Thompson and two or three others; and those who served longest, including Robinson, the Lieutenant-Governor and President of the body, were most deeply concerned in those glaring usurpations which brought dire disasters upon the country.

¹ The official journals of the 27th say: "Mr. Linn presented a resolution providing for the erection of a monument to the memory of Benjamin R. Milam, at San Antonio de Bexar, which was adopted; and his Excellency, Governor Henry Smith, James Cockran, John Rice Jones, Gail Borden and John H. Money were appointed a central committee to carry into effect the objects of the resolution." Mr. Linn died in the house in which he had lived in Victoria since 1831, on the 27th of October, 1885. He long survived the five gentlemen named in the committee. He lived fifty years, less two months, and yet failed to see his memorial raised to the grand and peerless Milam "by grateful hands," for it was not erected. Texas had but one Milam! Milam had neither wife nor child; but he had a home in every Texian breast. He was one man, physically, morally and intellectually grand, of whom evil was never thought or spoken. Will the grandchildren of his day and time live and die without leaving a shaft to his memory?

Lieut.-Col. Joseph C. Neill, a tried old soldier in the Indian wars of the United States, duly appointed by the Provisional Government, assumed command at San Antonio of the handful of newly and regularly enrolled soldiers at that place. But there were perhaps three hundred men there, after the fall of the place, who did not return home nor remain under any competent authority. Among them was Dr. James Grant, a Scotchman, but a naturalized citizen of Mexico, married in and long a resident of that country, and owning or claiming large mining and landed interests in the western part of Coahuila. He had acquired the ill-will of the Mexican authorities and hence fled into Texas. Personally he was a gallant man and was severely wounded in the siege of San Antonio. But he was a bitter enemy to Texian independence and opposed to the separation of Texas from Coahuila. His personal interests infatuated him with the idea of maintaining them as one State in defiance of the centralized Government of Mexico. To this end he conceived the idea of capturing and holding Matamoras. He not only seduced the unorganized element at San Antonio into organizing for that purpose, but others farther east and some newly arrived volunteers at San Antonio and on the coast, and found advocates in the council.

The disorganizing course of the council in pandering to the clamors of a few ambitious and visionary men and usurping the functions of the Governor as commander-in-chief in military and naval affairs, as well as those of Gen. Houston as general-in-chief of the army, among other things encouraging the suicidal expedition proposed to capture Matamoras, added to what he considered a conspiracy by Barrett and others of the council to destroy his influence, because of his unyielding advocacy of independence, culminated in the following indignant and unparliamentary, but very natural outburst from

Governor Smith, communicated, in secret session, for their own ears, and not intended for the public :

“ SAN FELIPE, January 9, 1836.

“ *Gentlemen of the Council:*

“ I herewith transmit to your body, the returns and correspondence of Col. Neill, Lieutenant-Colonel-Commandant of the post of Bexar. You will in that correspondence find the situation of that garrison. You will there find a detail of facts calculated to call forth the indignant feelings of every honest man. Can your body say that they have not been cognizant of, and connived at, this predatory expedition? Are you not daily holding conference, and planning co-operation, both by sea and land? Acts speak louder than words! They are now before me, authorizing the appointment of a generalissimo with plenary powers to plan expeditions on the faith, the credit, and I may justly say, to the ruin of the country. You urge me by resolutions to make appointments, fit out vessels as government vessels — registering them as such, appointing landsmen to command a naval expedition, by making representations, urgent in their nature, and for what? I see no reason but to carry into effect, by the hurried and improvident acts of my department, your favorite object, by getting my sanction to an act disorganizing in its nature, and ruinous in its effects. Instead of acting as becomes the counselors and guardians of a free people, you resolve yourselves into intriguing, caucussing parties; pass resolutions, without a quorum, predicated on false premises; and endeavor to ruin the country by countenancing, aiding and abetting parties; and, if you could only deceive me enough, you would join with it a piratical co-operation. You have acted in bad faith, and seem determined by your acts to destroy the very institutions which you are pledged and sworn to support. I have been placed on the political watch-tower. I feel the weight of responsibility devolving

upon me, and confidently hope I will be enabled to prove a faithful sentinel. You have also been posted as sentinels; but you have permitted the enemy to cross your lines; and, Mexican-like, are ready to sacrifice your country at the shrine of plunder. Mr. President, I speak collectively, as you all form one whole, though, at the same time, I do not mean all. I know you have honest men there, and of sterling worth and integrity; but, you have Judases in the camp — corruption, base corruption, has crept into your councils — men who, if possible, would deceive their God. Notwithstanding their deep laid plans and intrigues, I have not been asleep. They have long since been anticipated, forestalled and counteracted. They will find themselves circumvented on every tack. I am now tired of watching scoundrels abroad and scoundrels at home, and on such I am now prepared to drop the curtain. The appointment and instructions, founded on the resolutions predicated on false premises, shall now be tested. I will immediately countermand the order made out in such haste; and, as you say, and her register says, the armed vessel *Invincible* is a government vessel, I will immediately order a suitable officer of the government to go and take charge of her in the name of the government, and hold her subject to my order. And, if that be refused, I will immediately recall her register, by proclamation to the world. I would further suggest to you that our foreign agents have been commissioned and specially instructed to fill out our navy and procure the proper officers and crews; and unless they can be certainly informed of the absolute purchase, in time to prevent their purchase of a similar one, the purchase so made by you shall never be ratified or become binding on this government; because you would do the government serious injury by meddling with matters which you have put out of your power by special appointment. You shall not be permitted, by collusion or management, to act in bad faith to the injury of the government. If the appointment of general agents, with latitudinarian

powers — with the power of substitution and many other things equally inconsistent and ridiculous — which have been engendered and emanated from your caucussing, intriguing body recently, does not show a want of respect to my department and a total neglect of the sacred oaths and pledges solemnly made by you, I must admit I am no judge. I wish you to distinctly understand that the ground on which you stand is holy, and shall be guarded and protected with every assiduity on my part. Permit me again to repeat it, Mr. President, this is not intended to touch either yourself or the honest and well-intending part of your council.

“Look round upon your flock. Your discernment will easily detect the scoundrels. The complaints, contraction of the eyes, the gape of the mouth, the vacant stare, the hung head, the restless, fidgety disposition; the sneaking, sycophantic look, a natural meanness of countenance, an unguarded shrug of the shoulders, a sympathetic tickling and contraction of the muscles of the neck, anticipating the rope, a restless uneasiness to adjourn, dreading to face the storm themselves have raised.

“Let the honest and indignant part of your council drive the wolves out of the fold, for by low intrigue and management they have been imposed upon and duped into gross errors and palpable absurdities. Some of them have been thrown out of folds equally sacred, and should be denied the society of civilized man.

“They are parricides, piercing their devoted country, already bleeding at every pore. But, thanks be to my God, there is balm in Texas, and a physician near. Our agents have gone abroad. Our army has been organized. Our general is in the field. A convention has been called which will afford a sovereign remedy to the vile machinations of a caucussing, intriguing, and corrupt council. I now tell you that the course here pointed out shall be rigidly and strictly pursued, and that unless your body will make the necessary acknowl-

edgment to the world of your error, and forthwith proceed, and with the same facility and publicity (by issuing a circular, and furnishing expenses to give circulation and publicity in a manner calculated to counteract its baleful effects), that after twelve o'clock on to-morrow all communications between the two departments shall cease; and your body will stand adjourned until the first of March next, unless, from the emergencies of the country, you should be convened by proclamation at an earlier period.

“I consider, as the devisers of ways and means, you have done all contemplated by the organic law; that your services are no longer needed, and until the convention meets, I will continue to discharge my duties as commander-in-chief of the army and navy, and see that the laws are executed.

“The foregoing you will receive as notice from my department, which will be rigidly carried into effect. You are further notified that audience will not be given to any member or special committee other than in writing. I will immediately proceed to publish all the correspondence between the two departments, by proclamation to the world, and assign the reasons why I have pursued this course, and the causes which have compelled me to do it.

“Your obedient servant,

“HENRY SMITH.”

We may not justify the harsher expressions in this communication; but the provocation was great, and Governor Smith believed there was at least one influential traitor in the council, and others opposed to the independence of the country. He looked upon their factions and revolutionary course as calculated to bring ruin upon the country, and did not hesitate to use words expressive of his innermost thoughts.

On the 29th of March, during his retreat, from his camp on Mill Creek, west of the Brazos, Gen. Houston wrote to Gen.

Rusk, Secretary of War: "I have ordered D. C. Barrett and Edward Gritten to be arrested and held subject to the future order of the government. I do think they ought to be detained and tried as traitors and spies."

The victory at San Jacinto, twenty-three days later, and the good feeling caused thereby, probably prevented investigation into all such charges.

The council (then and ever afterwards without a quorum) on the 11th of January passed resolutions denunciatory of the Governor, denying his allegations, preferred counter-charges against him, and, among other things, impotently attempted to depose him from office, in form and words as follows:—

"*Resolved*, That Henry Smith, Governor of the Provisional Government of Texas, be ordered forthwith to cease the functions of his office and that he be held to answer to the General Council upon certain charges and specifications preferred against him, agreeable to the provisions of the fourth section of the Federal Constitution of Mexico of 1824, and the 11th section of the Organic Law of the Provisional Government of Texas, as adopted in convention on the 13th of November, A. D., 1835, and that a copy of the said charges and specifications be furnished to the Governor, Henry Smith, within twenty-four hours from this time.

"*Resolved*, That the treasurer, commanding-general, foreign agents and all other officers of this Government, be notified of the suspension of Henry Smith of the powers and functions of Governor, by the representatives of the people of Texas in General Council assembled, and that they and every one of them hold themselves respectively subject to the order and direction of the Lieutenant-Governor, as acting Governor, and General Council aforesaid."

To which mandate none of those functionaries paid any attention.

On the 12th, before being advised of the action of the non-

quorum council in its secret session of the 11th, apparently somewhat relieved of the indignation under which he had written, and probably urged thereto by more dispassionate friends, Gov. Smith sent in a less acrimonious message, in which he said:

“The communication sent to your body on the 10th contained much asperity of language, which I considered at the time was called for from me, owing to what I deemed improvident acts of your body, in which I considered much intrigue and duplicity had been used, which, in their nature and tendency, were calculated to breed confusion and greatly injure the public good. Among other things, the appointment of Col. Fannin was one which I deemed unwarranted by law, and of injurious tendency. If the act of your body was ratified by me, it is plain and evident that neither the commander-in-chief, the council, nor the executive could have any control over him.¹ I, therefore, deemed it a gross insult

¹ Students of Texian history are entitled to know what this extraordinary and illegal action was, and here it is:

“1. *Be it resolved by the General Council of the Provisional Government of Texas*, that J. W. Fannin be and is hereby appointed and empowered, as an *agent* for and in behalf of the Provisional Government of Texas, to *raise, collect and concentrate* at, or as near, the port of Copano as convenience and safety will admit, all volunteer troops willing to enter into an expedition against Matamoros, wherever they may be found—at the mouth of the Brazos, city of Bexar, or elsewhere, whether *in Texas or arriving in Texas*, and, when thus collected and concentrated, to report either to the commanding general or to the Governor and Council, *as he may prefer*, agreeable to the seventh section of an ordinance and decree passed on the fifth day of December, 1835, for raising an auxiliary corps to the regular army, and continue to report from time to time, as the expedition may progress.

“2. That the said *agent*, J. W. Fannin, be and is hereby authorized and empowered to call upon Thomas F. McKinney, the general agent of the commissary department, or *any other* public agent, store-keeper or supplying-officer of the government, for the proper and necessary munitions of war, the usual supply of provisions, apportioned to number and rank, and the means of transportation thereof and of the troops aforesaid, by land or water, which call and *orders of said agent*, shall be respected by all public

offered by the council to my department, and one which I was not willing to overlook," etc. The council preferred charges against Governor Smith and informed him that he could elect whether to be tried by them, or by the plenary convention of the people, to be elected on the first of February and to assemble in Washington on the Brazos, on the first day of March. He promptly replied: "You have left it with myself to choose the tribunal before whom I would be tried — whether before your own body, by whom I had already been condemned, or before my peers in convention. * * * Reason,

agents or officers aforesaid, and said agent's receipt shall be respected by the government.

"3. That the said agent, J. W. Fannin, be and is hereby authorized and empowered to negotiate a loan of *three thousand dollars*, at not more than ten per cent interest, to be paid out of the first money, not otherwise especially appropriated at this date, or the first money which shall come into the treasury of Texas.

"4. That on the concentration of the volunteer troops as aforesaid, an election for a commander and other officers shall be made, agreeable to the law regulating the auxiliary volunteer corps, as referred to in section first of these resolutions.

"5. That after the agent of the government aforesaid, J. W. Fannin, shall have so raised, collected and concentrated the aforesaid volunteers, *he* shall make a descent upon Matamoras, *if he* deems it practicable to take said place, or such other point or place *as the said agent* may deem proper.

"6. That the aforesaid agent, J. W. Fannin, shall be authorized and empowered to appoint such special agent or agents under him as he shall deem necessary to carry into effect the object of these resolutions, and to delegate to such special agent or agents such powers, in writing, *as he* may think proper, not inconsistent with the powers of his own agency.

"7. That J. W. Fannin shall be furnished with a copy of the foregoing report and resolutions, duly certified, immediately upon their passage."

This revolutionary measure was not even submitted to the Governor for his approval, was unanimously passed on the 7th of January, 1836; but there were only *twelve* members present, *when fourteen were necessary to constitute a quorum*. Turn back and read Fannin's letter to Kerr and the key to the authorship of this extraordinary and ultimately disastrous usurpation, will be found. It was, on the part of the mover behind the curtain, a scheme to ignore the Governor and the commander-in-chief, and ended in the wholly unnecessary sacrifice of Fannin and his four hundred brave and noble followers.

it would seem, would direct the latter alternative. * * *

I demand of your president, as a right, the names of all the members present on the 10th instant, with the proper certificate, commencing with the first of the present month and up to the present date inclusive. And all the members now present are notified to appear at the town of Washington, as witnesses, on the first day of March next; for, by your own acts and the proof of your own body, I hope to be able to exculpate myself, before a liberal and unbiased body, from all the charges preferred against me. It would appear that some jurisdictions (municipalities) are not represented, others have, and some (members) long since precluded by law, still seem to hold on and form a part of your body.” There were then twenty-one municipalities, and each entitled to one member, of which two-thirds, or fourteen, were necessary to form a quorum, while in fact but twelve were present, and of these twelve Barrett had been elected Judge Advocate General and should have vacated his seat. Messrs. Burnham, Tucker, Collard and Malone were new members. So the council lacked two of a quorum and sometimes more. The Governor continues: “Notwithstanding you are the representatives of the people, they have given you the limit over which they will not permit you to pass; and anything done by your body calculated to bring about disorganization, or not warranted by the organic law, will be viewed and considered as an outrage for which you will be held responsible. What *I have done*, however you may view it, has been for the best of reasons, and from the purest motives. I care not for popularity, and seek alone the public good. And if the course I have pursued — so condemned by you — should bring down the odium and contempt of the whole community, and at the same time be the means of saving the character, the credit and finally redeem the country, I say to you in the sincerity of truth, that it is a sacrifice I willingly make at the shrine of the public good.”

On the same day, the 13th, the council passed a resolution directing the Executive Secretary, Dr. Charles B. Stewart (afterwards distinguished in the councils of the State and deceased only in 1886), to hold no further communication with Governor Smith, but to recognize as Governor, their presiding officer, Lieutenant-Governor James W. Robinson. They passed a similar mandate affecting the public printers. But their action was wholly ignored by the enlightened patriot, Stewart; and fell harmless at the feet of Governor Smith, who still maintained his official position, being recognized as Governor by Gen. Houston, commander-in-chief of the army; Col. Neill, commandant at San Antonio; Travis, Bowie, and all the chief leaders in the country, and the people at large. The indecent haste with which the council acted, their numerous resolves, and the high-sounding inaugural address of their acting-governor bearing evidence of their prior plan and concert, speedily became known and were treated largely with derision till they were buried in oblivion by the people's representatives in the convention of independence in March, as will be seen later.

CHAPTER XLIII.

More of Governor Smith and the Council — Address to the People by Governor Smith — Fannin writes another letter — Noble Letter from Lieut.-Col. William Ward of the Georgia Battalion — An Overwhelming Rebuke by Wm. G. Hill to a Committee of the Council.

Nothing could have been more satisfactory to Governor Smith than the notification that he could exercise an option by being tried either by the council — his blind accusers — or by the convention yet to be elected and to assemble on the first day of March. His honest heart was more than willing to intrust his good name, fame and unselfish patriotism, to the judgment of his peers, yet to be elected by the people, for well he knew that the great point for which he had struggled — the independence of Texas — would be overwhelmingly, if not unanimously declared, whenever the voice of the people as now enlightened, should be expressed in a plenary assemblage. He had neither doubt nor fear, and he was correct, for the declaration was unanimously made within twenty-four hours after the convention met. And well he knew also that the real incentive to the malignant charges against him, was his refusal to countenance the disorganizing schemes of the council.

As a matter of fact Governor Smith continued in the discharge of his duties and was so recognized by the convention assembled in March.

The remnant of the council, sometimes not exceeding a half dozen, continued to hold sittings till the 16th of February, when it adjourned to meet in Washington on the 22d, but it never mustered a corporal's guard at that place.

It never made a pretense of having a quorum after the 17th of January ; and it is absolutely certain it never had after the

9th and there is no positive evidence that it had during the first nine days of the month, and there is conclusive evidence that it did not have a quorum during several of those days. His active enemies in the council did not exceed three or four men, but they artfully operated upon new members, and were aided by outside abettors.

These details are *due to truth* and to the vindication of a wise and unselfish statesman who stood in the breach to save his bleeding country, and guide it into the haven of independence, and whose political destruction was attempted.

On the 22d of January, Governor Smith published an address to the people reviewing at length the malversations of the council and presenting the facts to the country in so plain a light as to convince all unprejudiced minds of the justice of the position assumed by him. It is too long for even a recapitulation in this connection, but his concluding words are given: He said: "I frankly acknowledge that I, *knowingly and willfully*, set the match! I have thrown myself into the breach! and whatever the consequences may be to me as an individual, I honestly own to you it is a sacrifice I have willingly made at the shrine of the public good. The agitated state of the country renders it necessary that I should exercise the powers delegated to me in the fourth section of the organic law, and I now call upon you, fellow-citizens as the militia of the country, to aid and assist in carrying it into effect. I only ask at your hands, as your executive officer, to see justice administered to me and yourselves. The speculating, intriguing conspirators must be punished, or your interests will be ruined. All officers of the army and navy belonging to Texas, or marshaled within its limits, are hereby notified that they will be held strictly amenable to the laws: and at all times, when circumstances require it, to carry into effect the 4th section of the organic law, in conformity with its provisions. The *proper officers* of this government will fit out expeditions *whenever they deem it expedient to do so*.

But this government will not be amenable, or countenance any predatory expeditions calculated to embarrass its circumstances, or compromise its honor.

“ HENRY SMITH, *Governor*.

“ San Felipe de Austin, Jan. 22, 1836.

Not only offers of aid from volunteers and citizens in different parts of the country, poured in upon Governor Smith, but a party of armed men then at San Antonio notified him of their willingness to march to San Felipe and disperse the council as a band of conspirators against the independence of Texas. The governor rejected the latter offer and urged upon its authors the duty of awaiting the peaceful action of the people to assemble in convention on the first of March. Like Jefferson, he believed that enlightened freemen, when given time and facts upon which to base their judgments, could be relied upon to do justice, uphold the right and repress and punish wrong.

From Velasco, January 21st, J. W. Fannin, agent, etc., addressed a communication to his Excellency, James W. Robinson, Governor, and the General Council of Texas, thus fully identifying himself with those conspirators who had passed resolutions (inspired by himself), making him virtually the generalissimo of the military forces of Texas. He had gone to the mouth of the Brazos, where there were about 150 newly arrived volunteers from the United States, and enlisted them under his banner. They were mostly from Georgia and being a Georgian himself, it is not surprising that they listened to his representations. Besides, Fannin was a gallant man of fine intelligence and address. But for his overweening ambition and insubordination, he might have become a pillar of strength to the country. He should have aided General Houston, the legally chosen commander-in-chief. That he did not, must be a source of pain to the people of Texas so long as time lasts. Yet his name and fame as a

martyr to Texian liberty, the purity of his personal character and his unquestioned gallantry, will ever embalm his memory in the hearts of freemen.

The letter of Fannin to Robinson was a strange admixture of partisan politics and betrayed confidence by incorrectly stating the contents of a confidential letter written by Governor Smith to Lieutenant-Colonel William Ward, an officer just then coming under the command of Fannin. This letter was reluctantly shown to him, at his earnest intercession, under a solemn pledge of secrecy and confidence. This is the darkest stain on the name of Fannin and can only be explained on the hypothesis that his partisan zeal and inordinate desire for military control overrode his sense of propriety.

He concluded his letter by saying :

“ I shall procure the letter, or a copy, but if he (Governor Smith) can deny either the letter, the language, nay, the words or sentiments, let him do it and double falsehood and perjury will be added to the catalogue of his offences and misdemeanors.”

This was remarkable language, yet the remnant of the council yet remaining (eight out of the twenty-one members), on the 26th of January, 1836 (four days after it was written), resolved on its publication in vindication of their impotent assault upon the rightful Governor. A committee of this remnant, Messrs. Thompson and Clements, had the indecency to write to Lieut.-Col. Ward for a copy of that private letter, to be used in their war on Governor Smith. Col. Ward answered from Goliad on the 20th of February, as follows :

“ GOLIAD, February 20, 1836.

“ GENTLEMEN: Your letter under date of the 11th inst., was duly received. It seems that an inveterate and incurable collision between the body, of which you are the representatives, and Governor Henry Smith, has taken place, and you call upon me to furnish you with the copy of a letter, written

by the said Smith to me some time during the past month, extracts from which have been furnished you by Col. J. W. Fannin, Jr. This letter, the production of which is thus sought, no doubt is intended to be used by his enemies, to the detriment and injury of Governor Smith, as containing sentiments and expressions highly insulting and obnoxious to the late and present volunteer army.

“ After maturely reflecting upon the subject, I feel myself compelled to decline compliance with your request, and a sense of self-respect and courtesy to your body prompts me to explain to you frankly the reasons which prompt me to adopt this course.

“ When first I came to Texas, a total stranger, to aid her with all the power and influence I possessed, it was my first business to receive all the information I could in relation to the internal and external situation of the country, and the prospects and expectations of her leading and most important characters. With feelings of no common sorrow I saw that the germ of feuds and divisions, had already been planted in the heart of the country. Without even intending to mingle in these civil strifes, and hoping from a common sense of danger and the complete necessity of general harmony there would be found in the country patriotism sufficient to lull these commotions in their incipient stage, I freely mixed with all, conversed with all and sought information from all. On a visit to the capital, transacting business for myself and those individuals who had generously followed my fortunes and placed themselves under my direction, I early became acquainted with Governor Smith, who, with an ardor and zeal more upright than perhaps discreet, frankly disclosed to me his views and sentiments in relation to the civil affairs and prospects of the country, and the suggestions he threw out and the advice he gave me were of a character naturally to inspire a stranger with confidence in the honesty and integrity of the man, and the little experience I have had establishes,

in my judgment, his sagacity and foresight as a statesman. Thus favorably impressed I became a correspondent of his Excellency, and honestly uniting in his views, without participating in his violence, he did me the honor to address me on all occasions with the frankness and unrestrained freedom of a friend. When thus addressing me, amidst the perplexity and confusion of his official business, provoked and maddened by an opposition active and violent, and not presuming probably that his communications would be handed out to the view of his opponents and the world for comment, is it not natural and reasonable to admit that he should have expressed himself without much caution and, on matters that had so much annoyed him, *with warmth*?

“ And should I be in the possession of any documents calculated to raise the voice of complaint against him one single note higher than it is at present, thus obtained, in yielding it to the possession of his enemies, would I not act the part of a traitorous and faithless friend? And, with all proper respect, let me ask, could a liberal and magnanimous opposition avail itself of such testimony to torture and crush its victim?

“ But, gentlemen, when you are informed of the manner in which the fact of my having such a letter was disclosed and imparted to you I am sure you will coincide with me in the opinion that a manifest impropriety exists in my furnishing you with a copy, or with the original. Col. Fannin was himself the bearer of the letter from Gov. Smith to me. Knowing the handwriting, and prompted by an anxiety which I will not pretend to divine, but at the moment did not distrust, in compliance with his repeated solicitations and under the panoply of his plighted faith to secrecy, I submitted the paper to his inspection. He made several applications to me for the purpose of obtaining a copy and the liberty of using the privilege with which I had confidentially intrusted him, to all of which I gave an unqualified and prompt denial. Judge of my surprise and astonishment then, when your letter informed me that, with

an abandonment of delicacy and decorum that I thought appertained to a character with which Col. Fannin acknowledge no affinity, he had used me and my confidence to feed the flame of discontent and hatred against the Governor, in which it seems he is ambitious to act a conspicuous part.

“ The above remarks you will discover, are predicated upon the *supposition* that this celebrated letter, if produced, would contain sentiments and language, discreditable to its author and from the incorrect and garbled manner in which its contents are attempted to be quoted by Col. Fannin, the public, until better informed, will entertain the same opinion. Col. Fannin attempts to give extracts, *verbatim et literatim*. When that part of his letter which I perceive has been published by order of the council with great eclat, containing the extract, was compared with the original in my possession, in the presence of several intelligent and respectable gentlemen, they were all astonished at the misquotations and perversion of its general sense and meaning. If I could feel myself absolved from the delicacy of my situation, and could with propriety divulge the original to the world, mankind would see in this but another instance to what shameful means party spirit will descend in the might of its malignant rancor.

“ And I feel deeply mortified that not content, not only with abusing my confidence and uncourteously presenting me to the public in the character of an *informer*, he should give a false coloring to a document, which, if plainly read and fairly construed, would mark the purity and patriotism of the man who penned it.

“ It belongs not to me to counsel Gov. Smith what might be conducive to his defense, nor to his enemies what might contribute to his condemnation; but I do honestly affirm that in my humble opinion, if this letter, which has been so unhandsomely used to his disadvantage, could be read before his peers on his trial, it would be found to contain not one expression that would cause the hue of shame to tinge the countenance of a

single friend. True, it is warm, even violent, but even this (its very error), shows the sincerity of his determination to advance, at all hazards, what he conceives to be the true interests of his country, and to oppose even to the extent of self-immolation what may redound to her injury and ruin.

“Intending, gentlemen, to keep myself aloof from all party connections; determined to chain myself to the car of no political sect, and desirous to discharge my military duties to the satisfaction and approbation of my adopted country, I have thought it an act of justice to myself to offer you the above remarks, in order to extricate myself from an unpleasant situation, in which I have been placed contrary to my intentions or desires.

“Every one must lament the height to which political discord has attained. If ever there was a crisis in the affairs of a country which required the harmonious action of all her citizens, that crisis has arrived in Texas. The foe is in the field with means and men beyond our reach. Extermination is his war-cry. Nothing can save us but unanimity, harmony, concentration and a bold, heroic movement of all our power. With this and a complete annihilation of all factious feelings, success and glory will yet encircle the banner of our adopted country. With great respect, gentlemen,

“I am, your obedient servant,

“WM. WARD.”

Though a little later in date, the subjoined correspondence, bearing upon the same subject, is inserted at this point. The whole was published by Col. Hill in a handbill, February 20, 1836.

“TO THE PUBLIC.

“Notwithstanding I have participated in the general feeling of indignation at the conduct of the council, I did not anticipate the public expression of my sentiments. But, when I am

called upon by the *highest functionaries* in the land to commit an act not only dishonorable, *but criminal*, I cannot longer withhold the expression of my indignation. Below will be found a letter, *not confidential*, addressed to me by two of the *honorable members* of the council, together with my reply, which I lay before the public, without comment, satisfied that my conduct will be approved by every highminded, honorable man.

“ WM. G. HILL.”

“ Brazoria, Feb. 20, 1836. ”

THE DEMAND.

“ SAN FELIPE, Feb. 14, 1836.

“ *Col. William G. Hill:*

“ SIR: We have been appointed by the General Council to conduct the prosecution against the late Governor, Henry Smith, before the next convention. Among other matters of testimony to support the charges against him is a letter written to yourself about the 17th of January last, of which a copy has been received at this place. We have to request that you forward said original letter to us at Washington. We trust that you will not fail in doing so, as in that case it will become necessary to summon yourself to attend.

“ Respectfully yours,

“ Signed, ALEX. THOMPSON,

“ J. D. CLEMENTS.”

COLONEL HILL'S RESPONSE.

“ BRAZORIA, Feb. 20, 1836.

“ *To Alexander Thompson and J. D. Clements:*

“ GENTLEMEN: Your communication of the 14th inst., conveys so direct an insult, or betrays such gross and unpardonable ignorance on your part, that I would not have replied, but to explain how the copy of the letter, which you desire,

was obtained (if such copy exists). The letter was opened by.....without my knowledge or consent, and if any copy does exist, it was surreptitiously obtained and I denounce the perpetrator of the shameful act as a violator of the sanctity of private intercourse, and, of course, no gentleman. You impudently call upon me to expose a correspondence, which all nations agree in considering *as sacred*, for the sole purpose of *injuring the writer*, who wrote for a friend only and not for the public. You call upon *me* to commit an act, which you must know would be criminal and is calculated to destroy the life of society, *an act* which none but a villain would perform. You call upon *me* to do this, and for what? To aid you in a parricidal attempt to destroy the highest Executive in the land. I assure you I do not *aspire to the distinction of an association with your honorable body* in such unhallowed purposes. In conclusion, I cannot withhold the expression of the indignation and contempt, which your base proposition inspires, and I most earnestly hope that your public career may be brought to a speedy and ignoble close; and that upon your heads will be visited the scorn and indignation of an enlightened and high-minded public. I am,

“WM. G. HILL.”

