

<http://stores.ebay.com/Ancestry-Found>

<http://stores.ebay.com/Ancestry-Found>

This book belongs to

JOF. W. BROWN.

No. 38



<http://stores.ebay.com/Ancestry-Found>














Digitized by the Internet Archive  
in 2012 with funding from  
LYRASIS Members and Sloan Foundation

# HISTORY OF TEXAS,

FROM 1685 TO 1892.

(IN TWO VOLUMES.)

— BY —

JOHN HENRY BROWN.

VOLUME TWO.

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.

---

L. E. DANIELL, PUBLISHER.  
PRINTED BY BECKETT & CO.  
ST. LOUIS.

Entered according to the Act of Congress in the year 1893, by

JOHN HENRY BROWN,

In the office of the Librarian, at Washington, D. C.

## CHAPTER I.

Santa Anna's March to the East — He crosses the Colorado and Brazos — Gen. Houston also crosses the Brazos — Events preceding San Jacinto and the Results.

With the foregoing explanation we now proceed with the narration of subsequent events.

The most authentic information as to the plans and movements of Santa Anna after the fall of the Alamo on the 6th, at least from a Mexican stand-point, was given in a pamphlet published after his return to the city of Mexico, later in the same year, by General Vicente Filisola, second in rank to Santa Anna, and, after the capture of the latter, chief commander of the Mexican forces. He asserts that after the successes at San Patricio and the Agua Dulce (sweet water) and the fall of the Alamo shortly after, Santa Anna was greatly elated and convinced that the contest was virtually at an end, and that little else remained for him to do than to overrun and hold the country by sending troops to the chief points, as far as the eastern border and establishing garrisons thereon. On the 11th of March, Santa Anna dispatched General Ramirez y Sesma and Adrain Woll, with seven hundred and twenty-five men, to pass by Gonzales to San Felipe and thence to Harrisburg and Anahuac. This force was made up of the battalions of Aldama, Matamoros and Toluca, having two six-pounders and forty dragoons from the regiment of Dolores. On the same day he ordered Colonel Juan Morales to march for Goliad, to co-operate with Urrea, advancing from Matamoros, with the battalions of Ximenes (He-ma-nes) and San Luis, one twelve and one eight-pounder and one mortar. Learning from Ramirez y Sesma that General Houston would dispute the passage of the Colorado,

and from Urrea, *en route* from San Patricio, that Goliad was fortified and defended by five hundred men and fourteen pieces of artillery, he dispatched General Tolsa to re-inforce Ramirez with the battalion of Guerrero, the first battalion of Mexico and forty dragoons of Tampico. He also sent to Urrea, Colonel Cayetano Montoya, with the regular militia from Queretaro and Tres Villas, with a twelve-pounder.

The sanguine expectations of easy triumph entertained by Santa Anna were greatly strengthened when, on the 22d, he was advised of the surrender of Fannin at Encinal del Perdido. On the 24th he ordered General Gaona, with 725 men, to Nacogdoches, via Bastrop and the old road. His force consisted of troops from Morelos and Guanajuato, twenty-four dragoons, fifty convicts and two four-pounders.

Filisola says that the confidence of Santa Anna was so great in the practical close of the contest, that these dispositions were made for permanent occupation of the country; and that he actually made preparations to return to the capital, with a portion of his force, leaving Filisola in chief command to perfect the occupation of Texas.

On the 25th of March, Santa Anna ordered Urrea (whose force consisted then of probably from 1,800 to 2,000 men) to scour all the country from Victoria to Galveston; and enjoined "that under his most strict responsibility, he should fulfill the orders of the government, shooting all the prisoners; and as regards those lately captured (the 409 under Fannin) he (Santa Anna) should order the commandant of Goliad to execute them — the same instructions being given to Ramirez y Sesma and Gaona with respect to all found with arms in their hands and to force those who had not taken up arms to leave the country." <sup>1</sup>

<sup>1</sup> This was in fulfillment of the design formed on the return of Almonte from his visit to Texas in 1834, viz.: to rid the country to a large extent of its American population, stop further immigration and colonize the country with Mexicans, retired officers, soldiers and convicts.

While in this mood Santa Anna also issued an order that the whole brigade of cavalry, under General Andrade, with all the artillery at headquarters and a large amount of property, should be put in readiness to leave San Antonio, on the first of April, for San Luis Potosi. But his infatuation was of short duration. Filisola, through Almonte, the confidential aide of the chief, remonstrated in urgent terms, against such of these orders as assumed decisive victory to have been won. A communication from Ramirez y Sesma, from the Navidad, on the 15th, so strengthened the position of Filisola, that Santa Anna abandoned his intention of returning home and countermanded the order for the return of Andrade, the dragoons and the artillery. He issued new orders commanding Gaona to abandon his march for Nacogdoches and to move from Bastrop on San Felipe, on the line of Ramirez. He directed Urrea to pass the Colorado at Matagorda and advance upon Brazoria; and resolved to command the main, central, column in person. On the 29th he dispatched Colonel Amat in advance on the road to Gonzales en route via Beason's on the Colorado, to San Felipe, with the battalion of zapadores (sappers) and the battalion of Guadalajara, with two eight-pounders, two four-pounders and a howitzer. Santa Anna and Filisola, with their staffs, escorts, etc., followed on the 31st.

Ramirez y Sesma was in command of the most advanced column, on the Navidad, about thirty miles west of the Colorado, on the 20th. Thus is presented the positions of the various wings of the Mexican army at different points from the 21st to the 31st of March.

Between the 17th and the 20th, General Houston moved down the Colorado, on the east side, from Burnham's to Beason's, the latter being a few miles below the present town of Columbus. Ramirez y Sesma, although he reported to Santa Anna on the 15th, that he was on the Colorado, was in fact on Rocky Creek, a tributary of the Navidad and fully twenty miles west of the Colorado.

March 20th, Houston's scouts, under Captain Henry W. Karnes, defeated the scouts of Sesma on Rocky Creek, killing one and capturing another. The scouts of Houston, under Karnes, within two or three days, had several successful skirmishes with those of Sesma.

On the 22d Captain Henry Teal joined Houston with a company of regulars; and on the 23d some munitions and supplies were received. On the same day Ramirez y Sesma approached and encamped within three or four miles of the Colorado River.

In a letter to General Rusk, first Secretary of War (newly elected) on the 23d, General Houston explains the situation. He says: "For forty-eight hours I have not eaten an ounce, nor have I slept. I have had no aid or assistance but from my friend Hockley, who now fills your former station." He complains of the deserters who left the camp and spread consternation as they traveled east, and he deplures the retirement of the new government from Washington to Harrisburg, as calculated to increase the panic.

Satisfied that Santa Anna's main army would follow Ramirez y Sesma on the central line, General Houston fell back to the Brazos and encamped on Mill Creek, above San Felipe, from which, on the 29th of March, he wrote Secretary Rusk saying: "On my arrival on the Brazos, had I consulted the wishes of all, I should have been like the ass between two stacks of hay. Many wished me to go below, others above. I consulted none — held no councils of war. *If I err, the blame is mine.* I find Colonel George W. Hockley, of my staff, a sage counsellor and true friend. My staff are all worthy, and merit well of me. There was on yesterday, I understand, much discontent in the lines, because I would not fall down the river. If it should be wise for me to do so, I can cross the river at any time and fall down to greater advantage and with greater safety. \* \* \* I hope to-day to receive ninety men from the Red-lands. I cannot now tell my

force, but will soon be able. The enemy must be crippled by the fights they have had with our men. 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. For Heaven's sake do not drop back again with the seat of government.<sup>1</sup> Your removal to Harrisburg has done more to increase the panic than anything else that has occurred in Texas, except the fall of the Alamo. Send fifty agents, if need be, to the United States. Wharton writes me from Nashville, that the ladies of that place have fitted out, at their own expense, no less than two hundred men. If matters press upon us, for God's sake let the troops land at Galveston Bay, and by land reach the Brazos. Let no troops march with baggage wagons or wagons of any kind."

From his camp on the Brazos on the 31st, General Houston wrote Secretary Rusk as follows: "The enemy could have been beaten at the Colorado. My intention was to have attacked him on the second night after the day on which Fannin's destruction was reported by (Peter) Kerr, but for that news and the march of strong re-inforcements, probably arriving that night to the enemy. Previous to that the troops were in fine spirits, and keen for action. \* \* \* I have somewhere between seven and eight hundred effective men. Two nights since, when it was reported that the enemy were on this side of the Colorado, the people of San Felipe reduced it to ashes. There was no order from me for it."

At this time, Colonel Burleson, Colonel Sherman, Don Lorenzo de Zavala and Colonel Mirabeau B. Lamar were with

<sup>1</sup> President Burnet's object in locating the government temporarily at Harrisburg, as stated by himself, was to be at the most accessible interior point of navigation, in order that supplies and men could be received from New Orleans and communication kept open with the United States — reasons potential in themselves — yet the effect seems to have been depressing in the interior. Beyond this effect, the movement seems to have been a judicious one.

General Houston. In Erastus (Deaf) Smith and Captain Henry W. Karnes, Houston had efficient and daring scouts.

General Rusk, Secretary of War, on the 6th of April, joined General Houston on the west bank of the Brazos and remained with the army, David Thomas acting as Secretary of War, pro tem.

On the 12th and 13th, by means of a yawl and the steam-boat Yellowstone, General Houston crossed from the west to the east side of the Brazos, which was very high and difficult of passage, and pitched camp at Groce's Retreat, near the present town of Hempstead. On the 13th he wrote Acting Secretary of War David Thomas, as follows: "Taunts and suggestions have been gratuitously tendered me; and I have submitted to them without any disposition to retort either by unkindness or imputation. What has been my situation? At Gonzales I had three hundred and seventy-four efficient men, without supplies, not even powder, balls or arms; at Colorado, seven hundred men, without discipline or time to organize the army. Two days since, my effective force in camp was five hundred and twenty-three men (aggregate). I had authorized Captain Martin (opposite Fort Bend) to detain a force of at least two hundred men. I had sent to the bottom, opposite San Felipe (under Capt. Mosely Baker) one hundred and fifty men, and had reason to expect that the attack would be made and an effort made to cross the river at San Felipe, or at the point at which I was, as the prairie at the latter point approached nearer the river, and the bottom was better than any other on the river. The cannonade was kept up at San Felipe until yesterday morning, and as the river was very high and it was reported to me that the enemy were preparing rafts at that point, I had every reason to suppose that they intended to cross there if possible."

That the enemy did not cross the river at San Felipe is owing to the deadly fire from Baker and his gallant riflemen

from the opposite bank. This caused them to move thirty miles below to Fort Bend, now Richmond. General Houston in the same letter says: "It was impossible to guard all the river passes for one hundred miles, and at once concentrate the force so as to guard any one point effectually, unless where the main body might be stationed. An invading army marches with everything necessary to conquest. I could at once have fallen back on Harrisburg, but a wish to allay the panic that prevailed induced me to stop at the Brazos, contrary to my views of military operations. I had assurances of re-inforcements by remaining on the Brazos of which I will say nothing at present. When I assured the department that the enemy should not pass the Brazos, I did not intend to convey the idea that the army or myself possessed the powers of ubiquity; but that they should not pass through my encampment."

On the 11th the General ordered all the troops at Washington and above that place to join him by forced marches and on the 12th he directed those below to do likewise.

Santa Anna reached Gonzales on the second of April. The river was swollen, involving the necessity of crossing on a raft. Leaving Filisola to cross the main body as rapidly as possible, Santa Anna with Almonte and his staff, and a strong escort on the 3d, continued on the route and arrived at the Atascosita crossing of the Colorado on the 5th. On the 6th, with the divisions of Ramirez y Sesma and Tolsa, he moved towards San Felipe, reaching that place on the 7th. General Woll, with a battalion, was left at the Colorado to construct rafts for the passage of Filisola and the main body of the troops with him.

It should be stated also that General Andrade, with a limited force, had been left in command of San Antonio and never came east of that place.

The swollen condition of the Brazos and the unknown strength of Baker's party opposite San Felipe, caused Santa Anna to abandon his design of crossing there.

From Almonte's journal it is shown that on the 9th Santa Anna took the choice companies of Guerrero, Matamoros, Mexico and Toluca and fifty of the Tampico cavalry and moved down the country in search of a crossing over the river. He took the road leading to and down the San Bernard. On the 10th, on a farm at the Fort Bend and Egypt crossing of the Bernard, they found twenty barrels of sugar and five hundred fanegas (1,250 bushels) of corn. Thence, learning there was a small force (under Captain Wylie Martin) at Fort Bend on the old Fort road, they took the road to that place. At half-past 9 p. m. they halted, but at 2 a. m. they renewed the march "on foot," as Almonte states, "from the President down to the soldiers, leaving the baggage and cavalry for the purpose of surprising the enemy (who defended the crossing) before daylight. We did not succeed, as we found the distance double what we supposed it to be. Day broke upon us at a quarter of a league from the ferry and frustrated our plan. We then placed the men in ambush."

On the 11th they were still in ambush, when a passing negro, from the east side, was captured. He conducted them to the canoe in which he had crossed, a little below the ferry, in which, unperceived, they crossed, by which time the cavalry arrived and took possession of the houses. Martin, however, had previously crossed to the east side and kept up a fire at the Mexicans till the Cazadores under Bringas crossed at the lower ford, and were about to assail him in the rear. He then retired. An order was at once sent to Ramirez y Sesma to join Santa Anna. On the 12th Santa Anna wrote Urrea at Matagorda, repaired the boats, took possession of Thompson's ferry, a little above, and received dispatches from Ramirez and from Victoria. On the 13th Ramirez arrived with his division. "Many articles were found," and dispatches arrived from both Filisola and Urrea.

"On the 14th," says Almonte, "we crossed the river early

with our beds only, and provisions for the road. At three in the afternoon, we started from Thompson's ferry." His notes state that they arrived at Harrisburg on the 15th and Lynchburg on the 16th. In this movement Santa Anna had with him between eleven and twelve hundred men, re-inforced on the morning of the battle (the 21st) by Cos, with five hundred more.

Within a day or two after Santa Anna left Fort Bend, on the 14th, Filisola, with the main army, arrived there and assumed command. General Gaona, having come by way of Bastrop, had joined him. Woll remained with a few hundred men at the Atascosita crossing of the Colorado and a small force of observation remained at San Felipe.

Urrea had left a battalion under Colonel Alcerrica, at Matagorda, and with his chief force (probably twelve hundred men), was approaching Filisola by way of Brazoria, and Filisola states he had under him (after all the re-inforcements had gone to Santa Anna) four thousand and seventy-eight men.

The following constituted the strength of the Mexican army of operations :

Under Filisola.....	4,078 men.
" Santa Anna.....	1,600 "
" Woll, at the Colorado.....	400 "
" Alcerrica, at Matagorda.....	200 "
" Andrade, at San Antonio.....	400 "
At Victoria.....	150 "
At Goliad.....	150 "
Various small bodies.....	500 "
Total.....	<hr/> 7,478 men.

This is believed to have been very nearly the strength of the Mexican army when Santa Anna left the Brazos on the 14th of April, after a loss in killed and wounded at the Alamo, Goliad, Refugio and elsewhere of about fourteen hundred

and fifty, showing his original force to have been about nine thousand.

As soon as General Houston learned that Santa Anna held both banks of the Brazos, he realized the condition existed for which he had hoped — a condition that would enable him to fight and whip the enemy in detail, far from his base of supplies, in a country where defeat would be crushing. Houston had improved the delay by organizing his forces into regiments commanded respectively by Colonels Edward Burleson and Sidney Sherman; Lieutenant-Colonel Millard, who commanded the infantry proper, Captain Henry W. Karnes, of the cavalry, and Captain Isaac N. Moreland of the artillery. He had received various supplies of ammunition, munitions and re-inforcements; but was sorely disappointed at the meagerness of the latter largely caused by apprehension of Indian uprisings in east Texas. This delayed the coming of several hundred men. The General also complained in repeated communications that refugees from his camp, flying to the east, had spread consternation throughout the country. He also felt great anxiety in regard to a disaffected, or tory, element east of the lower Trinity and dreaded their communication with the enemy.

On the 15th he ordered Captain Wylie Martin, who had retired from Fort Bend before the Mexicans, after a gallant defense, to conduct the fleeing families to Robbins' ferry on the Trinity; and on the same day took up the line of march from Donoho's in the vicinity of the present town of Hempstead, for Harrisburg, on Buffalo Bayou. The whole country was flooded with the waters of overflowed streams — from which the Mexicans suffered in common with the Texans — and travel over all the coast country was exceedingly difficult. It was especially so on the route selected by General Houston, the soil partaking of the nature of quicksand, and containing many quagmires, or in Texas parlance "boggy" places. Just before starting, a negro prisoner arrived in camp, bear-

ing a message from Santa Anna to General Houston, saying: "Tell Mr. Houston that I know where he is, up there in the bushes; and as soon as I whip the land thieves down here, I will go up there and smoke him out." General Houston also sent on the same day, Captain Jacob H. Sheppard to have a talk with the Cooshatties, on the Trinity, and secure their neutrality, if not their aid. He succeeded in the former with a partial promise of the latter, doubtless with a mental reservation to wait and declare for the victors, which they did. On leaving, Captain Sheppard asked: "Where shall I find you, General?" To which the latter replied: "Tell all the people you see, Captain, that I am determined to fight at the first chance; and if I should meet with a reverse I will be sure to make noise enough for you and the Indians to follow me."<sup>1</sup>

General Houston crossed the prairie on the 15th and encamped at the ranch of Mrs. McCurley, at the edge of the timber, on Spring Creek. By a forced march the army reached the east side of Buffalo Bayou, opposite Harrisburg, about noon on the 18th. It must be understood that from the course of that stream, from northwest to southeast, the lines of march of Houston and Santa Anna threw them on opposite sides. There Houston rested till the next day. Karnes and Deaf Smith were sent across to reconnoitre. President Burnet and the cabinet, on the approach of Santa Anna, sailed down to Galveston Island, narrowly escaping capture at Morgan's Point, where several volleys were fired into the little boat, in which were also Mrs. Burnet and her two little children.

About dark Smith returned with two prisoners, one a scout and the other a bearer of dispatches from Filisola to Santa Anna. This was a most opportune capture, giving General Houston his first information that the Mexicans had been at and burned Harrisburg, that they had gone down the west

<sup>1</sup> This is from Captain Sheppard's written statement.

side of the bayou and the San Jacinto, into which the bayou emptied, and Galveston Bay, into which the San Jacinto emptied, all within the compass of a few miles; and, above all, that Santa Anna in person was in command of this advanced division of the Mexican army. General Houston's most earnest desires could not have been more fully gratified than by these revelations. He well knew that in passing down Santa Anna had been compelled to pass Vince's bridge, over Vince's bayou; that the maintenance of the bridge was necessary to communication with Filisola at Fort Bend, and that in case of defeat, that bridge would furnish the only avenue of escape for the Mexicans.

On receipt of this gratifying intelligence, General Houston at once determined to cross the bayou early next day and seek Santa Anna below. His orders were issued accordingly, including the preparation of rations for three days, and the repairs of a boat two miles below.

On the morning of the 19th the troops were paraded and General Houston addressed them in perhaps the most eloquent and soul-stirring speech of his life. He concealed nothing. He told them where the Mexicans were, and that Santa Anna was in command; that they would now cross the bayou and confront him, whether two or five to one; and declared that the time had come when they would take the hazards and trust in the God of battles. He said that if any were present who shrank from this issue, they need not cross the bayou. He said that some must perish, but it was glorious to fall in such a cause, and that their slogan would be: "Remember the Alamo! Remember Goliad!" and their motto: "Victory or death," for there would be no chance of retreat. But, said he, "There will be no defeat! Victory is as certain as God reigns. I feel the inspiration in every fiber of my being. Trust in the God of the just and fear not!"<sup>1</sup>

<sup>1</sup> Lying on my blanket at the foot of the San Marcos mountains, in June, 1841, with Judge Patrick Usher and John S. Menefee, both of whom heard this speech, and surrounded by several older men, Judge Usher described

General Rusk, Secretary of War, followed General Houston in a burst of eloquence that added intensity to the resolve of the men to triumph or perish.

Not a man able to walk but clamored to cross the bayou, and sick men wept at being left. To secure sufficient men to guard the camp and take care of the sick and the munitions of war, a draft had to be resorted to. In no other way could a guard be obtained, and every man so left felt personally aggrieved. They were as truly heroes as their more fortunate fellows who participated in the battle.