The members of the council who demanded the letters were not bad men. I know personally that they were esteemed at home as good citizens and were kind, hospitable and patriotic, but blind prejudice and a want of delicacy of sentiment justly subjected them to the caustic and lacerating rebukes of Cols. Ward and Hill; rebukes which every chivalrous soul must approve.

CHAPTER XLIV.

More of Grant and Johnson — Gen. Houston's exhaustive letter to Governor Smith.

Dr. Grant, having induced the men at Bexar to join him in his determination to march upon Matamoros, stripped San Antonio of its munitions and supplies and left Lieutenant-Colonel Niell, an officer of the government, in command of the fort, with a handful of men, and without the means of caring for the sick and wounded. Grant was acting without authority and Francis W. Johnson, intending to co-operate with him, proceeded to San Felipe to secure legal warrant for the enterprise. Grant, during Johnson's absence, advanced to Goliad and went into camp. "Johnson," says Yoakum, "declined going in with Fannin, probably because he desired a more independent command. At all events, his forces and those of Grant wanted more privileges than the law allowed them. After some hesitation the council gave him a sort of *carte blanche*, and he proceeded to join Dr. Grant."

Thus, by its action, the council first virtually made Fannin, as an agent, a commander independent of the commander-in-chief, and next recognized Johnson and Grant as the leaders of a separate band.

Had the council desired to pander to the aspirations of distinct and, in some sense, rival aspirants for military power, and thereby hasten the country to ruin, they could not have well devised a more efficient plan. Against these headlong steps to ruin stood, as pillars of adamant, Gov. Henry Smith and Gen. Sam Houston, upheld by such men as Bowie, Travis, Neill, Rusk, Burleson, Williamson, John A.

Wharton, Hoxey, Dimmitt, Linn and a host of others, who saw ruin impending and resolved, if possible, to avert it.

“In the confusion of the times and the isolation of the people, ‘on to Matamoros’ proved a seductive cry and many pure patriots were led astray. Even Governor Smith, Gen. Houston, Col. Bowie and other clear-headed men, who knew its impracticability and inevitably disastrous results, were driven to give it a quasi-countenance, until reason should resume its throne. Matamoros was a considerable Mexican city on the Rio Grande, a short distance above the mouth of that stream at which there was a shallow and dangerous bar. The nearest American farms, or villages, were on the Guadalupe three hundred miles distant. All between, for three hundred miles — not between *a base of supplies* and Matamoros, but between the extreme frontier and Matamoros — was an unbroken desert incapable of furnishing sustenance to any. On the other hand, the Mexicans could easily assemble and maintain ten thousand soldiers, with unlimited supplies of artillery at Matamoros. Tributary to Matamoros and in easy communication over good roads, were the towns and intervening haciendas and ranchos of Reynosa, Mier, Comargo, Guerrero, San Fernando, Cerralvo, Linares, Jimenez, Victoria, Guajuco, Monterey and many other places teeming with populations subject to military duty. The idea of Texas taking and holding Matamoros as a base of aggressive or defensive warfare against Mexico, in view of these incontrovertible facts, was ridiculous, as was demonstrated ten years later when it cost the powerful government of the United States the battles of Palo Alto, Resaca de la Palma and the severe siege of Fort Brown and Matamoros to even take the place, and that too, when the material strength of Mexico had greatly declined.

In forming their judgment of men and measures connected with the inchoate struggle for Texian liberty, in the winter of 1835-6, posterity should understand these facts, and not be

led astray by the declarations of ambitious men, whose disregard of the laws of common-sense came so near destroying the hope of liberty and free government in Texas. But for these puerile and disorganizing movements, and the failure of the leaders in these chimerical schemes, to place themselves under the guiding spirit of the commander-in-chief, much bloodshed and disaster would have been spared the Texians.

“On the sixth of January,” says Mr. Yoakum, “Governor Smith ordered Gen. Sam Houston, the commander-in-chief, to repair to San Antonio, or such other point on the frontier as he might deem most eligible, and establish his headquarters; also to establish such subordination, and place the army in such situation as to commence active operations by the earliest day possible; and, in the meantime, to annoy and injure the enemy as much as circumstances would permit.

“In pursuance of this command, Gen. Houston, *on the same day*, issued an order directing all the troops on the frontier to hold themselves in readiness to march against the enemy at the earliest notice. At the same time the requisite supplies were ordered to Copano. (On Aransas Bay, the entrepot to Goliad.) After appointing Lieut.-Col. Wm. B. Travis superintendent of the recruiting service and requesting the attendance of Col. Thomas J. Rusk, and John K. Allen, of Nacogdoches, and Alexander Horton, of San Augustine, at headquarters, he set out for the west on the 8th of January.”

There can be no more lucid or reliable statement of succeeding events than the official report of Gen. Houston to Governor Smith, on his return from his trip to the west. It is as follows:

“WASHINGTON, January 30, 1836.

“*To His Excellency, Henry Smith, Governor of Texas:*

“SIR: I have the honor to report to you that in obedience to your order under date of the 6th instant, I left Washington

on the 8th, and reached Goliad on the night of the 14th. On the morning of that day I met Capt. Dimmitt, on his return home with his command, who reported to me the fact, that his caballada of horses, the most of them private property, had been pressed by Dr. Grant, who styled himself acting commander-in-chief of the Federal army, and that he had under his command about two hundred men. Capt. Dimmitt had been relieved by Captain P. S. Wyatt, of the volunteers from Huntsville, Alabama. I was also informed by Major Robert C. Morris that breadstuff was wanted in camp, and he suggested his wish to move the volunteers further west. By express I had advised the stay of the troops at Goliad until I could reach that point.

“On my arrival at that post I found them destitute of many supplies necessary to their comfort on a campaign. An express reached me from Lieutenant-Colonel Neill, of Bexar, of an expected attack from the enemy in force. I immediately requested Colonel James Bowie to march with a detachment of volunteers to his relief. He met the request with his usual promptitude and manliness. This intelligence I forward to your Excellency for the action of the government. With a hope that supplies had or would immediately reach the port of Copano, I ordered the troops, through Major R. C. Morris, to proceed to Refugio Mission, where it was reported there would be an abundance of beef—leaving Capt. Wyatt and his command, for the present, in possession of Goliad, or until he could be relieved by a detachment of regulars under the command of Lieutenant Thornton, and some recruits that had been enlisted by Captain Ira Westover. On the arrival of the troops at Refugio, I ascertained that no breadstuffs could be obtained, nor was there any intelligence of supplies reaching Copano, agreeably to my expectations, and in accordance with my orders of the 30th of December and 6th of January, inst., directing the landing and concentrating all the volunteers at Copano. I had already advised

Colonel Almanzon Huston, the Quartermaster-General, to forward the supplies he might obtain at New Orleans to the same point. Not meeting the command of Major Ward, as I had hoped from the early advice I had sent him, by Major Geo. W. Poe, I determined to await his arrival and the command of Captain Wyatt. With a view to be in a state of readiness to march to the scene of active operations the first moment that my force and the supplies necessary should reach me, I ordered Lieutenant Thornton, with his command (total twenty-nine) to Goliad to relieve Captain Wyatt; at the same time ordering the latter to join the volunteers at Refugio. I found much difficulty in prevailing on the regulars to march until they had received either money or clothing; and their situation was truly destitute. Had I not succeeded, the station at Goliad must have been left without any defense, and abandoned to the enemy, whatever importance its occupation may be to the security of the frontier. Should Bexar remain a military post, Goliad must be maintained, or the former will be cut off from all supplies arriving by sea at the port of Copano.

“ On the evening of the 20th, F. W. Johnson, Esq., arrived at Refugio, and it was understood that he was empowered by the General Council of Texas to interfere in my command. On the 21st and previous to receiving notice of his arrival, I issued an order to organize the troops so soon as they might arrive at that place, agreeably to the ‘ ordinance for raising an auxiliary corps ’ to the army. A copy of the order I have the honor to inclose herewith. Mr. Johnson then called on me, previous to the circulation of the order, and showed me the resolutions of the General Council, dated 14th of January, a copy of which I forward for the perusal of your Excellency.

“ So soon as I was made acquainted with the nature of his mission, and the powers granted to J. W. Fannin, Jr., I could not remain mistaken as to the object of the council, or the

wishes of the individuals. I had but one course left for me to pursue (the report of your being deposed had also reached me), which was to return and report myself to you in person — inasmuch as the objects intended by your order were, *by the extraordinary conduct of the council*, rendered useless to the country; and, by remaining with the army, the council would have had the pleasure of ascribing to me the evils which their own conduct and acts will, in all probability, produce. I consider the acts of the council calculated to protract the war for years to come; and the field which they have opened to insubordination and to *agencies* without limit (unknown to military usage) will cost the country more useless expenditure than the necessary expense of the whole war would have been, had they not transcended their proper duties. Without integrity of purpose, and well devised measures, our whole frontier must be exposed to the enemy. All the available resources of Texas are directed, through *special* as well as *general* agencies, against Matamoros; and must in all probability, prove as unavailing to the interests as they will to the honor of Texas. The regulars at Goliad cannot long be detained at that station unless they should get supplies, and now all the resources of Texas are placed in the hands of *agents* unknown to the government in its formation, and existing by the mere will of the council; and will leave all other objects, necessary for the defense of the country, neglected for the want of means, until the meeting of the convention in March next.

“It was my wish, if it had been possible, to avoid for the present, the expression of any opinion, which might be suppressed in the present crisis. But since I reported to your Excellency, having the leisure to peruse all the documents of a controversial nature growing out of the relative duties of yourself and the general council to the people of Texas, a resolution of the council requiring of me an act of insubordination and disobedience to your orders, demands of me that I

should inquire into the nature of that authority which would stimulate me to an act of treason or at an attempt to subvert the government which I have sworn to support. The only constitution which Texas has is the organic law. Then any violation of that law, which would destroy the basis of government, must be treason. Has treason been committed? If so, by whom and for what purpose? The history of the last few weeks will be the best answer that can be rendered.

“After the capitulation of Bexar, it was understood at headquarters that there was much discontent among the troops then at that point, and that it might be necessary to employ them in some active enterprise, or the force would dissolve. With this information was suggested the expediency of an attack on Matamoros. For the purpose of improving whatever advantages might have been gained at Bexar, I applied to your Excellency for orders, which I obtained, directing the adoption of such measures as might be deemed best for the protection of the frontier and the reduction of Matamoros. This order was dated 17th of December, and on the same day I wrote to Colonel James Bowie, directing him, in the event that he could obtain a sufficient number of volunteers for the purpose, to make a descent on Matamoros; and, if his force would not justify that measure, he was directed to occupy the most advanced post, so as to check the enemy, and by all means to place himself in a position to command Copano. Col. Bowie did not receive the order. Having left Goliad for Bexar, he was not apprised of it until his arrival at San Felipe, about the 1st of January, inst. My reason for ordering Col. Bowie on the service was his familiar acquaintance with the country, as well as the nature of the population through which he must pass, as also their resources; and to this I freely add, there is no man on whose forecast, prudence and valor I place a higher estimate than Col. Bowie.

“Previous to this time the General Council had adopted a resolution requiring the Governor to direct the removal of the

headquarters of the army, and I had been ordered to Washington for their establishment until further orders. I had been detained awaiting copies of the ordinances relative to the army. Their design was manifest, nor could their objects be misapprehended, though the extent to which they were carrying them was not then known. Messrs. Hanks and Clements (members of the council) were engaged in writing letters to individuals in Bexar, urging and authorizing a campaign against Matamoros, and, that their recommendations might bear the stamp of authority and mislead those who are unwilling to embark in an expedition not sanctioned by government and led by private individuals, they took the liberty of signing themselves members of the military committee; thereby deceiving the volunteers, and assuming a character which they could only use or employ in the General Council in proposing business for the action of that body. They could not be altogether ignorant of the impropriety of such conduct, but doubtless could easily find a solid justification in the *bullion* of their patriotism and the *ore* of their integrity. Be their motive whatever it might, many brave and honorable men were deluded by it, and the campaign was commenced upon Matamoros under Dr. Grant as acting-commander-in-chief of the volunteer army — a title and designation unknown to the world. But the General Council, in their address to the people of Texas, dated January 11th, state that ‘they never recognized in Dr. Grant any authority whatever as an officer of the government or army, at the time.’ They will not, I presume, deny that they did acknowledge a draft or order drawn by him as acting commander-in-chief, amounting to \$750. But this they will doubtless justify on the ground that your Excellency commissioned General Burleson, and, of course, the appointment of Dr. Grant as his aid-de-camp, would authorize him to act in the absence of General Burleson. It is an established principle in all armies that a staff officer can claim no command in the line of the

army, nor exercise any command in the absence of the general, unless he holds a commission in the line. In the absence of General Burleson, the senior colonel, in the absence of the colonel the major, or in his absence the senior captain, would have the command; but in no event can the aide or staff officer, unless he holds a commission in the line of the army, have any command; and his existence must cease, unless he should be continued or re-appointed by the officer of the line who succeeds to the command in the absence of his superior. When General Burleson left the army his aide had no command, but the field-officer next in rank to himself.

“Then who is Dr. Grant? Is he not a Scotchman who has resided in Mexico for the last ten years? Does he not own large possessions in the interior? Has he ever taken the oath to support the organic law? Is he not deeply interested in the hundred league claims of land which hang like a murky cloud over the people of Texas? Is he not the man who impressed the property of the people of Bexar? Is he not the man who took from Bexar without authority or knowledge of the government cannon and other munitions of war, together with supplies necessary for the troops at that station, leaving the wounded and sick destitute of needed comforts? Yet this is the man whose outrages and oppressions upon the rights of the people of Texas are sustained and justified by the acts and conduct of the General Council.

“Several members of that body are aware that the interests and feelings of Dr. Grant are opposed to the *independence* and true interests of the people of Texas. While every facility has been afforded to the meditated campaign against Matamoros, no aid has been rendered for raising a regular force for the defense of the country, nor one cent advanced to an officer or soldier of the regular army, but every hinderance thrown in the way. The council had no right to project a campaign against any point or place. It was the province of the governor, by his proper officers, to do so. The council

has the right of consenting or objecting, but not of projecting. The means ought to be placed at the disposition of the governor, and if he, by himself or his officers, failed in their application, he would be responsible for the success of the armies of Texas, and could be held responsible to the government and punished; but what recourse has the country upon *agents* who have taken no oath and given no bond to comply with the powers granted by the council?

“The organic law declares, in article third, that ‘the governor and general council shall have power to organize, reduce or increase the regular forces,’ but it delegates no power to create *army agents* to supersede the commander-in-chief, as will be seen by reference to the second article of the ‘military’ basis of that law. After declaring that there shall be a regular army for the protection of Texas during the present war, in the first article, it proceeds in the second to state the constituents of the army: ‘The regular army of Texas shall consist of one major-general, who shall be commander-in-chief of all the forces called into public service during the war.’ This, it will be remembered, is a law from which the council derive their powers; and, of course all troops in service, since the adoption of this law, and all that have been accepted, or to be accepted, during my continuance in office, are under my command. Consequently the council could not create *an agency* that could assume any command of troops, so as to supersede my powers, without a plain and palpable violation of their oaths. New names given could not change the nature of their obligations; they had violated the organic law.

“I will now advert to an ordinance of their own body, entitled, ‘An Ordinance and Decree to Organize and Establish an Auxiliary Volunteer Corps of the Army of Texas,’ etc., passed December 5th, 1835. The ordinance throughout recognizes the competency of the governor and commander-in-chief as the only persons authorized to accept the services of

volunteers and makes it their especial duty to do so. It also gives the discretion to the commander-in-chief to accept the services of volunteers for such term as 'he shall think the defense of the country and the good of service require.' It is specified that muster-rolls shall accompany the reports of the volunteers, and, when reported by the commander-in-chief to the governor, that commissions shall issue accordingly.

“Where elections take place in the volunteer corps, the ordinance declares that they shall be certified to the commander-in-chief, and by him forwarded to the governor. The third section of the law declares that when controversies arise in relation to the rank of officers of the same grade, they shall be determined by drawing numbers, which shall be done by order of the commander-in-chief of the army. This law was enacted by the General Council, and they cannot allege that any misconstruction could arise out of it, for it plainly points out the duties of the governor and commander-in-chief as defined by themselves. Yet, without the repeal of this law, they have proceeded to appoint agents to exercise the very powers declared by them to belong to the governor and commander-in-chief. This they have done under the impression that *a change of names* would enable them to put down the governor and commander-in-chief, not subject to them for their places, but created by the consultation, and both of whom are as independent of the council as the council is of them — the commander-in-chief being subject to the organic law, and all laws conformable thereto, under the orders of the governor. I have obeyed the orders of your Excellency as promptly as they have met my knowledge; and had not the council, by acts as outrageous to my feelings as they are manifestly against law, adopted a course that must destroy all hopes of an army, I should yet have been on the frontier, and by all possible means would at least have sought to place it in a state of defense.

“It now becomes my duty to advert to the powers granted by the General Council to J. W. Fannin, Jr., on the 7th of January, 1836, and at a time when two members of the Military Committee, and other members of the council, were advised that I had received orders from your Excellency to repair forthwith to the frontier of Texas, and to concentrate the troops for the very purpose avowed in the resolutions referred to. The powers are as clearly illegal as they were unnecessary. By reference to the resolutions it will be perceived that the powers given to J. W. Fannin, Jr., are as comprehensive in their nature, and as much at variance with the organic law and the decrees of the General Council, as the decrees of the General Congress of Mexico are at variance with the Federal constitution of 1824, and really delegate to J. W. Fannin, Jr., as extensive powers as those conferred by that Congress upon General Santa Anna; yet the cant is kept up, even by J. W. Fannin, Jr., against the *danger of a regular army*, while he is exercising powers which he must be satisfied are in open violation of the organic law. J. W. Fannin, Jr., is a colonel in the regular army, and was sworn in and received his commission on the very day that the resolutions were adopted by the council. By his oath he was subject to the orders of the commander-in-chief, and as a subaltern could not, without an act of mutiny, interfere with the general command of the forces of Texas; yet I find in the *Telegraph* of the 9th inst. a proclamation of his, dated on the 8th, addressed, ‘Attention, Volunteers!’ and requiring them to rendezvous at San Patricio. No official character is pretended by him, as his signature is private. This he did with the knowledge that I had ordered the troops from the mouth of the Brazos to Copano, and had repaired to that point to concentrate them. On the 10th inst. F. W. Johnson issued a similar proclamation, announcing Matamoros as the point of attack. The powers of these gentlemen were derived, if derived at all, from the General Council in opposition to the

will of the Governor, because certain purposes were to be answered, or the safety and harmony of Texas should be destroyed.

“ Col. Fannin, in a letter addressed to the General Council, dated on the 21st of January, at Velasco, and to which he subscribes himself, ‘ J. W. Fannin, Jr., Agent Provisional Government,’ when speaking of anticipating difficulties with the commander-in-chief, allays the fears of the council by assuring them, ‘ I shall never make any myself,’ and then adds: ‘ The object in view will be the governing principle, and should General Houston be ready and willing to take command, and march direct ahead, and execute your orders, and the volunteers to submit to it, or a reasonable part of them, I shall not say nay, but will do all in my power to produce harmony.’

“ How was I to become acquainted with the orders of the council? Was it through my subaltern? It must have been so designed, as the council have not, up to the present moment, given me official notice of the orders to which Colonel Fannin refers. This modesty and subordination on his part is truly commendable in a subaltern, and would imply that he had a right to say ‘ nay.’ If he has this power, whence is it derived? Not from any law, and contrary to his sworn duty as my subaltern, whose duty is obedience to my lawful commands, agreeably to the rules and regulations of the United States army, adopted by the consultation of all Texas. If he accepted any appointment incompatible with his *obligation* as a colonel in the regular army, it certainly increases his moral responsibilities to an extent which is truly to be regretted.

“ In another paragraph of his letter he states: ‘ You will allow that we have too much division, and one cause of complaint is this very expedition, and that it is intended to remove General Houston.’

“ He then assures the council that no blame shall attach to

him, but most dutifully says: 'I will go where you have sent me, and will do what you have ordered me, if possible.' The order of the council, as set forth in the resolutions appointing Col. Fannin agent, and authorizing him to appoint as many agents as he might think proper, did most certainly place him above the governor and commander-in-chief of the army. Nor is he responsible to the council or the people of Texas. He is required to *report* but he is not required to *obey* the council. His powers are as unlimited and absolute as Cromwell's ever were. I regard the expedition, as now ordered, as an individual and not a national measure. The resolutions passed in favor of J. W. Fannin, Jr., and F. W. Johnson, and their proclamations, with its original start—Dr. Grant—absolve the country from all responsibility for its consequences. If I had any doubt on the subject previous to having seen at Goliad a proclamation of J. W. Fannin, Jr., sent by him to the volunteers, I could no longer entertain one as to the campaign, so far as certain persons are interested in forwarding it. After appealing to the volunteers, he concluded with the assurance 'that the troops should be paid out of the *first spoils* taken from the enemy.' This, in my opinion, connected with the extraordinary powers granted him by the council, divests the campaign of any character save that of a piratical or predatory war.

"The people of Texas have declared to the world that the war in which they are now engaged is a war of principle, in defense of their civil and political rights. What effect will the declaration, above referred to, have on the civilized world—when they learn that the individual who made it has since been clothed with absolute powers by the General Council of Texas, and that, because you (as governor and commander-in-chief), refuse to ratify their acts, they have declared you no longer governor of Texas. It was stated by way of inducement to the advance on Matamoros, that the citizens of that place were friendly to the advance of the troops of Texas upon that

city. They, no doubt, ere this, have J. W. Fannin's proclamation (though it was in manuscript), and, if originally true, what will now be their feelings towards men, who 'are to be paid out of the *first spoils* taken from the enemy.' The idea which must present itself to the enemy, will be, if the city is taken it will be given up to pillage, and when *the spoils* are collected, *a division* will take place. In war, when *spoil* is the object, friends and enemies share one common destiny. This rule will govern the citizens of Matamoros in their conclusions and render their resistance desperate. A city containing twelve thousand inhabitants will not be taken by a handful of men who have marched twenty-two days without breadstuffs or necessary supplies for an army.

"If there ever was a time when Matamoros could have been taken by a few men; that time has passed by. The people of that place are not aware of the honorable, high-minded men who fill the ranks of the Texian army. They will look upon them as they would look upon Mexican mercenaries, and resist them as such. They too will hear of the impressment of the property of the citizens of Bexar, as reported to your Excellency, by Lieutenant-Colonel Neill, when Dr. Grant left that place for Matamoros in command of the volunteer army.

"If the troops advance on Matamoros there ought to be co-operation by sea with the land forces, or all will be lost, and the brave men who have come to toil with us in our marches and mingle in our battles for liberty, will fall a sacrifice to the selfishness of some who have individual purposes to answer, and whose influence with the council has been such as to impose upon the honest part of its members; while those, who were otherwise, availed themselves of every artifice which they could devise to shield themselves from detection.

"The evil is now done, and I trust sincerely that the first of March may establish a government on some permanent foundation, where honest functionaries will regard and execute the

known and established laws of the country, agreeably to their oaths. If this state of things cannot be achieved, the country must be lost. I feel, in the station which I hold, that every effort of the council has been to mortify me individually, and if possible, to compel me to do some act which would enable them to pursue the same measures towards me which they have illegally done towards your Excellency, and thereby remove another obstacle to the accomplishment of their plans. In their attempts to embarrass me they were reckless of all prejudice which might result to the public service from their lawless course.

“ While the council was passing the resolutions affecting the army of Texas, and transferring to J. W. Fannin, Jr., and F. W. Johnson, the whole control of the army and resources of Texas, they could order *them* to be furnished with copies of the several resolutions passed by that body, but did not think proper to notify the major-general of the army of their adoption; nor have they yet caused him to be furnished with the acts of the council, relative to the army. True it is they passed a resolution to that effect, but it never was complied with. Their object must have been to conceal, not to promulgate their acts. ‘ They have loved darkness rather than light because their deeds are evil.’

“ I do not consider the council as a constitutional body nor their acts lawful. They have no quorum agreeably to the organic law, and I am therefore compelled to regard all their acts as void. The body has been composed of seventeen members, and I perceive the act of ‘ suspension ’ passed against your Excellency was by only ten members present; the president pro tem, having no vote, only ten members remain when less than twelve could not form a quorum agreeably to the organic law, which required two-thirds of the whole body. I am not prepared either to violate my duty or my oath, by yielding obedience to an act manifestly

unlawful, as it is, in my opinion, prejudicial to the welfare of Texas.¹

“The lieutenant-governor, and several members of the council, I believe to be patriotic and just men; but, there have been, and when I left San Felipe there were, others in that body on whose honesty and integrity, the foregoing acts will be the best commentary. They must also abide the judgment of the people. I have the honor to be,

“Your Excellency’s obedient servant,

“SAM HOUSTON,

“*Commander-in-Chief of the Army.*”

¹ The council at that time should have consisted of 21 instead of 17 members, as stated by Gen. Houston.

CHAPTER XLV.

Movements of Grant and Johnson — Their Disorganizing Course — Growth of the Feeling for Independence.

General Houston's clear exposition of facts, principles and military law so fully establishes the factious and illegal character of the acts of the council, and so incontrovertibly upholds the attitude of Governor Smith, as to need neither fable nor cunningly devised subterfuge in its support.

Still, in view of the mighty interests at stake, while fully justifying the excoriation given by General Houston to the responsible parties, we cannot unreservedly approve his course in retiring from the field without an appeal to the intelligence and patriotism of the volunteers, most of them recently arrived from the United States and not informed as to the true condition of affairs. He may have done so, but there is no evidence of it. He did, however, address them at Refugio against the expedition to Matamoros, saying that the time, if it ever existed, had passed for any hope of success, when it was known that Santa Anna could, in a few days, throw ten thousand men into that place. This speech exploded that bubble, all of the men, excepting sixty-four, refusing to follow Dr. Grant, Johnson, Fannin or any one else in an expedition so Quixotic.

To be more explicit in regard to antecedent facts the journals of the council show that on the 3rd of January a communication was submitted from F. W. Johnson, for himself and other volunteers, for authority to proceed to Matamoros, "which was read and referred to the Committee on Military Affairs, with instructions to report this afternoon at 3 o'clock."

At three o'clock the committee reported in favor of the expedition as "of the utmost importance at this time, * * * and your committee take great pleasure in recommending F. W. Johnson to take command of all the troops that he can raise for that purpose." This report, utterly ignoring the Governor and commander-in-chief, was adopted.

On the 4th resolutions were offered in support of the expedition to Matamoros. On the 5th, Clements and Barrett were appointed a committee to wait on Messrs. Fannin and Johnson and get their views on the subject. On the same day the committee reported that they had performed that duty and that Messrs. Fannin and Johnson, "*fully concurred with the resolutions.*" That is to say, resolutions placing them above and independent of the lawful commander-in-chief, as set forth in Gen. Houston's report to Governor Smith.

On the 6th, Col. James Bowie exhibited to the council his orders from the commander-in-chief to proceed against Matamoros or such other point as he might deem best.

On the 6th, also, F. W. Johnson sent a communication "declining any participation in the contemplated expedition to Matamoros," upon which the council went into secret session, when the report and resolutions were recommitted and Barrett "was added to the committee for this special case," Hanks and Clements being heretofore its moving spirits and asking the aid of Barrett.

On the 7th the committee reported ("in consequence of Mr. Johnson declining to act as agent, for reasons submitted by himself and entirely satisfactory to this council,") the extraordinary resolutions heretofore given, under which J. W. Fannin, as agent, was clothed with those disorganizing powers, independant of the commander-in-chief, which led to the slaughter of himself and the brave men under his command. Johnson, however, was afterward granted the authority and proceeded to act.

On the 14th, when there were but eight members present, the council professed to have a justification for F. W. Johnson's organizing the volunteers at Bexar under himself as commander for a descent upon Matamoros, in this, that the Governor had granted such authority to General Burleson (of which, however, they claimed only verbal information) and that when Burleson returned home, Johnson, being a member of his staff, as adjutant-general, had succeeded to the command and authority granted to Burleson.

They therefore adopted a report granting to Johnson the approbation of this "government to conduct the volunteers who have entered upon the expedition to Matamoros," and ordering "that he proceed to unite with J. W. Fannin, the government agent appointed by resolutions of this house, duly passed and adopted." And "that when said volunteers are all concentrated as directed by the resolutions appointing J. W. Fannin agent, etc, a commander of the whole body be elected under existing laws." Before which juncture Col. Johnson should be "authorized to hold an election by the volunteers from Bexar of all the requisite officers, and have the same properly certified and reported," not to the commander-in-chief or Governor, but to this remnant of the General Council. "Nothing contained in the foregoing report and resolution," it was specified, "shall be so taken as to interfere with the agency granted to J. W. Fannin by the Provisional Government heretofore."