The main body of the army crossed the bayou two miles below Harrisburg, during the forenoon of the 19th, and continued the march through the succeeding night till a late hour, when a halt was called for a short time for rest. Houston, buoyed by the zeal of his men, was searching for Santa Anna, to fight him before the main body, under Filisola, could re-inforce him. It was the golden opportunity for which he, keeping his own counsel, had hoped and maneuvered. His correspondence with those at a distance establishes this fact. This letter, written before he crossed the bayou, reveals his purposes :

“ CAMP AT HARRISBURG, April 19, 1836.”

“ *To Henry Raguet, Nacogdoches:*

“ This morning we are in preparation to meet Santa Anna. It is the only chance for saving Texas. From time to time

this scene to the writer, saying: “I had been impatient for two weeks — weary of wading through mud and water — often hungry and sometimes mad, but, while General Houston spoke and towered with constantly ascending eloquence and earnestness, I was reminded of the halo encircling the brow of our Savior; and in concluding, had he personally called upon me to jump into the whirlpool of Niagara as the only means of saving Texas I would have made the leap.” This noble son of North Carolina died as one of the Mier men in the prison of Perote. John S. Menefee fully agreed with Judge Usher in his eulogy on this address, upon which Captain Thomas Simons, of Texana, sprang to his feet exclaiming: “A hundred men have described that address to me, I would give a league of land if, by so doing, I could say that I heard it.”

I have looked for re-inforcements in vain. The government adjourning to Harrisburg, struck panic throughout the country. Texas could have started at least four thousand men. We have only seven hundred (accurately 783) to march with, beside the camp guard. We go to conquer. It is wisdom growing out of necessity, to meet and fight the enemy now. Every consideration enforces it. No previous occasion would justify it. The troops are in fine spirits and now is the time for action. Adjutant-General John A. Wharton, Inspector-General George W. Hockley, Aides-de-camp Alexander Horton, William H. Patton and James Collinsworth, and Major Cook, Assistant Inspector-General, will be with me.

“We shall use our best efforts to fight the enemy to such advantage as will insure victory, though the odds are greatly against us. I leave the results in the hands of a wise God, and rely upon His Providence.

“My country will do justice to those who serve her. The rights for which we fight will be rescued and Texas free.

“Colonel Rusk (Secretary of War) is in the field.

“SAM HOUSTON, *Commander-in-Chief*.”

This was the last communication written by General Houston before the battle of San Jacinto.

## CHAPTER II.

The Great Day of San Jacinto — An Unparalleled Victory — Capture of Santa Anna — Houston's Official Report.

Consider the mighty issues at stake. Around Houston gathered the hopes and fears of the whole American population west of the Trinity (twenty-five thousand souls, chiefly old men, women and children), and of the refugees east of that river who had fled from their homes in wild confusion and left them at the mercy of an insatiate enemy. The country for two hundred miles was reduced to a primeval wilderness. Many of those who inhabited the western portion were without means of escape. Among the number were many of the Irish families of Refugio and San Patricio, still weeping and wailing for their sons and brothers who had been massacred with Fannin.<sup>1</sup>

<sup>1</sup> A young mother, refined, accomplished and abounding in patriotism, whose first-born came into being in Victoria, in the same hour independence was declared in Washington, lay in a Mexican rancho on the Garicitas, solaced only by her husband's young sister and the kind-hearted family of De Leon, her husband having fled across the bayou amid a shower of balls from the advancing Mexicans. I refer to the wife, sister and first-born child of John J. Linn. Fate unavoidably threw another young couple into the recesses of a cane-brake, near Fort Bend on the Brazos, whence it was impossible for them to escape, with every path occupied or picketed by the enemy. There, in that wild retreat, with wild beasts for neighbors, and a negro boy for a companion, their first-born came into the world. That young father was Francis Menefee White, afterwards a well-known legislator and commissioner of the general land office, and yet living in Jackson County. His wife had been Miss McNutt, who did not many years survive the remarkable ordeal through which she had passed.

## THE BATTLE OF SAN JACINTO.

The official report of General Houston is graphic and clear as to the chief events of the 19th, 20th and 21st of April. It is therefore inserted here:

HEADQUARTERS OF THE ARMY,        }  
SAN JACINTO, April 25, 1836. }

*“ To His Excellency David G. Burnet, President of the  
Republic of Texas:*

“ SIR: I regret extremely that my situation, since the battle of the 21st, has been such as to prevent my rendering you my official report of the same, previous to this time.

“ I have the honor to inform you, that on the evening of the 18th inst., after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg. That evening a courier of the enemy was taken, from whom I learned that General Santa Anna, with one division of choice troops, had marched in the direction of Lynch's ferry on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo Bayou, below Harrisburg, on the morning of the 19th, having left the baggage, the sick and a sufficient camp guard in the rear. We continued the march throughout the night, making but one halt in the prairie for a short time, and without refreshments. At daylight we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that General Santa Anna was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch's ferry. The Texian army halted within half a mile of the ferry in some timber and were engaged in slaughtering beeves, when the army of Santa Anna was discovered to be ap-

proaching in battle array, having been encamped at Clopper's Point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took position with his infantry and artillery in the center, occupying an island of timber, his cavalry covering the left flank. The artillery, consisting of one double fortified medium brass twelve-pounder, then opened on our encampment. The infantry, in column, advanced with the design of charging our lines, but were repulsed by a discharge of grape and canister from our artillery, consisting of two six-pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from which an occasional interchange of small-arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three-quarters of a mile from our encampment, and commenced fortifications. A short time before sunset, our mounted men, about eighty-five in number, under the special command of Colonel Sherman, marched out for the purpose of reconnoitering the enemy. Whilst advancing they received a volley from the left of the enemy's infantry, and after a sharp rencounter with their cavalry, in which ours acted extremely well and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded and several horses killed. In the meantime, the infantry under the command of Lieutenant-Colonel Millard, and Colonel Burleson's regiment with the artillery, had marched out for the purpose of covering the retreat of the cavalry, if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st, at half-past three o'clock, taking the first refreshment that they had enjoyed for two days. The enemy in the meantime extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the

center of the breast-work in which their artillery was placed, their cavalry upon their left wing.

“ About nine o’clock on the morning of the 21st, the enemy were re-inforced by 500 choice troops, under the command of General Cos, increasing their effective force to upwards of 1,500 men, whilst our aggregate force for the field numbered 783. At half-past three o’clock in the evening, I ordered the officers of the Texian army to parade their respective commands, having in the meantime ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangements preparatory to the attack, without exposing our designs to the enemy. The first regiment, commanded by Colonel Burleson, was assigned the center. The second regiment, under the command of Colonel Sherman, formed the left wing of the army. The artillery, under the special command of Colonel George W. Hockley, Inspector-General, was placed on the right of the first regiment; and four companies of infantry, under the command of Lieut.-Col. Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by Colonel Mirabeau B. Lamar, whose gallant and daring conduct on the previous day had attracted the admiration of his comrades and called him to that station, placed on our extreme right, completed our line. Our cavalry was first dispatched to the front of the enemy’s left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and deploying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line and through an

open prairie, without any protection whatever for our men. The artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and canister.

“Colonel Sherman with his regiment, having commenced the action upon our left wing, the whole line at the center and on the right, advancing in double-quick time, rung the war cry, “Remember the Alamo!” received the enemy's fire and advanced within point blank shot before a piece was discharged from our lines. Our lines advanced without a halt, until they were in possession of the woodland and the breastwork, the right wing of Burleson's and the left of Millard's taking possession of the breastwork; our artillery having gallantly charged up within seventy yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action until we were in possession of the enemy's encampment, taking one piece of cannon (loaded), four stand of colors, all their camp equipage, stores and baggage. Our cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before, Captain Karnes, always among the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war clubs, breaking many of them off at the breech. The rout commenced at half-past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned with their killed and wounded. In the battle, our loss was two killed and twenty-three wounded, six of whom mortally. The enemy's loss was 630 killed, among whom was one general officer, four colonels, two lieutenant-colonels, five captains, twelve lieutenants. Wounded, 208, of which were: 5 colonels,

3 lieutenant-colonels, 2 second lieutenant-colonels, 7 captains, 1 cadet. Prisoners, 730; President-General Santa Anna, General Cos, 4 colonels, aids to General Santa Anna, and the colonel of the Guerrero battalion are included in the number. General Santa Anna was not taken until the 22d, and General Cos on yesterday, very few having escaped.

“About six hundred muskets, three hundred sabres and two hundred pistols have been collected since the action. Several hundred mules and horses were taken, and near twelve thousand dollars in specie. For several days previous to the action our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, illy supplied with rations and clothing; yet, amid every difficulty, they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity. There was no murmuring.

“Previous to and during the action, my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am assured they demeaned themselves in such manner as proved them worthy members of the Army of San Jacinto. Colonel Thos. J. Rusk, Secretary of War, was on the field. For weeks his services had been highly beneficial to the army; in battle he was on the left wing, where Colonel Sherman's command first encountered and drove the enemy. He bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

“I have the honor of transmitting herewith a list of all the officers and men who were engaged in the action, which I respectfully request may be published as an act of justice to the individuals. For the commanding General to attempt discrimination as to the conduct of those who commanded in the action, or those who were commanded, would be impossible. Our success in the action is conclusive proof of such daring intrepidity and courage; every officer and man proved him-

self worthy of the cause in which he battled, while the triumph received a luster from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their General. Nor should we withhold the tribute of our grateful thanks from that Being who rules the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader, whilst devastating our country.

“ I have the honor to be,

“ With high consideration,

“ Your obedient servant,

“ SAM HOUSTON, *Commander-in-Chief.*”

There have been many contributions given to the public by various individuals, from soon after the battle down to about 1860, of their personal observations and recollections of the incidents preceding, attending and following the battle — some prompted by an honorable desire to elucidate facts and others by enmity towards General Houston, engendered in exciting political contests. Other contributions are from the pens of individuals reluctantly drawn before the public, by demands for their recollections. I have read, re-read and compared these various publications for many years, and, in youth, with a qualified measure of prejudice against General Houston, living, as I did, among the people of the southwest. These people, as Houston fell back before the advancing Mexicans, fled from their homes, lost their live stock and personal effects, suffered greatly in the retreat and buried many of their little ones by the roadside, or in the forests along the Trinity and Neches, and when they finally returned to their deserted homes, were dependent for food almost exclusively on wild game; and for a year after often retired to their beds at night hungry and with their children crying for bread. They were naturally embittered and severely criticised him and his military policy.

Posterity will not, and cannot, lay any of these calamities at the feet of Henry Smith, the civilian, or Sam Houston, the victorious chieftain, or those eminent men who coincided with them in their endeavors to concentrate the power and resources of the country in opposition to the invading hosts of the enemy. Nor will it withhold from Houston its highest plaudits, for the manner in which, in the hour of darkest gloom, with three hundred and seventy-four unorganized, ill fed and poorly armed raw volunteers, he fell back from Gonzales and from point to point, plead for re-inforcements, drilled and organized his forces and waited, despite the clamors of the brave but impetuous men around him, till discipline was established, his numbers increased and the opportunity came for that decisive blow which gave liberty and independence to his country.

In regard to the burning of Vince's bridge, across a deep and boggy bayou of the same name, much has been written, but the facts connected therewith are few, simple and well authenticated. About 9 a. m., April 21st, while General Houston, accompanied only by Gen. Rusk and Col. Alexander Horton,<sup>1</sup> had ridden out a few hundred yards to reconnoitre the Mexican position, Gen. Cos, with a re-inforcement of five or six hundred men, passed near by and joined Santa Anna. Cos, on his way down, had made a feint on the guard and camp containing the sick across the bayou at Harrisburg. "Gen. Houston," says Col. Horton, "at once announced that he would have the bridge burned immediately and fight that afternoon, after his men were well refreshed, and before Santa Anna could receive other re-inforcements. Returning to camp he hurriedly dispatched Deaf Smith to destroy the bridge." Smith was accompanied by six men, Young P. Alsbury, Denmore Rives, John Coker, E. R. Rainwater, John Garner and — Lapham. At 2 p. m. he returned and reported the duty

<sup>1</sup> Yet living in San Augustine.





THOMAS J. RUSK

performed. This statement is verified by the written account of Mr. Alsbury, sanctioned by Coker and Col. Horton, and this is all there is to state. Various published romances, written in after years, are unworthy of notice in a historical work. A portion of the guard at Harrisburg, under Wagon-master Roarer, made a forced march, reached the bridge on the bayou over which Cos had passed, and opened fire on his rear guard, which fled to the Brazos, leaving their baggage, which was conveyed to camp by the victors, and furnished supplies that were greatly enjoyed by the hungry Texans.

Secretary Rusk also made an official report to President Burnet of the battle of San Jacinto. It is too important to be omitted and is here inserted:

“WAR DEPARTMENT, HEADQUARTERS ARMY OF TEXAS, }  
“SAN JACINTO RIVER, April 22, 1836. }

“*To His Excellency David G. Burnet, President of Texas:*

“SIR: I have the honor to communicate to you a brief account of a general engagement with the army of Santa Anna, at this place, on the 21st instant.

“Our army, under the command of General Houston, arrived here on the 20th instant. The enemy, a few miles off at Washington, apprised of our arrival, committed some depredations upon private property, and commenced their line of March to this point. They were unconscious of our approach until our standard was planted on the banks of the San Jacinto. Our position was a favorable one for battle. On the noon of the 20th, the appearance of our foe was hailed by our soldiers with enthusiasm. The enemy marched in good order, took a position in front of our encampment, on an eminence within cannon-shot, where they planted their only piece of artillery, a brass nine-pounder; and then arrayed their cavalry and infantry a short distance on the right, under the shelter of a skirt of woods. In a short time

they commenced firing upon us; their cannon in front, their infantry on the left, and their cavalry changing their position on the right. A charge was made on the left of our camp by their infantry, which was promptly repelled by a few shots from our artillery, which forced them to retire. I have the satisfaction of stating that only two of our men were wounded, one very slightly, the other, Col. Neill, of the artillery, not fatally.

“The attack ceased; the enemy retired and formed in two skirts of timber, and remained in that position, occasionally opening their fire upon us, until just before sunset, when they attempted to draw off their forces. The artillery and cavalry were removed to other points. Colonel Sherman, with sixty of our cavalry, charged upon theirs, consisting of upward of one hundred, killing and wounding several. Their infantry came to the assistance of their cavalry, and opened upon us an incessant fire for ten or fifteen minutes, which our men sustained with surprising firmness. Too much praise cannot be bestowed upon those who were engaged in this charge, for never was one of equal peril made with more courage, and terminated with less loss. Two of our men were severely wounded, but none killed.<sup>1</sup> This terminated the movements of the day.

“Early next morning, about nine o’clock, the enemy received a re-inforcement of 500 men, under the command of General Martin Perfecto de Cos, which increased their force to fourteen or fifteen hundred men. It was supposed that an attack upon our encampment would now be made; and, having a good position, we stationed our artillery, and disposed of the forces, so as to receive the enemy to the best advantage. At three o’clock, however, the foe, instead of showing signs of attack, was evidently engaged in fortifying. We determined, therefore, immed-

<sup>1</sup> Trask shortly afterwards died of his wounds.

ately to assail him ; and, in half an hour, we were formed in four divisions : the first, intended as our right wing, composed of the regulars under Colonel Millard, and the second division, under command of Colonel Sidney Sherman, formed our left wing. A division, commanded by Colonel Burleson, formed our center. Our two six-pounders, under the command of Colonel Hockley, Captains Isaac N. Moreland and Stillwell, were drawn up on the right of the center division. The cavalry, under the command of Colonel Mirabeau B. Lamar, formed upon our right. At the command to move forward, all the divisions advanced in good order and high spirits. On arriving within reach of the enemy, a heavy fire was opened, first with their artillery on our cavalry. A general conflict now ensued. Orders were given to charge. Colonel Sherman's division moved up, and drove the enemy from the woods occupied by them on their right wing. At the same moment, Col. Burleson's division, together with the regulars, charged upon and mounted the breastworks of the enemy, and drove them from their cannon, our artillery, the meanwhile, charging up and firing upon them with great effect. The cavalry, under Col. Lamar, at the same time fell on them with great fury and great slaughter. Major-General Houston acted with great gallantry, encouraging his men to the attack, and heroically charging, in front of the infantry, within a few yards of the enemy, receiving at the same time a wound in his leg.

“ The enemy soon took to flight, officers and all, some on foot and some on horseback. In ten minutes after the firing of the first gun, we were charging through the camp, and driving them before us. They fled in confusion and dismay down the river, followed closely by our troops for four miles. Some of them took the prairie, and were pursued by our cavalry ; others were shot in attempting to swim the river ; and in a short period the sanguinary conflict was terminated by the surrender of nearly all who were not slain in the com-

bat. One half of their army perished; the other half are prisoners, among whom are Gen. Santa Anna himself, Colonel Almonte, and many other prominent officers of their army. The loss of the enemy is computed at over six hundred slain, and above six hundred prisoners; together with a cabalado of several hundred mules taken, with much valuable baggage. Our loss, in point of numbers, is small, it being seven slain and fifteen wounded.<sup>1</sup>

“This glorious achievement is attributed, not to superior force, but to the valor of our soldiers and the sanctity of our cause. Our army consisted of 750 effective men.<sup>2</sup> This brave band achieved a victory as glorious as any on the records of history, and the happy consequences will be felt in Texas by succeeding generations. It has saved the country from a yoke of bondage; and all who mingled in it are entitled to the special munificence of government, and the heartfelt gratitude of every lover of liberty.

“The sun was sinking in the horizon as the battle commenced; but, at the close of the conflict, the sun of liberty and independence rose in Texas, never, it is to be hoped, to be obscured by the clouds of despotism. We have read of deeds of chivalry, and perused with ardor the annals of war; we have contemplated, with the highest emotions of sublimity, the loud roaring thunder, the desolating tornado, and the withering simoon of the desert; but neither of these, nor all, inspired us with emotions like those felt on this occasion. The officers and men seemed inspired by a like enthusiasm. There was a general cry which pervaded the ranks: “Remember the Alamo!” “Remember La Bahia!” These words electrified all. “Onward!” was the cry. The unerring aim and irresistible energy of the Texas army could not be withstood. It was freemen fighting against the minions of tyranny and the result proved the inequality of such a contest.

<sup>1</sup> There were really twenty-seven wounded.

<sup>2</sup> Should be 783.

“ In a battle where every individual performed his duty, it might seem invidious to draw distinctions ; but, while I do justice to all in expressing my high admiration of the bravery and gallant conduct of both officers and men, I hope I may be indulged in the expression of my highest approbation of the chivalrous conduct of Major James Collinsworth in almost every part of the engagement. Colonel Hockley, with his command of artillery ; Colonel Wharton, the adjutant-general, Major Cooke, and in fact all the staff officers ; Colonels Burleson and Somervill on the right, Colonel Milliard in the center, and Colonel Sherman, Colonel Bennett and Major Wells on the left, and Colonel Lamar on the extreme right, with the cavalry, led on the charge and followed in the pursuit with dauntless bravery.

“ All have my highest approbation. With such men, sustained as we shall be by the patriots and lovers of liberty in our mother country, hateful depotism cannot find a resting place for the sole of her foot on the beautiful plains of Texas ! A volumewould not contain the deeds of individual daring and bravery. Each captain has been required to make a report, and I hope justice will be done to all the brave spirits who mingled in the glorious achievement of yesterday.

My aid-de-camp, Dr. Wm. Motley (late of Kentucky), fell near me, mortally wounded, and soon after his spirit took its flight to join the immortal Milam and others in a better world.

“ I have the honor to be, very respectfully yours,

“ THOMAS J. RUSK, *Secretary of War.*” <sup>1</sup>

<sup>1</sup> The total number of prisoners was near eight hundred, though at first reported less, including Santa Anna, Gen. Martin Perfecto de Cos, Col. Juan Nepomucino Almonte, Col. Bringas, Col. Ocepeces, Col. Portilla, Col. Pedro Delgado. Among the Mexicans killed were Gen. Castrillon, who led the assault on the Alamo; Colonels Mora, Batres, Trevino, Jose M. Romero, Lieut.-Colonels Aguirre and Castrillon. The total number killed was a little less than seven hundred, and probably, in various ways, about seventy-five

succeeded in escaping, one of whom I met in San Luis Potosi in 1865, who stated that about that number escaped.

Of the Texians the killed or mortally wounded, were: Dr. William Motley, aide to Secretary Rusk, Sergeant Thomas P. Fowl, Lieut. George A. Lamb, Lieut. John C. Hale and privates Lemuel Blakey, A. R. Stevens, Benjamin R. Brigham, and Olwyn J. Trask, the latter mortally wounded on the 20th — 8.

Wounded severely: Gen. Houston, Lieut.-Col. Joseph C. Neill (wounded on the 20th), and Privates James Cromby, Wm. S. Walker, Logan Vandever, Martin Walker, Allen Ingram, John F. Tom (reported as dead, but lived till 1885), J. Cooper, George W. Robinson, Wm. Winters, Washington Lewis, Alphonso Steele, W. F. James, and Devereaux J. Woodlief (wounded on the 20th) — 15.

Wounded less severely: Capt. Mosely Baker, Capt. Jesse Billingsly, Capt. Smith, Sergeant Albert Gallatin, and Privates George Waters, Washington Anderson, Calvin Page, C. D. Anderson, Leroy Wilkinson, James Nelson, Mitchell Putman, E. G. Rector and Wm. A. Park — 13.

Camp guard and sick left opposite Harrisburg:

Only a partial list of the sick and the guard left at the camp can be given. The whole number, with convalescents and a few recruits coming up, was about two hundred. As elsewhere shown those who were able for duty were compelled to remain against their protest and are as much entitled to be enrolled among the soldiers of San Jacinto as those who participated in the battle. The entire detachments of Splane and Kuykendall, few in number, were detailed, but their names cannot be given. After great diligence I can only give the subjoined list:

Major McNutt, commander of the camp; Captains Peyton R. Splane, — Kuykendall and Wm. W. Hill (sick); Zoroaster Robinson, Benjamine Robinson (sick); I. Benton, — Roarer, — Irvine, Capt. Henry Teal (sick); Benjamin Robinson, Wiley Parker, Thomas Korner, Evan Karner, Daniel Rayper, James Darst, — Darst, Albert M. Halmark, Samuel McGown, William P. Kerr, J. H. Kuykendall, George W. Seaton (accidentally wounded in the foot), Lewis Moore, Morris Moore, Robert Price, Miller Francis, — Black, John Price, Wm. McMaster, Samuel Damon, Wm. Price, Philip Coe, — Gibbons, John Davis, S. Y. Reams, — Ballard, — Peavyhouse, Launcelot Abbott (a printer in 1888, still living in England), — Chance, — Hunter (sick and died in camp). These were 40 of the men from various companies.

Of Gillaspie's company, complete: John Blaney, Micajah Bradley, Wm. Everett Kennard, Wm. McCoy, Wm. McIntire, Andrew McMillam (sick), James McMillam (sick), Daniel Smith, Oswin Wilcox, Wm. Physic Zuber (in his sixteenth year) — 10. Of the same company left sick at Donoho's who came up, Samuel McFall (the afterwards noted Mier prisoner), — Newton — 2. Recruits who came up and joined the company, Henry Fullerton, John Wlaker — 2. Total, 54, of about 200.

By the aid of Mr. William P. Zuber, and otherwise, I have been enabled to add several omitted names in the published list of San Jacinto soldiers, and to correct errors in the names of about fifty, some of which were mutilated beyond recognition, as "Kimbo" for "Kimbrough"—"McCurdy" for "McCorley"—"William Finch" for "Matthew French," etc. There are doubtless still many errors in the names, and the first names of a large number are missing.

#### THE SOLDIERS OF SAN JACINTO.

Sam Houston, Major-General Commanding; Thomas J. Rusk, Secretary of War; John A. Wharton, Adjutant-General; George W. Hockley, Inspector-General; John Forbes, Commissary General; William G. Cooks, Assistant Inspector-General; Alexander Horton, Wm. H. Patton, James Collinsworth, aids-de-camp; Robert M. Coleman, Robert Eden Handy, James H. Perry, volunteer aids; Dr. Alexander Ewing, acting chief surgeon; Dr. Davidson, surgeon; J. P. T. Fitzhugh, assistant surgeon 1st regiment; Anson Jones, surgeon 2nd regiment; Shields Booker, and N. D. Labadie, assistant surgeons 2nd regiment—18.

#### ARTILLERY CORPS.

J. C. Neill, Lieutenant-Colonel, severely wounded on the 20th; Isaac N. Moreland, Captain; W. Stillwell, 1st Lieutenant; Richardson Scurry, 1st Sergeant; Thomas Plaster, 2nd Sergeant.

#### PRIVATEES.

T. O. Harris, Jno. M. Wade, Hugh M. Smith, William A. Park, Thomas Green, Clark M. Harman, T. J. Robinson, M. Baxter, Ben McCulloch, Joseph White, Thomas N. B. Green, John Ferrill, Joseph Floyd, Alfred Benton, D. T. Dunham, Willis Collins, T. C. Edwards, S. B. Bardwell.

Assisted by the following regulars from Teal's company: Campbell, Millerman, Gainer, Cumberland.

From Turner's company: Benson, Clayton, Merwin, Legg—31.

#### CAVALRY CORPS.

Mirabeau B. Lamar, Commanding; Henry W. Karnes, Captain; Wm. H. Smith, Captain; James R. Cook, 1st Lieutenant; Wm. Harness, 2d Lieutenant; Lem. Gustine, M. D.

#### PRIVATEES.

Erastus (Deaf) Smith, Washington Secrest, Fielding Secrest, A. Allsbury, S. C. Turnage, D. W. Reeves, E. R. Rainwater, J. D. Elliott, J. P. Davis, J. Neil, G. Deaderick, N. Nixon, J. Nash, Isaac W. Burton, Jacob Duncan, James Wells, special scout, Young P. Alsbury, Daniel McKay, W. J. C. Pierce, W. King, Thomas Blackwell, — Goodwin, John Coker, W. B. Sweeney, Benjamin F. Smith, Thomas Robbins, Elisha Clapp, H. Henderson, George Johnson, J. W. Williamson, Wilson C.

Brown, J. Thompson, John Robbins, William F. Young, James Douthatt, John Carpenter, William S. Taylor, Anthony Foster, Z. Y. Beauford, Spencer Townsend, James Shaw, William D. Redd, — Clopper, Peter H. Bell, James W. Robinson, A. W. Hill, Olwyn J. Trask — 53.

## REGULARS.

Lieutenant-Colonel Henry Millard, Commanding; Captain John M. Allen (future Mayor of Galveston), Acting Major.

## COMPANY A.

Andrew Briscoe, Captain; Martin K. Snell, 1st Lieutenant; Robert McClosky, 2d Lieutenant; Lyman F. Rounds, 1st Sergeant; David S. Nelson, 2d Sergeant; Daniel O. Driscoll, 3d Sergeant; Charles A. Ford, 4th Sergeant; — Richardson, 1st Corporal, Harry C. Craig, 2d Corporal, — Bear, 3d Corporal, — Flores, Musician.

## PRIVATES.

Bruff, Bebee, Benton, Henry P. Brewster, Cassady, Dutcher, Darri, Elliott, Flynn, Farley, Grieves, Warner, Henderson, Lang, Labartare, Linski, Mason, Montgomery, Marsh, Morton, O'Niel, Pierce, Patton, Rheinhart, Kainer, Richardson, Smith, 1st; Smith, 2d; Sullivan, Saunders, Swain, Tindall, 1st; Taylor, Van Winkle, Wilkinson, Webb — 49.

## VOLUNTEERS.

## COMPANY B.

Amasa Turner, Captain; W. Millen, 1st Lieutenant; W. W. Summers, 2d Lieutenant; Charles Stewart, 1st Sergeant; N. Swearingen, 2d Sergeant; Robert Moore, Corporal; Thomas Wilson, Corporal, M. Snyder, Corporal.

## PRIVATES.

Bernard, Browning, Dalrymple, Eldridge, Edson, Harper, Hogan, Harvey, Bissett, Belden, Johnson, Keeland, Ludus, Lind, Minnett, Mordorff, Colton, Callahan, Massie, Moore, 2d; Nirlas, Pascal, Phillips, Smith, 1st; Christie, Clarkson, Smith, 2d; Scheston, Sigman, Tyler, Woods, Wardryski — 40.

## COMPANY B.

Richard Roman, Captain; Nicholas Dawson, 2d Lieutenant; James Wharton, Sergeant; A. Mitchell, Sergeant; S. L. Wheeler, Sergeant; A. Taylor, Corporal; J. S. Egbert, Corporal; W. Moore, Corporal.

## PRIVATES.

— Angell, G. Brown, Joseph Barstow, J. B. Bradley, B. Coles, J. S. Conn, J. H. T. Dixon, William Dunbar, H. Homan, J. M. Jett, Stev. Jett, A. S. Jordan, S. W. Lamar, Edward Lewis, J. W. B. McFarland, A. M'Stea, H.

Miller, W. G. Newman, W. Richardson, D. Tindale, J. Vinaler, C. W. Waldron, F. F. Williams, James Wilder, W. S. Walker, James Ownsby.

## COMPANY I.

W. S. Fisher, Captain; R. W. Carter, 2d Lieutenant; — Jones, Sergeant.

## PRIVATES.

George W. Leek, N. Rudder, J. W. Stroud, Jos. Sovereign, W. Sergeant, R. J. W. Reel, Rufus Wright, Jos. McAllister, B. F. Starkley, — Day, John Morgan, Henry Tierwester, — Slack, R. Banks, Jac. Maybee, — Graves, B. F. Fry, E. G. Marie, — M'Neill, John M. Shreve, W. Pace, Ch. Stebbins, R. Crittenden, Adam Mosier, J. S. Patterson, Jos. Douane, George W. Mason, Thomas Pratt, E. Knowland, A. H. Miles, John Lewellan, Joseph Joslyn, W. S. Arnot, M. W. Brigham, P. Burt, H. Bond, Geo. Fennell, W. Gill, Jo. Gillespie, A. J. Harris, D. James — 44.

## STAFF OF THE COMMAND.

Nicholas Lynch, Adjutant; Wm. M. Carper, Surgeon; John Smith, Sergeant-Major; Pinkney Caldwell, Quarter-master — 4.

## FIRST REGIMENT TEXAS VOLUNTEERS.

Edward Burleson, Colonel; Alex. Somervell, Lieutenant-Colonel, Jas. W. Tinsley, Adjutant; H. N. Cleveland, Sergeant-Major — 4.

## COMPANY A.

Wm. Wood, Captain; S. B. Raymond, 2nd Lieutenant; J. C. Allison, 1st Sergeant; Jas. A. Sylvester, 2nd Sergeant; O. T. Brown, 3rd Sergeant; Nathaniel Peck, 4th Sergeant.

## PRIVATES.

Irwin Armstrong, Wm. H. Berryhill, Uriah Blue, Seymour Bottsford, Luke W. Bust, James Cumbo, Elijah V. Dale, Abner C. Davis, Jacob Eiler, Simon P. Ford, — Garner, Giles A. Giddings, James Greenwood, Wm. Griffin, Wm. C. Hayes, Thos. A. Haskin, Robert Howell, Wm. Lockridge, J. D. Loderback, Edward Miles, Benj. Osborne, Jas. R. Pinchback, Joseph Rhodes, John W. Rial, Ralph E. Sevey, Manasseh Sevey, Edw. W. Taylor, John Vivien, George Waters, James Welsh, Ezra Westgate, Walter Winn — 38.

## COMPANY C.

Jesse Billingsly, Captain; Micah Andrews, 1st Lieutenant; James A. Craft, 2nd Lieutenant; Russel B. Craft, 1st Sergeant; Wm. H. Magill, 2nd Sergeant; Campbell Taylor, 3rd Sergeant.

## PRIVATES.

L. C. Cunningham, John Herron, Preston Conley, Andrew Jackson Berry, Jefferson Barton, Dempsey Pace, Lemuel Blakey, George Self, Thomas

Davy, Jacob Standefer, Wayne Barton, Sampson Connell, Logan Vandever, Washington Anderson, William Standefer, William Simmons, George Green, George B. Erath, Jno. W. Bunton, William Criswell, Sam McClelland, Lewis Goodwin, Jos. Garwood, Willis Avery, Jesse Halderman, Charles Williams, Aaron Burleson, Calvin Gage, Martin Walker, Dr. Thomas J. Gazley, Gernett E. Brown, Robert M. Cravens, Walker Wilson, Prior Holden, Thos. H. Mays, A. M. Highsmith, James Curtis, Thos. M. Dennis, James R. Pace, John Hobson, Nicholas M. Bain, Robt. Hood, Dugald McLean, Thos. A. Graves — 50.

## COMPANY D.

Moseley Baker, Captain; John P. Borden, 1st Lieutenant; John F. Pettus, 2nd Lieutenant; Joseph Baker, 1st Sergeant; Edward O. Pettus, 2nd Sergeant; Moses A. Bryan, 3rd Sergeant; James Bell, 1st Corporal; James Friel, 2nd Corporal; Issac L. Hill, 3rd Corporal.

## PRIVATES.

O. D. Anderson, J. B. Alexander, John Beachom, T. H. Bell, S. R. Bostic, Paschal P. Borden, J. Carter, Sam'l Davis, G. W. Davis, J. R. Foster, A. Greenlaw, — Fowler, Hugh Franzier, William Isbell, Robert Kleburg, James Tarlton, Mat. Kuykendall, Robert Moore, Jos. Moore, Jos. McCrabb, Louis Rorder, V. W. Swearengen, Jos. Vermillion, I. E. Watkins, A. W. Wolsey, W. R. Williams, Allison York, Patrick Usher, John S. Menefee, Paul Scarborough, John Flick, J. H. Money, Allen Ingram, — Weppeler, John Marshall, Wm. Bernbeck, Samuel Millett, Philip Stroth, Andreas Voyel, Nicholas Peck, Wm. Hawkins, John Duncan, Geo. Sutherland, Thos. Gay, Joseph Miller, G. W. Gardner, Wm. Mock, S. H. Isbell, McHenry Winburn, T. R. Jackson, D. D. D. Baker, Peter B. Dexter — 60.

## COMPANY K.

Robert J. Calder, Captain; John Sharpe, 1st Lieutenant; M. A. Bingham, 1st Sergeant.

## PRIVATES.

Benj. R. Brigham, killed, Thomas O'Connor, F. S. Cooke, T. Cooke, S. Connor, Geo. J. Johnstone, Granville Mills, Elias Baker, H. Dibble, T. M. Fowler, H. Fields, Benj. C. Franklin, J. Green, W. C. Hogg, J. Hall, E. B. Halstead, J. W. Hassell, Walter Lambert, B. Mims, W. Muir, Pleasant D. M'Neel, C. Malone, J. Plunkett, W. P. Reese, C. K. Reese, J. A. Spicer, H. Stonfer, Joshua Threadgill, W. P. Scott, R. Crawford, S. B. Mitchell, B. F. Fitch, W. W. Gant, J. S. Edgar, J. Smith, T. D. Owen, W. Hale, A. G. Butts, D. Dedrick, C. Forrester, W. K. Denham—44.

## COMPANY F.

Wm. J. E. Heard, Captain; Wm. M. Eastland, 1st Lieutenant; Eli

Mercer, 1st Sergeant; Wilson Lightfoot, 2d Sergeant; Alfred Kelso, 1st Corporal; Elijah Mercer, 2d Corporal.

## PRIVATES.

Robt. M'Laughlin, Leroy Wilkinson, Wm. Lightfoot, Daniel Miller, Josiah Hagans, John M'Crabb, Maxwell Steele, John Bigley, Hugh McKenzie, Jos. Elinger, John Hallet, J. Robinson, D. Dunham, Fidelie Breeding, Wm. Passe, James S. Lester, Christian Winner, James Nelson, John Tumlinson, Francis Brookfield, Charles M. Henry, James Byrd, Nathaneil Reid, Andrew Sennatt, P. B. O'Conner, Thos. Ryons, John Lewis, Leander Beason, Steven T. Foley, Allen Jones, Thomas Adams, Mitchell Putman, Thos. M. Harde-man, Chas. Thompson, Wm. Waters, Joseph Highland — 43.

## COMPANY H.

Wm. W. Hill, Captain, sick; R. Stevenson, Commanding Company; H. H. Swisher, 1st Lieutenant; C. Raney, 1st Sergeant; A. R. Stevens, 2nd Sergeant; Wm. H. Miller, 4th Sergeant.

## PRIVATES.

E. Whitesides, J. S. Stump, John M. Swisher, Moses Davis, John Lyford, John F. Tom, Nicholas Crunk, Lewis Clemons, Wm. Hawkins, W. J. Cannon, Jacob Groce, Fred B. Gentry, J. G. Wilkinson, A. Dillard, R. Bowen, James Farmer, A. Lesassier, W. R. Dallas, M. B. Gray, James Gray, B. Doolittle, John Graham, James M. Hill, J. Ingraham, F. K. Henderson, Uriah Saunders, John Craddock, John Gafford, N. Mitchell, David Korneky, Geo. Petty, James Evetts, Prosper Hope, J. Powell, Matthew Dunn, J. D. Jennings, John C. Hunt, S. Lawrence, A. Caruthers, Daniel McKay — 45.

## SECOND REGIMENT TEXAS VOLUNTEERS.

Sidney Sherman, Colonel; Joseph L. Bennett, Lieutenant-Colonel; Lysander Wells, Major; Edward B. Wood, Adjutant; Bennett McNelly, Sergeant-Major — 5.

## FIRST COMPANY.

Hayden Arnold, Captain; R. W. Smith, 1st Lieutenant; Isaac Edwards, 2nd Lieutenant.

## PRIVATES.

Sam. Leiper, Peter W. Holmes, Wm. P. Kincannon, Daniel Doubt, John Moss, E. E. Hamilton, David Rusk, W. F. Williams, J. W. McHorse, H. Malena Alexin, John Harvey, Mat. G. Whitaker, John Yancy, S. Yarbrough, Thos. G. Box, Nelson Box, G. R. Mercer, Wm. Nabors, Wm. T. Sadler, James Mitchell, James E. Box, Sam Phillips, John B. Trenay, Levy Perch, Crawford Grigsby, John McCoy, Dickinson Parker, Jesse Walling, J. W. Carpenter, John Box, W. E. Hallmark, Thos. D. Brooks, S. F. Sparks, Howard Bailey, H. M. Brewer, Stephen McLinn — 39.

## SECOND COMPANY.

Wm. Ware, Captain; Job S. Collard, 1st Lieutenant; Geo. A. Lamb, 2d Lieutenant; Albert Gallitin, 1st Sergeant; Wm. C. Winters, 2d Sergeant.

## PRIVATES.

J. F. Winters, J. W. Winters, C. Edenburg, Lewis Cox, Matthew W. Cartwright, G. W. Robinson, G. W. Lawrence, Wm. Cartwright, John Sadler, James Wilson, James Deritt, Matthew Moss, Jesse Thomas — 18.

## THIRD COMPANY.

Wm. M. Logan, Captain; Franklin Hardin, 1st Lieutenant; B. J. Harper, 2d Lieutenant; Edward T. Branch, 1st Sergeant.

## PRIVATES.

John Biddle, J. M. Maxwell, M. Charencan, E. Bollinger, P. Bollinger, John Slayton, Patrick Cernel, Wm. M. Smith, David Choat, David Cole, R. O. W. McManus, L. J. Dyches, David H. McFadden, Thomas Orr, Luke Bryan, Wm. Kibbe, E. M. Tanner, H. R. Williams, Michael Pevetoe, Lefroy Godree, Joseph Farewell, Robert Whitlock, Cyrus V. Thompson, Cornelius Devoy, M. J. Brakey, Thos. Belknap, Wm. Duffee, Joseph Ellender, Wm. Smith, Wm. Robertson, W. A. Smith, James Cole — 36.

## FOURTH COMPANY.

Wm. H. Patton, Captain (aid-de-camp in battle); David Murphree, 1st Lieutenant, commanding; Peter Harper, 2d Lieutenant; John Smith, 1st Sergeant; Pendleton Rector, 2d Sergeant; A. D. Breedlove, 3d Sergeant; G. L. Bledsoe, 1st Corporal.