Col. Johnson hastened to the west, armed with this authority as will be seen by reference to Gen. Houston's report to Governor Smith of the interview between them at Refugio on the 21st. These resolutions, directly interfering with his lawful duties and authority, caused General Houston to return and make the report we have inserted, trusting that the people in convention a month later would trample such usurpations under foot. He has been considered by many as, at times, an extreme man. In all these usurpations of an illegal coun-

cil he certainly had ample cause to excite the indignation of any man fit to command an army; and, like Governor Smith, when writhing under such a sense of wrong to both himself and his country, did not lack for words to express his feelings and opinions.

It was under this last action of the council that we find Col. Johnson again in the west, acting in concert with Dr. Grant, the "acting commander-in-chief of the Federal army, of near four hundred men, who had gone from San Antonio to Goliad and that region of the country under Grant, leaving Lieut.-Col. Neill with only sixty men and all the sick and wounded at San Antonio, stripped of supplies, even of medicine, Grant taking everything portable with him." Governor Smith, in his terrible indictment against the council, of the 9th of January, felt the full force of this outrage on humanity and, in a private communication to the council, boldly held them responsible for their participation in it. For fifty years, under partial statements of the facts, or a failure to give the facts, Governor Smith has been allowed to pass to the rising generation of to-day as a querulous, fault-finding, impracticable man, when, in truth, as the irrefutable facts prove, he was a faithful and fearless guardian of popular liberty, and, in so far as his power extended, stood boldly forth as the guardian of good government and the rights of the people and the champion of independence from Mexico. That he used harsh and unparliamentary expressions in regard to men he believed to be conspiring against the welfare and independence of his country, is true; but that he performed an act or was guilty of an utterance not induced by fidelity to his country, no man can say who will examine the facts. Nor was he always right in opinion or action; but he never wavered, as he viewed the facts, in the duty he owed the country. Every land-grabber in the country, every great land-holder that valued his possessions more than he did the independence of the country; and every selfish aspirant for place and power,

regardless of law and organization, was his active enemy and vilifier. Still the commander-in-chief, the civil officers, the commanders at San Antonio and Goliad, Lieut.-Col. Ward of Fannin's command, the best citizens of Nacogdoches, San Augustine, Washington, Gonzales, Brazoria, Columbia, and Bastrop, such men as Rusk, Bowie, Travis, Burleson, Williamson, Hill, Forbes, Horton, Cameron, Edwards and Thorn — and the great body of the people stood by him, as did the new convention of the people that assembled at Washington on the first of March. On the next day the convention ratified his acts by declaring independence, and two days later by re-electing Sam Houston commander-in-chief of all the armies of Texas. A vindication, under all the circumstances, was never more complete.

On the 6th of January Governor Smith wrote the private letter (previously referred to), to Lieut.-Col. William Ward, of the Georgia Battalion, then encamped near the mouth of the Brazos. Ward had visited the Governor at San Felipe and, after repeated interviews, mutual respect and friendship arose between them. Certain passages in that letter will throw light on the then condition of things. He says:

“I am sorry to say that much deep laid management and intrigue have been and still are being used here to overthrow the government and bring about an assimilation of the Mexican policy. It keeps me, as you well know, extremely busy to counteract their plans. * * * I perfectly understand them. You (a comparative stranger) do not. You cannot imagine to what the *heretofore dominant* but *now expiring* party would resort to save and sustain their heretofore rascally acquirements. They consider that all is now on the die; that if honesty is sustained and Texas becomes independent, all by us honestly gained, would be so much lost to them. They are using every exertion to get an expedition fitted out to suit their own purposes. * * * They wish to have control of the army in fitting out the expedition and finally give laws to

Texas. But I confidently hope, that Texas will yet become herself, and be ruled by her own laws. Every man that is not in favor of Texas becoming independent and free, distrust him. Every one that wishes to supersede the commander-in-chief, or not recognize him in his proper place, distrust him. I have anticipated them and ordered the commander-in-chief forthwith to proceed to the frontier, take charge of the army, establish his headquarters at the most eligible point, and to immediately concentrate his troops, at the different points, so as to be in readiness for active operations, at the earliest possible day. * * * Some men of whom I have cautioned you are making bold moves to become commanders-in-chief of expeditions. * * * I find it necessary, in order to circumvent them, to order Gen. Houston immediately to take charge. He will obey the order promptly." Which he did by leaving on the 8th as shown in his report heretofore given.

From his camp on the 21st of January, after having learned of the pretended suspension of the Governor, Major Ward answered Governor Smith's letter, in terms showing his full agreement with that gentleman's views and recognizing him as the rightful and only governor. He also reports the vote of his volunteers for four delegates to the convention of independence thus: James Collinsworth, 157; Asa Brigham, 156; Edwin Waller, 150; J. S. D. Byrom, 150. This was the independence ticket, triumphantly elected from Brazoria. Major Ward uses this emphatic language in a letter to Governor Smith:

"We Georgians came here to defend the cause of Texas. Nothing shall deter us from pursuing a straightforward course, and I assure you that unless independence is declared in March, every man will lay down his musket and march back. But if independence is declared not only those here but hundreds of others will be ready to shed their blood in the cause of Texas. I am compelled to communicate the mortifying intelligence that a few of our men have deserted us; but I

hope the people of Texas will not distrust all Georgians because we have a few cowardly and unprincipled scoundrels among us." Again he says: "I am under lasting obligations to you for the frank and open manner in which you have been pleased to address me. Allow me to assure you that the confidence placed in me shall never be forgotten."

It was expressions like this from volunteers to which Austin took exception in his letter to Royall of December 25th, denouncing Wharton.

Dr. Charles B. Stewart, Executive Secretary to Governor Smith, came in for a full share of the persecution of the fragment of the council. They fined him two thousand five hundred dollars for his fidelity to his chief and repudiation of their assumptions. The judgment was never collected. But the people right there in the municipality of Austin, embracing San Felipe, vindicated both himself and his chief, on the first day of February, by electing him by a great majority to the convention, wherein he signed the Declaration of Independence. He subsequently served much in public life and was one of the framers of the constitution of 1845 and was in the first and other legislatures under it, his last service being in the legislature of 1882, forty-six years later. But for great deafness, for many years, his services would have been much greater. He was a true son of South Carolina—a refined and elegant gentleman, and lived till early in 1886.

The remainder of the actions of this fragmentary semblance of the council, headed by Lieutenant-Governor James W. Robinson, their president, and by them proclaimed "Acting Governor" were too puerile to justify repetition. The toryism of a cunning and selfish few, as has been shown, at that moment of chaos and confusion, enabled them to beguile and mislead some men whose patriotism and honor cannot, after a review of all the facts, fifty years later, be questioned. As an illustration of this, let it be borne in mind that at the very hour these men were plotting against the independence of

Texas in San Felipe, quoting Austin's letters of December the 22d and 25th in support of their positions, *Austin* was writing from New Orleans to Sam Houston, at Nacogdoches, and S. Rhoads Fisher and R. R. Royall, at Matagorda, in favor of the absolute independence of Texas from Mexico. Public sentiment had already sounded the death knell to the hopes of the submissionists; to the hopes of the infatuated men who still talked reverently of the constitution of 1824; and to the hopes of another nondescript class who had a vague idea of something like an independent, self-governing State under the consolidated, centralized and despotic government erected by Santa Anna, on the ruins of his country. These letters of Austin, though late and involving a great change of views, under the new order of things confronting him in New Orleans, left the malcontents without standing room on the soil of Texas, and they sank into insignificance — an insignificance from which their chief workers never emerged — while the true men of the period rose in the public esteem as wise and trustworthy patriots.

CHAPTER XLVI.

Our Commissioners to the United States — Address of Governor Smith, under the Caption of "Usurpation and Tyranny" — Startling conditions at San Antonio — Reports from Col. Neill — Travis ordered to San Antonio — Letter from Col. James Bowie to Governor Smith — Another From Travis — The Soldiers at San Antonio denounce the Council and uphold Governor Smith.

While these things were transpiring in Texas and volunteers coming from the United States and several little vessels were armed or being armed for naval purposes, our commissioners to the United States, Austin, Wharton and Archer, commencing in New Orleans and acting in the utmost harmony, were performing a grand work for Texas, enlightening the people as to the righteousness of her cause, securing volunteers, contributions of arms, munitions of war, commissary and quartermaster's stores, and in every way winning the friendship and sympathy of the American people. Their addresses to immense crowds in New Orleans, Natchez, Memphis, Nashville (where the eloquent Wharton carried captive every heart), Louisville (where Austin made a profound impression), and Richmond (where the mercurial Archer aroused intense enthusiasm on his native heath), produced widespread enthusiasm, reaching Washington, Pittsburg and New York. Sometimes they were together, and sometimes separated to meet the calls made upon them. Col. Wharton was more especially assigned to intercourse with the members of Congress and the Government at Washington, where he had a large acquaintance and the personal friendship of President Jackson. Gen. Austin spread enthusiasm throughout Kentucky and Ohio, while Virginia hearkened to her own honored son in the person of Dr. Archer. They constituted a trio of whom Texas

was proud and never more justly so than on that momentous mission.

On the 22d of January, under the caption of "Usurpation and Corruption," Governor Smith published an address to the people in vindication of his course, so overwhelmingly convicting the remnant of the council of usurpation, faction and ruinous intermeddling with the proper administration of the government, as to call forth the maledictions of an indignant public — an indignation greatly increased a few weeks later, when the fruit of their malversations resulted in the unnecessary loss of four hundred and sixty-one valuable lives. It is difficult to write of such acts with that temperate spirit which should guide the historian's pen. Every life lost under Johnson and Grant, Fannin, Ward and King, is indirectly chargeable to that remnant of the council who ignored the functions of the lawful governor and commander-in-chief, and clothed Fannin and Johnson with unlawful powers. There is no escape from this conclusion. Yet it was long fashionable to shift the responsibility for this immolation of so many noble men on to the shoulders of Governor Smith and Gen. Houston. Had the council, as patriots and true representatives of the people, sustained those chief officers and rejected the approaches of men led astray by military ambition, those blood-curdling atrocities would not have occurred. Battles truly would have been fought and men killed; but these wholesale slaughters would not have transpired. Let the responsibility rest where it belongs; not on those who did all in their power to prevent it.

Gen. Houston was informed by courier from Col. Neill, in command of only eighty men at San Antonio, that a large Mexican force was advancing upon that place. This was on the night of his arrival at Goliad, January 16th. On the 17th he ordered Col. Bowie, with thirty men (to be followed, if possible, by Capt. Dimmitt with a hundred more), to hasten to San Antonio, with instructions to Col. Neill to demolish

the fortifications and bring off the artillery, as it would be impossible to hold the town with the force there, stripped as the town had been by Dr. Grant of men and munitions.

On the same day, January 17th, General Houston wrote Governor Smith :

“In an hour I will take up the line of march for Refugio mission, with a force of about two hundred effective men, where I will await orders from your Excellency. I do not believe that an army of such small force should advance upon Matamoros, with a hope or belief that the Mexicans will co-operate with us.” This hope had been alluringly held out by Grant, Johnson and their associates, to induce the men at San Antonio to join them.

General Houston continues :

“I have no confidence in them (the Mexicans). The disaster at Tampico should teach us a lesson to be noted in our future operations. * * * I would myself have marched with a force to Bexar, but the ‘Matamoros fever’ rages so high that I must see Col. Ward’s men. You can have no idea of the difficulties I have encountered. Patton has told you of the men that make the trouble. *Better materials never were in ranks.* The government and all its officers have been misrepresented to the army.”¹

¹ The following is the letter in full :

“HEADQUARTERS, GOLIAD, January 17th, 1836.

“To Governor Henry Smith :

SIR: I have the honor to send, for your information, the enclosed from Lieut.-Col. J. C. Neill [asking to be relieved from San Antonio], under date of the 14th inst. Col Bowie will leave here in a few hours for Bexar, with a detachment of from twenty to fifty men. Capt. Patton’s company it is believed is now there. I have ordered the fortifications in the town of Bexar to be demolished; and, if you should think well of it, I will remove all the cannon and other munitions of war to Gonzales and Copano, blow up the Alamo, and abandon the place, as it will be impossible to keep up the station with the volunteers. The sooner I can be so authorized, the better it will be for the country. In an hour I will take up the line of march for Refugio mission, with a force of about two hundred and nine effective men,

General Houston, as we have seen, on reaching Refugio and learning that he had been ignored by the council and virtually superseded by the authorizations given to Fannin and Johnson, returned to Washington on the Brazos. Col. Neill answered that he could not remove the artillery for want of teams, and therefore did not demolish the fortifications. Grant had not left horses enough for scouting purposes or bringing in beeves. The men were not paid and were poorly fed and had gone home till only eighty remained. Grant had only left sixty, but recruits had considerably increased in force for the moment, till again reduced as stated.

Learning of this deplorable condition of affairs, Governor

where I will await orders from your Excellency. I do not believe that the army, of such a small force, should advance upon Matamoros, with a hope or belief that the Mexicans will co-operate with us. I have no confidence in them; the disaster at Tampico should teach us a lesson to be noted in our future operations.

"I have learned that Colonel Gonzales is somewhere on the Nueces with one hundred and seventy men, but accounts vary as to their actual numbers. I am told they are to operate in the eastern confederacy [in Mexico].

"I will leave Capt. Wyatt in command at this post, until I can relieve him with thirty-five regulars now at Refugio. I pray your Excellency to cause all the regulars now enlisted to be formed into companies, and marched to headquarters. It will be impossible to keep up garrisons with volunteers. Do forward the regulars. Captain Smith had been relieved, and I met him on his way home to-day. Capt. Patton will return to the Lavaca country, and bring a company as soon as possible. I have sent to Capt. Dimmitt to raise one hundred or more men, and march to Bexar forthwith if it should be invested; if not, to repair to headquarters with his command. Capt. Patton will do likewise. I would myself have marched with a force to Bexar, but the Matamoros fever rages so high, that I must see Col. Ward's men. You can have no idea of the difficulties I have encountered. Patton has told you of the *men* that make the trouble. Better materials never were in ranks. The government and all its officers had been misrepresented to the army.

"I pray you send me copies of Austin's letters, or rather extracts. If the council is in session, I do wish they would say something about the confederacy.

"Please send me frequent expresses, and advise me of your pleasure.

"I have the honor, etc.

"SAM HOUSTON."

Smith relieved Lieut.-Col. Travis of superintending the recruiting service, and ordered him with a small force to San Antonio. On his arrival, Lieut.-Col. Neill, on account of ill-health, returned to his home in central Texas, leaving Travis in command, and became active in raising men for the spring campaign.

Here for the first time the following correspondence is published:

“COMMANDANCY OF BEXAR, January 6, 1836.

“*To the Governor and Council, at San Felipe de Austin:*

“SIRS: * * * It will be appalling to you to learn and see herewith enclosed our alarming weakness. But I have one pleasurable gratification which will not be erased from the tablet of my memory during natural life, viz.: that those whose names are herewith enclosed are, to a man, those who acted so gallantly in the ten weeks open-field campaign, and then won an unparalleled victory in the five days siege of this place. Such men in such a condition and under all the gloomy embarrassments surrounding, call aloud upon you and their country for aid, praise, and sympathy.

“We have 104 men and two distinct fortresses to garrison, and about twenty-four pieces of artillery. You, doubtless, have learned that we have no provisions or clothing since Johnson and Grant left. If there has ever been a dollar here, I have no knowledge of it. The clothing sent here by the aid and patriotic exertions of the honorable council was taken from us by the arbitrary measures of Johnson and Grant, taken from men who endured all the hardships of winter and who were not even sufficiently clad for summer, many of them having but one blanket and one shirt, and what was intended for them given away to men, some of whom had not been in the army more than four days, and many not exceeding two weeks. If a divide had been made of them, the most needy of my men could have been made comfortable by the stocks of clothing and provisions taken from here.

About two hundred of the men who had volunteered to garrison this town for four months left my command contrary to my orders and thereby vitiated the policy of their enlistment. * * *

“I want here, for this garrison, at all times 200 men, and I think 300 men, until the repairs and improvement of fortifications are completed. * * *

“Yr. obt. servant,

“J. C. NEILL,
Lt.-Col. Commanding.”

“COMMANDANCY OF BEXAR, January 14, 1836.

“*Maj.-Genl. Sam Houston:*

“SIR: * * * The men all under my command have been in the field for the last four months. They are almost naked, and this day they were to have received pay for the first month of their last enlistment, and almost every one of them speaks of going home, and not less than twenty will leave to-morrow, and leave here only about eighty efficient men under my command. There are at Laredo now 3,000 men under the command of General Ramirez, and two other generals, and, as it appears from a letter received here last night, 1,000 of them are destined for this place, and two thousand for Matamoros. We are in a torpid, defenseless condition, and have not and cannot get from all the citizens here horses enough to send out a patrol or spy company. * * * I hope we will be re-inforced in eight days, or we will be overrun by the enemy, but, if I have only 100 men, I will fight 1,000 as long as I can and then not surrender. * * *

“Your obt. servt,

“J. C. NEILL,
Lieut.-Col. Commanding.”

“ HEADQUARTERS, GOLIAD, Jan. 17, 1836.

“ *To His Excellency, Henry Smith:*

“ Col. Bowie will leave here in a few hours for Bexar, with a detachment of from 20 to 50 men. Capt. Patton’s company, it is believed, are now there. I have ordered the fortifications in the town of Bexar to be demolished, and, if you should think fit, I will remove all the cannon and other munitions of war to Gonzales and Copano, blow up the Alamo and abandon the place, as it will be impossible to keep up the station with volunteers. The sooner that I can be authorized the better it will be for the country. * * * I have sent to Capt. Dimmitt to raise ‘100 or more men’ and march to Bexar forthwith, if it should be invested, and, if not, to repair to headquarters with his company. Capt. Patton will do likewise. I would myself have marched to Bexar with a force, but the Matamoros rage is up so high that I must see Col. Ward’s men. * * *

“ I have the honor to be, with great regard,

“ Yr. obt. servt.,

“ SAM HOUSTON,

“ *Commander-in-Chief of the Army.*”

“ COMMANDANCY OF BEXAR, Jan. 27, 1836.

“ *To His Excellency, Henry Smith, Governor of Texas:*

“ DEAR SIR: I have received a copy of resolutions enacted by the council and approved by James W. Robinson, Acting Governor, as signed, empowering me (as said therein) without giving me the means to do sundry acts to my own relief as commander of this place. In my communication to the Executive I did not ask for pledges and resolves, but for money, provisions and clothing. There has been money given or loaned by private individuals expressly for the use of the army, and none has been received. * * * We can

not be fed and clothed on paper pledges. My men cannot, nor will not, stand this state of things much longer. * * *

“ I am, sir, respectfully,

“ Yr. obt. servt.,

“ J. C. NEILL,

“ *Lieut.-Col. Commanding Bexar.*”

“ HEADQUARTERS, CAMP AT BURNHAM’S, COLORADO. }
Jan. 28, 1836. }

“ *To His Excellency, Henry Smith, Governor of Texas:*

“ SIR: In obedience to my orders, I have done every thing in my power to get ready to march to the relief of Bexar, but owing to the difficulty of getting horses and provisions, and owing to desertions, I shall march to-day with only about thirty men, all regulars except four. I shall, however, go on and do my duty, if I am sacrificed, unless I receive new orders to countermarch. Our affairs are gloomy indeed. The people are cold and indifferent. They are worn down and exhausted with the war, and, in consequence of dissensions between contending and rival chieftains, they have lost all confidence in their own government and officers. * * * Money must be raised or Texas is gone *to ruin*. Without it, war cannot be again carried on in Texas. The patriotism of a few has done much ; but that is becoming worn down. I have strained every nerve, I have used my personal credit, and have neither slept day nor night since I received orders to march, and, with all this, I have barely been able to get horses and equipments for the few men I have. * * *

“ I have the honor to be,

“ Your Excellency’s obt. servant,

“ W. BARRETT TRAVIS,

“ *Lieut.-Col. Commd.*”

“ BURNHAM’S, COLORADO, Jan. 29, 1836.

“ *To His Excellency, Henry Smith, Governor of the State of Texas.*

SIR: I have been here with the troops under Capt. Forsythe, but shall await your orders at Gonzales, or some other point on the road. I shall, however, keep the thirty men of Forsythe’s company in motion towards Bexar, so that they may arrive there as soon as possible.

“ Not having been able to raise 100 volunteers agreeably to your orders, and there being so few regular troops together, I must beg that your Excellency will recall the order for me to go to Bexar in command of so few men. I am willing, nay anxious, to go to the defense of Bexar, but, sir, I am unwilling to risk my reputation (which is ever dear to a soldier) by going off into the enemy’s country with such little means, so few men, and with them so badly equipped. In fact, there is no necessity for my services to command these few men. The company officers will be amply sufficient. * * *

“ Yr. obdt. servt.,

“ W. BARRETT TRAVIS.”

“ BEXAR, 2nd Feb., 1836.

“ *To His Excellency, Henry Smith:*

“ DEAR SIR: Whilst at La Bahia, Gen. Houston received dispatches from Col. Comdt. Neill informing him that good reasons were entertained that an attack would soon be made by a numerous Mexican Army on our important post of Bexar. It was determined that I should go instantly to Bexar. Accordingly, I left General Houston with a few very efficient volunteers and came on to this place about two weeks since. I was received by Col. Neill with great cordiality, and the men under my command entered at once into active service.

* * * I cannot eulogize the conduct of Col. Neill too

highly. No other man in the army could have kept men at this post under the neglect they have experienced. * * * Relief at this post in men, money and provision is of vital importance. The salvation of Texas depends on keeping Bexar out of the hands of the enemy. * * * Col. Neill and myself have come to the same conclusion, that we will rather die in these ditches than give it up to the enemy. These citizens deserve our patriotism, and the public safety demands our lives rather than evacuate this post to the enemy. Again we call aloud for *relief*. * * * Our force is very small. The returns this day show only 120 men and officers. It would be a waste of men to put our brave little band against thousands. I have information just now from a friend that the force at Presidio is 2,000 complete. He states further that 5,000 more are a little back and marching on. The informant says that they intend to make a descent on this place in particular, and there is no doubt of it.

“JAMES BOWIE.”

“COMMANDANCY OF BEXAR, Feb. 12, 1836.

“*To His Excellency, Henry Smith, Governor of Texas:*

“SIR: Santa Anna by the last accounts was at Saltillo with a force of 2,500 men and Gen. Ramirez Sesma was at the Rio Grande with about 2,000. He has issued his proclamation denouncing vengeance against the people of Texas, and threatens to exterminate every white man within its limits. This, being the frontier post, will be the first attacked. We are illy prepared for their reception, as we have not more than 150 men here and they in a very disorganized state. Yet we are determined to sustain it as long as there is a man left, because we consider death preferable to disgrace, which would be the result of giving up a post so dearly won, and thus opening the door for the invaders to enter the sacred territory of the

colonies. We hope our country will open their eyes to the present danger, and awake from their false security. I hope that all party dissensions will subside, that our fellow-citizens will unite in the common cause and fly to the defense of the frontier. * * * For God's sake and for the sake of our country, send us re-inforcements. I hope you will send to this post at least two companies of regular troops.

“In consequence of the sickness of his family, Lt.-Col. Neill has left this post to visit home for a short time, and has requested me to take command of the post.

“The troops here, to a man, recognize you as their legitimate Governor, and they expect your fatherly care and protection. In conclusion, let me assure your Excellency that with 200 men I believe this place can be maintained, and I hope they will be sent as soon as possible. Yet, should we receive no re-inforcements, I am determined to fight to the last, and should Bexar fall, your friend will be buried beneath its ruins. I have the honor to be, your

“Most obt. and humble servt.,

“W. BARRETT TRAVIS,

“*Lt.-Col. Commanding.*”

“BEXAR, Feby. 13, 1836.

“*To His Excellency, Henry Smith:*

“DEAR SIR: I wrote you an official letter last night as Commd't of this post in the absence of Col. Neill, and if you had taken the trouble to answer my letter from Burnham's, I should not have been under the necessity of troubling you. My situation is truly awkward and delicate. Col. Neill left me in command, but wishing to give satisfaction to the volunteers here and not wishing to assume any command over them, I issued an order for the election of an officer to command them, with the exception of one company of volunteers that had previously engaged to serve under me. Bowie was elected

by two small companies. * * * I hope you will order immediately some regular troops here, as it is more important to occupy this post than I imagined when I last saw you. It is the key of Texas from the interior. Without a footing here, the enemy can do nothing against us in the colonies, *now* that our coast is guarded by armed vessels. I do not solicit the command of this post, but as Col. Neill has applied to the Commander-in-Chief to be relieved and is anxious for me to take command, I will do it, if it be your order for a time, until an artillery officer can be sent here. * * * The enemy is on the Rio Grande, 1,000 strong, and is making every preparation to invade us. By the 15th of March I think Texas will be invaded, and every preparation should be made to receive them.

“ I have the honor to be, etc.,

“ W. BARRETT TRAVIS.”

“ COMMANDANCY OF BEXAR, Feb. 14, 1836.

“ *His Excellency, H. Smith, Governor of Texas;*

“ SIR: * * * By an understanding of to-day, Col. James Bowie has the command of the volunteers of the garrison, and Col. W. B. Travis of the regulars and volunteer cavalry. All general orders and correspondence will henceforth be signed by both until Col. Neill's return.

“ We have the honor to be, etc.,

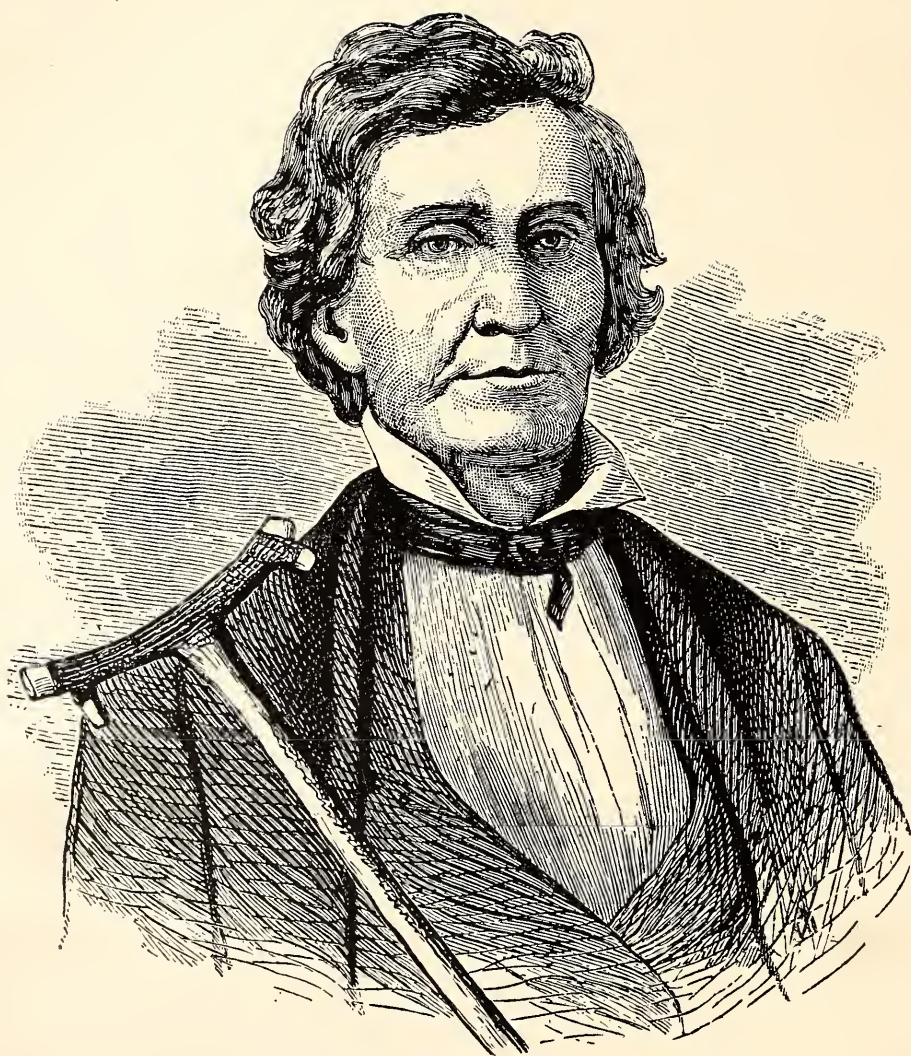
“ W. BARRETT TRAVIS, *Comd. of Cavalry.*

“ JAMES BOWIE, *Comd. of Volunteers.*”

“ COMMANDANCY OF BEXAR, Feb. 16, 1836.

“ *To His Excellency, Henry Smith, Governor of Texas:*

“ SIR: * * * I have nothing of interest to communicate that has transpired since my last. I must, however,



ROBERT M. WILLIAMSON
(*Three-legged Willie*)

again remind your Excellency that this is the key of Texas and should not be neglected by the Govt. * * *

“I have the honor to be, etc.,

“W. BARRETT TRAVIS.”

“BEXAR, Feb. 11, 1836.

“*To His Excellency, Henry Smith:*

“DEAR SIR: * * * We are now 150 strong. Col. Crockett and Col. Travis both here, and Col. Bowie in command of the volunteers. * * *

“Yrs. very respectfully,

“G. B. JAMESON.”

“GONZALES, 25th Feb., 1836.