## PRIVATES.

James Bradley, J. C. Boyd, Robert Barr, A. J. Beard, Alex Bailey, J. J. Childs, St. Clair Patton, Claiborn Rector, Phineas Ripley, Thomas J. Sweeney, J. B. Taylor, L. Willoughby, G. Wright, M. B. Atkinson, Colden Denman, Edw. Darst, R. B. Darst, J. K. Davis, E. Gallaher, James Hall, S. Phillips, Thomas M'Gay, J. A. Barkley, Francis Walnut, Hinton Curtis, J. B. Grice, Nat Hager, B. F. Cage, J. M. McCormick, James Hayr, Charles Hick, A. D. Kenyon, G. W. Lewis, J. Pickering, James Harris, Wm. Brennan, Wm. H. Jack, Doct. Baylor, Thos. F. Corry, A. Lewis, Walter P. Lane, E. G. Rector — 48.

## FIFTH COMPANY.

Thos. H. McIntire, Captain; John P. Gill, 1st Lieutenant; Bazil G. Ijams, 2d Lieutenant; Robert D. T. Tyler, 1st Sergeant; John Wilkinson, 2d Sergeant; E. G. Coffman, 1st Corporal.

## PRIVATES.

Wm. Boyle, Benj. Bencroft, George Barker, Wm. Bennett, John Clarke, J. B. Coliant, John Chevis, 1st; John Chevis, 2d; Thomas Cox, J. Campbell, — Cooper, T. Davis, Oscar Farrish, Thomas Hopkins, Jack Lowrie, Cyrus

Cepton, Ambrose Mayer, Moses Allison, Placido M'Corley, David Odom, G. W. Pentecost, S. W. Peebles, Sam Shupe, Isaac Jaques, Isaac Maiden, F. Wilkinson — 32.

## SIXTH COMPANY.

James Gillaspie, Captain; Matthew Funch, 1st Lieutenant; A. L. Harrison, 2d Lieutenant; Rchd. Chadduck, 1st Sergeant.

## PRIVATES.

John Sayres, Francis B. Lessiter, M. R. Goheen, Thos. H. Webb, John Peterson, John Montgomery, Thos. F. Johnson, Hez. Farris, Wm. L. Ferrell, Sam Wiley, Wm. Fullerton, Wm. Fertilan, Andrew Montgomery, — Rollison, Edw. M'Millan, John S. Darling, J. W. Scolling, John Richardson, Jennings O'Bannion, Willis L. Ellis, James Walker, — Scallom, Alphonzo Steel, Benj. Johnson, F. M. Woodward, Wm. Peterson, John C. White, Robert Henry, Elijah Votau, G. Crosby, Joel Dedrick, L. Ramey—36.

## SEVENTH COMPANY.

Benjamin Bryan, Captain; John C. Hale, 1st Lieutenant; A. S. Lewis, 2nd Lieutenant.

## PRIVATES.

Wm. Earle, Jas. T. P. Irvine, Sim. Roberts, Joseph P. Parks, C. Rockwell, R. B. Russell, L. H. White, A. M'Kenzie, A. Cobble, John F. Gilbert, D. Roberts, Wm. B. Scates, J. R. Johnson, William Pate, B. Lindsay, James Clarke, Robert Love, J. S. Irwine,—20.

## EIGHTH COMPANY.

William Kimbrough, Captain; James Rowe, 1st Lieutenant; John Haman, 1st Sergeant; William Fisher, 2nd Sergeant; Henry Reed, 3rd Sergeant.

## PRIVATES.

D. Brown, William, Bateman, J. A. Chaffin, Hershel Corsine, Joel Crain, R. T. Crain, Josh. Clelens, W. H. Davis, S. Hellman, H. Hill, George Hancock, E. O. Legrand, D. Love, D. H. M'Gary, Thomas Maxwell, A. J. M'Gown, J. W. Proctor, Benj. Thomas, D. Watson, Lewis Wilworth, R. Stevenson, G. W. Jones, W. B. Bennett, B. Green, J. Kent, — Caddell, Rinaldo Hotchkiss, Thos. M. Hughes, A. Buffington, James Burch, R. Burch, A. E. Manuel, 37.

## NINTH COMPANY.

Juan N. Seguin, Captain; Manuel Flores, 1st Sergeant; Antonio Manchaca, 2nd Sergeant;—Nep. Flores, 1st Corporal; Ambro Rodriguez, 2nd Corporal.

## PRIVATES.

Antonio Cruz, Jose Maria Mocha, Eduardo Samires, Lucin Enriques, Matias Cuvier, Antonio Cueves, Simon Ancola, Man'l Tarin, Pedro Henern,

Thomas Maldonart, Cesario Cormona, Jacinto Pena, N. Navarro, A. Var-  
cinas, Man'l Avoca—20.

COMPANIES NOT GIVEN.

Turner Barnes, Joseph Weeks, James Collard, Jonathan Collard, John Hannan, Wm. Burdett, N. W. Burdett, J. A. Burdett, William Young (severely wounded)—9.

This gives a total rank and file of 835 men, or 52 more than are mentioned in General Houston's statement; but he doubtless failed to include members of his staff, 22 in number; a number of whose names were not then reported because of temporary changes from one company to another, and a few who reached the army that day.

Nine persons who signed the Declaration of Independence on the second day of March fought at San Jacinto on the 21st of April, viz.: Gen. Sam Houston, Thomas J. Rusk, Secretary of War, Dr. William Motley (who was killed), James Collinsworth, Dr. Thomas J. Gazley, Robert M. Coleman, Wm. B. Scates, E. O. Legrand and John W. Bunton, the last four being privates. Of other heroes Surgeon Anson Jones became President of the Republic, as did also Col. Mirabeau B. Lamar, who was a private till called to command the cavalry on that day; and Privates Ben McCulloch, Tom Green and Walter P. Lane, who became distinguished soldiers in Texas and Mexico and generals in the Confederate army; Private James W. Robinson, the then late Lieutenant-Governor; Sergeant Richardson Scurry, who became a judge and member of the United States Congress; Private Peter H. Bell, who was afterward twice Governor and twice a member of the United States Congress; Private Benj. C. Franklin, who became a judge and conspicuous legislator; Private Henry P. Brewster who became a distinguished lawyer; Sergeant Edward T. Branch, who became a judge and speaker of the House of Representatives; Private William H. Jack, who was one of the most distinguished lawyers, orators and legislators in the Republic; Private Osear Farish, who was for thirty years clerk of Galveston County; Private Isaac W. Burton who was long a senator; and James Shaw, George B. Erath, and a large number of privates, who afterward filled honorable positions in civil life.

Among the Mexican prisoners taken at San Jacinto was Col. Pedro Delgado, of Santa Anna's staff. Returning to Mexico, after his release a year later, he published what has been styled "A Mexican Account of the Battle of San Jacinto," in which he gives free rein to his envenomed hatred of the Texians. He seems to have thought that he and his fellow-soldiers should have been treated with tenderness and the most delicate courtesy, utterly ignoring the fact that the Mexican soldiery had murdered hundreds of Texian prisoners; that he in person, according to his own averment, had burnt the town of Harrisburg, and the fact that it was impossible, for the want of supplies and shelter, to properly feed and protect from the inclemency of the weather even the victors to whom he had surrendered. Yet, he admits





THE BRIGHAM-SAN JACINTO MONUMENT

that the prisoners were about as well fed as the Texians. He complains bitterly of the rudeness of a portion of the Texian troops towards the prisoners, and, doubtless, with a measure of justice — for the remembrance of the scenes enacted at the Alamo and Goliad were yet fresh in their minds. He failed to realize that by the laws of modern warfare, owing to their atrocities, he and his companions in misfortune held their lives solely at the mercy of the victors. Not one expression of recognition of or gratitude for the magnanimous spirit that spared their lives and provided for the care of their wounded, escaped him. The Texian surgeons, after the fury inspired by combat had subsided, ministered to the Mexican wounded as well as the means at their disposal would permit, and Gen. Cos, Almonte and others received many attentions and evidences of kindness and respect. Delgado in his tirade manifests bitter animosity towards Santa Anna, on whose staff he served, and declares that Santa Anna proved himself a frightened coward and fool when the battle commenced. Yet, even this man was not altogether base. He pays in his account a grateful tribute to Capt. John M. Allen, who interposed to stay the slaughter at the time of the surrender; and Judge William Hardin and his noble wife, at whose place in Liberty the prisoners were held for about seven months. He gratefully mentions numerous evidences of their sympathy and kindness. They gave up all their houses, excepting one little cabin, to shelter the Mexicans — denied their own table to give them food — and Mrs. Hardin surrendered her mattresses and bedding to the sick prisoners. He invokes the blessings of heaven on that couple, although they were enemies of his country. That his encomiums on Judge Hardin were just will be attested by all of that gentleman's surviving comrades; and that, as to Mrs. Hardin, they were equally just, the author of this work and the whole population of Belton (who knew her in after years as Mrs. Kelton), will verify.

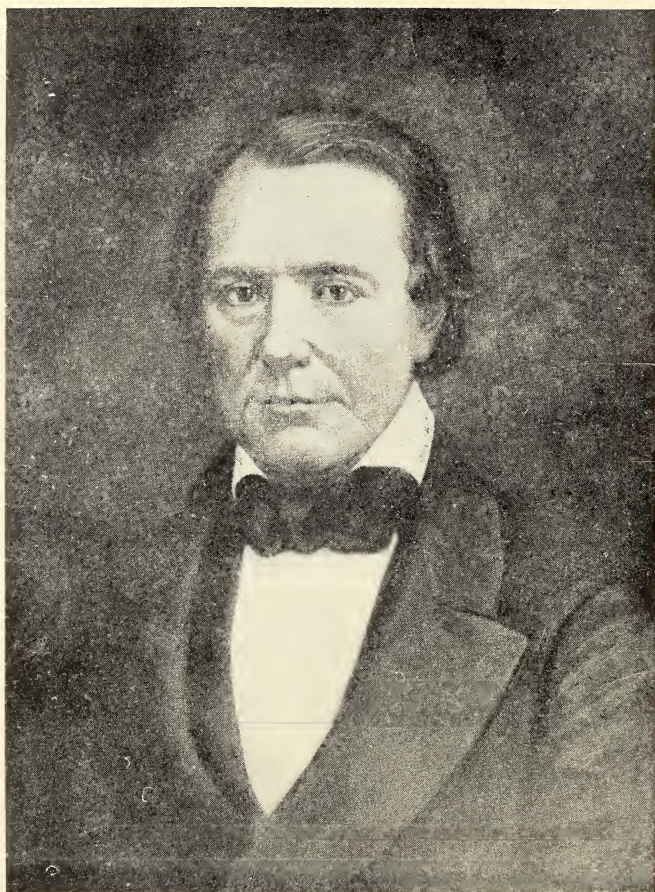
Delgado's statements as to the respective forces and in all cases wherein his prejudices, hatred and wounded pride are involved, are wholly unworthy of credit.

## CHAPTER III.

Pursuit of the Fleeing Mexicans — Capture of Santa Anna, Cos and Almonte — Incipient Negotiations — Arrival of Volunteers from New York and Elsewhere.

Capt. Karnes and a small party of cavalry pursued the Mexican cavalry as far as Vince's bayou, killing some and picking up occasional stragglers on the prairie, many of them in a dazed and forlorn condition. Realizing that the common soldiers were but the ignorant and irresponsible instruments of the chief who commanded them, he spared all such and dealt with them as kindly as he could. In the battle there is no denying the fact that the Texians, wrought up to a state of frenzy by the recent butcheries at Goliad, slew many who offered to surrender and imploringly exclaimed, "Me no Alamo, me no Goliad." Yet the fact remains that nearly eight hundred were made prisoners. In the pursuit a few stragglers who desired to surrender were slain by the more reckless portion of the pursuers, but a large majority of the Texians tried to check the carnage, feeling not only the magnanimous impulses of chivalrous men, but that the death roll of the enemy was already sufficiently large. Throughout the night Karnes guarded a thicket into which four Mexicans (leaving their horses) had entered as a place of refuge at twilight, but when daylight came only one remained. He surrendered and proved to be Santa Anna's secretary, and stated that the other three were Santa Anna, Cos and another officer. Karnes, with Washington Secrest, Fielding Secrest, James Wells, and Deaf Smith, then went in pursuit of the fugitives, passing round the head of the bayou towards the Brazos. Wells, being freshly mounted and knowing the





PRESIDENT MIRABEAU B. LAMAR

ground, kept considerably in advance and came upon Cos, Capt. Iberri and Bachiler and two or three others near the Brazos timber, where the fugitives, seeing Karnes and his men rapidly approaching, halted and surrendered. Cos inquired of Deaf Smith, with well feigned nonchalance "whether General Cos had been killed or captured?" To which Smith promptly replied: "He has been neither killed nor captured. I am seeking him now, for he is one scoundrel I wish to kill in person." Having fairly surrendered, however, Cos was safe, even in Smith's hands.

The party, with their prisoners, did not reach camp till the forenoon of the 23d. Besides those mentioned they picked up a dozen or two Mexicans found on the prairie.

On the 22d mounted men, in small squads, scoured the country on the route towards the Brazos, picking up many straggling Mexicans. A party under Col. Burleson reached and crossed the bayou above the burnt bridge. Col. Burleson then directed some of his men to return to camp, saying he would continue up the bayou. A group of six cavalymen, composed of Second Sergeant James A. Sylvester, of Wood's company,<sup>1</sup> and Privates Joel W. Robison, Edward Miles, Joseph Vermillion, — Thompson and — started back, traveling somewhat parallel to and down the bayou. Five of the party followed a bend of the stream, while Sylvester went directly on about a mile to the lower point of the bend. Before separating the entire party had noticed a man on foot in that locality, but before Sylvester arrived, he disappeared. On reaching the spot, however, Sylvester found the man lying down and trying to conceal himself in the high grass. Sylvester ordered him to rise and was soon joined by the five troopers of the squad. The prisoner (Santa Anna) was poorly clad and, with the exception of a fine shirt, wore the

<sup>1</sup> A young printer from Baltimore, last from Covington, Ky., opposite Cincinnati.

garb of a common soldier. His captors did not dream of his identity. Robison, alone of the party, understood a little Spanish, and to him Santa Anna claimed to belong to the Mexican cavalry and that he had abandoned his horse the previous evening to avoid capture by the Texian cavalry and was unused to walking. The conversation between them, however, amounted to little. He was conducted back to the camp, about eight miles, walking two miles perhaps and riding the remaining distance, sometimes by himself, but chiefly behind one or another of the men. One of the men proposed to kill him, but all the others opposed the suggestion. He rode into camp behind Sylvester and was recognized by the Mexican prisoners, who involuntarily, in suppressed tones, exclaimed "The President! The President! General Santa Anna!" Upon which, without dismounting, Sylvester continued on to camp, where the prisoner was taken in charge by Col. Hockley and Major Ben Fort Smith, who carried him before General Houston, who, suffering from his wound, was reclining on a pallet under the shade of a large tree. Colonel Hockley said: "General Houston! here is Santa Anna!" Dismounting, Santa Anna, speaking rapidly in his own language said: "Yo soie Antonio Lopez de Santa Anna, presidente de Mexico, commandante en jefe del exercito de ofuraciones yme pougs a la disposicions del valiente General Houston, quiero ser tratado como deber ser un general quando es prisoner de guerra." General Houston called upon Moses Austin Bryan, then a youth of nineteen years, to translate what Santa Anna had said. That gallant youth promptly rendered the words into English as follows: "I am Antonio Lopez de Santa Anna, president of Mexico, commander in chief of the army of operations, and I put myself at the disposition of the brave General Houston. I wish to be treated as a general should be when a prisoner of war."

General Houston then rose upon his right arm and, pointing

to an ammunition chest, replied: " Ah ! Ah ! indeed, General Santa Anna. Happy to see you, General ; take a seat, take a seat ! "

Wild excitement spread through the camp as the news became known and nearly the whole army crowded around the two chiefs, while a desultory dialogue proceeded between them, first Moses Austin Bryan and a little later young Lorenzo de Zavala acting as interpreter. The Texian soldiers were then ordered to their quarters and in a little while Santa Anna asked to have Sylvester sent for and, on his arrival, embraced and thanked him, saying that he owed his life to him and his comrades. Santa Anna's secretary<sup>1</sup> Col. Almonte, was brought from among the prisoners and afterward remained with him, Almonte acting as interpreter. Santa Anna at once proposed negotiations for his release, but General Hous-

<sup>1</sup> Juan Nepomuceno was the natural son of the patriot priest, Gen. Maria Morelos, who, in 1816, while leading the Mexican patriots and Congress, through a mountain pass, en route to —, was overwhelmed and captured by the Spanish royalists troops, and soon afterwards executed in the city of Mexico. Seeing his son, a boy of 14 or 15 years, a short distance in the rear, at the moment of his own capture, Morelos, pointing to the thick woods on the mountain side, exclaimed, " Al Monte ! Al Monte ! " in English signifying: " To the mountains ! To the mountains ! " The boy obeyed the injunction and, with some of the patriot soldiers, escaped. By these soldiers he was surnamed, in commemoration of his father's last injunction, " Almonte," hence Juan Nepomuceno Almonte. He was educated in the United States and was a good English scholar and ever a steadfast friend of Santa Anna. His visit to Texas, in 1834, has been mentioned. He was for some years minister to the United States. After the final downfall of Santa Anna in 1855, true to his monarchical principles, Almonte became allied with the French intervention, and was in the cabinet of Maximilian ; but, when that Prince fell, he escaped to France and there died, two or three years later, an exile from his own country. In the city of Mexico, in 1865, I had a pleasant interview with him, in which he expressed a strong regard for a number of Texians with whom he had been thrown while a prisoner in 1836. He was a man of fine physical appearance and gentlemanly address and spoke in terms of affection of Col. Barnard E. Bee and George W. Hockley. His admiration for Generals Houston and Rusk was expressed without reservation.

ton answered that that was a matter to be determined by the civil and not the military branch of the government, and that no negotiations looking to that end could be opened until the arrival of President Burnet and the cabinet. Santa Anna thereupon expressed repugnance to civilians and declared that he preferred to deal with soldiers.

Houston then asked how he expected to negotiate in view of what had happened at the Alamo? To which he replied that General Houston was aware of that rule of war which authorized putting to the sword the garrison of a fortress who, on summons, refused to surrender and by such refusal caused useless effusion of blood. General Houston replied that such had once been the rule, but he considered it obsolete and a disgrace to the age. He added, "But, General Santa Anna, you cannot urge the same excuse for the massacre of Col. Fannin and his men at Goliad. They capitulated, were betrayed and massacred in cold blood." Santa Anna replied, "If they capitulated I was not aware of it. Urrea deceived me and informed me that they were vanquished, and I had orders from my government to execute all that were taken with arms in their hands." General Houston replied with crushing truth: "Gen. Santa Anna, you are the government! A Dictator has no superior!" Santa Anna answered, "I have the order of Congress<sup>1</sup> to treat all that were found with

<sup>1</sup> Here is the decree of the Mexican Congress, a body composed of the tools of Santa Anna:

"1. Foreigners landing on the coast of the Republic, or invading its territory by land, armed and with the intention of attacking our country, will be deemed pirates, and dealt with as such, being citizens of no nation, presently at war with the Republic and fighting under no recognized flag.

"2. All foreigners who shall import, either by sea or land, in the places occupied by the rebels (meaning the Texians), either arms or ammunition of any kind, for their use will be deemed pirates, and punished as such.

"I send you these decrees, that you may cause them to be fully executed.

"JOSE MARIA TORNEL, *Minister of War*."

"MEXICO, December 20, 1835."

This decree was undoubtedly inspired by Santa Anna.

arms in their hands, resisting the authority of the government, as pirates. Urrea has deceived me. He had no authority to enter into any agreement; and, if I live to regain power, he shall be punished for it."

He then submitted a proposition to issue an order to General Filisola to leave Texas with the troops commanded by him. General Rusk replied that his chief being a prisoner, Filisola would not obey the order. Santa Anna thereupon said, such was the attachment of the officers and soldiers of the army to him, that they would obey his commands, whatever they might be, without hesitation. General Rusk then said: "Colonel Almonte, tell Santa Anna to order Filisola and his army to surrender as prisoners of war." Santa Anna replied that he was but a single Mexican, but would do nothing that would disgrace either himself or his nation and his captors might do with him as they would. He said that he was willing to issue an order for Filisola to leave Texas. This proposition was finally agreed to and the following order was immediately issued:

"ARMY OF OPERATIONS, }  
"CAMP AT JACINTO, April 22, 1836. }

"*His Excellency, Don Vicente Filisola, General of Division:*

"EXCELLENT SIR: Having yesterday evening with the small division under my immediate command, had an encounter with the enemy, which, notwithstanding I had previously taken all possible precautions, proved unfortunate, I am, in consequence, a prisoner in the hands of the enemy. Under these circumstances, your Excellency will order General Gaono with his division, to countermarch to Bexar and wait for orders. Your Excellency will also, with the division under your command, march to the same place. The division under command of General Urrea will retire to Guadalupe Victoria. I have agreed with General Houston for an armistice, until matters can be so regulated that the war shall cease forever.