“*To the Governor and Council of Texas:*

“By express from San Antonio under date of 23rd inst. I have received information that 2,000 Mexicans under the command of Sesma have arrived in Bexar and have taken possession of the Public Square, compelling the American troops (150 in number) to confine themselves to the Alamo. The American troops are determined to defend the place to the last and have called upon their fellow-citizens for help. * * *

“Yr. obt. servt.,

“R. M. WILLIAMSON,

“*Comd'g the Rangers.*”

The following is also of interest:

THE BEXAR INDIGNATION MEETING.

PROCEEDINGS OF A MEETING IN BEXAR, RELATIVE TO THE GENERAL COUNCIL AND GOVERNOR, JANUARY 26, 1836.

“At a large and respectable meeting of citizens and soldiers of this place, held this day (26th January, 1836) to take into

consideration the recent movements at San Felipe, Col. J. C. Neill was called to the chair and H. J. Williamson appointed secretary. The object of the meeting having been stated by the chair, on motion of Colonel James Butler Bonham a committee of seven was appointed to draft a preamble and resolutions for the consideration of the meeting, whereupon the following gentlemen were appointed: Chairman, J. B. Bonham; James Bowie, Green B. Jameson, Dr. Pollard, Jesse Bartlett, J. N. Seguin, and Don Gasper Flores.

“The committee, after having retired, returned and reported as follows:

Preamble.

“Whereas, we have been informed from an undoubted messenger that the executive council and its president, a subordinate and auxiliary part of the government, have usurped the right of impeaching the governor who, if we would imitate the wise institutions of the land of Washington, can only be impeached by a body set forth in the constitution, which constitution must have been established by the people through their representatives assembled in general convention. Moreover, the said council and its president, whose powers are defined to aid the governor in executing and fulfilling the measures and objects adopted by the general consultation, have taken it upon themselves to annul the measures of the general consultation. They are about to open the land offices, which were temporarily closed until a general convention of the people should take place, thereby opening the door to private speculation at the expense of the men who are serving the country in the field. Moreover, the said council have improperly used and appropriated to their own purposes a \$500 loan from generous and patriotic citizens of the United States, contributed to pay the soldiers in the garrison of Bexar. Moreover, that private and designing men are and have been embarrassing the governor and the legitimate

officers of the government by assuming, contrary to all conditions of order and good government * * * [Here occur in the manuscript three lines that are illegible.] Moreover, that an individual has gone so far as to issue a proclamation on the state of public affairs and to invite numbers to join him as the commander of the Matamoros expedition, when that particular individual must have known that Gen. Houston, commander-in-chief of all the forces in the service of Texas, has been ordered by the government to take command of that expedition. This particular individual is also fully aware that all officers under the commander-in-chief are elected by the volunteers themselves; that, therefore, there was no room or necessity for another appointment by the council. Still, in the possession of these facts, he has issued his proclamation and continues to aid all those who are embarrassing the executive; therefore be, it

“ *Resolved, 1:* That we will support the authority of Governor Smith, his unyielding and patriotic efforts to fulfill the duties and to preserve the dignity of his office, while promoting the best interests of the people against all [illegible] and designs of selfish and [interested] individuals.

“ *Resolved, 2:* That all the attempts of the president and members of the executive committee to annul the acts or to embarrass the officers appointed by the general consultation are deemed by this meeting anarchical assumptions of power, to which we will not submit.

Resolved, 3: That we invite a similar expression of sentiment in the army under General Houston and throughout the country generally.

“ *Resolved, 4:* That the conduct of the president and members of the executive council in relation to the \$500.00 loan for the liquidation of the claims of the soldiers at Bexar is in the highest degree criminal and unjust. Yet under treatment, however illiberal and ungrateful, we cannot be driven from the post of honor and the sacred cause of freedom.

“ *Resolved*, 5: That we do not recognize the illegal appointment of agents and officers made by the president and members of the executive council in relation to the Matamoros expedition, since their power does not extend further than to take measures and to make appointments for the public service with the sanction of the governor.

“ *Resolved*, 6: That the governor, Henry Smith, will please to accept the gratitude of the army at this station for his firmness in the execution of his duties as well as for his patriotic exertions in our behalf.

“ *Resolved*, 7: That the editors of the *Brazoria Gazette*, the *Nacogdoches Telegraph* and the *San Felipe Telegraph* be requested, and they are hereby requested, to publish the proceedings of this meeting.

“ Bexar, January 26, 1836.

“ (Signed) J. C. NEILL, *President*.

“ H. J. WILLIAMSON, *Secretary*.”

These animadversions referred to the assumptions of Grant and Johnson as officers of the self-styled *Federal Army*, and the act of the malcontents composing a fragment of the council, in virtually appointing Fannin an officer independent of the Governor and Commander-in-Chief.

CHAPTER XLVII.

Travis Calls for more Troops — Movements of Fannin and Johnson — Fannin's Organization at Goliad.

Travis issued a call for five hundred more troops, mostly regulars. "Militia and volunteers," said he, "are but ill-suited to garrison a town." At the same time he appealed for money, provisions and clothing, declaring that enthusiasm may keep up an army for a few days, but money, and money alone, will support an army for regular warfare. In the language of Mr. Yoakum: "None of these things had the commander-in-chief to give. The council had authorized Col. Fannin to borrow money for his expedition: but they had not applied the first dollar to the recruiting service. * * * The council had also, by its conduct, commended Dr. Grant in stripping the sick and wounded at Bexar of the blankets needed to cover them, and, according to Surgeon Pollard, of the medicines requisite for their recovery."

On the 8th of January — the day on which Gen. Houston left Washington for the west — Fannin, agent of the Provisional Government (*i. e.*, of the council), from Velasco, issued a proclamation, calling upon the volunteers at Bexar, Goliad, Velasco and elsewhere, and ordering them to rendezvous at San Patricio, between the 24th and 27th of that month, and report to the officer in command. He himself proposed to sail with the fleet from Velasco on the 18th and invited all on board who desired to keep the war out of Texas — (the very measure that brought it into the heart of Texas). On the 10th Col. Johnson issued a like proclamation, calling his the *Federal* volunteer army, marching for the country *west of the Rio Grande, under the flag of 1824.*

Col. Fannin was delayed somewhat in reaching first Copano and then Goliad. But finally his command was organized into two bodies, called the Lafayette and Georgia battalions, composing one regiment, of which Fannin was made colonel; William Ward, lieutenant-colonel; Benjamin C. Wallace, major of the Lafayette battalion; and Warren Mitchell, major of the Georgia battalion. Drs. Joseph H. Bernard and James H. Field were surgeons; Shadwick, adjutant, and David I. Holt, quartermaster.

As there has always been in the minds of many, a confusion of ideas about what has been known as the Johnson and Grant expedition, this is an appropriate time, in the order of events, to narrate that portion of our history. Fortunately, authentic material is at hand — viz., the account of Col. Johnson himself, and the narrative of Reuben R. Brown, a private soldier from Georgia, who arrived at San Antonio a few days after the capture of that place, and like a great majority then on the ground, uninformed of the actual condition of affairs, joined Grant and Johnson. Reuben R. Brown was later a colonel in the Confederate army, and for more than half a century has resided at his present home in Velasco or Quintana. In 1859 he wrote his recollections of those events. About 1874 Col. Johnson did the same. Both are before me now. In essentials they agree. In non-essentials their accounts slightly differ. But in the final catastrophes, Brown was with Grant and Johnson was in command of a different party, so that each, to that extent, saw and participated in that which the other did not. With this explanation I condense from their statements the following account of that expedition. Both Col. Johnson and Brown fall into the error of stating that when Gen. Houston arrived at Goliad he favored the expedition, but afterwards opposed it. Gen. Houston's letter to Governor Smith, written on the morning after his arrival in Goliad, emphatically disproves this statement. Johnson says: "The difficulty of procuring vessels de-

layed Fannin. In the meantime, Johnson, Grant and Major Robert C. Morris, formerly of the New Orleans Grays, marched to San Patricio with a force of less than one hundred men. (The exact number seems to have been ninety-seven.) Here they remained till Col. Fannin arrived at Refugio. In the meantime, learning that there was a small detachment of Mexican soldiers west of and below San Patricio, Col. Grant, with a small force, marched down and surprised and made them prisoners.¹ After (visiting and) conferring with Col. Fannin, Col. Johnson determined to proceed west for the purpose of getting horses. They pursued their way to within twenty or twenty-five miles of the Sal-Colorado and had horses sufficient to mount one hundred men. Here the command divided. Grant and Morris, with the largest half of the men, went in pursuit of more horses. (These horses belonged to the Mexican ranchos scattered through that country.) This was contrary to Johnson's judgment; however, Grant and Morris insisted on visiting a rancho where it was said there was a large number of horses belonging to the Mexican government. Grant and his party were successful, and obtained a large number of horses. In the meantime, Johnson and his band had returned with the horses they had, to San Patricio, where Grant was to join them and proceed together to Goliad, where Fannin had established his headquarters. While waiting at San Patricio for Grant, Johnson and his party were surprised and most of the men killed. * * * There were no sentinels posted — first, for the reason (and a most flimsy one when San Patricio was approachable regardless of roads from the west and southwest. — J. H. B.) that Grant's force was in the rear, and, secondly, the men were thinly clad and the weather very cold. Johnson and four others, Daniel J. Toler, John H. Love, James M. Miller and a Frenchman escaped in the following

¹ Mr. Brown, a participant, states this differently, as we shall see.

manner. * * * The house occupied by Johnson and his companions was surrounded, and, being hailed, they were ordered to make a light. Toler, who spoke Spanish well, kept them in conversation, but was in no hurry to make a light. But a few minutes had elapsed when there was a discharge of arms in front of the house, which caused those in the rear to move to the front. Johnson took advantage of this propitious moment and ordered his companions to open the back door and try to escape. They acted promptly and Johnson followed. The Frenchman secreted himself until morning, when he surrendered. Having resided in Matamoros and being acquainted with many of the officers, he was kindly treated. Toler, Love and Miller kept together and made their way, as best they could, for Refugio. The night was very dark and greatly favored their escape. The next morning Johnson overtook them."

They proceeded to Refugio and were joined on the way by a comrade, whose name Johnson does not give. They then proceeded to Goliad. Thence Johnson, Toler and Love proceeded to San Felipe; and this, so far as the records show, was the last service of Col. Johnson, in any public capacity, in Texas. He was a victim to his own misguided judgment. As an Alcalde, as the senior Captain at Anahuac, in June, 1832, as a member of the convention in October of that year, and as the second in command and successor to Milam in the five days assault and capture of San Antonio in December, 1835, his hold on the public confidence and esteem was justly of the highest order. But as a leader in this expedition he acted under the authority of less than a quorum of a factious council, in derogation of the law of the land, and in defiance of the rightful authority of the Governor and the Commander-in-Chief. He fails to state the number of men with him, the number killed, the number captured or the date of the disaster. The date was the night of February 27th, 1836. No list of the men has been seen by me. It can only be stated

that Mr. Samuel W. McKneely, deceased at Texarkana, Arkansas, in 1888, was captured and finally escaped, as we shall see further on; four or five others were captured with him, but their names and fate cannot be given. An impenetrable cloud enshrouds their fate.

Having thus given Col. Johnson's version of the affair,¹ that of Col. Brown, as far as necessary to elucidate the essential facts, is now appended. He says:

“We (being at San Patricio) received information from Fannin that he wished us to collect as many horses as possible, to enable him to mount his men. For this purpose, and in order to scout the country, we divided our men into two parties, one of which remained in San Patricio, under Col. Johnson, while the other proceeded westward in search of horses, etc., under Col. Grant. I went out with this party. Having reached the Sal-Colorado * * * we fell in with some half a dozen Mexicans, guarding three or four hundred horses that had been sent out there to be recruited for the service of Urrea's division of the invading army, then preparing to set out.” Then he describes the capture of Rodriguez and small party encamped near by and in charge of this grazing force, and continues: “We then returned to San Patricio, with our prisoners, sixty-seven in all, and several hundred horses.”²

“Our party started out on another expedition immediately, going north of the road to Matamoros. * * * Our guide,

¹ On the organization of the Texas Veteran Association in 1873, Col. Johnson was elected its president and was annually re-elected till his death, on a health-seeking visit at Aguas Calientes, Mexico, April 6, 1884. He was born in Virginia, October 3d, 1799. His comrades in 1888, had his remains removed and honorably interred in the State Cemetery at Austin. He was a man of fine intelligence, kindly nature and pleasing address. His patriotism and gallantry are unquestioned, the waywardness of his judgment and discretion in the events following the fall of Bexar are left as his own language depicts them.

² The prisoners were all paroled, but soon deserted.

on the second day out, informed us that there was a party of some fifty Mexicans ahead of us, with several hundred horses, and we therefore made an early start, but when we came in sight of them we found them moving off and driving their horses in front of them. We pursued them to the Rio Grande, where we overtook them, and, as they were attempting to cross pell-mell, some of them were drowned. Having taken a considerable number of their horses, we returned on our way back to San Patricio, visiting the different ranchos, getting all the horses we could and sometimes buying them at a dollar a head. We had reached the Agua Dulce creek, within twenty miles of San Patricio, in high spirits. We made an early start from that place in the morning,¹ Col. Grant, Placido Venibides and myself being about a half a mile ahead to lead the horses, and the rest of the company following (behind the horses). We were passing between two large motts (groves), when suddenly there came out from each of those motts several hundred Mexican dragoons, who quickly closed in, surrounding both the horses and our party. Grant, Placido and myself might then have made our escape, as we were well mounted and some distance in advance; but our first impulse being to relieve our party, we returned without reflecting upon the impossibility of our doing any good against so large a number, for there were at least a thousand dragoons, under the immediate command of Urrea himself. We then at once understood that he had come in on the road some distance below and that he had been to San Patricio and had probably slaughtered Johnson and his party. Placido wished to return with us, but Grant persuaded him to start forthwith to Goliad and give Fannin information of Urrea's arrival. We had been absent from San Patricio ten or twelve days. As Grant and myself approached to

¹ The second day of March, 1836, on which day the independence of Texas was declared at Washington, on the Brazos.

join our party, the dragoons opened their lines and we passed in. We at once saw that most of our party had already been killed, and we resolved to sell our lives as dearly as possible. My horse was quickly killed with a lance, but Grant told me to mount Major Morris' horse, as Morris had just been killed. I did so, but without seeing any object to be accomplished by it. Just at that moment the horses took a stampede and broke the lines of the dragoons, and Grant and myself, finding ourselves then the only survivors of our party, followed in the wake of the horses, the dragoons shooting after us and wounding our horses in several places, but not badly. * * *

After we had run six or seven miles, they surrounded us, when, seeing no further chance of escape, we dismounted, determined to make them pay dearly for our lives. As I reached the ground, a Mexican lanced me in the arm, but Grant immediately shot him dead, when I seized his lance to defend myself. Just as he shot the Mexican, I saw Grant fall, pierced with several lances, and a moment after I found myself fast in a lasso that had been thrown over me and by which I was dragged to the ground. * * * After Grant fell I saw ten or a dozen officers go up and run their swords through his body. He was well known to them, having lived a long time in Mexico. They had a bitter grudge against him.

“I was then lashed upon a horse and taken to the ground where the fight first commenced, where I saw most of our men lying dead. * * * I was then taken to San Patricio and there confined to a small hut for seven or eight days, during which time I knew nothing of the fate of Col. Johnson's command. * * * I was taken out to be shot, but was spared through the interposition of a priest and a Mexican lady named Alvarez.¹ After having been kept in San Patricio seven or

¹ We shall hear more of this angelic lady, whose memory should be sacred in every Texian heart and whose name should be perpetuated in a Texas county before it is too late.

eight days, I was taken out of my place of confinement to be sent to Matamoros, when I was surprised to see five or six of Col. Johnson's command brought out at the same time, for the same purpose * * * and then learned that they were the only men of that party who had not been killed, excepting Johnson himself, Daniel J. Toler, John H. Love and James M. Miller¹ who escaped."

One of the prisoners referred to by Mr. Brown was Samuel W. McKneely; he gives no other name. Mr. Brown supposes he reached Matamoros about the first of March, but he is mistaken. The proof is conclusive that he was captured on the second of that month, and, therefore, probably reached Matamoros about the 14th. He and McKneely, after a cruel confinement until December, made their escape and reached Texas. Their adventures were deeply interesting, but the account thereof is too long for insertion here.

The reader has now been given a full and connected account of the Johnson and Grant expeditions. Over the errors of Dr. Grant the mantle of charity will be thrown by all who appreciate and admire courage and chivalry. These he displayed in the storming of Bexar and in the hour of death, as attested by his only surviving comrade. But he, more than any other man, having been long a resident of Mexico and, it is reasonable to suppose, well informed as to public sentiment in that country, was responsible for the semi-mutinous movements which led to his own destruction and the utterly useless sacrifice of so many precious lives.²

The order of events cannot be strictly followed. An approximation thereto only can be attained. We must bear in mind that on the first day of February the people elected

¹ Miller, however, was murdered with Fannin's men, March 27th.

² There were 97 men with Johnson and Grant, including the Frenchman. Of these 85 were killed — Johnson and four others escaped — five were captured under Johnson and one under Grant. These with the lucky Frenchman, make 97. The latter was only a wayfarer.

delegates to that body which represented their will by declaring independence on the second of March; that, in the meantime, the power of Gen. Houston for good had been paralyzed by the usurpations of a minority of the council; that Governor Smith was sorely crippled and his wise and patriotic efforts toward organization and preparation to meet the impending storm, were impeded at every step by the outcries and active slanders of those who still prated about the constitution of 1824 and aid from the Federal party in Mexico. Would that the veil of oblivion could be thrown over that dark and dismal day. But it cannot without leaving a stain upon the names of the purest and grandest patriots Texas ever had.

The noble Travis, in command at San Antonio, increased his force to one hundred and fifty men and prepared by every means in his power to defend the place to the last. Governor Smith kept couriers in the saddle dispatching them to the coast, Nacogdoches, San Augustine and elsewhere, with messages urging the people to action. Houston (and Forbes under his instructions) proceeded to treat with the powerful Cherokees and their allies and secure their neutrality — a matter of life and death importance at that hour. Our agents in the United States were accomplishing much and only Lieutenant-Governor James W. Robinson, styled “Acting Governor” (the head of the hangers-on of the council) and a coterie of disorganizing factionists, interposed an obstacle to the united and harmonious action of the country in favor of all means necessary to meet and overthrow the advancing hosts of Mexico.

On the 20th of February, Governor Smith, in anticipation of the assembling of the convention at that place on the first of March, removed the government to Washington, so as to meet, report to, and be in hourly communication with the newly elected representatives of the people.

Col. John A. Wharton, Adjutant-General, who had been dispatched to New Orleans by Gen. Houston, leaving Velasco

December 27th, with the United States Commissioners, returned about the last of January, with several vessels freighted with supplies, under convoy of the war schooner Liberty, and, after reporting to Governor Smith when off the mouth of the Brazos, proceeded to Matagorda Bay.

On the night of February 26th came the first announcement of the siege of the Alamo, in the following dispatch from Travis. The original of this document, in the bold chirography of the immortal patriot, has been the property of this writer for more than forty years and for many years has been framed for its preservation.

“ COMMANDANCY OF BEXAR, }
“ Feb. 23, 3 o'clock, p. m. 1836. }

“ *To Andrew Ponton, Judge, and the Citizens of Gonzales:*

“ The enemy in large force is in sight. We want men and provisions. Send them to us. We have 150 men and are determined to defend the Alamo to the last. Give us assistance.

W. B. TRAVIS, *Lieut.-Col. Commanding.*

“ P. S. Send an express to San Felipe with the news night and day. TRAVIS.”

Immediately on receipt of the dispatch Governor Smith had it printed in handbill with the following:

“ APPEAL TO THE PEOPLE OF TEXAS.

“ FELLOW CITIZENS AND COUNTRYMEN: The foregoing official communication from Col. Travis, now in command at Bexar, needs no comment. The garrison, composed of only 150 Americans, engaged in a deadly conflict with 1,000 of the mercenary troops of the Dictator, who are daily receiving re-inforcements, should be a sufficient call upon you without

saying more. However secure, however fortunate, our garrison may be, they have not the provisions nor the ammunition to stand more than a thirty days' siege at farthest.

“I call upon you as an officer, I implore you as a man, to fly to the aid of your besieged countrymen and not permit them to be massacred by a mercenary foe. I slight none! The call is upon ALL who are able to bear arms, to rally without one moment's delay, or in fifteen days the heart of Texas will be the seat of war. This is not imaginary. The enemy from 6,000 to 8,000 strong are on our border and rapidly moving by forced marches for the colonies. The campaign has commenced. We must promptly meet the enemy or all will be lost. Do you possess honor? Suffer it not to be insulted or tarnished! Do you possess patriotism? Evince it by your bold, prompt and manly action! If you possess even humanity, you will rally without a moment's delay to the aid of your besieged countrymen!

“HENRY SMITH, *Governor.*”

“February 27, 1836.”

On the 29th, General Sam Houston and John Forbes, commissioners to the Cherokee and associate tribes of Indians, reported as follows:

“WASHINGTON, February 29, 1836.

“*To His Excellency, Henry Smith, Governor of Texas:*

“SIR: In accordance with a commission issued by your Excellency dated the 28th day of December, 1835, the undersigned commissioners, in the absence of John Cameron, Esquire, one of the commissioners named in the above mentioned instrument, most respectfully report:

“That after sufficient notice being given to the different tribes named in the commission, a treaty was held at the house of John ———, one of the tribe of Cherokee Indians. * * *

“ The commissioners would also suggest to your Excellency that titles should be granted to such *actual* settlers as are now within the designated boundaries, and that they should receive a fair remuneration for their improvements and the expenses attendant upon the exchange, in lands or other equivalent.

“ It will also be remembered by your Excellency that the surrender by the government of the lands to which the Indians may have had any claims is nearly equivalent to that portion now allotted to them, and most respectfully suggest that they should be especially appropriated for the use of the government.

“ They also respectfully call your attention to the following remarks, viz. :

“ The state of excitement in which the Indians were first found by your commissioners rendered it impossible to commence a negotiation with them on the day set apart for it. On the day succeeding, the treaty was opened. Some difficulty then occurred relative to the exchange of lands, which the commissioners proposed making for those now occupied by them, which was promptly rejected. The boundaries were those established as designated in the treaty alone, and that such measures should be adopted by your Excellency for their security as may be deemed necessary. * * *

“ The commissioners used every exertion to retain that portion of the territory for the use of the government, but an adherence to this would have had but one effect, viz. : that of defeating the treaty altogether. Under these circumstances the arrangement was made as now reported in the accompanying treaty. They would also suggest the importance of the salt works to the government and the necessity that they should be kept for its use.

“ The commissioners also endeavored to enlist the chiefs of the different tribes in the cause of the people of Texas, and suggested an enrollment of a force from them to act against

our common enemy. In reply to which they informed us that the subject had not before been suggested to them. But a general council should be held in the course of the present month, when their determination will be made known.

“ The expenses attendant upon the treaty are comparatively light. A statement of which will be furnished to your Excellency. All of which is most respectfully submitted.

SAM HOUSTON,
JOHN FORBES.”

CHAPTER XLVIII.

Declaration of Independence — The Convention organized — The Names of its Members — Governor Smith vindicated by the Representatives of the people.

The convention assembled and promptly organized at Washington on the 1st day of March, 1836, by electing Richard Ellis, of Red River, president, and H. S. Kimble, secretary, this being the first time that Red River was represented in the councils of the country.

On the 2d of March the Declaration of Independence was unanimously adopted and enrolled and signed on the 3d :

UNANIMOUS

DECLARATION OF INDEPENDENCE,

BY THE

DELEGATES OF THE PEOPLE OF TEXAS,

IN GENERAL CONVENTION,

AT THE TOWN OF WASHINGTON,

ON THE SECOND DAY OF MARCH, 1836.

WHEN a government has ceased to protect the lives, liberty, and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted ; and, so far from being a guarantee for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression : when the Federal Republican Constitution of their country, which they have

sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted Federative Republic, composed of Sovereign States, to a consolidated Central Military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants: when, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued, and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to force a new government upon them at the point of the bayonet: when, in consequence of such acts of malfeasance and abduction on the part of the government, anarchy prevails and civil society is dissolved into its original elements; in such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves and a sacred obligation to their posterity to abolish such government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican Government, by its colonization laws, invited and induced the Anglo-American population of Texas to col-

onize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who, having overturned the constitution of his country, now offers, as the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It hath sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority in an unknown tongue, and this too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate state government, and have, in accordance with the provisions of the national constitution, presented to the general congress a republican constitution, which was, without a just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavour to procure the acceptance of our constitution and the establishment of a state government.

It has failed and refused to secure, on a firm basis, the right of trial by jury, that palladium of civil liberty and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain), and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to

expect the continuance of civil liberty, or the capacity for self-government.

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the state congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce by commissioning foreign desperadoes, and authorizing them to seize our vessels and convey the property of our citizens to far distant parts for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a National Religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defence — the rightful property of freemen — and formidable only to tyrannical governments.

It has invaded our country both by sea and by land, with the intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing, to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

It has been during the whole time of our connection with it, the contemptible sport and victim of successive

military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the National Constitution. We appealed to our Mexican brethren for assistance: our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government; that they are unfit to be free, and incapable of self-government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and DECLARE, that our political connection with the Mexican nation has forever ended, and that the people of Texas, do now constitute a FREE, SOVEREIGN, and INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent nations; and conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the supreme Arbiter of the destinies of nations.

RICHARD ELLIS,
President.

George C. Childress,
Sterling C. Robertson,
of Viesca.
Chas. B. Stewart,
Thomas Barnett,
Austin.

Bailey Hardeman,
Matagorda.
J. W. Bunton,
Thos. J. Gazley,
R. M. Coleman,
Mina.

Jas. Collinsworth,	Elijah Stapp,
Edwin Waller,	Jackson.
Asa Brigham,	Robert Potter,
J. S. D. Byrom,	Thomas J. Rusk,
Brazoria.	Ch. S. Taylor,
Francisco Ruiz,	John S. Roberts,
Jose Antonio Navarro,	Nacogdoches.
Jesse B. Badgett,	Robert Hamilton,
Bexar.	Collin McKinney,
William D. Lacy,	Albert H. Latimer,
William Menefee,	Red River.
Colorado.	Martin Parmer,
James Gaines,	E. O. Legrand,
W. Clark, Jr.,	Steph. W. Blount,
Sabine.	San Augustin.
John Fisher,	Syd. O. Pennington,
Matt. Caldwell,	W. Car'l Crawford,
Gonzales.	Shelby.
William Motley,	James Power,
Goliad.	Sam. Houston,
Lorenzo de Zavala,	David Thomas,
Harrisburg.	Edward Conrad,
Steph. H. Everitt,	Refugio.
George W. Smyth,	John Turner,
Jasper.	San Patricio.
Claiborne West,	B. Briggs Goodrich,
William B. Scates,	G. W. Barnett,
Jefferson.	James G. Swisher,
M. B. Menard,	Jesse Grimes, ¹
A. B. Hardin,	Washington.
Liberty.	

¹ The above fifty-two were present and signed. The following appeared later and signed: Saml. Rhoads Fisher, Matagorda; Saml. A. Maverick, Bexar; John White Bower, Goliad; James B. Woods, Andrew Briscoe, John W. Moore, Harrisburg; total, 58.

Governor Smith, the Lieutenant-Governor and remnant of the council had previously arrived. Governor Smith promptly submitted to the convention the following report:

“ To the President and Members of the Convention of the People of Texas:

“ GENTLEMEN: Called to the gubernatorial chair by your suffrages at the last convention, I deem it a duty to lay before your honorable body a view, or outline, of what has transpired since your last meeting, respecting the progress and administration of the government placed under my charge, as created and contemplated by the Organic Law.

“ The council, which was created to co-operate with me as the devisors of ways and means, having complied with all the duties assigned to them, by the third article of the Organic Law, was adjourned on the 9th of January last, until the 1st of the present month.

“ The agents appointed by your body, to the United States, to contract a loan and perform the duties of agents generally, have been dispatched and are now actively employed in the discharge of their functions, in conformity with their instructions; and, while at the city of New Orleans, contracted a loan under certain stipulations, which, together with their correspondence on that subject, are herewith submitted for your information. * * *

“ * * * Gen. Sam Houston, Col. John Forbes and Dr. Cameron were commissioned on the part of this government to treat with the Cherokee Indians and their associate bands, in conformity with the declaration of the convention in

The following members were prevented from reaching the convention in time: James Kerr, of Jackson; John J. Linn, of Victoria.

The only survivor of these sixty members of the convention at this time (1892), is the Rev. Wm. Carroll Crawford of Alvarado, Johnson County, Texas, whose kinsman, Charles Carroll of Carrollton, was the last survivor of the signers of the Declaration of American Independence, July 4, 1776.

November last, who have performed their labors as far as circumstances would permit, which is also submitted to the consideration of your body. Our naval preparations are in a state of forwardness. The schooners of war, *Liberty* and *Invincible*, have been placed under the command of efficient officers and are now on duty, and the schooners of war, *Independence* and *Brutus*, are daily expected on our coast from New Orleans, which will fill out our navy as contemplated by law. Our agents have also made arrangements for a steamboat, which may soon be expected, calculated to run between New Orleans and our seaports, and operate as circumstances shall direct. Arrangements have been made by law for the organization of the militia; but, with very few exceptions, returns have not been made as was contemplated, so that the plan resorted to seems to have proved ineffectual.

“The military department has been but partially organized, and for want of means, in a pecuniary point of view, the recruiting service has not progressed to any great extent, nor can it be expected, until that embarrassment can be removed.