“ Your Excellency will take the proper steps for the support of the army, which from this time remains under your command, using the moneys lately arrived from Matamoros, the provisions on hand there, as well as in Victoria, and also the twenty thousand dollars withdrawn from Bexar, and now in that treasury.

“ I hope your Excellency will, without failure, comply with these dispositions — advising me, by return of the couriers, that you have already commenced their execution. God and Liberty.

“ ANTONIO LOPEZ DE SANTA ANNA.”

At the same time, in two separate notes, Santa Anna directed Filisola to instruct all commanders not to permit any injury to the inhabitants of the country; and to order the commander at Goliad to release Miller's eighty men and all other Texian prisoners at that place. Santa Anna was then offered refreshments, of which he partook, and also a small quantity of opium, for which he asked. His servants, baggage, etc., were then brought to him by Almonte and he was quartered near General Houston under the tree.

In the meantime, to show the utter ignorance of the Mexicans of the real condition of Texas, at the time the battle was fought, the division of Gaona was crossing the Brazos at Fort Bend under orders to march directly for Nacogdoches, while there were more than enough men on that route, on the march to General Houston, to have defeated Gaona in a pitched battle. These men (in all four or five hundred) were citizens of Texas and volunteers from the United States. Those of them who were residents of Texas had been delayed by fears of an uprising of the Cherokees. At the time of the battle five companies were passing the Trinity at Robbins' Ferry and others were hastening on behind to swell the ranks of Houston. A company of about fifty men under Capt. Jacob Eberly, had crossed the lower Brazos on the approach of Urrea and was on Galveston Bay.

Capt. John A. Quitman, of Natchez, Mississippi (afterwards a United States General in the Mexican war of 1846-48), with twenty-five men, reached the battle ground on the 22nd, having marched all the way on foot.

On the 21st of November, 1835, 174 volunteers sailed for Texas on the brig *Matawomkeag*, from New York. Off the Bahamas, on the 9th of December, they were captured as pirates by the British man-of-war *Serpent*, Capt. Nepear, and carried into Nassau, N. P., where they were imprisoned until the 15th of January, and then released. Renewing the voyage, they were detained at the Balize to get provisions. While there James H. Perry and Algernon P. Thompson went to New Orleans and thence to Texas. Both were in the battle of San Jacinto, Perry acting as volunteer aide to General Houston. Thompson was one of the first men to mount the Mexican breastworks. The brig entered Matagorda Bay late in March and the men disembarked. The troops were formed into a battalion under Major Edwin Morehouse, a Texian who sailed from New York with them, and after considerable delay set forth to find General Houston, entirely ignorant of his whereabouts.

With S. Addison White of the *Navidad* as their guide, they cut a road for eight miles through the dense bottom and canebrakes of old Caney and passed the Bernard and then the Brazos, and though ten or twelve miles away, distinctly heard the thunder of the guns at San Jacinto. Though worn with fatigue, they hurried in the direction of the firing and arrived on the field early next morning. Some of them, including the twin brothers, Charles A. and John J. Ogsbury, marched the next day, under Captain Daniel L. Kokernot (acting under special orders from General Houston), to expel from the east side of the San Jacinto and the Trinity, a nest of tories, a list of whose names were found among the papers taken from the Mexicans, proving that they had been in treasonable communication with the enemy, against their own countrymen.

Kokernot and his followers drove the last one of the gang out of the country or into the jungles of the river bottom.

The gallant soldier, Kokernot, nearly fifty years later, in writing of this march against the Tories, declines to mention a single name, because a number of them had worthy descendants in the country. Among that gallant band, so early and promptly coming from New York to the aid of Texas, were Edwin Morehouse, the commander, Wm. H. Loring, afterwards a colonel in the United States army, a major-general in the Confederate army and later a general in the army of Egypt; Louis P. Cooke, afterwards secretary of the Texas Navy; Charles de Morse, for forty-five years an editor in Clarksville and a colonel in the Confederate army; James C. Allen, afterwards judge of Refugio County; Richard Owings, long a worthy citizen of Victoria; John H. Woods, still an honored citizen of St. Marys, Texas; John J. Ogsbury, a boy of seventeen, who died in the autumn of 1836; Charles A. Ogsbury, his twin brother (died in 1891 in Cuero), who distinguished himself not only as a soldier in 1836-37 in the Texian army, but subsequently as a participant in military operations against the Cherokees (in 1839 and 1840), and as a soldier in the Confederate army, and as newspaper editor for about twenty-five years, showing himself always a worthy descendant of the old Knickerbockers of Communipaw; Algernon P. Thompson, long a prominent lawyer of Houston and founder of *The People*, one of the first newspapers in the Republic; James H. Perry (a West Pointer), volunteer aide to General Houston, he did not remain long in Texas, and afterwards was long pastor of a church in New York; — Stanley, a brilliant and dashing young man; — Foote, and — Steele, Louis P. Cooke, Wm. H. Loring, then seventeen, James H. Perry. Foote and Steele were students at West Point and left the institution to join the Texian army.

It will be seen that had the battle occurred a week later the effective force of Gen. Houston would have been about

doubled, making a total of about 1,584 men, and in another week, fully 2,000. But these facts were unknown to the Texian general, they were among his hopes deferred — and that he was right in hazarding the fate of Texas when he did is proven by results. A similar victory over Ramirez y Sesma, when many wanted to fight on the Colorado, would have produced no such results; but would have left Santa Anna in possession of the western half of Texas with fully 6,000 men — far more vigorous than when Houston attacked him on the San Jacinto. Santa Anna at the latter place had only 1,600 or 1,700 men and one piece of artillery. Had General Houston had the *power*, as all his correspondence shows he had the *desire*, he could not have chosen a more favorable moment to strike the enemy a decisive and crushing blow than he *did find* and *strike* at San Jacinto. He stands vindicated before posterity as the master spirit in that clash of arms that gave liberty to Texas. He was sustained by Rusk, Adjutant-General; John A. Wharton, Hockley, the regimental commanders, Burleson and Sherman, Lamar, and such commanders as Millard, Bennett, Somervell, Karnes, Allen, Baker, Billingsly, Neill, Logan, Ware, Heard, Collinsworth, Horton, Gillaspie, Moreland, Murphree, Romans, Hill, Wm. S. Fisher, Roman, McIntire, Calder, Wood, Arnold, Ben Bryan, Kimbrough, Briscoe and Turner, who went into action to conquer or die.

The personnel of Houston's army challenges comparison as to talent, courage and morale, with that of any body of men who ever went into action either in ancient or modern times.

Here perhaps is an appropriate place to refer to certain subsequent events that gave pain to every honorable citizen of Texas. • I refer to personal animosities engendered between Gen. Houston on one side and President Burnet, Col. Sherman, Col. Lamar, and others on the other side. Twenty years later bitter things were written on both sides, criminations and recriminations. General Houston, in a farewell speech

in the senate of the United States, on the 28th February, 1859, indulged in an unjust philippic against the gentlemen named. This was deeply lamented by his most devoted friends as well as the whole people. That those gentlemen fully vindicated themselves will be admitted by all familiar with the facts. Unfortunately, however, the controversy was bitter and acrimonious. It grew out of the campaign ending in the battle of San Jacinto.<sup>1</sup>

<sup>1</sup> After some hesitation, I feel impelled to make the following statement. While temporarily residing in Mexico I came to Galveston on the schooner San Carlos, about the last day of March, 1869, and was given a supper by quite a number of old friends. The next day Mr. Willard Richardson, editor of the *Galveston News*, told me that the venerable ex-President Burnet, residing in the family of Mrs. Perry, was anxious to see me, and offered to take me in his buggy. Touched very deeply by remembrance of the kindness of President and Mrs. Burnet when I was a youthful printer in Austin in 1839 and 1840, I accompanied Mr. Richardson and Col. William T. Austin, who joined us with a pleasure that is yet a sweet remembrance. Meeting the venerable patriot and Christian citizen he said: "God bless you, my son; I have long wanted to meet you once more. I am alone, all are gone—wife and children. You and Moses Austin Bryan, each by a different title, are very dear to me." He then presented me his original commission as a Second Lieutenant of the Liberating Army of South America, signed by the patriot General Miranda, and dated January 1st, 1806, saying: "I have saved it for you, my son, because you love Texas and have always labored to exalt the character of her people in moral and political virtue."

After a long and somewhat diversified conversation, in which three men, the youngest (myself) being forty-nine and the senior eighty-one, joined, with moistened eyes, I ventured to say: "President Burnet, I sorrow upon one point: It grieves my soul to think that some of the fathers of Texas were arrayed in personal antagonism. Most of them are dead; but you live and are a Christian man. Referring more particularly to General Houston, who has been in his grave nearly six years, may I ask if you harbor any bitterness towards him?" The old patriot promptly responded, as nearly as I can repeat his language, in these words: "I am glad you put the question and doubly glad to say to you, as I have often said to Mr. Richardson, that there dwells in my heart not one particle of bitterness towards General Houston. On the contrary, I believe he died a Christian, and Mrs. Houston is reported to be an admirable Christian lady and mother.

All of these patriots are entitled to the grateful remembrance of posterity, and, without indulging in the task of resurrecting their unfortunate personal antipathies, I dismiss the subject for the more congenial duty of recording, in appropriate places, their civic and military virtues. At least one biographer of General Houston, in this and kindred cases, and one historian in another, has resurrected and republished documents or letters written under misapprehension of facts and calculated to leave unjust stains on innocent men, which the former evidently afterward regretted. Such matter should have no place in permanent history.

Bereft of my own children, I rejoice that she is blessed with several and all of good promise — one little girl I am told is a genius. The General's oldest son was wounded and captured during the war. Mine was killed at Mobile. It would have been a great pleasure to me if the boys had known each other and fought side by side."

David G. Burnet was born in Newark, New Jersey, April 4th, 1788, and died in Galveston, December 5th, 1870, aged eighty-two years and eight months, the last of his family. His wife and three children were buried on his farm near Lynchburg and the battle ground of San Jacinto. His last child, Major Wm. Este Burnet, of the Confederate army, was killed in the battle of Spanish Fort, near Mobile, on the 31st of March, 1865 — only ten days before the surrender of Lee; on which the stricken father wrote in the old family bible: "A victim to an unhappy war, and I only am left poor and desolate. Oh! My God! thy will be done and give me grace to submit cheerfully to it." The character and history of this tried and true patriot were remarkable. In 1806, when but eighteen, he was a Lieutenant under the patriot General Francisco de Miranda, fighting for the liberation of Venezuela, and again in 1808, greatly loved by his chief, who finally perished in prison in Spain. In 1817-18-19, in search of health, he lived two years with the wild Comanches, on the upper waters of the Colorado and Brazos. In 1826, with his young family, he became a permanent citizen of Texas; in 1833, wrote the memorial to Mexico adopted by the convention of that year; in 1834 became district judge of the department of Brazos and was the only judge who ever held a court in Texas before the revolution. From March 18th to October 23rd, 1836, he was the first President of the Republic. From December, 1838, to December, 1841, he was Vice-President and, during most of the latter year, acted as President. He was a learned man and, through life, a sincere believer in christianity.

In the Senate of the United States Thomas H. Benton once said: "Houston is the pupil of Jackson, and he is the first self-made general since the time of Mark Antony and the King Antigonus who has taken the head of the enemy and the head of the government prisoner in battle. Different from Antony, he has spared the life of his captive, though forfeited by every law, human and divine."

## CHAPTER IV.

President Burnet on the Battlefield — Negotiations with Santa Anna — Gen. Houston goes to New Orleans for Medical Treatment — Lamar's Protest against Treating Santa Anna as a Prisoner of War — Velasco Temporary Seat of Government.

The news of the victory at San Jacinto reached President Burnet, on Galveston Island, on the 26th, and he and his cabinet, with Vice-President Zavala, reached the camp seven miles above the battle field on the 28th. There he was informed by Gen. Houston of the armistice with Santa Anna and of the order sent by the latter to Filisola. The money captured (\$18,184.00), after setting apart \$3,000.00 for the navy, by a unanimous vote of the troops, was equally divided among the officers and men. The captured property was sold at auction.

President Burnet entered into negotiations with Santa Anna. A minority of the cabinet (Robert Potter and, a few days later, Lamar, who succeeded Rusk as Secretary of War), opposed treating with Santa Anna; because, first, being a prisoner, his acts would not be binding; and, secondly, because he should be tried and executed for his crimes. To the great credit and honor of Texas wiser counsels prevailed. President Burnet, in his address to the people, published in five articles in the summer of 1836, says: "Among the first incidents to that discussion, and before any cabinet meeting was had, was the presentation to me of the protocol of a treaty, in pencil, comprising seven or eight articles by Mr. Rusk, the Secretary of War." These placed in proper form formed the basis of a treaty.<sup>1</sup> Before any definite conclusions were

<sup>1</sup> Mr. Yoakum attributes the authorship of the protocol in pencil to Gen.

reached, the 5th of May arrived. On that day General Houston took temporary leave of the army to proceed to New Orleans for surgical treatment of the wound in his ankle. The bones were shattered. He was suffering greatly and there was danger of lockjaw. Before leaving he issued the following army order:

“ HEADQUARTERS, SAN JACINTO, }  
May 5th, 1836. }

“ COMRADES: Circumstances connected with the battle of the 21st, render our separation for the present unavoidable. I need not express to you the many painful sensations which that necessity inflicts upon me. I am solaced, however, by the hope that we will soon be re-united in the great cause of liberty. Brigadier-General Rusk is appointed to command the army for the present. I confide in his valor, his patriotism, and his wisdom. His conduct in the battle of San Jacinto was sufficient to insure your confidence and regard.

“ The enemy, though retreating, are still within the limits of Texas. Their situation being known to you, you cannot be taken by surprise. Discipline and subordination will render you invincible. Your valor and heroism have proved you unrivaled. Let not contempt for the enemy throw you off your guard. Vigilance is the first duty of a soldier, and glory the proudest reward of his toils.

“ You have patiently endured privations, hardships and difficulties. Unparelled in bravery, you have encountered odds, two to one of the enemy against you, and borne yourselves in the onset and conflict of battle in a manner unknown in the annals of warfare.

“ While an enemy to our independence remains in Texas the work is incomplete, but when liberty is firmly established by your patience and valor, it will be fame enough to say:

Houston, while President Burnet awards it to Gen. Rusk. It was probably their joint work, but the matter is not of material importance.

‘I was a soldier at San Jacinto.’ In taking leave of my brave comrades in arms I cannot suppress the expression of that pride which I so justly feel in having had the honor to command them in person, nor will I withhold the tribute of my warmest admiration and gratitude for the promptness with which my orders were executed and union maintained throughout the army. At parting my heart embraces you with gratitude and affection.

“SAM HOUSTON, *Commander-in-Chief.*”

On the same day Thomas J. Rusk was commissioned as Brigadier-General by President Burnet, and placed in command of the army. Although he has heretofore been given a military title, this is the first time he really held a military position. Col. Lamar was made Secretary of War, Col. Warren D. C. Hall having temporarily filled that office after the accidental death of David Thomas, until the appointment of Col. Lamar to fill the vacancy. Several other cabinet changes were made, but for a time that body consisted of :

James Collinsworth, Secretary of State; Miarrabeau B. Lamar, Secretary of War; Robert Potter, Secretary of the Navy; Peter W. Grayson, Attorney-General; Bailey Harde-man, Secretary of the Treasury, and John Rice Jones, Post-Master General, presided over by President David G. Burnet and Vice-President Lorenzo de Zavala.

May 5th, 1836, the President and cabinet, General Houston and Santa Anna and suite, proceeded on the steamboat Yellowstone to Galveston, and on the 11th, General Houston sailed for New Orleans on the schooner Flora. The great body of the Mexican prisoners were at this time removed to the island. There was then but one small house on the island and on the 8th the heads of the Texian government, with Santa Anna, sailed down to Velasco. In August the prisoners on Galveston Island were sent up to Liberty, in charge of Judge William Hardin, and there held in nominal captivity till the

25th of April, 1837, when all were released. Many of the common soldiers were so well pleased with the Texians that they sought homes among them and remained in the country, a sufficient answer to the falsehoods published by Delgado.

At Velasco, on the 14th of May, a treaty was concluded with Santa Anna, though opposed by Secretaries Lamar and Potter. Col. Lamar's communication addressed to the President and cabinet, is here given:

After declaring that Santa Anna had placed himself without the pale of civilized warfare, he says: "The conduct of Santa Anna does not permit me to view him in any other light. A chieftain battling for what he conceives to be the rights of his country, however mistaken in his views, may be privileged to make hot and vigorous war upon his foe; but when, in violation of all the principles of civilized conflict, he avows and acts upon the revolting policy of extermination and rapine, slaying the surrendering, and plundering whom he slays, he forfeits the commiseration of mankind, by sinking the character of the hero into that of the abhorred murderer. The President of Mexico has pursued such a war upon the citizens of this Republic. He has caused to be published to the world a decree, denouncing as pirates beyond the reach of his clemency, all who shall be found rallying around the standard of our Independence. In accordance with this decree, he has turned over to the sword the bravest and the best of our friends and fellow citizens, after they had grounded their arms, under the most solemn pledges that their lives should be spared. He has fired our dwellings, laid bare our luxuriant fields, excited servile and insurrectionary war, violated plighted faith, and inhumanly ordered the cold-blooded butchery of prisoners who had been betrayed into capitulation by heartless professions. I humbly conceive that the proclamation of such principles, and the perpetration of such crimes, place the offender out of the pale of negotiation, and demand at our

hands other treatment than what is due to a mere prisoner of war. Instinct condemns him as a murderer, and reason justifies the verdict. Nor should the ends of justice be averted because of the exalted station of the criminal, nor be made to give way to the suggestions of interest, or any cold considerations of policy. He who sacrifices human life at the shrine of ambition is a murderer, and deserves the punishment and infamy of one; the higher the offender the greater reason for its infliction. I am therefore of the opinion that our prisoner, General Santa Anna, has forfeited his life by the highest of all crimes, and is not a suitable object for the exercise of our pardoning prerogative."

Finding that these views were so much at variance with those of the President and a majority of the cabinet, he urged as the next best course to adopt, the detention of Santa Anna until a treaty of peace could be concluded with Mexico. "I still feel that strict justice," wrote Lamar, "requires this course; that it is sustained by reason, and will receive the sanction of the present generation, as well as the approving voice of posterity. If the cabinet could concur with me in this view of the subject, and march boldly up to what I conceive to be the line of right, it would form a bright page in the history of this infant nation. It would read well in the future annals of the present period, that the first act of this young Republic was to teach the Caligula of the age that, in the administration of public justice, the vengeance of the law falls alike impartially on the prince and the peasant. It is time that such a lesson should be taught the despots of the earth; they have too long enjoyed an exemption from the common punishment of crime. Enthroned in power, they banquet on the life of man, and then purchase security by the dispensation of favors. We have it in our power now to give an impulse to a salutary change in this order of things. We are sitting in judgment upon the life of a stupendous villain, who, like all others of his race, hopes to escape the blow of merited vengeance."

ance by the strong appeals which his exalted station enables him to make to the weak or selfish principles of nature. Shall he be permitted to realize his hopes or not? Shall our resentment be propitiated by promises, or shall we move sternly onward, regardless of favor or affection, to the infliction of a righteous punishment? My voice is, '*Fiat justitia ruat cælum,*' — let the same punishment be awarded him which we would feel bound in honor and conscience to inflict on a subaltern, charged and convicted of a like offense. This is all that justice requires. If he has committed no act which would bring condemnation on a private individual, then let him be protected; but, if he has perpetrated crimes, which a man in humble life would have to expiate upon the scaffold, then why shield him from the just operations of a law to which another is held amenable? The exalted criminal finds security in negotiation, whilst the subaltern offender is given over to the sword of the executioner. Surely no considerations of interest, or policy, can atone for such a violation of principle. View the matter in every possible light, and Santa Anna is still a murderer.