“Our volunteer army of the frontier has been kept under continual excitement and thrown into confusion owing to the improvident acts of the General Council by their infringements upon the prerogative of the commander-in-chief, by passing resolutions, ordinances, and making appointments, etc., which, in their practical effect, were calculated, in an eminent degree, to thwart everything like systematic organization in that department. * * *

“The offices of auditor and controller of public accounts, have some time since been created and filled, but what amount of claims have been passed against the government, I am not advised, as no report has yet been made to my office; but of one thing I am certain, that many claims have been passed for which the government, in justice, should not be bound or chargeable. The General Council has tenaciously held on to a controlling power over these offices, and forced accounts

through them contrary to justice and good faith, and for which evil, I have never yet been able to find a remedy ; and if such a state of things shall be continued long, the public debt will soon be increased to an amount beyond all reasonable conception.

“ With a fervent and anxious desire that your deliberations may be fraught with that unity of feeling and harmony of action, so desirable and necessary to quiet and settle the disturbed and distracted interests of the country, and that your final conclusions may answer the full expectations of the people at home and abroad,

“ I subscribe myself with sentiments of the highest regard and consideration,

“ Your obedient servant,

“ HENRY SMITH, *Governor.*”

“ March 1, 1836.”

On the second, Governor Smith sent forth this appeal to the country :

“ EXECUTIVE DEPARTMENT, WASHINGTON, }
March 2nd, 1836. }

“ FELLOW-CITIZENS OF TEXAS : The enemy are upon us. A strong force surrounds the walls of the Alamo, and threaten that garrison with the sword. Our country imperiously demands the service of every patriotic arm ; and longer to continue in a state of apathy will be criminal. Citizens of Texas, descendants of Washington, awake ! Arouse yourselves !

“ The question is now to be decided, are we now to continue free men or bow beneath the rod of military despotism ? Shall we, without a struggle, sacrifice our fortunes, our liberties and our lives, or shall we imitate the example of our forefathers and hurl destruction on the heads of our oppressors ? The eyes of the world are upon us. All friends of liberty and the rights of men are anxious spectators of our

conflict, or are enlisted in our cause. Shall we disappoint their hopes and expectations? No! Let us at once fly to arms, march to the battle-field, meet the foe, and give renewed evidence to the world that the arms of freemen, uplifted in defense of liberty and right, are irresistible. Now is the day, and now is the hour, when Texas expects every man to do his duty. Let us show ourselves worthy to be free and we shall be free.

“HENRY SMITH, *Governor.*”

The remnant of the council continued to meet daily without a quorum till March 11th, on which day the secretary of the plenary convention presented to them the following resolutions introduced by Gen. Thomas J. Rusk, and adopted by that body:

“*Resolved*, That the late Governor Henry Smith, the late Lieutenant-Governor James W. Robinson, and the late council, the late treasurer, the late auditor and controller of public accounts be requested to deliver to this house, all the books, papers, journals, correspondence, contracts, laws and all other papers connected with or relating to their several offices.

“*Resolved*, That the secretary of this house make and hand forthwith to each of the aforementioned individuals a copy of this resolution, and request of them the books and papers referred to.

“H. S. KIMBALL, *Secretary.*”

Governor Smith joyfully surrendered his authority to the representatives of the people, exhilarated in the highest degree by his triumphant vindication: —

1st. By the unanimous Declaration of Independence.

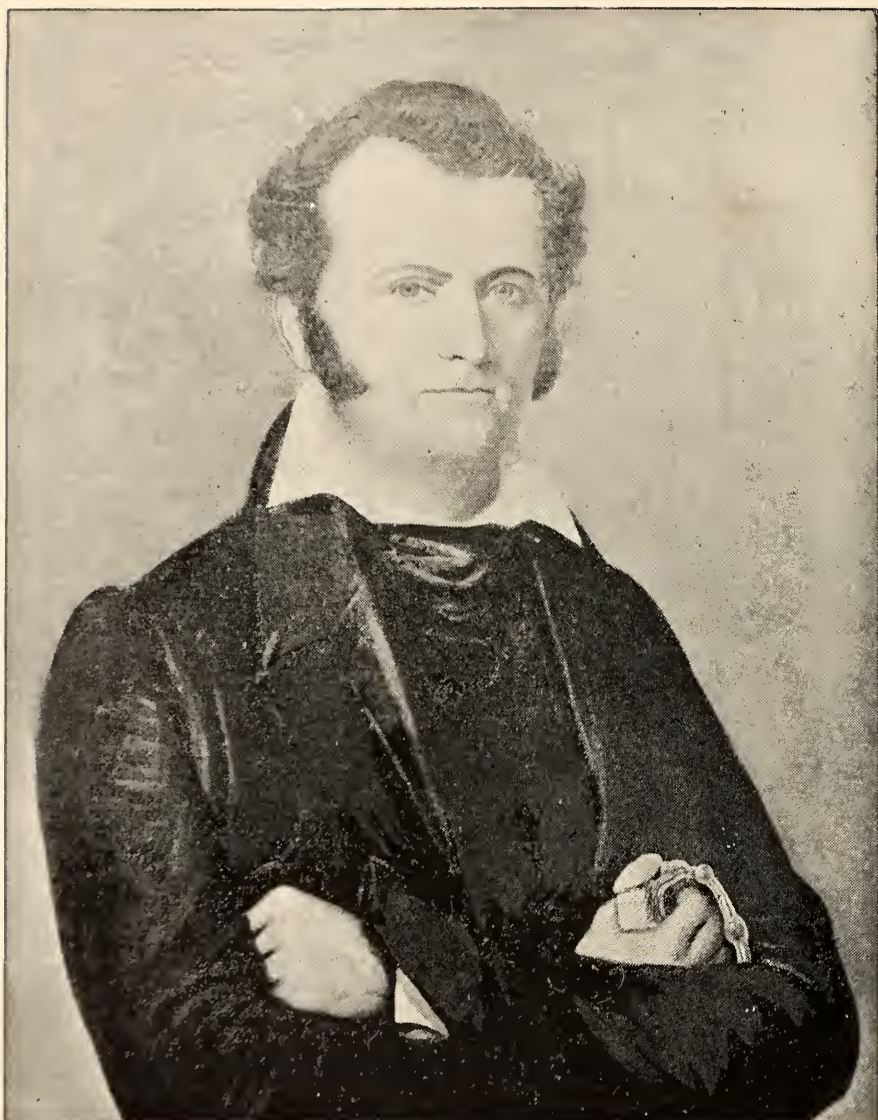
2d. By the unanimous re-election of General Sam Houston as commander-in-chief of the armies of Texas.

3rd. By the election to the convention in almost, if not in

every instance, where they were candidates, of men who had sustained him against the illegal usurpations of a minority of the council.

4th. By the fact that not one of the extreme and persistent participants in those usurpations held a seat in the convention; while a number of gentlemen who had sat in the council during other portions of its session, were now members of that body.

It will be seen that the convention distinctly recognized Henry Smith as the Governor up to the last moment and Robinson only as Lieutenant-Governor, and from this conclusive action of the plenary body which declared Texas an independent republic history can make no appeal. It must also be borne in mind that on the assemblage of the convention, neither the committee of the council appointed for that purpose nor any member of that body, ventured to present to the newly elected representatives of the people their charges against Governor Smith, or in any manner ask his trial. The letters of Cols. Wm. Ward and Wm. G. Hill to them and the general tone of public sentiment, seem to have been sufficient admonition to them to avoid the humiliation awaiting such a movement.



James Bowler

CHAPTER XLIX.

THE FALL OF THE ALAMO.

Arrival of Mexican Troops — Strength of the Force under Travis — First and Second Dispatches sent out by the Texian Commander — Captain Albert Martin and Thirty-two Men, from Gonzales, enter the walls of the Alamo — Captain Reuben M. Potter's Graphic Account of the Siege and final Assault — Plans of the Alamo — Letter of Travis to the President of the Convention at Washington — Note to a Friend in Washington County relative to his Son, Charles E. Travis — Career of Captain Charles E. Travis.

Although the first dispatch of Travis to Andrew Ponton at Gonzales of February 23d, would leave the impression that the advance of the Mexicans had arrived that day, such is not the fact. The dragoon regiment of Dolores and one or two battalions, arrived in the vicinity of San Antonio on the 21st. On the 23d Santa Anna arrived with the second division, and a regular siege began. At that time there were under Travis in the Alamo 145 men effective for duty. There is some confusion as to the number, for on March 3d, Travis says: "with 145 men I have held this place ten days," etc. He referred to his *original* and not his *then* number, and to his *effective* and not his *actual* force, which was 149, to which add the gallant James Butler Bonham, who returned at 11 a. m. March 3d, alone, from his mission to Fannin at Goliad and Gonzales and we have 150. At dawn on the first of March, Capt. Albert Martin, with 32 men (himself included) from Gonzales' and De Witt's colony, passed the lines of Santa Anna and entered the walls of the Alamo, never more to leave them. These men, chiefly husbands and fathers, owning their own homes, voluntarily organized and passed through the lines of an enemy four to six thousand strong, to join 150 of their

(565)

countrymen and neighbors, in a fortress doomed to destruction. Does American history, or any history, ancient or modern, furnish a parallel to such heroism? They had seen and were inspired by the letter written to Andrew Patton by Travis on the first appearance of the enemy, in which he said: "We are determined to defend the Alamo to the last;" and, before leaving home, they had seen his second message to the people of Texas, saying: "I shall never surrender nor retreat! Victory or death!"

They willingly entered the beleaguered walls of the Alamo, to swell the little band under Travis, resolved "never to surrender or retreat." In after years it was my privilege to personally know and live near many of their widows and little ones and to see the latter grow into sterling manhood and pure womanhood. I never met or passed one without involuntarily asking upon him or her the blessings of that God who gave the final victory to Texas. Besides these thirty-two there were already in the Alamo a considerable number of men from De Witt's colony, among whom were Lieut. Wm. Almerion Dickinson, his wife, an infant daughter (the historic "Babe of the Alamo"), also William, a youthful son of Capt. George Sutherland of the Navidad; Green B. Jameson of the Brazos; F. R. Evans, of the Colorado, and others.¹

On the 24th Travis sent forth a second dispatch as follows:

"COMMANDANCY OF ALAMO }
BEXAR, February 24th, 1836. }

"FELLOW-CITIZENS AND COMPATRIOTS: I am besieged by a thousand or more of the Mexicans under Santa Anna. I have

¹ The following are a part of the thirty-two men from De Witt's colony: Albert Martin, captain; George W. Cottle, Jacob C. Darst, William Dearduff, William Fishbaugh, James George, John E. Garwin, Thomas Jackson, George C. Kimble, Andrew Kent, William P. King, Thomas R. Miller, Jesse McCoy, Isaac Millsap, Isaac Baker, John E. Gustin, Amos Pollard, George Tumlinson, Claiborne Wright, John Cane, Chas. Despalier, Dolfin Floyd, Galby Fuqua, and Robert White.

sustained a continued bombardment for twenty-four hours, and have not lost a man. The enemy have demanded a surrender at discretion; otherwise the garrison is to be put to the sword, if the place is taken. I have answered the summons with cannon shot, and our flag still waves proudly from the walls. *I shall never surrender nor retreat.* Then I call on you, in the name of liberty, of patriotism, and of everything dear to the American character, to come to our aid with all dispatch. The enemy are receiving re-inforcements daily, and will no doubt increase to three or four thousand in four or five days. Though this call may be neglected, I am determined to sustain myself as long as possible, and die like a soldier who never forgets what is due to his own honor or that of his country. *Victory or death!*

“WM. BARRETT TRAVIS,
“*Lt.-Col. Commanding.*

“P. S. The Lord is on our side. When the enemy appeared in sight, we had not three bushels of corn. We have since found, in deserted houses, eighty or ninety bushels, and got into the walls twenty or thirty head of beeves.

“TRAVIS.”

The question must naturally arise in the mind of the reader: Why these declarations by Travis, “*I shall never surrender nor retreat!*” “*Victory or death!*”

It is easily answered. He well knew that the council had created a spirit of insubordination on the one hand, and delayed the creation of an army by the commander-in-chief on the other; and that if he retreated from the walls of the Alamo there was nothing to prevent the march of Santa Anna directly by Gonzales into the colonies. He hoped for re-inforcements almost to the last, and unquestionably believed that with two or three hundred additional men, he could successfully defend the Alamo and hold Santa Anna in check

until Gen. Houston, under the auspices of the new convention, could rally a force with which to achieve a signal victory. His heroic struggle and glorious death demonstrate the fact that he considered it a solemn duty to his country, in any event, to fight to the last and to die, if need be, in order that he might hold the enemy in check until his countrymen could organize a force with which to oppose the invading army. His name deserves a place beside that of Leonidas, Winklereid and the immortals who, since the dawn of history, have immolated themselves upon the altar of their country. From Dimmitt's Point, at the mouth of the Lavaca, on the night of February 28th, Captain Philip Dimmitt wrote to Major James Kerr and a committee on the Lavaca saying:

"I have this moment, 8 p. m., arrived from Bexar. On the 23d, I was requested by Colonel Travis to take Lieutenant Nobles and reconnoitre the enemy. Some distance out I met a Mexican who informed me that the town had been invested. After a short time a messenger overtook me, saying he had been sent by a friend of my wife (Mrs. Dimmitt was a Mexican lady) to let me know that it would be impossible for me to return, as two large bodies of Mexican troops were already around the town. I then proceeded to the Rovia and remained till 10 p. m., on the 25th. On the 24th there was heavy cannonading, particularly at the close of the evening. I left the Rovia at 10 p. m., on the 25th, and heard no more firing, from which I concluded the Alamo had been taken by storm. On the night of the 24th, I was informed that there were from four to six thousand Mexicans in and around Bexar. Urrea was at Carisota, on the Matamoros road, marching for Goliad. If immediate steps are not taken to defend Guadalupe Victoria, the Mexicans will soon be upon our families."

The most complete and reliable account of the siege and fall of the Alamo was written in 1860, at San Antonio, on the spot where the tragic scenes occurred, by the venerable Cap-

tain Reuben M. Potter, a retired officer of the United States army, now residing in Brooklyn, New York. His opportunities for learning the facts were, under his peculiar environments, greater than those of any other American. He had lived in Mexico a number of years and spoke the Spanish language fluently, and at the time of the siege was a resident of Matamoros. He was a man of talent and literary attainments and of undoubted truthfulness — a keen observer, and, though he had never been in the interior of the country prior to the siege his sympathies were all with the people of Texas and their cause. He saw the Mexican troops and counted some of their battalions on their return to the Rio Grande; conversed with many of their officers and received their version of the scenes through which they had passed and reduced their statements to writing in the form of copious notes. It was at this time he wrote the “Hymn of the Alamo,” a poem so dear to every Texian heart. A little later in 1836, he became, and for ten or twelve years remained, a citizen of Texas. In 1841 he carefully examined the Alamo and its surroundings and again examined it in 1860, when his valuable narrative was written. I extract largely from his account, omitting immaterial portions. His estimate places Santa Anna’s entire force at about 7,500 men, which is believed to be two thousand under the actual number:

“The main army,” says he, “commanded by Santa Anna in person, moved from Laredo upon San Antonio in four successive divisions. This was rendered necessary by the scarcity of pasture and water in certain portions of the route. The lower division, commanded by Brigadier-General Urrea, moved from Matamoros upon Goliad in one body. It consisted of the cavalry regiment of Cuatla, the infantry battalion of Yucatan, and some companies of permanent militia. The aforesaid battalion, which I counted, numbered 350 odd men. The regiment

of dragoons was of about the same size, and the whole made 900 or 1,000.¹

“ The advance detachment from Laredo, consisting of the dragoon regiment of Dolores, and one or two battalions, arrived at San Antonio in the latter part of February, I think on the 21st. The Alamo was at that time garrisoned by one hundred and fifty-six men, under Lieutenant-Colonel Travis. James Bowie was, I think, considered his second in command. David Crockett, of Tennessee, also belonged to this garrison, having joined it a few weeks before ; but whether he had any command or not I have never heard. One of the most estimable and chivalrous men attached to it was James Butler Bonham, of South Carolina, who had recently come to volunteer in the service of Texas; but what his position was in the fortress, I am unable to say.

“ No regular scouting service seems to have been kept up from Travis’ post ; for, though the enemy was expected, his near approach was not known till his advance dragoons were seen descending the slope west of the San Pedro. The guard in town is said to have retired in good order to the fort, yet so complete was the surprise of the place that one or more American residents, engaged in mercantile business, fled to the Alamo, leaving their stores open. After the enemy entered the place, a cannon shot from the Alamo was answered by a shell from the invaders, and, I think, little more was done in the way of hostilities that day. The fortress was not immediately invested, and the few citizens who had taken refuge in it succeeded in leaving it that night.

“ On the 23d, Santa Anna, with the second division, arrived, and on the same day a regular siege was commenced. Its operations, which lasted eleven days, are, I think, correctly given in Yoakum’s history of Texas, though he did not succeed

¹ This was the force, leaving out two small detachments, which overtook Fannin at Coleto; but was re-inforced before the surrender by two battalions from San Antonio, and by others a few days after.

in getting a true account of the assault. Several batteries were opened, on successive days, on the north, south, and east of the Alamo, where there were then no houses to interfere with the operations. The enemy, however, had no siege train, but only light field pieces and howitzers. A breach was opened in the northern barrier at the point marked (q) on the diagram; but the buildings seem not to have been severely battered. The operations of the siege consisted of an active though not very effective cannonade and bombardment, with occasional skirmishing by day, and frequent harassing alarms at night, designed to wear out the garrison for want of sleep. No assault was attempted, as has often been asserted, till the final storming of the place. Neither was the investment so close as to prevent the passage of couriers and the entrance of one small re-inforcement; for, on the night of the 1st of March, a company of 32 men from Gonzales made its way through the enemy's lines and entered the Alamo, never again to leave it. This raised the force of the garrison to 188 men [really 182], as none of the original number had yet fallen. There could have been no great loss on either side till the final assault.

“ Santa Anna, after calling a council of war on the 4th of March, fixed upon the morning of Sunday, the 6th, as the time of the final assault. Before narrating it, however, I must describe the Alamo as it then existed. It had been founded soon after the first settlement of the vicinity, and being originally built as a place of safety for the settlers and their property in case of Indian hostilities, with sufficient room for that purpose, it had neither the strength nor compactness, nor the arrangement of dominant points, which belong to a regular fortification.¹

“ As its area contained between two and three acres, a

¹ The front of the Alamo Chapel bears the date of 1757; but the other works must have been built earlier.

thousand men would barely have sufficed to man its defenses, and before a heavy siege-train its defenses would soon have crumbled.¹

“ From recollection of the locality, as viewed in 1841, I can trace the extent of the outer walls, which were demolished thirteen years ago; and the accompanying diagram is made from actual measurement.

“(A) represents the chapel of the fortress, which is seventy-five feet long, sixty-two wide, and twenty-two and a half feet high, the wall, of solid masonry, being four feet thick. It was originally in one story, but had upper windows, under which platforms were erected for mounting cannon in those openings. (B) designates one of those upper windows which I will have occasion to mention, and (c) the front door of the church. (D) is a wall 50 feet long, connecting this church with the long barrack (E E). The latter is a stone house, 186 feet long, 18 wide and 18 high, being of two stories. (F) is a low stone barrack, 114 feet long and 17 wide. Those houses, or at least their original walls, which (except those of the church), are about 30 inches thick, are still standing. They had at the time flat terraced roofs of beams and plank, covered with a thick coat of cement. The present roofs and the adjoining sheds and other woodwork have been added since the place was converted into a quartermaster's depot. (G H I and K) were rooms built against the west barrier, and were demolished with it. The (Ls) designate a barrier wall, from six to eight feet high and two and three-fourths thick, inclosing an area of 154 yards long and 54 wide, which the long barrack fronted on the east and the low barrack (F) on the south. (M) designates the gate of the area and the (Ns) locate the doors of the several houses which opened upon it. Most of those doors had within them

¹ Yoakum is entirely mistaken as to the measurement of the place. He seems to confound the length of the large area with that of the long barrack.

a semi-circular barricade or parapet, composed of a double-curtain of hides upheld by stakes and filled in by earth. From behind these the garrison could fire front or oblique through the doors. Some of the rooms were also loop-holed. (O O) describes a wall from five to six feet high and two, three and four feet thick, which inclosed a smaller area east of the long barrack and north of the church, 63 yards by 34. (P) locates an upper room in the southeast angle of said barrack, (Q) a breach in the north barrier, and (R) an intrenchment running from the southwest angle of the chapel to the gate. This work was not manned against the assault. According to Santa Anna's report, 21 guns of various calibre were planted in different parts of the works. Yoakum, in his description of the armament, mentions but fourteen. Whichever number be correct, however, has but little bearing upon the merits of the final defense, in which the cannon had little to do. They were in the hands of men unskilled in their use, and, owing to the construction of the fort, each had a limited range, which the enemy, in moving up, seem in a measure to have avoided.

“It was resolved by Santa Anna that the assault should take place at early dawn. The order for the attack, which I have read, but have no copy of, was full and precise in its details, and was signed by Brigadier-General Amador, as the head of the staff. The besieging force consisted of the battalions of Toluca, Jimenes, Matamoros, Los Zapadores (or sappers), and another, which I think was that of Guerrero, and the dragoon regiment of Dolores. The infantry were directed at a certain hour, between midnight and dawn, to form at a convenient distance from the fort in four columns of attack and a reserve. This disposition was not made by battalions; for the light companies of all of them were incorporated with the Zapadores to form the reserve, and some other transpositions may have been made. A certain number of scaling ladders and axes were to be borne with particular

columns. The cavalry were to be stationed at different points around the fortress to cut off fugitives. From what I have learned from men engaged in the action, it seems that these dispositions were changed on the eve of attack, so far as to combine the five bodies of infantry into three columns of attack. This included the troops designated in the order as the reserve, and the only actual reserve that remained was the cavalry.

“The immediate command of the assault was intrusted to General Castrillon, a Spaniard by birth and a brilliant soldier. Santa Anna took his station with a part of his staff and all the regimental bands at a battery south of the Alamo and near the old bridge, from which the signal was to be given by a bugle note for the columns to move simultaneously at double-quick time against different points of the fortress. One, composed mainly of the battalion of Toluca, was to enter the north breach—the other two to move against the southern side: one to attack the gate of the large area—the other to storm the chapel. By the timing of the signal it was calculated the columns would reach the foot of the wall just as it became light enough to operate.

“When the hour came, the batteries and music were alike silent, and a single blast of the bugle was at first followed by no sound save the rushing tramp of soldiers. The guns of the fortress soon opened upon them, and then the bands at the south battery struck up the assassin note *deguello*.¹ But a few and not very effective discharges from the works could be made before the enemy was under them; and it is thought that the worn and weary garrison was not till then fully mustered. The Toluca column arrived first at the foot of the wall, but was not the first to enter the area. A large piece of cannon at the northwest angle of the area probably com-

¹ No quarter. A sergeant of the Zapadores told me that the column he belonged to encountered but one discharge of grape in moving up, and that passed mostly over the men's heads.

manded the breach. Either this or the deadly fire of the riflemen at that point where Travis commanded in person, brought the column to a disordered halt, and its leader, Colonel Duque, fell dangerously wounded. But, while this was occurring, one of the other columns entered the area by the gate or by escalade near it. The defense of the outer walls had now to be abandoned; and the garrison took refuge in the buildings already described. It was probably while the enemy were pouring in through the breach that Travis fell at his post, for his body was found beside the gun just referred to. All this passed within a few minutes after the bugle sounded. The early loss of the outer barrier, so thinly manned, was inevitable; and it was not till the garrison became more concentrated and covered in the inner works, that the main struggle commenced. They were more concentrated as to space, not as to unity; for there was no communication between buildings, nor in all cases between rooms. There was now no retreating from point to point: each group of defenders had to fight and die in the den where it was brought to bay. From the doors, windows and loopholes of the several rooms around the area, the crack of the rifle and hiss of the bullet came thick and fast — so fast the enemy fell and recoiled in his first efforts to charge. The gun beside which Travis lay was now turned against the buildings, as were also some others; and shot after shot in quick succession was sent crashing through the doors and barricades of the several rooms. Each ball was followed by a storm of musketry and a charge and thus room after room was carried at the point of the bayonet, when all within them died fighting to the last. The struggle was made up of a number of separate and desperate combats, often hand to hand, between squads of the garrison and bodies of the enemy. The bloodiest spot about the fortress was the long barrack and the ground in front of it, where the enemy fell in heaps.

“In the meantime the turning of Travis’s gun had been

imitated by the garrison. A small piece on the roof of the chapel or one of the other buildings, was turned against the area while the rooms were being stormed. It did more execution than any other cannon of the fortress; but after a few effective discharges, all who manned it fell under the enemy's fire. Crockett had taken refuge in a room of the low barrack, near the gate. He either garrisoned it alone, or was left alone by the fall of his companions, when he sallied to meet his fate in the face of the foe, and was shot down. Bowie had been severely hurt by a fall from a platform, and, when the attack came on, was confined to his bed in the upper room of the barrack marked (P). He was there killed on his couch, but not without resistance; for he is said to have shot down with his pistols one or more of the enemy as they entered the chamber.

“The church was the last point taken. The column which moved against it, consisting of the battalion of Jimenez and other troops, was at first repulsed, and took refuge among some old houses outside of the barrier, near its southwest angle, till it was rallied and led on by General Amador. It was soon joined by the rest of the force, and the church was carried by a *coup de main*. Its inmates, like the rest, fought till the last, and continued to fire from the upper platforms after the enemy occupied the floor of the building. A Mexican officer told me of seeing a man shot in the crown of the head in this melee. The bayonet soon gleaned what the bullet missed; and in the upper part of the church the last defender must have fallen. The morning breeze which received his parting breath probably still fanned his flag above the fortress, ere it was pulled down by the victors.

“The Alamo had fallen!

“The action, according to Santa Anna's report, lasted thirty minutes. It was certainly short; and possibly no longer space passed between the moment the enemy fronted the breach and that when resistance died out. Some of the

incidents which have to be related separately no doubt occurred simultaneously, and occupied very little time.

“The account of the assault which Yoakum and others have adopted as authentic, is evidently one which popular tradition has based on conjecture. By a rather natural inference it assumes that the inclosing wall of the fortress was its principal work; that in storming this the main conflict took place; and that after it was entered, nothing more than the death struggles of a few occurred. The truth was that that extensive barrier proved to be nothing more than the out-works, speedily lost, while the buildings constituted the citadel and the scene of the sternest resistance. That Santa Anna himself was under the works urging on the escalade in person is fabulous.

“A negro boy belonging to Travis, the wife of Lieutenant Dickinson, Mrs. Alsbury (a native of San Antonio), and another Mexican woman, Madame Candelaria, and two children, were the only inmates of the fortress whose lives were spared. The children were those of the two females whose names are given. Lieutenant Dickinson commanded a gun in the east upper window of the church. His family was probably in one of the two small upper rooms of the front.

“Castrillon was the soul of the assault. Santa Anna remained at the south battery with the music of the whole army and a part of his staff, till he supposed the place was nearly mastered, when he moved up with that escort toward the Alamo; but returned again on being greeted by a few rifle balls from the upper windows of the church. He, however, entered the area toward the close of the scene, and directed some of the last details of the butchery.

“The five infantry corps that formed the attacking force, according to the data already referred to, amounted to about 2,500 men. The number of Mexican wounded, according to various accounts, largely exceeded that of the killed; and the estimates made of both by intelligent men who were in the

action, and whose candor I think can be relied on, rated their loss at from 150 to 200 killed, and from 300 to 400 wounded. Santa Anna's report is a piece of balderdash, dealing mostly in generalities. He sets down his force at 1,400, his loss at 60 killed, and 300 wounded, and the strength of the garrison, all told and all killed, at 600. The real loss of the assailants in killed and wounded, probably did not differ much from 500 men. General Bradburn was of opinion that three hundred men in that action were lost to the service, counting with the killed those who died of wounds or were permanently disabled. This agrees with the other most reliable estimates. Now, if 500 men or more were bullet stricken in half an hour by 180 or less, it was a rapidity of bloodshed almost unexampled, and needs no exaggeration. It was not the carnage of pursuit like that of San Jacinto, nor the sweeping effect of cannon under favorable circumstances, like that of Sandusky. The main element of the defense was the individual valor and skill of men who had few advantages of fortification, ordnance, discipline or command. All their deficiencies, which were glaring, serve only to enhance the one merit, in which no veterans could have excelled them. It required bravery, even in greatly superior numbers, to overcome a resistance so determined. The Mexican troops displayed more of it in this assault than in any other action during the campaign, and they have seldom shown as much anywhere.

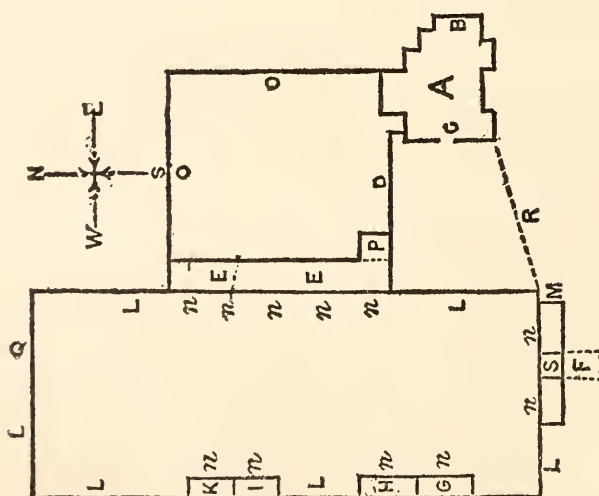
“ Santa Anna, when he marched for Texas, had counted on finding a fortified position in the neighborhood of San Antonio, but not at the Alamo; for he supposed, with good reason, that the mission of Concepcion would be selected. The small area of that strong building, which had room enough for Travis' force and not too much, and its compactness, which would have given better range to his cannon, would have made it a far better fortress than the Alamo, and earthworks of no great extent would have covered the garri-

son's access to the river. The advantages of the position must have been known to Travis, and that he did not avail himself of it was probably owing to his imperfect command of men unwilling to leave their town associations. An attempt to move might break up the garrison. The neglect of scouting service before referred to, indicates a great lack of subordination; for Travis, who, during the late siege of Bexar, had been the efficient head of that branch of duty, must have been aware of its importance. On the 24th of February he wrote thus: 'When the enemy appeared in sight, we had not three bushels of corn. We have since found in deserted houses eighty or ninety bushels, and got into the walls twenty or thirty head of beeves.' This omission to provide subsistence, remedied so late by accident, must have been more owing to the commander's lack of control and to the occupation of mind incident to it, than to his want of foresight. His men were willing to die by him, but, I infer, not ready to obey in what did not immediately concern fighting.

"I am here tempted to speculate briefly on the bearing which it might have had on the campaign had Travis changed his post to the mission, strengthened it to the best of his ability, and secured a supply of provisions for a few weeks. The great importance Santa Anna attached to an early blow and rapid movement would probably have induced him to make an assault there as early or nearly so, as he did at the Alamo; and there, even had his force been stronger, I am confident the result would have been different. Instead of the panic which the fall of the Alamo spread through the land, sending fugitives to the Sabine, a bloody repulse from Concepcion would have filled Texas with exultation, and sent its men in crowds to Houston's camp. The fortress could then have held out till relieved, and the war would probably have been finished west of the Guadalupe. Its final results could not have been more disastrous to the invaders than they eventually were, but a large extent of country would have been saved from invasion and partial devastation.

“ The foregoing details, which do not refer to documentary authority, I obtained from General Bradburn, who arrived at San Antonio a few days after the action and gathered them from officers who were in it. A few I had, through a friend, from General Amador. Others again I received from three intelligent sergeants, who were men of fair education and I think truthful. One of them, Sergeant Bacero, of the battalion of Matamoras and captured at San Jacinto, was for several years my servant in Texas. From men of their class I could generally get more candid statements as to loss and and other matters than from commissioned officers. I have also gathered some minor particulars from local tradition preserved among the residents of San Antonio. When most of the details thus learned were acquired, I had not seen the locality; and hence I have to locate some of the occurrences by inference, which I have done carefully and I think correctly.

PLAN OF THE ALAMO.



S represents a *porte cochere* or wide passage through the centre of the house F, with but one room on each side. The dotted lines represent a projecting stockade which covered a four-gun battery in front of the outer door.

Captain Potter's plan is inaccurate in minor details, as is to

“I am confident that the foregoing is as then stated to me by Judge Baker, whose opportunity for correct knowledge, at that time, cannot be disputed.”

The reader will readily see in the account of Captain Potter a desire to rather underestimate than exaggerate the number of the enemy. His reliance upon the statements of the braggart and apostate American, Bradburn, is misplaced confidence. He errs also in the assumption that no Mexicans were killed prior to the assault. There had been a considerable loss in killed in short and sharp contests by sallies from the fort, and there is corroborating testimony, from various sources (including the observations of three American surgeons, Shackelford, Barnard and Fields, saved from Fannin's massacre and sent there to treat the wounded), that Santa Anna's loss in killed and wounded during the entire siege was about one thousand, somewhat over five hundred being killed or mortally wounded.

John W. Smith, the guide who conducted the re-inforcement from Gonzales into the Alamo on the first of March, was dispatched by Travis on the 3d with the following letter of that date to the president of the convention at Washington:

“From the 25th to the present date, the enemy (Mexicans) have kept up a bombardment from two howitzers (one a five and a half inch and the other an eight inch) and a heavy cannonade from two long nine pounders mounted on a battery, on the opposite side of the river at the distance of 400 yards from our walls. During this period the enemy have been busily employed with encircling us with entrenched encampments, at the following distances: In Bexar 400 yards west; in Lavilletta, 300 yards south; at the powder house 1,000 yards east by south; on the ditch, 800 yards northeast; and at the old mill, 800 yards north. Notwithstanding all this a company of thirty-two men from Gonzales made their way to us at 3 o'clock on the morning of the first; and Colonel James Butler Bonham, a courier from the same place, got in this morning

at one o'clock. I have so fortified the place that the walls are generally proof against cannon balls, and I still continue to entrench on the inside, and strengthen the walls by throwing up earth. At least two hundred shells have fallen inside our walls, without having injured a single man; indeed we have been so fortunate as not to lose a man from any cause, and we *have killed many of the enemy*. The spirits of the men are still high, although they have had much to depress them. * * *

“Colonel Fannin is said to be on the march to this place with re-inforcements; but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Colonel Bonham, my special messenger, arrived at La Bahia (Goliad), fourteen days ago, with a request for aid; and, on the arrival of the enemy in Bexar, I sent an express to Colonel Fannin, which reached Goliad the next day, urging him to send re-inforcements. *None have yet arrived*. I look to the *colonies alone* for aid. Unless it arrives soon, I shall have to fight the enemy on its own terms. I will, however, do the best I can under the circumstances; and I feel confident that the determined spirit and desperate courage heretofore evinced by my men, will not fail them in the last struggle; and although they may be sacrificed to the vengeance of a Gothic enemy, the victory will cost the enemy so dear, that it will be worse than a defeat. I hope your honorable body will hasten on re-inforcements, ammunitions and provisions to our aid as soon as possible. We have provisions for twenty days for the men we have. Our supply of ammunition is limited. At least 500 pounds of cannon powder and two hundred rounds of six, nine and twelve pound balls, ten kegs of rifle-powder, and a supply of lead should be sent to this place without delay, under a sufficient guard. If these things are promptly sent, and large re-inforcements are hastened to this frontier, this neighborhood will be the great and decisive battle ground. The power of

Santa Anna is to be met here or in the colonies. We had better meet it here than to suffer a war of desolation to rage in our settlements.

“A blood-red banner waves from the church at Bexar, and in the camp above us, in token that the war is one of vengeance against rebels. They have declared us such, and demanded that we should surrender at discretion, or this garrison should be put to the sword. Their threats have had no influence on me or my men, but to make all fight with desperation, and with that high-souled courage which characterizes the patriot who is willing to die in defense of his country’s liberty and his own honor.

“The citizens of this municipality are all our enemies, except those who joined us heretofore. We have but three Mexicans in the fort. Those who have not joined us in this extremity should be declared public enemies and their property should aid in defraying the expenses of the war.

“The bearer of this (John W. Smith) will give your honorable body a statement more in detail, should he escape through the enemy’s lines.

“God and Texas! Victory or death!”

“TRAVIS.”

On the same date, and of course by the same messenger, he addressed a private note to a friend in Washington County, saying: “* * * Take care of my little boy. If the country should be saved I may make him a splendid fortune; but, if the country should be lost, and I should perish, he will have nothing but the proud recollection that he is the son of a man who died for his country.”¹

¹ This reference to his son demands an explanation. Colonel Travis had left his wife and little daughter, Isabella, in Alabama. The son, Charles E. Travis, born in 1831, at the time of the siege, was in the family of Mr. David Ayers at Montville, now known as the old Fuller place, in Washington county, attending the school of Miss L. McHenry. After his father’s death, he was taken back to his mother in Alabama; but, upon nearing man-

To adopt the suggestion of Colonel Travis in regard to the people of San Antonio and to class all of them as enemies, would be exceedingly unjust. Their position was peculiar and

hood, returned to Washington County. A few years later his sister, then the wife of John Grissett, a planter, came to Texas and settled in the same county, where she died some years ago, leaving an only child, Mollie J., who first married Thomas G. Davidson, deceased, a lawyer of Brenham. She is now the wife of Mr. De Caussey, in northwest Texas. She and her children are the only living descendants of Colonel Travis. Charles E. Travis became a lawyer. About 1852 he represented Caldwell County in the legislature. In 1854 he was captain of a company of Texas rangers in an expedition against the Indians. On the 3d of March, 1855, under the highest recommendations, he was appointed by President Pierce a captain in the Second United States Cavalry, commanded by Colonel Albert Sidney Johnston. In October, 1855, the regiment moved from Jefferson Barracks, Missouri, to Texas. On the 15th of March, 1856, a court-martial convened at Fort Mason, Texas, to try Captain Travis on the general charge of conduct unbecoming an officer and a gentleman, under three specifications. The only one of the three charges, worthy of notice, was: That Captain Travis "did unscrupulously and dishonorably create and circulate false and slanderous imputations against Lieutenant —." Travis had, it seems, declared that the Lieutenant had stolen money from him. The court-martial found him guilty of "circulating" the charge, but struck out the words "did unscrupulously and dishonorably create" and "did endeavor thereby to injure the reputation of said officer." The only proof of "circulating" the charge was that Captain Travis confidentially communicated it to three bosom friends. Travis on this exhibit was dismissed from service on the 6th of May, 1856. The whole testimony was examined by a joint committee of the Legislature of Texas, Hon Edward R. Hood, chairman, on the part of the Senate and the late Supreme Judge, Charles S. West, on the part of the House, who vindicated Travis and submitted a resolution, unanimously passed by both houses on the 28th of August, asking the President to set aside the verdict and order a new trial. Every man who examined the testimony, so far as known, pronounced the verdict palpably unjust. It was alleged, with what justice cannot be stated, that the friends of the accused officer at Washington, had sufficient influence to defeat the request for a new trial. Captain Travis, not long after this, was seized with consumption. He took up his abode with his sister on her farm in Washington County, and died there about the beginning of the war between the States. He was a very handsome man, of pleasant address and a favorite wherever known. This note is added to meet the very natural desire of those who hold as sacred the memory of "the immortal hero of the Alamo."

hazardous, situated, as they were, a hundred miles from the nearest American settlement. Their all — homes, wives and children — were more desperately endangered than those of people living in any other part of Texas, excepting those of the two Irish settlements of San Patricio and Refugio. In the very nature of things, they could feel no hope of successfully withstanding with less than two hundred Texians the renowned and long victorious Santa Anna and his eight or ten thousand men. Defeat meant not only death to them, but a dreadful visitation of fire and sword, pillage and outrage to the settlements eastward. There is no doubt but that a large majority of the permanent citizens desired the success of Texas and rejoiced at the final defeat of Santa Anna. And, as it was, a small company of them did valiant service at San Jacinto. Upon a fair review of all the facts, followed by years of subsequent service in council and in the field, they should be accorded full credit in our history for what *they did*, and not be held amenable for simple non-action in that dread hour of destruction, when they were slow to act and unhappily divided in council. The names of Navarro, Manchaca, Erasmo Seguin, Verrimendi, Garza, Flores, Rodriguez, and many others must ever challenge our respect. That of Jose Antonio Navarro merits our admiration and veneration.

CHAPTER L.

Re-election of Houston as Commander-in-Chief — He leaves for Gonzales — He falls back to the Colorado on the fall of the Alamo — Organization of a government *ad interim*, with David G. Burnet as President.

Governor Smith, at the earnest solicitation of the most eminent men in the convention, remained in Washington till that body had about completed its labors, and then repaired to his home to find his family alone and defenseless, the people having abandoned their homes to avoid the approaching Mexicans.

On the fourth, General Houston was unanimously elected Commander-in-Chief of the army. Thus re-indorsed, despite the machinations of the council and of the military malcontents, he hastily prepared for active duties, and on the morning of the seventh took leave of the convention, of which he was a member. Strangely enough he was elected thereto by the people of Refugio, despite the fact that his home was in Nacogdoches, three hundred miles east, and that Fannin's force, organized in defiance of his authority, was then in the vicinity. He hastened to Gonzales, where a small force was assembling, to take command and endeavor to bring order out of chaos. He arrived at Gonzales at 4 p. m., on the 11th, accompanied only by his staff, Colonel George W. Hockley, Colonel Alexander Horton, Lieut. Richardson Scurry and two or three others, at once assumed command, and proceeded to organize the little force there assembled.

About twilight of the same day Anselmo Borgarra and another Mexican brought in the first intelligence of the fall of the Alamo. Houston had no doubt of the truth of Borgarra's statements, but, to avoid a panic, he placed the two Mexicans under arrest, upon the pretence that they were spies. On the

same night he dispatched an order to Fannin to retire from Goliad to Victoria on the Guadalupe. Fannin received the order on the afternoon of the 13th, but, from causes yet to be explained, did not attempt the execution until the 19th.

On the morning of the 13th, General Houston dispatched Deaf Smith, Henry W. Karnes and Robert E. Handy to go near enough to San Antonio to ascertain the facts and return in three days.

About twenty miles beyond Gonzales they met Mrs. Dickinson, with her infant daughter, Sam, the negro servant of Colonel Travis, and Ben, a free negro man-servant of the Mexican Colonel Juan N. Almonte, who had been allowed to leave by Santa Anna. They confirmed the statements of the two Mexicans. Karnes hastened back with the news, reaching Gonzales about 9 o'clock that night, and this was the first authentic information of the fall of the Alamo received by the soldiers or people of Texas. Mrs. Dickinson and party did not arrive till next day.

When Gen. Houston left Washington, it was with the determination, if possible, to relieve Travis in the Alamo. In the attempted execution of this design, he dispatched from the Colorado on the 9th, an order to Fannin at Goliad, to meet him with all his disposable force, on the west side of Cibolo, with a view to relieving Bexar. On reaching Gonzales and learning of the fall of the Alamo, he, as a matter of course, changed his plans.

On the night of the 11th, he wrote Fannin of the news brought in by the two Mexicans, and sent him this order:

“HEADQUARTERS, GONZALES, March 11, 1836.

“*To Colonel J. W. Fannin, Commanding at Goliad:*

“SIR: You will as soon as practicable after the receipt of this order, fall back upon Guadalupe Victoria, with your command and such artillery as can be brought with expedition. The remainder will be sunk in the river. You will take the

necessary measures for the defense of Victoria, and forward one-third the number of your effective men to this point, and remain in command until further orders. Every facility is to be afforded to women and children who may be desirous of leaving that place, Goliad. Previous to abandoning Goliad, you will take the necessary measures to blow up that fortress; and do so before leaving its vicinity. The immediate advance of the enemy may be confidently expected, as well as a rise of water. Prompt movements are, therefore, highly important.

“SAM HOUSTON,
“*Commander-in-Chief of the Army.*”

On the 12th, General Houston sent an order to Captain Philip Dimmitt, on the Lavaca, saying: “You are ordered to this place with your command. Bring all your disposable force and, should there be any companies or troops at Victoria, whose services are not indispensable to the present emergencies of that section of the frontier, you will notify them that it is my order that they forthwith repair to this point. Colonel J. W. Fannin is ordered to fall back on Victoria, after blowing up La Bahia.” In answer to this order, a few days later, Captain Dimmitt, with a small body of men, rode into Gonzales to find it in the possession of the Mexican army, General Houston having retreated on the night of the 13th. Dimmitt and his command narrowly escaped into the bottom, southeast of the town, after a brush with the enemy in which a dozen Mexicans were killed on the bank of Kerr’s creek, near the home of Francis Berry. Among those with him were Nathaniel Lewis (afterwards a famous merchant of San Antonio), Daniel Elam, of Old Caney, and a youth subsequently known in Texian annals as General Wm. P. Harde-man, or “Old Gotch,” who is now a familiar figure at the State capital and yet occupies a warm place in the affections of the people.

From Gonzales on the 13th, General Houston wrote to James Collinsworth, chairman of the military committee of the convention, among other things saying :

“ I have the honor to report to you my arrival at this place on the 11th inst., at 4 p. m. I found upward of three hundred men in camp, without organization, who had rallied on the first impulse. Since then this force has increased to more than four hundred. I have ordered their organization at 10 o'clock this morning, and I hope to complete it and prepare to meet the enemy. The inclosed statement [of the fall of the Alamo. — J. H. B.] which came here a few moments [hours] after my arrival, has induced me to adopt a course very different from that which I intended before the information was received. The inclosed order to Colonel Fannin will indicate to you my convictions that with our small unorganized force, we cannot maintain sieges in fortresses, in the country of the enemy. Troops pent up in forts are rendered useless; nor is it possible that we can ever maintain our cause by such a policy. The want of supplies and men will insure the success of our enemies.

“ The conduct of our brave men in the Alamo was only equaled by Spartan valor.

“ I am informed that Colonel Fannin had about seven hundred men under his command¹ and at once took up the line of march for the Alamo, but the breaking down of a wagon in the suburbs of Goliad induced him to fall back and abandon the idea of marching to the relief of our last hope in Bexar. Since then he has written letters here indicating a design to march upon San Patricio, and also the occupation of Copano; so that I am at a loss to know where my express will find him. From the Colorado I forwarded, by this place, an express to him to meet me with all his disposable forces,

¹ Fannin's force, as near as can be stated, was 458 men. Johnson and Grant, however, did not recognize Fannin as their commander.

on the west side of the Cibolo, with a view to relieve Bexar. The news of the fall of Bexar, corroborated by so many circumstances, compelled me to change my plan, as the enclosed order [to Fannin on the 11th] will show. On seeing the various communications of Colonel Fannin at this point, *I could not rely on any co-operation from him.* The force under my command was such as to preclude the idea of my meeting the enemy, supposing their force not to exceed the lowest estimate which has ever been made of it. * * *

“The projected expedition to Matamoros, under the *agency of the council*, has already cost us over two hundred and thirty-seven lives; and where the effects are to end, none can foresee. Dr. Grant’s party, as well as Colonel Johnson’s, have been murdered.

“Major Morris, as reported, was struck down with a lance, while gallantly fighting.”

General Houston included in this estimate doubtless, the massacre of the men of the Alamo as indirectly chargeable to the intermeddling policy pursued by the council and acquiesced in and acted upon by Fannin and Johnson. The loss under Johnson and Grant was 85; in the Alamo 182 — total, 267. Those subsequently lost under Fannin, 376, added to the above, increased the number lost to 643 men.

From his camp on the Navidad, March 15th, after repeating the confirmation of the fall of the Alamo, and the reported advance of the enemy upon Gonzales, General Houston wrote to Chairman Collinsworth:

“Upon this statement of facts, I deem it proper to fall back and take post on the Colorado, near Burnham’s, which is fifteen miles east from this point. My morning report, on my arrival in camp, showed 374 effective men, *without two days’ provisions, many without arms and others without any ammunition.* We could have met the enemy and avenged some of our wrongs, but, detached as we were, without supplies for the men in camp, of

either provisions, ammunition or artillery, and remote from succor, it would have been madness to hazard a contest. I had been in camp two days only, and had succeeded in organizing the troops. But they had not been taught the first principles of the drill. If starved out and the camp once broken up there was no hope for the future. By falling back, Texas can rally and defeat any force that can come against her.¹

“I received the intelligence of the enemy’s advance between 8 and 9 o’clock at night; and before 12, we were on the march in good order, leaving behind a number of spies, who remained and were re-inforced next morning by a number of volunteers and brave sprits, from Peach Creek. Henry W. Karnes, Robert E. Hardy, and Captain Chenowith have been very active. * * * I hope to reach the Colorado on to-morrow. I sent my aide-de-camp, Major William T. Austin, to Columbia this morning, for munitions and supplies, to be sent me immediately; and to order the troops now at Velasco to join me, provided they had not been previously ordered by you [*i. e.* the convention] to fortify Copano and Dimmitt’s Landing. I am fearful Goliad is besieged by the enemy. My order to Colonel Fannin, directing the place to be blown up, the cannon to be sunk in the river, and to fall back on Victoria, would reach him before the enemy could advance.² * * * Our forces must not be shut up in

¹ These are the words of truth, soberness and common sense; yet victory had scarcely crowned the military maneuvers of Houston with unparalleled success, before the same factious spirits, that had draped the land in mourning for some of its bravest, and well-nigh brought irremediable disaster to the patriot cause, was clamorous in its denunciation of him for falling back from Gonzales and biding the time when he could take advantage of the enemy and strike a blow terrible and overwhelming. These denunciations were so bitter and so unjust as to arouse his naturally imperious nature and he was not slow to manifest indignation and resentment.

² In point of fact the order reached Fannin on the night of the 13th, and he did not attempt to retreat till the 19th, six days later.

forts, where they can neither be supplied with men nor provisions. Long aware of this fact, I directed on the 16th of January last, that the artillery should be removed, and the Alamo blown up; but it was prevented by the expedition upon Matamoros, the author of all our misfortunes. * * *

At half-past 4 p. m., on the 17th, General Houston arrived at Burnham's on the Colorado (below where the town of La Grange now stands), and immediately wrote Collinsworth saying that he had about six hundred men, including his rear guard, which was then a few miles behind, with families, which were not known to be on the route as the army marched, and for which the guards were sent back.

"It pains my heart," wrote Houston, "that such consternation should have been spread by deserters from the camp. * * * Our own people, if they would act, are enough to expel every Mexican from Texas. Do let it be known that, upon close examination and reflection, the force of Santa Anna has been greatly overrated. He must have lost one thousand, or perhaps more at the Alamo. * * * We can raise three thousand men in Texas, and fifteen hundred can defeat all that Santa Anna can send to the Colorado. * * * Let the men from the east of the Trinity rush to us! Let all the disposable force of Texas fly to arms!"

On the same day General Houston sent another order to Fannin, telling him to take position on Lavaca Bay at Cox's or Dimmitt's Point or at such other place on that bay as he might deem best situated for the protection of the provisions, ammunition, etc., and to hold himself in constant readiness to join the commander-in-chief. In the event that he could not maintain his position, he was ordered to fall back on the main army. The order also contained the following:

"The Red Landers are already in motion and will join the army as soon as possible. Regulars and volunteers are also on the march to headquarters."

Fannin, of course, never received this order.

Leaving General Houston at Burnham's on the Colorado, on the 17th of March, we return to the convention at Washington, which we left in session on the 7th, the day General Houston left it for the field.

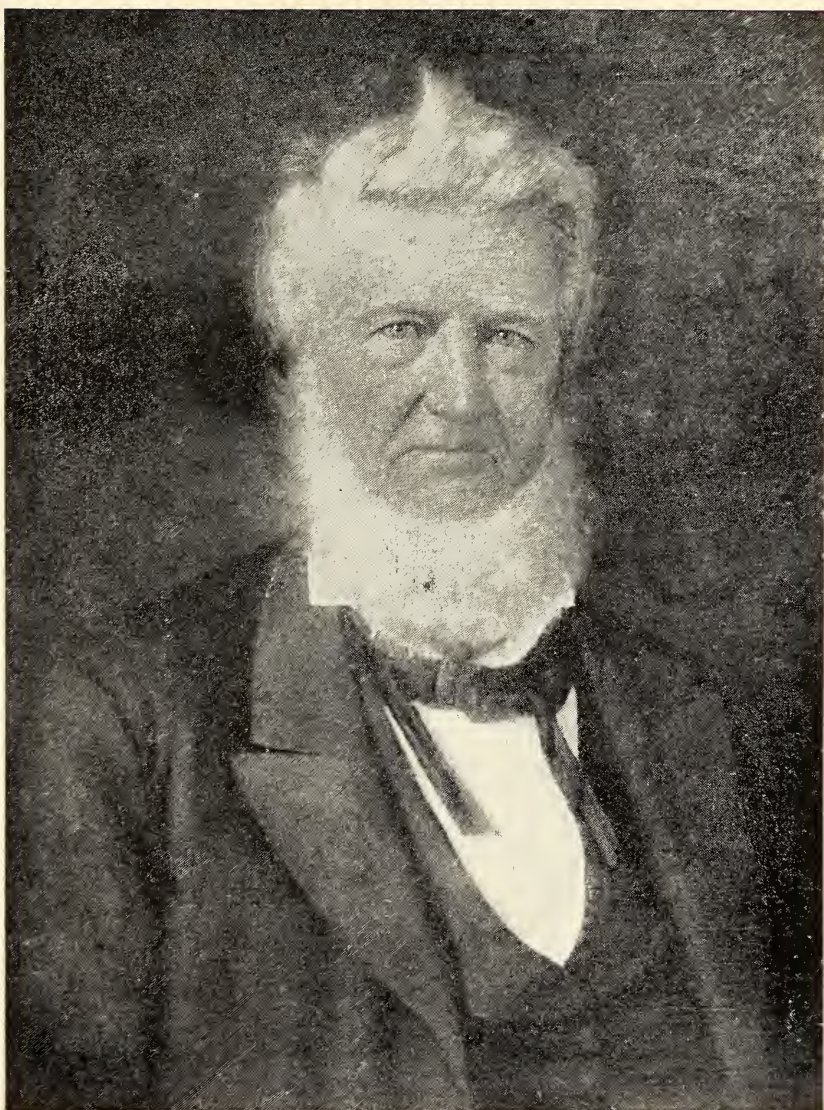
The convention proceeded harmoniously with its labors.

By a special ordinance on the 16th, it created a government *ad interim* for the republic (to serve until a regular government could be established), to consist of a president, vice-president and a cabinet, the president to be clothed with all powers deemed necessary to meet the extraordinary condition of affairs confronting the country.

It adopted, on the 17th, a constitution for the republic to be submitted to the people for ratification or rejection, as soon as an election could be held for that purpose. The first president, vice-president and cabinet were to be selected by the convention and their successors and county officers were to be elected at the time when the constitution should be submitted to the people as provided by that instrument, the president *ad interim* being the judge as to when the proper time should arrive. The most eminent statesmen of America have testified that that constitution, framed in the midst of war and revolution, evinced the highest order of statesmanship and knowledge of the principles of free constitutional government. The clause in it forever branding with the stamp of fraud and outlawry the corrupt disposition of fifteen hundred leagues of the public domain (made in 1834 and 1835 by the legislature of Coahuila and Texas to speculators), attested the honesty and patriotism of its framers. Other clauses bear the same impress.

On the 18th, the last day of its session, the convention elected as officers of the government *ad interim*, the following persons:

For President, David G. Burnet, by a majority of seven votes over Samuel P. Carson.



DAVID G. BURNET
President ad-interim
1836

For Vice-President, Lorenzo de Zavala, by a unanimous vote.

For Secretary of State, Samuel P. Carson (a former member of Congress from North Carolina), who died a few months later.

For Secretary of the Treasury, Bailey Hardeman, formerly of Tennessee, who died in 1837 or 1838.

For Secretary of War, Thomas J. Rusk, a native of South Carolina, who moved to Texas from Georgia.

For Secretary of the Navy, Robert Potter, a former member of Congress from North Carolina.

For Attorney-General, David Thomas, from Tennessee, who was accidentally killed soon afterwards.

As we have seen, General Sam Houston was, on the 4th, unanimously elected Commander-in-Chief of the army of the Republic.

Having completed its work, the convention adjourned and its members dispersed — some to join the army and others to remove their families to places of safety. There was then an unfounded report that a column of the enemy was not far distant and rapidly approaching. President Burnet¹ and most

¹ There may very naturally arise a curiosity to know why of all the able and prominent men in Texas, David G. Burnet was elected president *ad interim*. In the first place he was eminently qualified to fill the position, and in the second place he was connected by ties of consanguinity with some of the best known and most influential families in the United States, and his selection, it was thought, would do much to strengthen the Texian cause in the confidence of the people of that country. He was a native of New Jersey and the son of a surgeon in the Continental army (a friend of Washington) and was descended, through his mother, from the Gouveneur and Morris families of New Jersey and New York. His elder brother, Jacob Burnet, had been eminent as Chief Justice of Ohio and United States Senator from that State, and Isaac, another brother, was then the very popular mayor of Cincinnati. David G. Burnet was a man of unimpeachable morals and deep religious convictions. He was in the prime of life. His courage and address (proved in youth under Miranda and South America

of his cabinet remained in Washington three days longer, till all but one family had left, and then removed to Harrisburg, the most available seat at that time for the new government.

and during a sojourn of two years among the Comanches, and later, on numerous occasions in Texas,) were well known. And, furthermore, his conspicuous talents and patriotic devotion to Texas had won for him the unbounded confidence of the people.

CHAPTER LI.

Retreat of Fannin and his Surrender on the Coleta Creek — Miller's Men Captured.