“It will be useless to talk to a soldier of San Jacinto about national independence, and national domain, so long as the bones of his murdered brethren are bleaching on the prairies unavenged. Treble the blessings proposed to be gained by this negotiation will be considered as poor and valueless, when weighed against the proud and high resentment which the soldiers feel for wrongs received. In the day of battle the animating cry was ‘Alamo!’ and why? Because it was known that the slaughterer of the Alamo was then in the field; it was him they sought. It was not against the poor and degraded instruments of his tyranny that we warred; they fell, it is true, before our avenging strokes, like grass before the reaper’s sickle. \* \* \* The great difficulty in dealing with our prisoner as his crimes deserve, arises, as I have already intimated, from the fact that education will

not permit us to strip him of his ill-gotten honors, and view him in the light of a private individual. We are taught, by what we see around us in early childhood, to reverence wealth and power, and it is almost impossible in after life to emancipate the mind from the slavish thralldom, so that when we approach the guilty lords of creation, there is an involuntary shrinking back, as if we deemed them privileged in enormity, and not amenable to us for their outrages. We feel that we should not deal with him as we would with ordinary men. If a peasant, convicted of murder, shall offer a bribe for the preservation of his life, it meets with prompt and indignant repulsion; but if a prince, under like circumstances, shall, in the fullness of his power, propose some lordly favor, it is accepted with avidity, as if it were, upon our part, a virtuous performance of duty. Besides this, we flatter ourselves that there is nothing wrong in the transaction because we are not personally and privately the beneficiaries of the bargain; but certainly the right or wrong doth not depend upon who are the recipients, whether the public or an individual. If we have a right thus to act for the good of the nation, we can do the same for the good of the community; and if for a community we can for a family; and if for a family, why may not that family be our own? This mode of reasoning will readily exhibit the fallacy, if not the immorality, of that doctrine which draws a distinction between a high and a low offender, and justifies a negotiation with the one which would be odious and criminal in another."

Lamar was a Georgian. He had visited Texas with the intention of becoming a citizen, in July, 1835, but in consequence of the closing of the land offices he could not obtain an order for his head-right and so returned temporarily to Georgia, but hastened his return to Texas as soon as he learned of the advance of the Mexicans. He landed at Velasco not far from the time of the Goliad massacre. Fanin and the flower of his division were Georgians. Many of

them belonged to families whom Lamar knew personally. He writes thus of them: "Never did the broad light of day look upon a fouler murder; never were a better or braver people sacrificed to a tyrant's ferocity. The most of them were youthful heroes."

He considered his views as safe in policy as they were sound in principle.

"I have always thought," Lamar said, "and still believe that our sole reliance should be upon our swords and not upon the faith of Santa Anna. If the armies now on the retreat shall dare a countermarch, there will not be in the next battle a Mexican left to tell the tale of their defeat; and if another expedition against us shall be gotten up in the fall or in the spring, there will come into our country such a cavalcade of heroes as will make their chivalry skip. The very first army that turns its face to the east will awaken a war which will move onward and onward over the broad prairies of the west, knowing no termination until it reaches the walls of Mexico, where we shall plant the standard of the single star, and send forth our decrees in the voice of our artillery."

After declaring his readiness to yield to the acts of the majority of the cabinet in the settlement of this embarrassing question he concluded as follows: "That my feelings and opinions may not be misapprehended, I beg leave by way of recapitulation, to state, that, towards the common soldiers among the Mexican prisoners, I cherish no malice or resentment, looking upon the most of them in the light of unwilling instruments in the hands of tyranny; neither can I perceive in the conduct of the officers any particular acts which might not be considered as legitimate in a soldier devoted to his profession, or in a patriot enlisted in the cause of his country. These, after an exchange of prisoners, I would retain in the custody of the government until the conclusion of the war; but viewing Santa Anna altogether in a different

attitude, I would adopt the course in reference to him which I have already urged."

General Jackson, then President of the United States, did not agree with Lamar. On the 4th of September he wrote to Houston as follows: "I take the liberty of offering a remark or two upon a report which is current here, that Santa Anna is to be brought before a military court to be tried and shot. Nothing now could tarnish the character of Texas more than such an act as this. Sound policy as well as humanity approved of the counsels which spared his life. \* \* \* His person is still of much consequence to you. He is the pride of the Mexican soldiers, and the favorite of the priesthood. While he is in your power, the difficulties of your enemy in raising another army will continue to be great. The soldiers of Mexico will not willingly march into Texas, when they know that their advance may cost their favorite general his life. Let not his blood be shed unless imperious necessity demands it, as a retaliation for future Mexican massacres. Both wisdom and humanity enjoin this course in relation to Santa Anna."

From Fort Jessup, La., on the 3rd of August, 1836, General Edmund P. Gaines, of the United States army, wrote General Houston: "No inconsiderable portion of your fame, resulting from your late campaign, the great victory of San Jacinto, will be found in the magnanimity and moral courage displayed by you in preserving the lives of your prisoners, and more especially the life of President Santa Anna, when taken in connection with the great provocation given in his previous conduct at the Alamo and at Goliad. The government and the infant republic of Texas will derive imperishable fame from their and your forbearance in this case. All civilized and enlightened men, in all time and geographical space, will unite in filling the measure of glory and honor due for such magnanimity, forbearance and humanity."

Having thus given the opposing views on the subject, the treaty is here presented:

THE TREATY, MAY 14, 1836.

“ Articles of an agreement entered into between his Excellency, David G. Burnet, President of the Republic of Texas, of the one part, and General Antonio Lopez de Santa Anna, President and General-in-Chief of the Mexican army of the other part.

“ Art. 1st. General Antonio Lopez de Santa Anna agrees that he will not take up arms, nor will he exercise his influence to cause them to be taken against the people of Texas during the present war of Independence.

“ Art. 2nd. All hostilities between the Mexican and Texian troops will cease immediately, both on land and water.

“ Art. 3rd. The Mexican troops will evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte.

“ Art. 4th. The Mexican army, in its retreat, shall not take the property of any person without his consent and just indemnification, using only such articles as may be necessary for its subsistence when the owner may not be present; and remitting to the commander of the Texas army, or to commissioners, to be appointed for the adjustment of such matters, an account of the value of the property consumed, the place where taken, and the name of the owner if it can be ascertained.

“ Art. 5th. That all private property, including cattle, horses, negro slaves, or indentured persons of whatever denomination, that may have been captured by the Mexican army, or may have taken refuge in said army, since the commencement of the late invasion, shall be restored to the commander of the Texian army or to such other persons as may be appointed by the government of Texas to receive them.

“ Art. 6th. The troops of both armies will refrain from coming into contact with each other, and, to this end, the commander of the army of Texas will be careful not to approach within a point nearer than five leagues of the Mexican army.

“ Art. 7th. The Mexican army shall not make any other delay on its march than that which is necessary to take up their hospitals, baggage, etc., and to cross the rivers; any delay not necessary to these purposes to be considered an infraction of this agreement.

“ Art. 8th. By express, to be immediately dispatched, this agreement shall be sent to General Filisola and to T. J. Rusk, commander of the Texian army, in order that they may be apprised of its stipulations, and to this end they will exchange engagements to comply with the same.

“ Art. 9th. That all Texian prisoners now in possession of the Mexican army or its authorities, be forthwith released and furnished with free passports to return to their homes, in consideration of which, a corresponding number of Mexican prisoners, rank and file, now in the possession of the Texian government, shall be immediately released. The remainder of the Mexican prisoners that continue in possession of the Texian government to be treated with due humanity; any extraordinary comforts that may be furnished them shall be at the expense of the Mexican government.

“ Art. 10th. That General Antonio Lopez de Santa Anna shall be sent to Vera Cruz *as soon as it shall be deemed proper*.

“ The contracting parties sign this instrument for the above mentioned purposes, by duplicates at the port of Velasco, this 14th of May, 1836.

“ DAVID G. BURNET,

“ ANTONIO LOPEZ DE SANTA ANNA. ”

“ JAMES COLLINSWORTH, *Secretary of State*.

“ BAILEY HARDEMAN, *Secretary of Treasury*.

“ P. W. GRAYSON, *Attorney-General*. ”

## THE SECRET TREATY.

“PORT OF VELASCO, May 14, 1836.

“Antonio Lopez de Santa Anna, General-in-Chief of the Army of Operations and President of the Republic of Mexico before the government established in Texas, solemnly pledges himself to fulfill the stipulations contained in the following articles, so far as concerns himself:

“Art. 1st. He will not take up arms, nor cause them to be taken up, against the people of Texas, during the present war for Independence.

“Art. 2nd. He will give his orders that in the shortest time the Mexican troops may leave the territory of Texas.

“Art 3rd. He will so prepare things in the cabinet of Mexico, that the mission that may be sent thither by the government of Texas may be well received, and that by means of negotiations all differences may be settled and the independence that has been declared by the convention may be acknowledged.

“Art. 4th. A treaty of amity, comity, and limits will be established between Mexico and Texas, the territory of the latter not to extend beyond the Rio Bravo del Norte.

“Art. 5th. The present return of General Santa Anna to Vera Cruz, being indispensable for the purpose of effecting his solemn engagements, the government of Texas will provide for his immediate embarkation for said port.

“Art. 6th. This instrument being obligatory on the one part, as well as on the other, will be signed in duplicates, remaining folded and sealed until the negotiations shall have been concluded, when it shall be restored to His Excellency, General Santa Anna, no use to be made of it during that time,

unless there should be an infraction by either of the contracting parties.

“ANTONIO LOPEZ DE SANTA ANNA.

DAVID G. BURNET.”

“JAMES COLLINSWORTH, *Secretary of State*.

“BAILEY HARDEMAN, *Secretary of Treasury*.

“PETER W. GRAYSON, *Attorney-General*.”

Secretary Lamar was not in accord with this treaty, but thought it very good, *if a treaty had to be made*. The Secretary of the Navy, Robert Potter, was violently opposed to it — especially to the 10th article. In a letter to President Burnet of May 12th, from the post of Galveston, he writes: “I learn from authentic information that Mr. Loring, the officer who fell into their (the Mexicans’) hands from the *Invincible*, was butchered by Thompson, and that about 20 others, taken at San Patricio, were to be shot the next day. This information seems to me to demand a revival of the question, already debated with much feeling in the cabinet, as to the proper mode of dealing with our prisoners. It is my clear conviction heretofore expressed in cabinet council, that Santa Anna and his officers should be hanged and the privates condemned to servitude for life.” Mr. Potter’s information was in part untrue. The prisoners to whom he refers escaped.

## CHAPTER V.

Retreat of Filisola — Gen. Adrian Woll — Indian Massacres and Captures —  
Burial of Fannin's slaughtered Heroes — Grayson and Collinsworth sent  
as Commissioners to the United States.

We will now return to Filisola at Fort Bend. The news of the overthrow of Santa Anna, speedily confirmed, caused a panic in his camp. Before Santa Anna's order of the 22d reached him he had caused Gaona's division to recross the Brazos and commenced a hasty retreat. At Mrs. Powell's farm, fifteen miles from Fort Bend, he had concentrated his troops, including Urrea's advance division. He admits having had 4,078 men, but probably had over five thousand. This was April 25th, only four days after the battle. A council of the generals was held in which they agreed to retreat beyond the Colorado, open communication with the capital and await advice and assistance. The retreat was disorderly, the roads being strewn with carts, muskets and other effects impeding the progress of infantry. On the 28th, before reaching the Colorado, Deaf Smith overtook them bearing Santa Anna's order of the 22d.

Filisola replied to Santa Anna that he would cross the Colorado, and do no hostile act, unless compelled so to do in necessary self-defense, and that he would respect the rights of property as provided in the armistice. But to avoid all danger of a misunderstanding, he sent General Adrian Woll, under a flag of truce, to get a fuller explanation of the intent and meaning of the armistice. General Woll arrived and was courteously received; but his imprudence excited the ire of the soldiery, and, though provided with the necessary *safe conduct*, signed by President Burnet, he was stopped and

taken back to camp, by some of the scouts, after the government had left for Galveston. After an insignificant delay, he was sent on to Velasco, where the president furnished an escort to conduct him to the retreating Mexican army.<sup>1</sup> Filisola, however, did not halt on the west side of the Colorado, but continued his retreat to Victoria and Goliad, over muddy roads and with scant provisions. His troops were greatly demoralized and retreated in a disorderly manner. Capt. Juan N. Seguin, who had, as an officer in the Texian army, commanded a detachment of Mexicans in the battle of San Jacinto, did good service in watching and reporting the retrograde movements of Filisola.

Col. Burleson was dispatched with an advance column to follow and watch the movements of Filisola, but with instructions not to molest him, unless he committed some overt act. Capt. Karnes, as commander of scouts, served under Burleson.

Gen. Rusk, with the army, reached Goliad, the extreme post on the frontier—beyond which, to the Rio Grande, there lay an unbroken and uninhabited wilderness, and went into camp.

Captains Ben Fort Smith and Henry Teal, as commissioners appointed for that purpose by President Burnet, were ordered

<sup>1</sup> Adrian Woll, of French descent, was born on the frontier of France and Switzerland, and educated for the military profession. He arrived in Baltimore in 1816, with letters to General Winfield Scott, commending him as a young man of promise. In that city he joined the expedition of the patriotic but unfortunate Spanish General, Francisco Xavier Mina, and entered Mexico, at Soto la Marina, with him. While his chief perished, he survived the revolution and was retained in the Mexican army, to become a general of some distinction, adhering from first to last, to the fortunes of Santa Anna. He commanded the expedition of fourteen hundred men, who captured San Antonio, took as prisoners the district court of San Antonio and citizens to the number of fifty persons, on the 11th of September, 1842, but was defeated in a pitched battle on the Salado, on the 18th, and hastily retreated. On Santa Anna's downfall in 1855, he returned to his native place and died there. I received his early history from his own lips, in 1855.

to overtake Filisola and present to him for ratification the treaty of the 14th of May, between Santa Anna and the Texian government. They were also empowered by General Rusk, as Texian commander, to ratify the treaty, in a military point of view, in conjunction with Filisola as commander of the Mexican army. They overtook Filisola on the 25th of May on a creek between Goliad and San Patricio, and he appointed Generals Tolsa and Amat, who signed the ratification with them. The treaty was also ratified and signed by Filisola and Rusk. Thereupon Filisola, unmolested, continued his retreat to Matamoros, having previously sent forward Urrea, with nine hundred men, to prevent the commencement at that place of an apprehended revolution, adverse to Santa Anna.

With the treaty, through Captains Smith and Teal, Santa Anna sent the following letter to Filisola:

“EXCELLENT SIR: Annexed I send to your Excellency the articles of the agreement, entered into by me, with his Excellency, David G. Burnet, President of the Republic of Texas, for your information and fulfillment of the same to its full extent, in order that no complaints may arise tending to cause a useless rupture. I expect to receive, without delay, your Excellency's answer by this same opportunity. Accept in the meantime my consideration and regard. God and Liberty.

“ANTONIO LOPEZ DE SANTA ANNA.”

To this letter Filisola replied on the 25th, as follows:

“EXCELLENT SIR: When on the point of taking up my march with the army which I have the honor to command, I received your Excellency's communication announcing the agreements made by your Excellency with the commander of the Texian forces. Previous to the reception of those agreements I was disposed to obey your prior orders, com-

municated to me officially. In fulfillment of them I was already on my march, and continued therein on this very day; nor shall there be any other delay than what may be absolutely necessary for transporting the sick, trains, stores and munitions of war, as is provided for in the treaty. Inasmuch as the said treaty is duly drawn up, agreed to, and ratified by your Excellency in the character of President of the Republic, and commander-in-chief of the army of operations, I cannot fail to obey it in all its parts, and have acted in conformity since the commencement, for I have scrupulously performed that part respecting property [appropriating everything movable that came in his way, prisoners he had none,] and payment for what has been furnished to the army for its subsistence. Agreeably to the treaty aforesaid, I will also enter into arrangements with the commander of the Texian forces for a mutual fulfillment of its stipulations and adjustment of claims that may arise. God and Liberty.

“VICENTE FILISOLA.”

About this time Filisola received instructions from the acting government in Mexico to negotiate for the release of Santa Anna; to secure Bexar and the western ports; and to save the remainder of the army by concentrating it at a place convenient for receiving provisions, and to retreat no farther, as he would soon be re-inforced by four thousand troops, to be sent by sea from Vera Cruz. Filisola had more wisdom than the government, a thousand miles distant. He continued his retreat, losing many men from starvation and thirst, and was glad, with the utterly demoralized remnant of his army, to recross the Rio Grande. The promised four thousand Mexican soldiers were never sent from Vera Cruz.<sup>1</sup>

<sup>1</sup> To add to the calamities of the times there were enacted many bloody scenes disconnected with the Mexican invasion. Pending the siege of the Alamo, the moving family of John Hibbins, at a point in Lavaca County,

## BURIAL OF THE DEAD OF FANNIN'S MEN.

On the morning of June 3d, the army was paraded within the fort. A procession was formed with Col. Sidney Sherman in command; minute guns were fired and they marched to the

near the present town of Shiner, was attacked by Indians. He and George Creath, a brother of his wife, were killed, and Mrs. Hibbins, a little son and her infant child, were carried into captivity — the infant to be killed — she to escape at a point near where the city of Austin now stands and the son to be recovered a few days later, after a gallant fight, by a party of rangers under Captain John J. Tumlinson.

Within a few hours of this attack on the Hibbins family, Douglass, Dougherty, and their families were attacked by Indians at a point about twelve miles south of the place where the Hibbins family were assailed. Only two young sons of Douglass escaped the butchery that followed. On the 19th of May, a cluster of cabins known as Parker's Fort, two or three miles north of the present town of Groesbeck, in Limestone County, was surrounded by a large body of Indians. John Parker, senior, a Baptist preacher, his married son, Silas, and his single son, Benjamin F., and Samuel M. Frost and his son Robert were killed. Mrs. Rachel Plummer, daughter of James W. Parker, and her child; and Cynthia Ann and John Parker, children of Silas Parker, and Mrs. Elizabeth Kellogg were carried into captivity. Mrs. Plummer was ransomed about twenty months afterward, and her son at a later day. Cynthia Ann Parker remained among the Indians until the 18th of December, 1860 (24 years and 7 months), when she was rescued by L. S. Ross, then captain of a company of rangers and in after years Governor of Texas. Mrs. Kellogg was recovered a few months after her capture. John Parker was never ransomed nor retaken, but many years later took up his abode in Mexico, where he continued to live among the Indians. The elder Mrs. Parker and Mrs. Duty were terribly wounded and they with others, numbering in one party of eight (4 men, 2 women and 2 children), and in another twenty-one persons (2 men and 19 women and children), escaped and, after great suffering during six days, reached the settlement of Fort Houston, now Palestine. A few weeks later, in June, the inhabitants of a settlement at the three forks of Little River, in Bell County, just returned from their retreat east from the Mexicans, were compelled to seek safety from the Indians by removing to Nashville on the Brazos. There were eleven men and boys able to bear arms, and Mrs. Goldsby Childers and three daughters. On the way they were attacked by about a hundred Indians. The Rev. Mr. Crouch and Robert Davidson, whose families were still at Nashville, were killed. The others made a heroic defense and escaped. From these incidents and the account pre-

solemn strains of martial music to the grave, where the remains, charred beyond recognition, were deposited. Gen. Rusk, in a brief address, recalled "*the heroism of the brave band who had so nobly thrown themselves a barrier between the people of Texas and the legions of Santa Anna.*"

As he dwelt for a moment upon the price of the holocaust, the effect was electrical. Standing around the grave the men, — among whom were five who, having escaped the massacre, were chief mourners, with quivering lips and trembling with excitement, were ready under the slogan, "Remember Goliad," for a repetition of San Jacinto.

The next day, General Andrade, marching from San Antonio to join Filisola at San Patricio, stopped before reaching Goliad and asked permission of Gen. Rusk for his army to pass along the Goliad road. Gen. Rusk replied that, should any portion of the Mexican army come within sight of his men, he could not be responsible for the consequences. Andrade cut a road seven miles through the Chaparral to intersect the road to San Patricio and made a new crossing of the San Antonio River for his artillery and baggage.<sup>1</sup>

A few days later Filisola, having passed westward into the wilderness, the Texian army fell back to Victoria. On the 30th of May President Burnet commissioned and dispatched James Collinsworth and Peter W. Grayson to the government of the United States to seek the recognition of Texas as an independent republic and also to broach the question of annexation. Wm. H. Wharton, Stephen F. Austin, and Branch T.

viously given of the slaughter on the 2d of April, on the Nueces, of eleven of Beales' colonists and the capture of two women and three children, it will be seen how the pioneers, at five different places, covering a frontier line of three hundred and fifty miles, were scourged by savages, as the remorseless Santa Anna waged a war of extermination against the people of Texas.

<sup>1</sup> Before leaving San Antonio, Andrade dismantled the Alamo, in violation of the military agreement.

Archer, appointed by the consultation in the previous November, had gone as commissioners to the United States to seek aid and volunteers *from the people*, but in the nature of things were not accredited in any diplomatic sense, *to the government* of that country. These three gentlemen accomplished great good for the cause of Texas in procuring money and hastening forward volunteers, munitions and provisions. They also did immense service in presenting to the people of the United States the true grounds upon which Texas took up arms, and thereby drew to the Texian cause the sympathy of people in every section of the Union. Hence volunteers came from all sections — from Maine, Vermont and New Hampshire to the extreme west; from central States and all parts of the south. With independence declared in March and won in April, it was necessary for these gentlemen to be superseded by representatives from the Republic accredited directly *to the government* of the United States. President Burnet promptly realized this changed condition and, at the earliest practicable moment, sent forward Messrs. Collinsworth and Grayson, men of eminent ability. Unfortunately they reached Washington after the adjournment of Congress, and this involved delay until the succeeding session.

Messrs. Austin, Wharton and Archer reached home late in June. Austin arrived at Velasco on the 27th of that month, and at once rendered important service, as we shall see later, in regard to the apprehended hostilities by the Cherokee Indians.

## CHAPTER VI.

Santa Anna Embarked for Vera Cruz, but Disembarked by a Military Mob — Gen. Houston in New Orleans — An Outrageous Letter from Malcontents in the Army to President Burnet, and his stunning reply — Santa Anna's protest and President Burnet's reply.

We come now to a review of the scenes over which, if duty permitted, I would throw the veil of oblivion. On the first day of June, Santa Anna and his suite were embarked on the war schooner *Invincible*, Capt. Jeremiah Brown, to be sent to Vera Cruz, in order that he might fulfill the stipulations of the treaty entered into with him. Bailey Hardeman and Vice-President Zavala were to accompany him to Vera Cruz. From several causes, however, the *Invincible* was delayed until the 3rd. Just before embarking on the first Santa Anna, when he had no reason to apprehend detention and considered himself virtually set free, under the sanction of the treaty, wrote the following farewell to the Texian army and had several copies distributed :

“ VELASCO, June 1, 1836.

“ *My Friends:*

I have been a witness of your courage on the field of battle, and know you to be generous. Rely with confidence on my sincerity, and you shall never have cause to regret the kindness shown me. In returning to my native land I beg you to receive the thanks of your grateful friend,

“ ANTONIO LOPEZ DE SANTA ANNA.”

On the 3d the steamer *Ocean* arrived from New Orleans with about two hundred and fifty volunteers, nominally, at least, under command of Thomas J. Green.

J. Pinkney Henderson and Memucan Hunt were passengers on the vessel. It was the first arrival of Messrs. Henderson and Hunt in Texas. There was considerable opposition among the citizens to the release of Santa Anna, and these newly arrived volunteers, utter strangers in the country and utterly ignorant of the condition of affairs, demanded his detention.

President Burnet, for the time being, was unable to offer effectual resistance and, therefore, sent Messrs. Henderson, Hunt, Hardeman, and Ben Fort Smith to explain matters to Santa Anna and bring him ashore, which was done. He was landed at Quintana and placed under a guard commanded by a man whom Green assured the president was trustworthy and a gentleman, but who proved to be otherwise.<sup>1</sup>

<sup>1</sup>Green, in his defense, in regard to this matter, published years later, says: "Landing at Quintana, on the western bank, we met President Burnet and surrendered the prisoner to him. He turned to me and said, 'I deliver the prisoner over to your charge and shall hold you responsible for his safe keeping.'"

This is contrary to the statement of President Burnet, as the two following letters show. The first was published in the New Orleans Bulletin and copied into *El Correo Atlantico*, a Spanish paper in that city:

"VELASCO, June 4, 1836.

"We arrived at Galveston, May 30th, and on the 2d of June were ordered to repair to this place, where we arrived on the same evening on board the Ocean. We found the place in great confusion in consequence of the cabinet having sent Santa Anna on board of a vessel to send him home, for the purpose of having a treaty ratified which was made by them. The people were opposed to his going, but had not an individual commissioned to be their leader. On the morning of the 3d instant I came forward as their leader, and formed my company, equipped for service, and sent to the cabinet to have Santa Anna and his suite brought on shore. There was at first some objection, but they at last complied, and I now have him and suite in my charge. He was delivered over to me to-night, and I am at this time on duty with a strong guard under my command. Gen. Cos and four or five hundred Mexicans are still on Galveston Island as prisoners.

"H. A. HUBBELL."

When Gen. Houston sailed for New Orleans, on the 11th of May, he left an address to the troops then on Galveston Island and those who might subsequently arrive, in which he said that obedience to the constituted authorities and laws of the country, was the first duty of a soldier, and that it would adorn the soldiers' martial virtues, and qualify him for the highest rights of citizenship.<sup>1</sup>

On the day that Santa Anna was taken from the vessel (when President Burnet, his family and cabinet were destitute of every comfort, and living in mere huts,) President Burnet received an extraordinary communication from the army, then at Victoria, prompted by a mass meeting in the camp. The complainants said that they were citizen soldiers — the bone and sinew of the country, and that they claimed the privilege, as freemen, to speak freely and plainly and would do so in a tone devoid of passion. They said that they had battled cheerfully for their country and had defeated and taken prisoner the author of all the

On the arrival of the paper containing this letter in Velasco, the President addressed this note to Brigadier-General Thomas J. Green:

“ EXECUTIVE DEPARTMENT, VELASCO, }  
July 1, 1836. }

“ SIR: I enclose you a copy of a letter found in El Correo Atlantico, and published originally in the New Orleans Bulletin. This redoubtable ‘leader’ is, I presume, the same you introduced to me as a *confidential* officer, to whom the custody of the prisoner might be committed with perfect safety. If he had been known as the author of the letter enclosed (in which it is difficult to determine whether impudence or falsehood predominates), he certainly would never have borne a commission in the service of Texas, with the approbation of the government. You will please signify this to Capt. Hubbell, whose speedy resignation would be very cheerfully accepted, and would save me the trouble of a more peremptory suggestion.

“ Your obedient servant,

“ DAVID G. BURNET.”

<sup>1</sup> From New Orleans, June the 4th, he wrote to Col. Lamar: “My wound has improved. Some twenty or more pieces of bone have been taken out of it. My general health seems to improve slowly. It is only within the last four or five days that I have been able to sit up any portion of the day.”

disasters under which the country had groaned. The neglect of the government even to express congratulations and its action in leaving them still in camp, without even sufficient beef and with no provisions made for their relief, had exasperated them beyond endurance: "Especially," they declared, "when on Galveston Island, there was an abundance of provisions and three steamboats which could have brought them to us in thirty-six hours." They said that they had advanced to the Brazos where supplies had been promised them, and next to Cox's Point, but were in each instance disappointed in their just expectations. The following is an extract from the communication: "We are now here and have lately suffered for the want of beef itself. Under these circumstances, we have still to continue the march with no other prospect than that of great suffering before us. And to whom are we to charge these injuries? Surely to you, as the President of the Republic." They added that it was their belief that Mexico would renew the war, and that the government (which they charged with apathy) should immediately proceed to draft men and enlist regulars so as to be in a state of readiness to meet the foe. "Of the proposed release of Santa Anna," they said, "we heard with indignation that the proposition has been seriously debated by you and your cabinet as to the policy of turning him loose, and that some of you propose his liberation. That we should suspect the purity of the motive, which suggested such a policy, you must not doubt. It is well known by whom he was captured and at what risk, and we will not permit him to be liberated until a constitutional congress and president shall determine that it is expedient, and should he be liberated without the sanction of Congress, the army of citizen-soldiers will again resume the privilege of *putting down the enemies of Texas*; for we do not believe in treating with a prisoner. We abhor the idea of interfering with the management of the government. We consider the principle dangerous, and that it ought only to be resorted to

in extreme cases; and in order to avoid all difficulty and prevent the occurrence of a dangerous example, we request you will order elections for members of Congress; and the necessary officers of government forthwith, and that Congress be called together at least in two months, in order that the government may be organized and that we may have one of laws and not force. \* \* \* In conclusion, we repeat to you that Santa Anna must be safely secured, and placed at the disposition of the coming Congress. With the earnest desire that your views may coincide with our own, and that peace and prosperity may shortly pervade the country, we have the honor to be," etc.

On the next day, June 4th, the President replied to this strange and unfounded indictment against him and his cabinet. He expressed profound regret that the victors in the glorious battle of San Jacinto, should conceive that great injury had been done them by him and his administration, but comforted himself with the belief that, "as the brave were ever generous," they would see their mistake when the plain facts were presented to them.

He reminded them of a fact which he said was "painfully impressed" upon his memory (*i. e.* the distraction of the country following the fall of the Alamo), and said that when his administration came into office, the country was destitute of everything necessary to sustain an army.

They had charged, he said, that while they were suffering for the necessities of life in camp, those who fled before the enemy were "rioting in the abundance of the public stores," and replied that before the government was informed of the victory achieved at San Jacinto (which was not until the 26th), a steamboat had left Galveston with supplies for the army, but some accident to her boiler had compelled her commander to anchor at Redfish bar and that another was sent as soon as practicable, and reached the army at Buffalo bayou. After that the steamboat Laura, he said, was chartered, and

loaded with supplies to meet them at Fort Bend, but during a high wind that prevailed for several days, her boiler sprang a leak, and the government was informed of it after they supposed the soldiers were enjoying the cargo, and the government then hastened to load the schooner Express, and at the time of writing, the schooner Columbus, with Commissary Forbes on board, was preparing to leave with supplies to be landed at Copano. He called attention to his efforts to improve fiscal affairs so that better provision could be made for the support of the government and said that even the women and children on the island had been provided only with the necessaries of life, and there certainly had been no "rioting in the public stores."

As to the disposition to be made of Santa Anna, he reminded them that that officer had surrendered himself a prisoner of war, and had been received as such by the commander-in-chief, and that a treaty had been made, and Santa Anna was duly performing part of his stipulations and the Mexican troops were leaving the country.

President Burnet said that although Santa Anna had been called a murderer, he knew of no principle of international or civil law that would justify the courts, civil or military, of one belligerent nation in taking cognizance of the official military acts of the opposing commander-in-chief, and finally that the Texian government was debarred from exercising jurisdiction, if any existed, by the military convention agreed upon and ratified between General Houston and the Mexican chief, before the government was apprised of his capture.

He said (appealing to their pride) that should Santa Anna, in violation of his pledges, return with an army to Texas, "there was not a soldier in the Texian ranks that would not as soon confront him as the meanest caitiff of his nation. Who and what was he more than any other Mexican chief?"

He said that their desire to retaliate was natural, and "had Santa Anna never been received as a prisoner, and had no

treaty been made and actually ratified, he might, on the clearest principles of retribution, have been made the victim of his own vindictive and barbarous policy," but under existing circumstances "it would have been a gross violation of every principle of honor, and every rule of war, to have visited such retribution upon him."

Nothing in our history, not excepting San Jacinto, so won the respect and admiration of the civilized world as sparing the lives of Santa Anna and his chief lieutenants. That honor belongs primarily to Sam Houston and Thomas J. Rusk; secondarily to David G. Burnet, who, as President of the Republic, hazarded his life by opposing mob violence in an hour of popular frenzy.

#### SANTA ANNA'S PROTEST.

On the 9th of June, following his re-imprisonment, Santa Anna addressed a protest to President Burnet in the following terms:

"I protest against the violation of the faith engaged in the agreement made between myself and the government of Texas, signed the 14th of May, ult., and commenced verbally with the General-in-Chief of the army of Texas, Sam Houston, and Thomas J. Rusk, Secretary of War:

"1st. For having been treated more like an ordinary criminal than as a prisoner of war, the head of a respectable nation, even after the agreements had been commenced:

"2nd. For the treatment as a prisoner of war and ill-usage received by the Mexican General Adrian Woll, who had come into the Texian camp with a flag of truce; under the safeguard and word of honor of General Houston, and with the consent of the members of the cabinet.

"3rd. Against the non-fulfillment of the exchange of prisoners, stipulated in the 9th article, inasmuch as up to the

present time, not even one Mexican prisoner of war has been set at liberty, notwithstanding the liberty given to all the Texians in possession of the army under my command.

“ 4th. Because the *sine qua non* of the 10th article, as follows, has not been carried into effect; which is, that I shall be sent to Vera Cruz, when the government shall deem it proper: whereas the President himself and the cabinet of Texas, being convinced that I had fulfilled all my engagements, viz., that the Mexican army, four thousand strong, should retreat from the position it occupied on the Brazos to beyond the Rio Grande; that all the property should be given up, also the prisoners of war — had determined on my embarking on the Texian schooner of war, the ‘Invincible,’ in which I finally did embark on the 1st of June inst., after addressing a short farewell to the Texians, wherein I thank them for their generous behavior, and offered my eternal gratitude.

“ 5th. For the act of violence committed on my person, and abuse to which I have been exposed, in compelling me to come again on shore, on the 4th inst., merely because 130 volunteers, under the command of General Thomas J. Green recently landed on the beach at Velasco from New Orleans, had, with tumults and with threats, requested that my person should be placed at their disposal.

“ Finally, I protest against the violence kept up towards me, by being placed in a narrow prison, surrounded with sentinels, and suffering privations which absolutely render life insupportable, or tend to hasten death; and finally, for being uncertain in regard to my future fate, and that of the other prisoners, notwithstanding a solemn treaty.”

President Burnet replied on the 10th. He frankly expressed his mortification at the causes which had required a change in the time at which the government deemed it proper to send him to Vera Cruz, but found an apology in “the deep, intense and righteous indignation,” which the citizen

soldiers felt in the atrocities which had been committed on their friends "by his Excellency's command."

With regard to Santa Anna's lack of personal comforts the President replied: "I have cheerfully subjected my own sick family to many hardships, in order to render your excellency the best accomodations in our power. That we are at present destitute of the necessaries of life, is mainly attributable to your Excellency's visit to our new country, and on this account we feel less regret that you should partake of our privations." It would not have been irrelevant to have reminded his Excellency of the unjustifiable incarceration and close confinement of Stephen Austin in a filthy Mexican dungeon without pen, paper, book or light, and *his* "torturing uncertainty" for two years. Austin's only crime consisted in conveying to the civil government of Mexico a petition couched in respectful language, the acceptance or rejection of which could not have hazarded in the least degree its domestic interests.

To the protest with regard to the treatment of Gen. Adrian Woll, President Burnet made reply: "It involves some facts which I do sincerely deplore, but for which this government is not strictly responsible." It has been shown that the constraint upon his movements was due to his own indiscretion in arousing the anger of the soldiers and the suspicion that he was a spy. This was imposed by the military, as President Burnet alleged. He said: "Your Excellency is sensible that we have done all in our power to guarantee the safe return of General Woll to the Mexican camp; but our orders have been contravened by the commander of the Texian army, at a remote distance from the seat of government."

As to the non-exchange of prisoners, of which Santa Anna complains, the Texians who were captured at Copano and taken to Matamoros had made their own escape, and Drs. Barnard and Shackelford, at San Antonio, were not consid-

ered in the treaty. The President informed Santa Anna that he had no official information of a single Texian prisoner having been given up under the treaty.

The Mexicans had no prisoners — the reasons for which should have forever silenced his complaints on that score. The President said “This government has gratuitously discharged several Mexican captives and defrayed their expenses to New Orleans, the destination which they selected.”

It may be added that so far from having “given up property,” on its retreat the Mexican army drove before it large herds of cattle and thereby reduced the Texian army to the point bordering on starvation, to say nothing of families the government found it difficult to protect from a similar fate. The situation was most distressing. Even from the mothers came petitions asking that the Mexican prisoners be sent away in order that Texian children might not perish of hunger. The wanton destruction of the walls of the Alamo, mingling their ruins with the ashes of the victims who had fallen there, was a poor fulfillment of Santa Anna’s pledge of protection to property during the retrograde movement of the Mexican army and, added to this, was carrying off the guns belonging to that fortress, or melting, or otherwise destroying them.

President Burnet deeply felt the humiliation inflicted upon him by being compelled by force to order the disembarkation and re-imprisonment of Santa Anna.

He possessed the coolness as well as the capacity and patriotism to look beyond the hour and to so shape his course as to merit the approbation of posterity. To Santa Anna he at the time could only say: “It were superfluous to repeat the causes which induced the government to vary its *discretion in regard to the time they should deem the departure of your Excellency to be proper*,” and disclaim any knowledge of the harsh treatment complained of except knowledge of the fact that Santa Anna had been compelled to return ashore under a threat that if he refused to quietly obey, force would be used. As to Santa Anna’s complaint of narrow quarters and the

watchfulness of his guard, it was without just foundation, as houses were few and small, and many Texians were compelled to live in tents and huts, and it was the duty of the guards to be vigilant, as it was reported that the Mexican consul at New Orleans, was intriguing for the prisoner's escape.

In July, Santa Anna and his suite were placed in charge of Capt. William H. Patton, an honorable gentleman and gallant soldier, with a competent guard, and taken to the plantation of Dr. James A. E. Phelps, called Orozimbo, a few miles above Columbia, on the Brazos, where they remained under military surveillance.

Early in August the small schooner *Passaic* ascended the river, having on board one Pages, an emissary of the Mexican consul at New Orleans. Acting under orders to effect the release of the prisoners, Pages pretended that he was engaged in a trading expedition, but the plot was discovered, and the prisoners put in irons, in which condition they remained till Congress met on the 3rd of October, and the civil government assumed control; President Burnet then had them immediately unshackled.

The reply of the President was not satisfactory to the more refractory element in the army. A plan was formed and Lieutenant-Colonel Millard, with a guard, actually sent to arrest and convey him to the army for trial. On arriving at Quintana that officer speedily found that the executive would be defended to the death, not only by the volunteers then at and near Velasco, but also by the citizens and many civilians then in that place. Col. Millard did not even cross the river, but returned, having been made sensible of the wrong against the dearest rights and hopes of the country into which he had been seduced. His success would have destroyed every semblance of government. The constitution of the Republic was not yet ratified. Burnet and his cabinet constituted, until the ratification of that instrument by the people and organization under it, the government, and his deposition would have inaugurated a fearful state of things.

Fortunately a reaction took place. The army became reconciled—order was restored and no more was heard of the unfortunate movement. President Burnet was too magnanimous to ever make public the names subscribed to the document addressed to him. Reflection and a realization of the actual facts surrounding the President—his inadequate means, immense responsibilities and herculean labors—caused general regret among those who had participated in preferring the unjust and unwise allegations made against him. A respectable portion of the officers and men, be it said to their credit, had refused to take part in them. The army was composed of patriotic, and in the main, unusually intelligent men, whose condition in camp, with inadequate food and largely without tents, was deplorable and well calculated to arouse dissatisfaction, of which a few ambitious and excitable men took advantage to create a mutinous feeling.<sup>1</sup>

“The executive government have been ignorantly charged with reposing an undue confidence in the promises of Santa Anna; whereas, our rule of action has been that no confidence could be safely reposed in a *Mexicano*. We acted under a firm persuasion, which nothing that has since transpired has shaken in my mind, that Santa Anna was fully and deeply convinced by evidence which no after suggestions of his own vanity, and no pompous sophistry of his less experienced compatriots in Mexico could disturb, that his own highest political interests, and the best interests of Mexico, too, would be advanced by a prompt and decisive ratification of the treaty. We were, therefore, confident that, so far as he was personally concerned, there was little reason to apprehend a breach of promise.”

<sup>1</sup> In justice to President Burnet, as well as in explanation of the grounds upon which the members of the cabinet acted in making the treaty, and the reasons that led them to desire to send Santa Anna home in fulfillment of its stipulations, the above extract is made from the President's Address No. 2, to the people of Texas, published in September, 1836.

## CHAPTER VII.

The Infant Navy — A Judge of Admiralty Appointed — False Alarm of another Invasion — Felix Huston succeeds Rusk in Command — Changes in the Cabinet — Indian troubles in East Texas — Important service of Gen. Austin — Gen. Gaines of the U. S. Army — First Elections in the Republic — The "Horse Marines" — Commissioner from the United States.