We have witnessed the final organization of the men under the *council's agent*, James W. Fannin, and have seen that he was elected by the men as their colonel and chief officer, and that he established his headquarters in Goliad. We have seen that on the night of March 13th, following the destruction of the parties of Johnson and Grant and the fall of the Alamo, he received positive orders from General Houston to blow up the fort and fall back on Victoria, where the Guadalupe River forms a barrier easily defensible against anything less than an overwhelming force.¹ And we have found, alas, abundant

¹ In regard to the failure of Fannin to go to the relief of Travis in the Alamo, Fannin wrote to Lieut.-Gov. Robinson, February 26th:

"I have to report that yesterday, after making all the preparations *possible*, we took up our line of March (about three hundred strong, and four pieces of artillery), towards Bexar, to the relief of those brave men now shut up in the Alamo, and to raise the siege, leaving Captain Westover in command of this post. Within two hundred yards of town (Goliad), one of the wagons broke down, and it was necessary to *double teams* in order to draw the artillery across the river, each piece having but one yoke of oxen. Not a particle of bread stuff, with the exception of half a tierce of rice, with us, — no beef, with the exception of a small portion which had been dried — and, not a *head* of cattle, except those used to draw the artillery, the ammunition, etc., and it was impossible to obtain any until we should arrive at Seguin's Rancho, seventy miles from this place. After crossing the river, the troops encamped * * * . This morning whilst here I received a note from the officer commanding the volunteers requesting, in the name of the officers of his command, a Council of War, on the subject of the expedition to Bexar, which, of course, was granted. The Council of War consisted of all the commissioned officers of the command and it was by them unanimously determined, that, inasmuch as a proper supply of provisions and means of transportation could not be had; and, as

evidence to show that Colonel Fannin was under the influence of an overweening ambition for military preferment coupled with such a desire for independent command as to lead him into disorganizing combinations and well-nigh mutinous disregard of the lawful acts and rightful authority of the twice solemnly and unanimously chosen commander-in-chief of all the forces of Texas. However painful to the chronicler of Texian annals may be this part of his duty, these are facts which cannot be suppressed without a willful perversion of the truth of history and injustice to the memory of the 376 men murdered with Fannin. Of these men General Houston wrote to Governor Smith on the 17th of January, "better material never was in ranks." Fannin's only excuse was orders from the revolutionary and pretended governor (the tool and coadjutor of the minority of the council), James W. Robinson — orders "not to make a retrograde movement, but to await orders and re-inforcements,"¹ — orders which the rightful Governor, Henry Smith, could not have lawfully given, save through the commander-in-chief, General Houston. Among the survivors of Fannin's men (sixty in number) were the three surgeons, Drs. Joseph H. Barnard, Dr. Jack Shackelford (captain of a company from North Alabama called the Red Rovers) and Dr. Fields, who were spared by the victors and sent to San Antonio to treat the wounded Mexicans of the Alamo. Both Drs. Shackelford and Barnard afterwards published statements corrob-

it was impossible, with our present means, to carry the artillery with us, and as by leaving Fort Defiance without a proper garrison, it might fall into the hands of the enemy, with the provisions, etc., now at Matagorda, Dimmitt's Landing and Cox's Point and on the way to meet us; and, as by report of our spies (sent out by Col. Bowers) we may expect an attack upon this place, it was deemed expedient to return to this post, and complete the fortifications, etc., etc. * * *

"I sent an express to Gonzales to apprise the committee there of our return.
J. W. FANNIN."

¹ So stated in a letter from Fannin to Robinson of February 21st, 1836.

rative of what is set forth in this history. Dr. Shackelford soon returned to Alabama and never again saw Texas. Dr. Barnard, a Canadian by birth, but of Massachusetts parentage, remained in Texas and resided till about 1846, at Richmond on the Brazos, and then removed to Goliad, where he was a surveyor and resided until his death. He was a member of the legislature for a number of terms — from about 1857 to 1863. I personally knew him well. He was a man of intelligence, considerable scientific attainments and unimpeachable integrity, and habitually conservative in times of excitement. He kept a diary of the events now to be narrated and to that I adhere so far as is necessary in what follows.

About the 10th of March, Lewis Ayers, residing at the mission of Refugio, sent an urgent request to Colonel Fannin for a guard to enable him to remove his own and other families. Fannin sent Captain King, of the Georgia battalion, with 28 men for that purpose, the distance being thirty miles. On arriving there King found himself confronted by a Mexican force and sent back for re-inforcements, on the 12th of March. On the morning of the 13th, Fannin sent to his relief Lieutenant-Colonel Wm. Ward with 125 men, with instructions to return as soon as possible, as he (Fannin) had at that time learned of the fall of the Alamo, and had received an order from General Houston commanding him to retreat to Victoria.

Dr. Barnard affirms that Fannin did not intend to disobey the order of General Houston and that the charge is an undeserved censure on a gallant officer. Of antecedent facts Dr. Barnard, just arrived in the country, knew nothing. On the 14th scouts sent out to get tidings of Ward and King, returned without information. On the same day Captain Albert C. Horton arrived with about fifty-two horsemen from Matagorda and the lower Colorado. Other scouts sent out on the 15th returned without tidings from Ward or King. On the 16th a third scout was dispatched, but his quest was fruit-

less and he soon returned. Captain Frazier (a citizen), at his own request, was then sent. At 4 p. m. he returned with the information that Ward had reached Refugio and relieved King; but, instead of returning immediately, King had started off, followed by eighteen of Ward's men to destroy some ranchos, whose owners had shown hostility to the Texian cause. King suicidally refused to serve under Ward, who, having now but 107 men, was soon attacked and forced to retreat into the church fort from which he had just released King. Ward fought gallantly till night against Urrea's whole force, killing many Mexican soldiers and then, his ammunition almost exhausted, eluded the enemy and retreated, — not towards Fannin at Goliad, which was impracticable from the position of Urrea's army, but across the prairie towards Victoria. King, wandering around in a confused way, was surrounded the next morning and compelled to surrender, with all his men, 46 in number. At that time but two of his men had been killed. The command was marched a few hundred yards and all (save two of the Texians who escaped during the slaughter) then brutally shot to death. These tidings were brought to Fannin at 4 p. m. on the 17th, and he immediately held a council of officers and it was resolved to retreat the next morning. This was four days after receiving Houston's order to retreat. With these disastrous tidings from Refugio, why wait fourteen precious hours? Soon afterwards the scouts reported a large force of the enemy in the vicinity. On the 18th, instead of retreating, Horton, with his little detachment of mounted men, was allowed to skirmish and another day was lost in inaction. It is difficult to recount such stupidity and blindness in language becoming the memories of the martyred dead. Nothing prevented the safe withdrawal of that noble band to Victoria, on the east bank of the Guadalupe, which could have been temporarily rendered impregnable, but inexcusable procrastination.

Early on the 19th the retreat was commenced, the river crossed with some delay as to the artillery, owing to the inefficient teams, and the march begun, under a full knowledge by Fannin that the enemy was in strong force in the vicinity. Horton was instructed to scour the country on the rear and flanks and report the appearance of the enemy. Fannin's command then crossed the Manehuilla creek six miles from the river and a mile further stopped an hour for refreshments and to graze their animals. The mounted scouts, on whom the command relied for information, reported no men in sight. Fannin then moved forward about two miles. I now quote verbatim in the narrative of Dr. Barnard:

“We had reached a low ridge when we discovered the enemy advancing in our rear. They had just emerged from a belt of timber that skirted along on the east side of the Manehuilla creek, and consisted of two companies of cavalry and one of infantry. We halted and a six-pounder was unlimbered from which three shots were fired at them, but, as we perceived, fell short. It appears that four horsemen had been left in the rear, and that they, instead of keeping a lookout, had, under a false sense of security, lain down, and were only aroused by the close approach of the Mexicans. They now came up at full speed. One of them and only one (a German, Herman Ehrenburg), joined us. The other three, in the greatest apparent terror, passed about a hundred yards on our right, without even stopping to look at us, and under the strongest application of whip and spur, followed by a few hearty curses from our men.¹

“Observing one or two more bodies coming from the woods Colonel Fannin ordered his men to resume the march slowly, so as not to harass the jaded oxen, saying, further, that the enemy in sight were merely skirmishers, etc.; that Captain

¹ Who will not join in heaping anathemas on the fleeing poltroons! It is pleasing to state that while Ehrenburg was marched out among the prisoners to be shot, he was one of the twenty-six who escaped.

Horton, being notified by our firing, that the enemy were in sight, would immediately return and rejoin us, and that we had only to keep ourselves cool and collected, and we could easily foil such a party. The men all viewed the matter in the same light, and we marched on coolly and deliberately for about one mile further, expecting all the time to see our horsemen coming to join us. We had now come to a piece of low ground, and were yet about a half-mile from the point of timber, when we were brought to a halt by the breaking down of our ammunition cart. One company of the enemy's cavalry had come up abreast of us on our right flank, and the others had got a little in advance on the left, their infantry coming up in our rear. Before we could make any disposition of our broken cart they closed around our front and opened fire, and in this way the battle commenced.¹ Colonel Fannin directed the men to reserve their fire until the enemy was near enough to make sure shots. Soon, however, the fire became general on our side as well as on theirs. I judged the enemy to be about five hundred strong at the commence-

¹ Fatal moment! The breaking of a cart deterred Colonel Fannin from going to the relief of the men in the Alamo, and now in the breaking down of a cart caused him to halt in a basin in the prairie surrounded by higher ground, and within half a mile of timber, from which his American riflemen, without artillery, could have whipped double the force of the enemy. As to Horton's men, their conduct contrasts strangely with the thirty-two Gonzales men who entered the walls of the Alamo on the seventh night of the siege. Sixteen of Horton's men were, however, still with Fannin. Of these Ellis Yeamans, Erastus Yeamans, Ranson O. Graves, Napoleon B. Williams, Lewis Powell, Hughes Witt, George Paine, Thomas Dasher, John J. Hand, — Duffield, — Spencer and — Cash, fell in the massacre and Daniel Martindale, William Haddon and Charles Smith, escaped, and Francisco Garcia, for some reason, was spared. It was also subsequently shown that on hearing the firing, Captain Horton hastened back to the edge of prairie to find hundreds of Mexicans between him and Fannin; and that one of his men retreated, created a panic and was followed by three-fourths of the command, while Horton in vain tried to rally them. That his conduct was chivalrous was proven by his election to the first senate of the Republic in September following.

ment, but other troops kept continually coming up during the engagement, and by night they had not less than one thousand men opposed to us. The enemy's cavalry made numerous attempts to charge us, forming behind a little rise in the ground, about four or five hundred yards off, then advancing at full speed. But they were always so warmly received by our rifles that they were obliged to fall back. So confident were we in the beginning of the affair that Captain Horton and his men would come back and rejoin us, that in several of their charges a number of our men, imagining them to be Horton's troops, called out 'Don't fire! They are our horsemen!'

"But neither Horton nor his men ever made their appearance. Our artillery did not appear to have as much effect on the enemy as we expected, and, after the brave Petrewich, who commanded it, fell, and several of the artillerymen were wounded, the guns were not much used in the latter part of the fight. Our men behaved with the utmost coolness and self-possession; and, when it is considered that they were undisciplined volunteers, and this the first time, in most cases, of their encountering an enemy, their order and regularity would have reflected credit on veterans. The fight continued without intermission, from about three p. m., until night caused a cessation. The enemy drew off and encamped in the timber, leaving us surrounded by numerous patrols.

"We now had time to look around and consider our situation. It was sunset and a night of impenetrable darkness followed. We were without water and many, especially the wounded, were suffering from thirst, and upon further inquiry we found that, from some unaccountable oversight, we had left our provisions behind. Our teams, during the engagement, were killed or had strayed off beyond our reach. We had seven men killed and sixty wounded, of whom forty were disabled. Colonel Fannin had committed a grievous error in suffering us to stop in the prairie at all. We ought to

have moved on at all hazards and all costs until we reached the timber.

“We might have suffered some loss, but we could have moved on and kept them at bay as easily as we repulsed them while stationary. Fannin behaved with perfect coolness and self-possession throughout and evinced no lack of bravery. He was wounded in the thigh, and the cock of his rifle carried away by a musket ball while in the act of firing. His former experience in fighting Mexicans had led him to entertain a great contempt for them as soldiers and led him to neglect to take such precautionary measures as were requisite from their great numerical superiority.”¹

Dr. Barnard expresses the opinion that the excessive darkness was sufficient to prevent a retreat — describes the dreary, chilly night and the feeble attempt at constructing entrenchments and continues :

“In such alternations the dismal night wore away, and day at last dawned upon us. It was Sunday, March 20th, 1836. Early in the morning, and before it was quite light, we perceived a re-inforcement of two or three hundred men coming to the enemy, accompanied by a hundred pack-mules. They brought up two pieces of artillery and a fresh supply of ammunition, and directly commenced the business of the day by treating us to a few rounds of grape and canister. The enemy now being well supplied and their force so superior to our own — they, having at least one thousand three hundred men in good order, while we, exclusive of our wounded, could only muster about two hundred, and they worn out by the toils of the previous day, left our situation perilous in the extreme. The question was now agitated: ‘Should we

¹ Fannin's only experience in fighting Mexicans was in the engagement at Concepcion on the 28th of the preceding October, where he had the aid of the experienced, ever cool and sagacious Bowie. There the Texians, with a creek bank in front and protected water immediately behind them, fought an enemy who was compelled to advance over an open plain in their front.

surrender?' We well knew their faithlessness and barbarity, as shown in the recent example of Johnson (at San Patricio) and King (at Refugio), and that we could not rely on any feelings of honor or humanity in them when once they had us in their power. The only chance for us to escape from them was by a desperate rush through their main body into the timber. This would necessarily involve the abandoning of our wounded to certain death, and leaving everything behind. * * * The officers consulted together and then submitted the question to their respective companies. I was with my messmates in Shackleford's company when he submitted the question to us. After a cool discussion of the chances, it was considered that if the enemy would agree to a formal capitulation, there would be some chance of their adhering to it, and thus of saving our wounded men. Dr. (Captain) Shackleford resolutely declared that he would not agree to any alternative course that involved an abandonment of his wounded men. It was finally agreed that we would surrender if an honorable capitulation would be granted, but not otherwise, preferring to fight it out to the last man, rather than place ourselves in the power of such faithless wretches, without at least some assurance that our lives would be respected.¹

¹ Dr. Barnard is illogical in his position. If the enemy, as he says, was so treacherous and barbarous, what signified a paper capitulation when the victors alone would possess and could destroy the written evidence of their perfidy? The only wise course that could have been pursued by the Texians, as one sad, short week demonstrated, was to cut their way through the enemy's lines into the timber. Had they adopted it, it is reasonable to suppose that three-fourths of their number would have been saved, as they had but half a mile to go. This is evidenced by the fact that on the next Sunday, when marched out for massacre, wholly unarmed, half starved and weakened by a week of suffocating confinement, twenty-six of their number escaped, although each defenseless prisoner was confronted by two Mexican executioners, and the three divisions of the command were surrounded by mounted dragoons, who, with the utmost vigilance and ferocity, sought to overtake and cut down those who escaped the murderous fire of the infantry

“Such were the sentiments of the party generally. When surrender was first proposed to Colonel Fannin, he was for holding out longer, saying: ‘We whipped them out yesterday, and we can do it again to-day.’ * * *

“But the necessity of the measure soon became obvious. He (Fannin) inquired if the sentiment was unanimous, and, finding that all, or nearly all, had made up their minds, he ordered a white flag to be hoisted. This was done and promptly answered by one from the enemy. The flags met midway between the forces. Colonel Fannin, attended by Major Wallace, the second in command, and Captain Durangue, an interpreter, went out to meet the Mexican commanders. After some parley, a capitulation with General Urrea was agreed upon, the terms of which were that we should lay down our arms and surrender ourselves as prisoners of war; that we should be treated as such, according to the usage of civilized nations; that the wounded should be taken back to Goliad and properly attended to, and that all private property should be respected. These were the terms that Colonel Fannin distinctly told his men, on his return, had been agreed upon, and which was confirmed by Major Wallace and Captain Durangue, the interpreter. I saw Colonel Fannin and his adjutant, Mr. Chadwick, get out his writing desk and paper and proceed to writing. Two or three Mexican officers came within our lines and were with Colonel Fannin and Chadwick until the writing was finished. We were told that the articles of capitulation were reduced to writing and signed by the commander of each side and one or two of their principal officers; that the writings were in duplicate and that each commander retained a copy.

“I am thus particular and minute in regard to all the incidents of this capitulation, and especially what fell under my

and, dazed by the unexpected onslaught, fled towards the protecting timber on the river banks.

personal observation, because Santa Anna and Urrea both subsequently denied that any capitulation had been made and insisted that we surrendered at discretion. We were also told, though I cannot vouch for the authority, that as soon as possible we should be sent to New Orleans, under parole not to serve any more against Mexico during the war in Texas; but it seemed to be confirmed by an observation of the Mexican Colonel Holtzinger (a German), who came to superintend the receiving of our arms. As we delivered them up he exclaimed: 'Well, gentlemen, in ten days, liberty and home.' * * *

"Now that our fate was decided, I gave all my attention to the wounded. I was assisted by Dr. J. E. Fields, who had joined us about ten days before; also by Dr. Shackelford, captain of the Red Rovers, who was a surgeon and physician by profession; and by Dr. Ferguson, a student of his, who had come out with his company. The prisoners were now marched back to Goliad; the wounded left on the ground till carts could be sent for them. The loss of the enemy I could never learn with precision. They had above a hundred wounded badly that we, the surgeons, were afterwards obliged to attend to. Fifteen of their dead were counted within a few hundred yards of our entrenchments early in the morning, besides an officer badly wounded, who was brought into camp and died shortly after. The accounts of the Mexicans themselves, of whom I subsequently inquired, varied in the statement of their dead from forty to four hundred."

On the 21st carts arrived and took in a portion of the wounded and all the surgeons excepting Dr. Barnard, who remained to care for the wounded not removed. On the 22d other carts arrived and conveyed into Goliad the remaining wounded and Dr. Barnard and Captain Durangue, Frazer and Pettus and a few others, not wounded, who had been left on the ground. At the Manhuilla creek they met General

Urrea, with about a thousand men en route to Victoria. On reaching Goliad after dark, they were crowded into the church, with all of the other prisoners, in a very uncomfortable condition and strictly guarded. In the meantime Dr. Barnard's surgical instruments were stolen at the camp and he tried in vain, through Colonel Fannin, and otherwise, to recover them. Fannin, in a note, demanded them under the terms of the capitulation, as private property, conclusive proof that written terms of surrender had been signed.¹

For some reason Colonel Fannin and Adjutant Chadwick were sent down to Copano, but were returned on the 26th and placed in the small room of the church which was occupied by the surgeons and was very much crowded. "They were in good spirits," says Dr. Barnard, "and endeavored to cheer us up. They spoke of the kindness with which they had been treated by the Mexican Colonel Holtzinger, who went with them, and their hopes of speedy relief. Fannin asked me to dress his wound and then talked of his wife and children with much fondness, till a late hour. I must confess that I felt more cheerful that evening than I had since the surrender. We had reiterated assurances of a speedy release, it is true, by the Mexicans, though we placed but little reliance on them. Our fare had been of the hardest, being allowed no rations except a little beef and broth."

There arrived at Copano, a few days before this, a schooner with eighty volunteers, under Major William P. Miller, of

¹ A few days before the attack on Fannin, Lieutenant S. Addison White with thirty hastily collected citizens from the Lavaca and Navidad, only organized for the emergency, took possession of Victoria and did good service in receiving and forwarding expresses. When they learned of the capture of Fannin and the approach of Urrea on the 21st, they disbanded and hastened home to remove their families east. Nearly all had, or belonged to, families dependent upon them for aid in that crisis. Some of them, not thus incumbered, joined other commands, among whom was William Hawley, who died in Galveston, in August, 1888, and several of them participated in the glories of San Jacinto.

Tennessee. They ran aground in such manner as to be at the mercy of a Mexican force on shore and adopted a ruse to save themselves by throwing overboard all their arms and munitions and pretending to be peaceable immigrants. They surrendered cheerfully and were marched to Goliad as prisoners (arriving there on the 24th) and confined apart from Fannin's men.

CHAPTER LII.

Unholy Murder of Fannin and his Men.

Such was the condition of their affairs when these doomed men closed their eyes in slumber on Saturday night, March 26th, 1836, to dream of home and distant friends. Brave, unfortunate Fannin, talked "with much fondness of his wife and children till a late hour," little dreaming that ere high noon on the morrow his soul would pass the veil and stand in the light of eternity. Would that eternal oblivion might shroud the events of that bloody morrow. But this must not and cannot be. The monstrous crime belongs to history. It has few parallels in the annals of human perfidy, and none in modern times among civilized men.

We again quote from the graphic pen of Dr. Barnard :

" Sunday, March 27, 1836: At daylight, Colonel Garay, a Mexican officer, came to our room and called up the doctors. Dr. Shackelford and myself immediately arose. Dr. Field was at a hospital outside the fort, where we found Major Miller and his men. Colonel Garay, who spoke good English, here left us, directing us to go to his quarters (in a peach orchard three or four hundred yards from the fort), along with Miller's company, and there wait for him. He was very serious and grave in countenance, but we took but little notice of it at the time. Supposing that we were called to visit some sick or wounded at his quarters, we followed on in the rear of Miller's men. On arriving at the place Dr. Shackelford and myself were called inside the tent where were two men lying on the ground completely covered up, so that we could not see their faces, but supposed them to be patients that we were called to prescribe for. Directly a lad came in and addressed

us in English. We chatted with him for some time. He told us his name was Martinez, and that he had been educated at Bardstown, Ky.

“Beginning to grow a little impatient because Colonel Garay did not come, we expressed an intention of returning to the fort until he would come back; but Martinez said that the directions for us to wait there were very positive, and that the Colonel would soon be in, and requested us to be patient a little longer, which was, in fact, all that could be done. At length we were startled by a volley of fire-arms, which appeared to be in the direction of the fort. Shackleford inquired, “What is that?” Martinez replied that it was some of the soldiers discharging their guns for the purpose of cleaning them.

“My ears, however, detected yells and shouts in the direction of the fort, which, although at some distance from us, I recognized as the voices of my countrymen. We started, and, turning my head in that direction, I saw through some partial openings through the trees, several of the prisoners running at their full speed, and, directly after, some Mexican soldiers in pursuit of them.

“Colonel Garay now returned and, with the utmost distress depicted on his countenance, said to us: ‘Keep still, gentlemen, you are safe. This is not from my orders, nor do I execute them.’ He then informed us that an order had arrived the preceding day to shoot all the prisoners, but he had assumed the responsibility of saving the surgeons and about a dozen others, under the plea that they had been taken without arms. In the course of five or ten minutes we heard as many as four distinct volleys fired in as many directions, and regular firing which continued an hour or more before it ceased. Our situation and feelings at this time may be imagined, but it is not in the power of language to express them. The sound of every gun as it rang in our ears, told but too terribly the fate of our brave companions, while their

cries, which occasionally reached us, heightened the horrors of the scene. Dr. Shackelford, who sat at my side, suffered, perhaps, the keenest anguish that human heart can feel. His company of *Red Rovers*, that he had brought out and commanded, was composed of young men of the first families in his own neighborhood — his particular and esteemed friends; and, besides two of his nephews, who had volunteered with him, his eldest son, a talented youth, the pride of his father, the beloved of his company, was there; and all, save a trifling remnant, were involved in the bloody butchery.

“It appears that the prisoners of war were marched out of the fort in three different companies; one on the Bexar road, one on the Corpus Christi road, and two towards the lower ford. They went one-half or three-fourths of a mile, guarded by soldiers on each side, when they were halted, and one of the files of guards passed through the ranks of the prisoners to the other side, and then all together fired upon them. It seems the prisoners were told different stories, such as they were to go for wood, to drive up the beeves, to proceed to Copano, etc.; and so little suspicion had they of the fate awaiting them that it was not until the guns were at their breasts that they were aroused to a sense of their situation.

“It was then, and, I proudly recall it, that many showed instances of the heroic spirit that had animated their breasts through life. Some called to their comrades to die like men, to meet death with Spartan firmness; and others, waving their hats, sent forth their huzzas for Texas.

“Colonel Fannin, on account of his wound, was not marched from the fort with the other prisoners. When told that he was to be shot he heard it unmoved, and, giving his watch and money to the officer who was to superintend his execution, he requested that he might not be shot in the head and that his body should be decently buried.

“He *was* shot in the head, and his body stripped and pitched into the pile with the others.

“The wounded lying in the hospital were dragged into the fort and shot. Their bodies, with that of Colonel Fannin, were drawn out of the fort about three-fourths of a mile and there thrown down.

“We now went back to the hospital and resumed our duties. Colonel Garay assured us that we should no longer be confined, but left at large, and that, as soon as the wounded got better, we should be released and sent to the United States.

“We found that Dr. Field and about a dozen of Fannin’s men had been saved. The two men who were concealed under the blanket in the tent were two carpenters by the names of White and Rosenberg or Rosenbery, who had done some work for Colonel Garay the day before that had pleased him so much that he had sent for them in the night and kept them there until the massacre was over.

“We continued on, attending the wounded Mexicans for about three weeks. The troops all left Goliad for the east the day after the massacre, leaving only seventy or eighty men to guard the fort and attend to the hospital. Major Miller, by giving his parole that his men would not attempt to escape, obtained leave for them to go at large.

“I must not here omit the mention of Senora Alvarez, whose name ought to be perpetuated to the latest times, for her virtues, and whose action contrasted so strangely with that of her countrymen and deserves to be recorded in the annals of this country and treasured in the heart of every Texian. When she arrived at Copano with her husband, who was one of Urrea’s officers, Miller and his men had just been taken prisoners; they were tightly bound with cords so as to completely stop the circulation of the blood in their arms, and in this state had been left several hours when she saw them. Her heart was touched at the sight, and she immediately caused the cords to be removed and refreshments furnished them. She treated them with great kindness, and when, on

the morning of the massacre, she learned that the prisoners were to be shot, she so effectually pleaded with Colonel Garay (whose humane feelings so revolted at the order) that with great personal responsibility to himself and at great hazards at thus going counter to the orders of the then all-powerful Santa Anna, resolved to save all that he could; and a few of us, in consequence, were left to tell of that bloody day.¹

“ Besides those that Colonel Garay saved, she saved others by her connivance with some of the officers who had gone into the fort at night and taken out some, whom she kept concealed until after the massacre. When she saw Dr. Shackelford, a few days after, she burst into tears and exclaimed: “ Why did I not know that you had a son here? I would have saved him at all hazards.’ ”

She afterwards showed much attention and kindness to the prisoners, frequently sending messages and presents to them from Victoria. After her return to Matamoros she was unwearied in her attention to the unfortunate Americans confined there. Later she went to the city of Mexico with her husband. She returned to Matamoros without funds for her support; but found many warm friends among those who had heard of and witnessed her extraordinary exertions in relief-

¹ As one of the bands of prisoners was moving along the street to execution Senora Alvarez stood among a group of women on the sidewalk. She overheard Colonel Holtzinger, who said that he wanted to take out one of them for service in the hospital — a mere ruse on his part to save another life. At that moment she espied a boy among the prisoners and instantly appealed to the Colonel to let her take charge of him. Colonel Holtzinger beckoned the boy to him and placed him in her charge, and thus his life was saved to be chequered with many subsequent adventures by land and sea. That boy's name was Benjamin Franklin Hughes. He was born in Kentucky, September 8th, 1820, and therefore on that day was somewhat more than fifteen years of age. In after years, in the naval and marine service of the United States, he visited nearly all the ports of the world.

He died at his home in Dallas a few days after the above lines were penned. His latter days were cheered by the love and affectionate attention of an only child and that of her husband and children. He was honored and respected by all who knew him.

ing the Texas prisoners. It must be remembered that when she came to Texas she could have considered its people only as *rebels and heretics*, the two classes, of all others most odious to the mind of a pious Mexican; and yet after everything that had occurred to present the Texians to her view as the worst and most abandoned of men, she became incessantly engaged in contributing to the relief of their wants and in saving their lives. Her name deserves to be recorded in letters of gold among the angels who have from time to time been commissioned by an overruling and beneficent power to relieve the sorrows and cheer the hearts of men, and who have for that purpose been given the form of helpless woman.

“During the ensuing three weeks we could ascertain but little of what was being done by the Mexican army, save the news that came in general terms that Santa Anna was ravaging the whole country, and that the Texians were flying before him to the Sabine; that Matagorda was taken, and that San Felipe was burned by its own citizens and abandoned on approach of the enemy.”

Dr. Shackelford says:

“Major Wallace was then sent out, together with one or two others who spoke the Mexican language. They shortly returned, and reported that the Mexican general could treat with the commanding officers only. Col. Fannin, although quite lame, then went out with the flag. I remarked to him that I would not oppose a surrender, provided we could obtain an *honorable capitulation*, one on which we could rely, and said to him that if he could not obtain such ‘come back, our graves are already dug, let us all be buried together.’

“To these remarks the men responded in a firm and determined manner, and the Colonel assured us that he never would surrender on any other terms. He returned in a short time thereafter, and communicated the substance of an agreement entered into by General Urrea and himself. Colonel Holzinger, a German, and an engineer in the Mexican service,

together with several other officers, then come into our lines to consummate the arrangement. The first words Colonel Holzinger uttered, after a very polite bow, were ‘*Well, gentlemen, in eight days, liberty and home.*’ I heard this distinctly. The terms of the capitulation were there written in both the English and Mexican languages, and read two or three times by officers who could speak and read both languages. The instruments which embodied the terms of capitulation as agreed on, were then signed and interchanged in the most formal manner, and were in substance as follows:

“ 1. That we should be received and treated as prisoners of war according to the usages of the most civilized nations.

“ 2. That private property should be respected and restored ; that the side arms of the officers should be given up.

“ 3. That the men should be sent to Capano, and thence to the United States in eight days or so soon thereafter as vessels could be provided to take them.

“ 4. That the officers should be paroled, and return to the United States in like manner.

“ I assert most positively that this capitulation was entered into, without which a surrender never would have been made.”

Referring to a later occasion he says :

“ On passing from one part of their wounded to another I made it convenient to see Fannin and stated to him how badly we were treated. He immediately wrote to Gen. Urrea, then in the region of Victoria, *adverting to the terms of capitulation* and to our treatment. In answer the General wrote to Portilla, ‘ Treat the prisoners with consideration and particularly their leader Fannin.’ ”

In contrast with the articles of capitulation as given by Dr. Shackelford is the following declared by Urrea to be a true copy:

“ 1. The Mexican troops having planted their artillery at the distance of one hundred and seventy paces, and having opened

their fire, we raised the white flag, and instantly there came Colonels Morales and Holzinger, and to them we proposed to surrender at discretion, on terms they should judge suitable.

“2. That the wounded, and that the commander, Fannin, be treated with all possible consideration, it being proposed that we should lay down our arms.

“3. That all the detachment shall be treated as prisoners-of-war and placed at the disposal of the supreme government,

“March 20th, 1836.

B. C. WALLACE, *Major*.

J. M. CHADWICK,

Approved. J. W. FANNIN, *Commander*.

EXTRACTS FROM URREA'S DIARY.

“When the enemy raised the white flag I sent to inform their leader that I could admit of no other terms than those of surrendering at discretion without any modification whatever. * * *

“*To Fannin:*

“If you are willing to surrender at discretion, the thing is concluded; if otherwise, I will return to my post, and the attack shall continue.” * * *

“Fannin was a respectable man, and a man of courage, a quality reciprocally prized by soldiers in the field. His manners conciliated my esteem, and had it been in my power to save him, as well as his companions, I should have felt gratified in so doing. All the assurance I could make him was, that I would interpose in his behalf with the general-in-chief, which I did, in a letter from Victoria.”

To this letter he claims to have received an answer from Santa Anna dated Bexar, March 23d, 1836, from which he gives the following extract:

“In respect to the prisoners of whom you speak in your

last communication, you must not fail to bear in mind the circular of the supreme government, in which it is decreed, that foreigners invading the republic, and taken with arms in their hands, shall be judged and treated as pirates.”

In this letter Santa Anna inclosed for Urrea’s further enlightenment a letter under the same date to the commandant of the post of Goliad containing the following.

“I am informed that there have been sent to you by General Urrea, *two hundred and thirty-four* prisoners, taken in the action of *Encinal del Perdido* on the 19th and 20th of the present month; and, as the supreme government has ordered that all foreigners taken with arms in their hands, making war upon the nation, shall be treated as pirates, I have been surprised that the circular of the said supreme government has not been fully complied with in this particular; *I therefore order that you should give immediate effect to the said ordinance in respect to all those foreigners*, who have yielded to the force of arms, having had the audacity to come and insult the Republic, to devastate with fire and sword, as has been the case in Goliad, causing vast detriment to our citizens; in a word, shedding the precious blood of Mexican citizens, whose only crime has been fidelity to their country. I trust that, in reply to this, you will inform me that *public vengeance has been satisfied*, by the punishment of such detestable delinquents. I transcribe the said decree of the government for your guidance, and, that you may strictly fulfill the same, in the zealous hope, that, for the future, the provisions of the supreme government may not for a moment be infringed.

“ANTONIO LOPEZ DE SANTA ANNA.”

“Headquarters Bexar.”

Portilla, Commandant at Goliad, immediately informed Urrea of these orders and of his determination to carry the

same into execution. On the 26th of March, Portilla made the following entry to his diary:

“At seven o’clock in the evening arrived a courier extraordinary from Bexar, from his Excellency Gen. Santa Anna, notifying me that the whole of the prisoners who had surrendered by force of arms, were immediately to be shot, with regulations as to the manner in which it was to be executed. I deferred it, for both myself and Col. Garay, to whom I communicated it, thought of nothing less than such a thing. At eight the same evening, came a courier extraordinary from Victoria, from General Urrea, who said to me among other things: ‘Treat the prisoners with consideration, and particularly their leader, Fannin. Let them be employed in repairing the houses, and erecting quarters, and serve out to them a portion of the rations which you will receive from the Mission of Refugio. How cruel is my state of uncertainty; my mind vacillates between these conflicting orders; I passed the whole night restless and uneasy in mind.’”

On the 27th of March, having executed the order, he wrote in his journal:

“At daybreak I came to a determination to execute the orders of his Excellency, the Commander-in-Chief, considering him as the superior I ought to obey. I gave orders for the whole garrison to form and awaken the prisoners (four hundred and forty-five in number), who were still asleep. I ordered the eighty of the class who had come from Copano, to be separated from the rest, inasmuch as their fate demanded consideration, because, when invading our territory, they were taken without arms in their hands.¹ We

¹ The eighty men of Miller were separated and spared. Portilla misrepresents the number, for, deducting the eighty, there remained four hundred and nine, of which 349 were murdered, 34 saved and 26 escaped.

formed ourselves into three divisions — the first under the orders of the first adjutant, Don Augustin Alcerrica; the second under those of Capt. Luis Balderas; and the third, of Capt. Antonio Ramirez. To these officers I entrusted the execution of the order of the commander-in-chief. *It was executed.* A great struggle of feelings among the officers and soldiers — a profound silence! Sad at heart I wrote to Gen. Urrea expressing my regret at having been concerned in so painful an affair. I also sent an official account of what I had done, to the general-in-chief.”

To General Urrea, Portilla wrote:

“ * * * I feel much distressed at what has occurred here; a scene enacted in cold blood having passed before my eyes which has filled me with horror. All I can say is, that my duty as a soldier, and what I owe to my country, must be my guaranty. My dear General, by you was I sent here; you thought proper so to do, and I remain here in entire conformity to your wishes. I came, as you know, voluntarily, with these poor Indians [Yucateco Indians, never hostile, a gentle and honest race] to co-operate, to the best of my humble means, for my country’s good. No man is required to do more than is within the scope of his abilities; and both they and myself have doubtless been placed here as competent to *the purposes you had in view*. I repeat it, that I am perfectly willing to do anything, save and excepting the work of a *public executioner* by receiving orders to put more persons to death. And yet, being but a subordinate officer, it is my duty to do what is commanded me, even though repugnant to my feelings.

“ I am, General, your devoted and sincere friend,

“ J. N. DE LA PORTILLA.”

Santa Anna, in justifying his own participation in the deed, which he said had been “productive of much evil” to him-

self, pleaded that it was imperatively called for by the character of the hostilities which provoked it — charging that most of the men who formed the armies of Texas were not of the nation “come to vindicate rights positive or supposed,” but invaders from the neighboring republic come to aid Texas in supporting a rebellion. For those of the country who had raised the standard of rebellion no name or treatment was too severe — “Pirates!” “Banditti!” “The nations of the world,” he declares, “would never have forgiven Mexico had she treated such men with the respect which is due only to the honorable, the upright, the respecters of the rights of nations.” He goes on: “I had enjoyed among my fellow-citizens the reputation — preferable in my mind to that of a brave man — the reputation of being humane after victories won. So completely unfortunate was I destined to become, that even the solitary virtue, which my bitterest enemies never denied me, is now disputed. I am represented as more ferocious than the tiger; I who was ambitious to be distinguished by nothing so much as by my clemency, in a country that yields to no other in humane and generous feeling. The execution of Fannin and his followers, is the ground on which they accuse me of having been barbarous and sanguinary.”

He denied the surrender under any form of capitulation save at discretion and declared that Urrea was authorized to treat of no other terms of surrender. He said:

“The prisoners were in the highest degree embarrassing to the commandant at Goliad; before taking their flight they had set fire to the place; and nothing was left us but the church to house the sick and wounded. The sole security of the garrison consisted of perpetual vigilance, being greatly inferior in number to the prisoners; our provisions were barely enough for our own people; we were without cavalry to conduct them as far as Matamoros. All these considerations, urged by the *commandant*, weighed heavily on my mind, and tended to bias my resolution.”

CHAPTER LIII.

Surrender of Col. Ward — Hypocrisy of Santa Anna and Urrea.

Lieutenant-Colonel Ward had followed very nearly the coast line in his endeavor to reach Victoria. He was in hearing of the guns during the engagement of the 19th, but was on the Coleta, almost out of ammunition and provisions. He, however, succeeded in crossing the Guadalupe and reached the vicinity of Dimmitt's Point, twenty-five miles east of Victoria, when he was overtaken by Urrea with a superior force and offered the same terms that had been granted to Fannin, and, being in a really helpless condition, surrendered on the 22nd. He and his men, numbering 85, were marched back to Goliad and confined with the other prisoners on the 25th.¹

From Victoria, Urrea moved on to near Dimmitt's Point, leaving J. N. Portilla (an Indian colonel, from Yucatan) in command at Goliad, and received, on the same terms, the capitulation of Colonel Ward, March 22nd. In a manifesto published by him afterwards, on learning of the horror expressed both in Europe and America at the cold-blooded murder of these prisoners of war, he said that there was no capitulation, save at discretion, — a falsehood in keeping with the character of that brutal class of Mexicans to which he and Santa Anna belonged — a class distinct from that to which Filisola and Andrade belonged, who, considering their

¹ Of Ward's 107 men the following persons escaped capture:

David I. Holt, F. Davis, Joseph Andrews, Wm. S. Butler, Samuel G. Hardaway, I. T. Pease, — Trezevant, Aaron S. Mangum, Reason Banks, Allen Ingram, M. K. Moses, H. Rogers, Samuel C. Pitman (or Pelman), James C. Jack, D. Greene, George Rounds, C. F. Hick, B. T. Bradford, J. D. Rains, Perry Davis, H. G. Hudson, W. Simpson, and Nathaniel R. Brister.

surroundings, were honorable and humane men. The falsity of Urrea's denial is abundantly established by the positive declarations of Doctors Shackleford, Barnard and Fields and others who escaped the massacre, by the admission of various Mexicans and the circumstances attending the surrender.

Portilla, as has been seen, openly declared that he was left by Urrea in Goliad to perform the dreadful work of slaughter, that commander well knowing that the prisoners would be murdered, as he had murdered King's men, after their surrender to him at Refugio.

Santa Anna's apology for the massacre was the merest subterfuge. He was, himself, to all intents and purposes, the supreme government when the decree was issued and was so still at the time when the men were shot. Under all laws, human and divine, he was responsible for this monstrous crime. For this and other atrocities, his memory must be ever execrated by mankind.

The following recapitulation will prove useful to the reader:

Of men with Johnson, escaped.....	5
Of men with Grant, escaped.....	1
Of men under Fannin, escaped.....	27
Of men under Fannin, spared.....	29
Escaped on Ward's retreat.....	23
Ward's men spared at Victoria.....	19
Killed under King (all told).....	41
Captured under Grant.....	1
Captured under Johnson (possibly).....	7
Ward's men killed at Victoria.....	10
Killed under Johnson and Grant (about).....	85
Killed in the Goliad massacre.....	390
<hr/>	
Total number of men serving under Fannin, Johnson and Grant..	638
Total saved, escaped or not accounted for.....	112
<hr/>	
Total lives lost.....	526

Absolute accuracy is an impossibility; but these figures are close approximations thereto and are more reliable than any statements hitherto published. Add to the 526, 183 who per-

ished in the Alamo, and we have a total of 709 men lost from February 27 to March 27, an appalling loss in view of the weakness of the country at that moment of supreme peril.

While we honor the courage and deplore the sacrifice of such gallant men as Fannin and Grant, posterity is entitled to a statement of the truth from which to judge what persons and what agencies were responsible for the disasters that followed fast and faster until the final hour of Texian victory and vengeance.

There fell in the Alamo.....	183 men.
Johnson and Grant had.....	97 men.
Fannin had.....	472 men.

Thirty-six men retreated with Horton.

Eighty men arrived with Miller; an aggregate of 867 men — 84 more than Houston had with him at San Jacinto.¹

¹ TEXIANS MURDERED AT GOLIAD, MARCH 27, 1836.

James W. Fannin, Jr., colonel commanding; Lieutenant-Colonel William Ward, of the Georgia battalion; Major Benjamin C. Wallace, of the Lafayette battalion; Major Warren Mitchell, of the Georgia battalion; Adjutant Chadwick (or Shadwick), Adjutant J. S. Brooks; Sergeant-Major Gideon Rose — 7.

TEXIANS MARCHED OUT IN THREE DIVISIONS AND MURDERED AT GOLIAD, MARCH 27, 1836.

Of Captain Burr H. Duval's company:

Captain Burr H. Duval; Lieutenants Samuel Wilson and John Q. Merrifield, Sergeants G. W. Daniell, J. S. Bagley, E. P. G. Chisen (probably Chisholm) and W. Dickerson; Corporals N. B. Hawkins, A. B. Williams, A. H. Lynd and R. C. Brashear; Privates T. G. Allen, J. M. Adams, J. F. Bel-lows, Wm. S. Carlson, Thomas S. Churchill, Wm. H. Cole, H. M. Dawnman, John Donoho, George Dyer, C. R. Haskell (should be Charles R. Haskell, for whom Haskell County was named by the author of this work), — Johnson, Q. P. Kimps, A. G. Sermond, William Mayer, J. McDonald, Wm. Mason, Harvey Martin, Robert Owens, R. R. Rainey, L. S. Simpson, — Sanders, L. Tilson, B. W. Toliver (Teliaferro?), J. Q. Valckner, — Batts, — Woolrich and Wm. Waggoner — 38.

Of Captain Pettus' company, the San Antonio Grays, the Captain being absent:

Lieutenant John Grace (a brother of the subsequent Catholic bishop of

On the 13th of November, 1835, the day after General Houston was elected commander-in-chief by the consultation, he wrote to Fannin, then at San Antonio, tendering him the

Minnesota); Sergeants E. S. Heath, — James and Samuel Riddell; Privates C. J. Garriere, Allen O. Kenney, Joseph P. Riddle, F. H. Gray, George Green, Charles Sargeant, — Cazart, Wm. G. Preusch, John Wood, Dennis Mahoney, Noah Dickinson, George M. Gilland, — Wallace, Wm. Harper, Edward Moody, — Escott, Manuel Carbajal (a Mexican), R. J. Scott, — Gould, W. P. Johnson, A. Bynum, — Hodges, Charles Philips, James West, J. M. Cass, — Logan and — Perkins — 31.

Of Captain Uriah J. Bullock's company, the Captain being sick in Velasco:

Sergeants Bradford Fowler and Allison Ames; Corporals J. Rufus Munson, T. S. Freeman and G. M. Vigal; Privates Isaac Aldridge, Wm. A. J. Brown, George W. Cumming, Joseph Dennis, — Michael, Devereaux Ellis, Charles Fine, — Gibbs, Perry H. Minor, John O. Moore, John Moat, — McKenzie, Robert A. Pace, Austin Perkins, Samuel Rowe, John S. Scully, Joseph A. Stovall, — Weeks, — Wood, James McCoy and Moses Butler — 26.

Of Captain James C. Winn's company, he being absent:

Lieutenants Wiley Hughes and Daniel B. Brooks; Sergeants Anthony Bates, John S. Thorn and Wesley Hughes; Corporals John M. Kimble, Walter W. Davis, Abraham Stephens, J. M. Powers, and — Ray; Privates John Aldridge, John M. Bryson, Michael Carroll, Thomas H. Carbys, John Ely, George Eubanks, Dominic Gallagher, Wilson Holmes, Grier Lee, Joseph Loring, Alexander J. Loverly, Martin Moran, Watkins Nobles, John M. Oliver, Patrick Osborne, Wm. Parvin, Gideon S. Ross, Anderson Ray, Thomas Rumley, Wm. Shelton, James Smith, Christopher Winters, Harrison Young, Josiah B. Beall, John Bright and H. Shultz — 36.

Of Captain Wadsworth's company, he being absent:

Lieutenants Thomas B. Ross and J. L. Wilson; Sergeants S. A. J. Mays and Samuel Wallace; Corporals J. S. Brown and J. B. Murphy; Privates William Abercrombie, T. B. Barton, J. H. Clark, W. J. Cowan, J. A. Foster, F. Gilkerson, Wm. Gilbert, J. H. Moore, C. C. Milne, J. B. Rodgers, R. Slatter, J. H. Sanders, W. S. Tuberville and E. Wingate — 20.

Of Captain Tichenor's company, he being absent:

Lieutenants Memory B. Tatom and Wm. A. Smith; Sergeants Edmund Patterson and Richard Rutledge; Corporals Joseph B. Tatom, Perry Reese and Thomas Rieves; Musician Thomas Weston; Privates John McGowen, David Johnson, Samuel Wood, Isaac N. Wright, Wm. L. Allison, Washington Mitchell, Stephen Baker, Henry Hasty, James A. Bradford, Cornelius Rooney, Seaborne A. Mills, Cullen Conrad, James O. Young, Edward Fitzsimmons, Hezekiah Fist, O. F. Leverette, Wm. Comstock, John O'Daniell, Charles Lantz, Evans M. Thomas, A. M. Lynch, G. W. Carlisle, Leven Allen, Jesse Harris, — Swords, — Williams and Wm. P. B. Dubose — 35.

honorable and responsible position of inspector-general, with the rank of colonel on his staff. Now let it be supposed that Colonel Fannin, instead of insisting on a separate command

Of Captain Peyton S. Wyatt's company, he being absent on leave:

Second Lieutenant Oliver Smith; Sergeants Wm. Wallace, George Thayer and Henry Wilkins; Quartermaster Oliver Brown; Musician Peter Allen; Privates Gabriel Bush, Ewing Caruthers, N. Dembrinske, Henry Dixon, T. B. Frizell, I. H. Fisher, Edward Fuller, Frederic Gebinrath, James Hamilton, E. D. Harrison, — Kortickey, C. Nixon, — Clennon, J. F. Morgan, F. Petreiswich, Wm. S. Parker, Charles Patton, John R. Parker, Wm. R. Simpson, Frederic Sweman and Allen Wrenn — 28.

Of Captain Ira Westover's company, containing largely Irish volunteers from Refugio and San Patricio:

Captain Ira Westover, Second Lieutenant Lewis W. Gates; Sergeants Wm. S. Brown, George McKnight and John McGloin; Privates Augustus Baker, Mathew Byrne, John Cross, John Fagan, Wm. Harris, John Kelly, Dennis McGowan, Patrick Nevin, Thomas Quirk, Edmund Ryan, Thomas Smith, E. J. A. Greynolds, Daniel Buckley, Marion Betts, G. W. Goglan, Mathew Eddy, Robert English, John Gleeson, Wm. Hatfield, John Hilchard, Charles Jenson, Wm. Mann, John Numlin, Stephen Pierce, Sidney Smith, Daniel Syers, Lewis Shotts, Charles Stewart, Joseph W. Watson, James Webb, William Winningham, Antonio Siley and John James — 38.

Of Captain David N. Burke's company of Mobile Grays, he being absent on leave:

Second Lieutenant J. B. Manomy; Sergeants James Kelly and H. D. Ripley; Privates Kneeland Taylor, Charles B. Jennings, P. T. Kissam, John Richards, Orlando Wheeler, John D. Cunningham, Wm. McMurray, John Chew, M. P. King, Jacob Coleman, W. P. Wood, Wm. Stevens, Peter Mat-tern, Conrad Egenour, G. F. Courtman, James Reid, Wm Hunter, M. J. Frazier, S. M. Edwards, Wm. J. Green, A. Swords, Z. O'Neill, Charles Linley, Wm Catlin, Randolph T. Spain — 28.

Of Captain Jack Shackleford's company of Red Rovers, he being one of the saved physicians:

Sergeants F. S. Shackleford (nephew of the captain), Arthur G. Foley. [His brother James was killed by Mexicans west of the Nueces in 1889, and his brother, S. Tucker Foley, by the Comanches in Lavaca County, August 5th, 1840], and Z. H. Short; Corporals H. H. Gently, D. Moore, J. H. Barkley and A. Winter; Privates P. H. Anderson, Joseph Blackwell, B. F. Burts, Thomas Burnbridge, J. M. Ramhill, W. C. Douglass, J. W. Cain, Harvey Cox, Seth Clark, J. G. Coe, Alfred Dorsey, G. L. Davis, H. B. Day, A. Dickson, J. W. Duncan, R. T. Davidson, J. E. Ellis, Samuel Farney, Robert Fenner, E. B. Franklin, Joseph Ferguson, M. C. Gower, D. Gamble, William Gunter, J. E. Grimes, Wm. Hemphill, John Eiser, John Jackson, H. W.

and combining with a faction of the council (ignorant as children of military affairs) had accepted the appointment under General Houston and co-operated with him and Henry

Jones, John N. Jackson, John Kelly, Daniel A. Murdock, Charles W. Kinley, J. H. Miller, J. N. Seaton, W. J. Shackelford (son of the captain), B. Strunk, W. F. Savage, W. E. Vaughn, James Vaughn, Robert Wilson, James Wilder, Wm. Quinn and Henry L. Douglas — 51.

Of the detachment of Captain Albert C. Horton's company, 12 in number, that surrendered with Fannin [the other 36 retreated and were not in the battle]:

Elias Yeamans, Erastus Yeamans, Ransom O. Graves, Napoleon B. Williams, Lewis Powell, Hughes Witt, George Paine, Thomas Dasher, John J. Hand, — Duffield, — Spencer and — Cash — 12.

Of persons attached to no company:

Lieutenants — Hurst and — Rills, Captain Dusanque, Samuel Sprague, James Pitman, C. Hardwick, R. E. Petty, Charles Heck and James M. Miller — 9.

KILLED AT REFUGIO, MARCH 2.

Of Captain Aaron B. King's company:

Captain Aaron B. King; Sergeants Samuel Anderson, George W. Penny, J. H. Collison and William R. Johnson; Privates J. P. Humphries, H. H. Kirk, L. C. Gibbs, L. G. H. Bracey, J. C. Stewart, T. Cooke, James Henley, Jackson Davis, J. Coleman, Gavin H. Smith, Snead Ledbetter, R. A. Toler, Wm. S. Armstrong, Joel Heath and — Johnson — 20.

ESCAPED DEATH.

Johnson's party:

Col. Francis W. Johnson, Toler, Love and Miller.

Samuel W. McKneely, captured at San Patricio, was conveyed to Matamoros whence he escaped several months later with Reuben R. Brown. Several others were captured with him and imprisoned in Matamoros, but their names and fates are unknown. Captain Placido Venibedes of Victoria escaped on the Agua Dulce March 2d.

Of Grant's:

Captured at the time of Grant's defeat and conveyed to Matamoros:

Reuben R. Brown, in 1892 still living in Brazoria county.

Left wounded in Refugio by Ward and escaped, A. H. Osborne.

Escaped during Col. Ward's retreat:

David I. Holt, F. Davis, Wm. S. Butler, Samuel G. Hardaway (a youth from Georgia), L. T. Pease, — Trezevant, Aaron S. Mangum, Reason Banks, George Rounds, Allen Ingram, M. K. Moses, H. Rodgers, Samuel C. Pitman, James C. Jack, D. Greene, C. F. Hick, Lieutenant B. T. Bradford,

Smith, the only and rightful governor, how different would have been his fate and that of his companions. History would have been spared one of its most heartrending and blood-

J. D. Rains, Perry Davis, H. G. Hudson, W. Simpson, Nathaniel R. Brister and Joseph Andrews — 23.

Surrendered with Colonel Ward, detained as laborers at Victoria and released at Matagorda by Colonel Holtzinger, after the victory at San Jacinto:

Thomas J. Smith (who died in Fort Bend in 1890), H. Mordecai, (a Hebrew killed by Indians August 9th, 1840), Pierce Hammock, Thomas Harry, Dr. Lampkin, Ed. Patterson (or Pattison), A. J. Hitchcock, and ten or twelve others, whose names are unknown. I make this statement on the authority of Thomas J. Smith, who wrote in 1883. He says: "The river at Victoria was swollen and twelve carpenters and four choppers were called for to build a boat. These, with three who were foot-worn, remained, the rest of the prisoners being hurried on to La Bahia. Among the foot-worn was Mordecai."

Mr. Smith says that he and four others at one time were taken to the west bank of the river to throw into it the bodies of ten murdered Texans, stragglers from Ward's command, one of whom was known as Dog Brooks. Smith and his companions would have been murdered at the same time but for the intercession of Colonel Holtzinger. This accounts for thirty-nine of Ward's command of 107 when his retreat began.

Saved as physicians, carpenters and laborers at the time of the massacre, March 27th, at Goliad:

Drs. Jack Shackelford (a captain), Joseph H. Barnard and James Fields; Messrs. John Vanbiber, Benjamin Oldum (Oldham?), — Dedrick, George Voss, Peter Griffin, J. H. Barnwell, John T. Spillers, Thomas Stewart, Wm. L. Wilkerson, J. Bridgeman, Jas. H. Callahan (afterwards a gallant captain), Josiah McSherry, E. Durraïn, Joseph Cramble, Thomas Harvey, John C. P. Kennymore, Nicholas B. Waters, W. Welsh, John Lumpkin, A. M. Boyle, George Pittuck (father of A. A. Pittuck of Texas "Farm Ranch"), Wm. Rosenberry, Alvin E. White, Joseph M. Spohn, Francisco Garcia, Captain Wm. Shurlock and Benjamin Franklin Hughes, died in Dallas, Texas, in 1892.

Others who escaped when the Fannin massacre occurred:

John C. Duval (now living in Austin), John Holliday, — Sharpe, C. B. Shaine, Wm. L. Hunter (died in 1887), — Holland, David J. Jones, Wm. Brennan, John Reese, Milton Irish, F. M. Hunt, Samuel T. Brown, J. H. Neely, Bennett Butler, Herman Ehrenberg (died in California), Thomas Kemp, N. J. Devenny, Isaac D. Hamilton, Z. S. Brooks, Dillard Cooper (living in Hays County), Daniel Martindale, Wm. Hadden, Charles Smith, Nat Hazen, Wm. Murphy, John Williams, Joseph Fenner

stained chapters. Had the orders of Smith and Houston been obeyed the plundering of Bexar (by Dr. Grant) of its munitions and supplies in aid of an unauthorized and chimerical descent upon Matamoros, would not have occurred.

There would have been no butchery at the Alamo, no butchery at Goliad, and the men of Johnson and Grant would not have miserably perished.

There would have been union and harmony and concert of action under one able, far-seeing and directing mind. These 857 men would have moved as clock-work, and by the time that Santa Anna reached Bexar, General Houston, with these 857 valiant citizen-soldiers, would have had two thousand effective men in martial array, and by the time he reached the Guadalupe he would have had from 2,500 to 3,000 men. Here it was evidently his original intention to meet Santa Anna. Here upon his front he would have had a stream easily defended and could have defeated Santa Anna and won a

and Rufus Munson. The name of Rufus Munson, a youth from Macon, Georgia, has always incorrectly appeared among the slain. I make this statement on the authority of Mrs. Mary L. Woodson, of Abilene, Texas, who knew Munson for many years.

Joseph Fenner's name has never hitherto appeared in any published list. He has since 1875 resided at Bailey, Fannin County, and is a man of high character and education.

In a letter to me, June 13th, 1889, Fenner says: "I was one of Fannin's men. I left Alabama with Captain (Dr.) Shackleford and reached Texas in 1835. I never lived in Texas until 1875, and have resided in Fannin County ever since. I am now seventy-one years old."

My attention was first called to the omitted name of Mr. Fenner by Rev. Wesley Smith, now postmaster at Pioneer, Eastland County. In a letter to me of June 5th, 1889, he says: "In 1832-3, I was a student in La Grange College, Alabama. At the same time Robert and Joseph Fenner (brothers) were there and in one of my classes. Afterwards they were in Fannin's army. Robert was one of the victims. When they were led out he cried: 'Boys, they are going to kill us. Let us die like men.' Joseph escaped the massacre." On receipt of this letter I discovered Joseph Fenner's place of residence to be in Fannin County and communicated with him by letter and received the reply from which I have quoted.

signal victory; a victory that would have prevented the depopulation of the country to the eastward and the immense destruction of property by torch and pillage that marked the advance of the Mexican Hyder Ali. As it was, Houston had to wait until the plenary convention reclothed him with authority on the 4th of March and until he could, on the 11th of that month, assume command of three hundred unorganized volunteers before he could actively take the field. He found it imperatively necessary to retreat first to the Colorado and next to the Brazos. Hundreds of men were compelled to leave him to remove their families to places of security and a much larger number were deterred from joining him from the same cause.

As has been shown, his power was paralyzed from the 21st of January (when he learned at Refugio of the powers granted Fannin and Johnson), until the people again spoke through the convention on the 4th of March; forty-two momentous days, during which the destinies of the country trembled uncertain in the balances of fate; time enough (had not faction raised its voice and parricidal hand) for him to have organized a force abundantly sufficient to have driven Santa Anna into dismal route on the Guadalupe.

The intermeddling council has much to answer for. The mantle of charity, as far as the author of this work is concerned, shall be thrown over the immediate and principal victims of its folly. They at least fell like brave and honorable soldiers and found martyrs' graves.

A brief review of the situation in the last days of March seems appropriate here. Johnson's party was destroyed at San Patricio on the 27th of February — Grant's on the Agua Dulce, on the 2d of March. The Alamo fell on the 6th, General Houston retreated from Gonzales on the 13th and reached the Colorado on the 17th, where we left him. The convention met at Washington on the 1st, declared independence on the

2nd, adopted the constitution on the 17th, elected the persons to compose the government *ad interim* and adjourned *sine die* on the 18th. Fannin capitulated on the 20th. Urrea seized Victoria on the 21st, captured Ward on the 22d, and, after sending him back to Goliad, remained in Victoria. Then came, on the 27th, the slaughter at Goliad. In all this time, since his arrival on the 23d of February, Santa Anna, with the bulk of his army, had remained at San Antonio.

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