On the 27th of November, 1835, under the Provisional Government, Governor Smith approved two ordinances — one for granting letters of marque and reprisal, and one for establishing a navy. Under this authority, aided by friends in and out of Texas, Governor Smith first, and President Burnet later, succeeded early in 1836, in securing three armed vessels for the navy of the Republic — the schooner *Invincible*, Captain Jeremiah Brown; the schooner *Brutus*, Captain Norman Hurd (each carrying eight guns), and the schooner *Independence*, Commodore Charles E. Hawkins, with eight guns and a nine-pounder pivot gun. These vessels cruised in the gulf and did valuable service in preventing supplies reaching the Mexican army at the western ports. Early in April, off Brazos Santiago, the *Invincible* fell in with and attacked the armed Mexican schooner, *Montezuma*, Captain Thompson (the Englishman who figured at Anahuac in 1835, and who, in 1837, became a friend of Texas). After two hours fight the *Montezuma* was driven ashore and became a wreck. Captain Brown, after repairing his damage, which was confined to the rigging, stood out to sea and captured the brig *Pocket*, from New Orleans to Matamoros, freighted with flour, lard, rice, biscuits and other supplies for the Mexican army. The *Pocket*, with her valuable cargo, was conveyed into Galveston harbor.

Soon afterwards the schooner *Liberty* with three guns, was added to the little fleet. Some time later the *Champion*, a schooner, with supplies for the Texian army, was captured by the enemy. But other prizes continued to be brought in. This created a necessity for a court of Admiralty to adjudicate all questions arising under these captures. To meet this emergency President Burnet took from among the private soldiers at San Jacinto an eminently qualified lawyer, in the person of Benjamin C. Franklin, and commissioned him as judge of the district of Brazos, including Galveston Island, and clothed him with Admiralty jurisdiction. This gentleman, therefore, was the first to hold a judicial commission under the Republic. He was also elected to the bench by the first Congress and long held his judicial office as he did other positions to which he was called by the voice of the people. At the time of his death in Galveston, in 1873, he was a State senator. His selection, under the circumstances, reflected honor on President Burnet.

In June, 1836, rumors of a second invasion came from Mexico, and spread over the country, causing great excitement and re-arousing the martial spirit of the army and the people. Carro, who had succeeded Barragan as acting president during the absence of Santa Anna, made strong demonstrations in favor of a new and more formidable invasion. Filisola was superseded in command by Urrea, who was ordered to halt in his retrograde movement and await re-inforcements, then being raised. Captains Henry W. Karnes, and Henry Teal, who had been sent to Matamoros, under a flag of truce, to see if all the Texian prisoners had been released, were held in custody in violation of the flag and the treaty, to prevent their giving notice of the new movement on foot. These gentlemen were completely misled by the boasting and vaunted preparations said to be in progress. On the 9th of June they dispatched a letter to Texas, through a confidential channel, saying: "They will

soon be down on you in great numbers. Four thousand will leave here in four to eight days for Goliad, and as many more by water in fifteen or twenty days, from Vera Cruz, to land at Copano or Velasco. They will wage a war of extermination and show no quarter."

Major William P. Miller, who, with his eighty men, was spared at Goliad, but who was still held in duress in Matamoros, though allowed the limits of the town, wrote a similar letter. All of these gentlemen succeeded in reaching home soon afterwards:

President Burnet, on the 20th of June, 1836, issued a proclamation, teeming with patriotism, calling the people to arms. In it occurred this among other appeals: "It is the peculiar property of true courage to rise in dignity and in spirit, as the pressure of adverse circumstances increases; to brighten in cheerfulness and resolution, as the storm lowers and gathers in darkness. Let us exemplify as a people this glorious property of the highest military attribute. Let every citizen of Texas repair with alacrity to his post."

Just before this General Rusk, in command of the army, had requested the President to appoint a new commander with the rank of Major-General and recommended for that position General Felix Huston, who had recently arrived from Natchez, Mississippi, in command of four or five hundred men. Instead of appointing General Huston the President, with the sanction of the cabinet, bestowed the commission on Colonel Mirabeau B. Lamar, who at once repaired to the army. That the President committed a blunder soon became manifest. While the soldiery held Col. Lamar in the highest esteem for chivalry and all the attributes of a gallant soldier, his appointment had not been requested. The army almost idolized Rusk and desired him to remain in command; and after him, Huston was doubtless their second choice. Advised of this state of feeling, on arriving in camp, Colonel Lamar promptly declared his unwillingness to serve unless it

was the wish of the army. He asked, however, to address them and explain his position. They were paraded, his speech was made and a vote fairly taken, with the utmost good feeling, and showed a great majority for General Rusk, whereupon Lamar gracefully retired.

William H. Jack succeeded James Collinsworth as Secretary of State, but resigned in a short time. The position of Attorney-General, vacated by Commissioner Grayson, remained vacant for a considerable time. John A. Wharton, who succeeded Robert Potter, during his absence, as Secretary of the Navy, resigned to become a candidate for the first Congress, to which he was elected from Brazoria. Colonel Alexander Somervell resigned his position in the army to accept the post of Secretary of War, vacated by Lamar. Bailey Hardeman, Secretary of the Treasury, suddenly died, after rendering many important services, and was succeeded for a time by Barnard E. Bee, recently from South Carolina. Later Mr. Bee took charge of the State department. Not one of the original cabinet served through the term. David Thomas, the first Attorney-General, was accidentally killed by a gun-shot at Galveston. Samuel P. Carson died in search of health in the United States. Rusk went into the army. Numerous other changes sprung from transfers from one field of service to another. There was never a serious difference in the cabinet, save on the question of releasing Santa Anna.

In June, at the time of these new alarms, President Burnett, acting for the government, entered into a contract with Mr. Memucan Hunt, just arrived from his home in Mississippi, under which the later was "to introduce into Texas a division of four thousand men fully armed and equipped, to serve during the war." "His success," says the President, "was but partial, but it involved a large sacrifice and expenditure of his private property." His failure was a blessing in disguise, for there in fact arose no necessity for such an additional force. The two thousand five hundred men then in the ranks were

sufficient to deter from coming or defeat any force likely to invade the country. Mr. Hunt was wholly without experience in military affairs. Had he succeeded he would have acquired the title of "General." The war debt of the country would have been doubled.

In fact there was no danger of another Mexican invasion. As predicted by President Burnet, the absence of Santa Anna opened the way for renewed internal strife and revolution in Mexico. Too many military chieftains were more than willing, despite their protestations, to have his captivity prolonged. This is proven by numerous publications, official and unofficial, one of which in pamphlet form, issued in the city of Mexico, arraigned him for crimes committed in Mexico such as to stamp him with eternal infamy even had his course in Texas been blameless.

At the time of this second threatened invasion it became known that Manuel Flores and other Mexican emissaries were among the Cherokees endeavoring to secure their co-operation against Texas. There was more or less popular distrust of a portion of the Mexican population around Nacogdoches, who were on friendly terms and much in intercourse with the Indians. The gravest apprehensions were entertained by the people of East Texas and, indeed, the entire country. Many believed, despite the denial of Colonel Bowles, chief of the Cherokees, that the Indians had been held in restraint in March and April solely by the presence of United States troops on the east side of the Sabine and the halting of several hundred volunteers around Nacogdoches; volunteers who otherwise would have been with General Houston at San Jacinto.

And now, with a larger invasion in prospect, both by land and water, whereby fresh and well-equipped troops might be landed at Copano, Matamoros, Velasco or Galveston, an alliance between the Mexicans and these Indians it was thought might reasonably be expected. In this state of

affairs, General Stephen F. Austin performed an important service to the country. He arrived by schooner from the United States on the 27th of June. On the next day he suggested to President Burnet the wisdom and necessity of again calling upon General Gaines at Fort Jessup. The President wrote an earnest letter on the same day and in consideration of these Indians belonging to United States tribes, he urged General Gaines to station a force at Nacogdoches to prevent them from joining in a war on Texas, in which the lives of a large number of unprotected families would be at their mercy. General Austin also wrote him on the 4th of July. The same courier, George P. Digges; furnished by Austin with means for the trip, carried both letters; also two letters from Santa Anna and one from Austin to President Jackson — Santa Anna inclosing a copy of the treaty of May 14th. Among other things General Austin wrote in his letter to General Gaines:

“The President of Mexico, General Santa Anna, who is now a prisoner in this place, assures me, in the most decided and unequivocal terms, of his desire to end this Texas war on a basis of a recognition of our independence, and he has written to General Jackson requesting the mediation of the United States to terminate the war on that basis.

“I have no hesitation in saying that I believe that General Santa Anna is sincere and in good faith in the promises and offers he has made to the government to acknowledge our independence and admit the mediation of the United States; but he can do nothing as a prisoner, or until he returns to Mexico and re-assumes the government, or to the Mexican army and re-assumes command; and such is the state of public opinion here and in our army that he cannot be released until he gives such guarantees as will satisfy both the army and people of his sincerity. Now the guarantee of General Jackson will be sufficient, and I believe that your guarantee, in conjunction with the establishment of your headquarters at

Nacogdoches, would be sufficient. I mean in the event of your guaranteeing, in the name of the United States, the fulfillment of the treaty made by Santa Anna with the government of Texas."

General Gaines answered on the 4th of August that his instructions did not confer sufficient power on him to give the guarantee; but he did send Colonel Whistler, with a body of dragoons, to take post at Nacogdoches. This was sufficient notification to the Indians to insure their neutrality, even if the Mexicans had invaded the country, which they failed to do, and that source of anxiety was dissipated in a few weeks.

Austin's private memorandum on July 20th, says: "I went to Velasco to meet Messrs. William H. Wharton and Branch T. Archer (who had returned a few days before), for the purpose of making a report of our mission to the United States as commissioners. We made our report and rendered an account of all the moneys we had received and disbursed for Texas, and accompanied the account with all the original vouchers which were passed to the auditor for examination."

President Burnet's message to the first Congress, October 4th, says that the commissioners, while in New Orleans in January, arranged for two loans — one for fifty thousand dollars which was advanced at the time; another for two hundred thousand, on which twenty thousand were advanced, on a basis of landed security; but when the agent of the lenders came over to have the terms ratified, the government demanded a modification to which the lenders objected and the remaining \$180,000 was never received.

#### THE FIRST ELECTION IN THE REPUBLIC.

On the 23rd of July, 1836, President Burnet, with the approval of the cabinet, and in the exercise of the powers conferred upon him by the organic act of the convention under which he was made the head of the government *ad interim*

(the time being discretionary with him), issued a proclamation ordering a general election to be held throughout the Republic, on the first Monday in September, for: 1st, a president and vice-president; 2nd, for fourteen senators and twenty-nine representatives, to compose the first Congress, senators being chosen for three years, while representatives were to be elected annually: 3d, on the ratification or rejection of the constitution; 4th, on clothing the first Congress with conventional powers to revise and amend the constitution (which latter power was denied by the people), 5th, on the question of annexation to the United States.

As a matter of historic value, the apportionment of senators and representatives is given:

The county of Bexar, one senator; San Patricio, Refugio and Goliad, one; Brazoria, one; Bastrop and Gonzales, one; Nacogdoches, one; Red River, one; Shelby and Sabine, one; Matagorda, Jackson and Victoria, one; Austin and Colorado, one; San Augustin, one; Milam, one; Jasper and Jefferson, one; Liberty and Harrisburg (now Harris), one; Washington, one; total, fourteen.

For representatives; Austin County, one; Brazoria, two; Bexar, two; Colorado, one; Sabine, one; Gonzales, one; Jefferson, one; Goliad, one; Matagorda, one; Bastrop, two; Nacogdoches, two; Red River, three; Victoria, one; San Augustine, two; Shelby, two; Refugio, one; San Patricio, one; Washington, two; Milam, one; Jackson, one; total, twenty-seven.

The following extract from the proclamation of President Burnet deserves to be preserved and handed down to posterity:

“As there are now in the army in the service of their country, a great many persons who might thereby lose their right of suffrage, therefore all such persons entitled to vote can do so by holding an election and sending the returns to the managers of the election at the capital of the precinct

(county) of which they are citizens; the name of each voter being taken down in writing and forwarded with the returns.

“And as some of the precincts (counties) are depopulated by their temporary abandonment, on account of the invasion of the Mexicans and the inroads of the Indians, therefore, all such persons, thus absent, are permitted to exercise their right of suffrage, by meeting together, *whenever they can in any number*, holding an election and making their returns, within ten days, to the Secretary of State, in which returns shall be stated the names of the persons voting, and the result thereof.”<sup>1</sup>

The proclamation closed by directing that the members of the first Congress, to be so chosen, should assemble on Monday, the third day of October, 1836, in the town of Columbia, Brazoria County — the place now known as West Columbia, two miles west of the present town of Columbia, on the immediate bank of the Brazos.

In the private memoranda of General Austin that gentleman says :

“Archer, Wharton, Bailey Hardeman, S. Rhoads Fisher and many others at this time requested me to become a candidate for President.”<sup>2</sup>

<sup>1</sup> In point of fact no election was held in the counties of Goliad, Refugio or San Patricio, their exiled citizens voting in groups, wherever they chanced to be, whether at Victoria, on the Lavaca, Colorado, Brazos or San Jacinto. Thus was the voice of all — soldier, citizen and refugee — heard.

<sup>2</sup> The unkind utterances of Austin in regard to Wharton, in the previous December, will be remembered, as will also my statement that in a large number of private letters written by Wharton near that time, not an unkind allusion is made to Austin. That Austin's animadversions were unjust seems clear. Now, after their joint service in the United States, we have Austin's own declaration that not only Wharton but also Dr. Archer (original champions of independence, while Austin was earnestly opposing that step) were supporting him for the presidency. Thus, is established the nobility of Wharton's nature; while General Austin vindicates his own sense of justice, by virtually admitting the injustice he had done him. Wharton ever kept the faith of their reconciliation at Gonzales in October,

In reply to solicitations to become a candidate, Austin said :

“ Influenced by the great governing principle that has regulated my action since I came to Texas, which is to serve this country in any capacity in which the people may think proper to employ me, I shall not decline the highly responsible and difficult one now proposed, should a majority of my fellow-citizens elect me.”

General Houston, after much suffering, had been successfully treated in New Orleans ; and, though still in feeble general health, was enabled to return to Texas, by way of Red River, arriving in San Augustine on the 5th of July. Small particles of bone, however, at intervals for several years, protruded through the cuticle of his ankle and were extracted. That member never was restored to its original strength and occasionally troubled him through life. As soon as the election was ordered by President Burnet, there was a wide-spread demand upon General Houston to become a candidate for president. He was nominated by an assemblage of six hundred people, embracing many from other parts of the country, at Columbia, by large gatherings at San Augustine, Nacogdoches and elsewhere, and was overwhelmingly the choice of the citizen-volunteers in the army, embracing as well those who had served under him in the San Jacinto campaign, as those who had afterwards reached the army. They regarded him as still the major-general and commander-in-chief, and, largely for that reason, had resented the attempt of President Burnet and the cabinet to confer that rank on Colonel Lamar. It was also said by them that when General Rusk sought to retire and recommended Felix Huston for a major-generalship, the army was greatly reduced, idle in camp, and without any prospects of active service, while, in prospect of a new invasion, the furloughed soldiers had returned and fresh ones

1835. Evil disposed persons caused Austin for a time to think otherwise and while so misled he penned the unfortunate letters.

had arrived till they had twenty-five hundred men, and next to Houston they wanted Rusk. They censured the president for taking advantage of Rusk's former letter, written under one set of circumstances and responding to it under a new, unexpected and entirely different condition of affairs; and then not complying with its suggestions, but appointing Lamar instead of Felix Huston. But in fact, with a prospect of again meeting the enemy, General Rusk, noble soldier that he was, did not wish to leave the army. These considerations and facts greatly strengthened General Houston as a candidate for president.

Before General Houston was known as a candidate, the friends of ex-Governor Henry Smith, announced him as a candidate and sent hand-bills over the country so declaring, before he was aware of the fact. He declined to be so and made known the fact as widely as he could in the short time intervening. He advised his friends to support General Houston and did so himself.

The insignificant vote cast for General Austin was no just index to the hold he had on the good-will and confidence of the people of the country. His utterances relative to independence still rankled in the breasts of many old Texans, and later comers only knew that he had opposed that measure and therefore opposed him and gave their support to the hero of San Jacinto. They did not pause to consider the fact that as soon as convinced of the necessity and practicability of a declaration of independence, he had heartily espoused the cause and untiringly bent all his energies toward securing such a declaration. Nor did they consider the splendid service he had rendered the country from January to June, 1836, as commissioner to the United States. Neither did they consider, for they could not know, the valuable services he had, almost in that hour, performed for Texas in his letter to General Gaines, President Jackson and Messrs. Collinsworth and Grayson, the new commissioners to the United States.

In the army, too, he was opposed because of his order (while in command at San Antonio) to Captain Philip Dimmitt, to give up the command of his company, to which he had been unanimously elected at Goliad, to Captain Collinsworth who had left the company in anticipation of a higher position. These matters, involving only differences of opinion, and in nowise affecting his honor, or his capacity for usefulness, as public sentiment then existed, were fatal to his candidacy for the presidency. But, in truth, the hold General Houston then held on the popular heart was irresistible. Thrice wounded in youth, under Jackson, at the Horseshoe and a loved protegee of that great man, then President of the United States; a major-general in Tennessee; a distinguished member of Congress from Tennessee, and later Governor of Tennessee, made his name and career, his ability and powers as an orator familiar in every quarter of the Union. This distinction was supplemented by the friendship and admiration of many of the most eminent men and statesmen in the American Union. These facts had great weight with the thoughtful population and largely influenced the result.

In connection with the threatened invasion and the rapid increase of the army, a problem arose, as soon as it became apparent that there would be no invasion, as to what should be done with so large a force. The expense, and in some sense the danger, of keeping so many men idle in camp on precarious supplies, were apparent. Notwithstanding companies were discharged as their respective terms expired, new companies continued to arrive from the United States — some enlisted under the authority granted by the late council to Thomas J. Chambers, to raise an “army of reserve,” some under arrangements made by the late commissioners, and some under other auspices. In this dilemma a descent on Matamoros, chiefly by water, was proposed; not with the view of holding the place permanently, but as a retaliatory measure, to cripple the enemy, teach him the capacity of Texas for aggressive war-

fare, and to make reprisals of supplies needful in sustaining the army. The President and cabinet gave their sanction to it; but at the critical moment, the schooner *Invincible* went to the United States for repairs and captain Hurd, without the knowledge of the government, went with the *Brutus* to the same country. This caused the expedition to be abandoned.

A little prior to this General Rusk dispatched Captain Isaac W. Burton with a small company of mounted men to scour the coast from the mouth of the Guadalupe to Copano. Discovering the schooner *Watchman* near Copano and concealing his men, Burton decoyed the launch of the schooner on shore. He seized and manned the boat and then captured the vessel, which was loaded with supplies for the Mexican army. Very soon the schooners *Fanny Butler* and *Comanche*, similarly freighted, entered the bay and, suspecting no danger, came to anchor near the *Watchman*. They, too, were captured, and the three rich prizes were taken into Velasco. These achievements, so timely and so gratifying to the country, and especially to the poorly fed army, won for Captain Burton and his cavalry, by universal acclaim, the unique appellation of "The Horse Marines."

When the commissioners, Collinsworth and Grayson, reached Washington, Congress having adjourned, President Jackson dispatched Mr. Harvey M. Morfit on a visit to Texas, to investigate the condition of affairs. His report amounted to little more than estimating the total population at 50,670, of which 30,000 were Anglo-Americans.

On the 14th of July, President Burnet, to correct abuses and curtail useless expenses, issued a proclamation revoking all commissions held in the military and naval service by persons who were not actually in service. This gave offense to Thomas J. Chambers, who had been in Kentucky since the previous January, and was still there under the authority of the council, to raise an army of reserve, of which, when placed

in service, he was to be major-general. A controversy ensued, now of no historic interest. Chambers had been the means of sending three or four hundred men to Texas, under Colonel Edward J. Wilson and Major G. Lewis Postlethwaite. On arriving at Velasco, these two men, not being hailed with bonfires, illuminations and salvos of artillery, or some equivalent demonstration, became suddenly bankrupt in patriotism, and, with many of their men (though by no means all), returned to their homes in Lexington, Kentucky, where they published slanderous and untruthful statements against the government and people of Texas. Chambers answered them in terms that led to a challenge and a duel was only averted by the intervention of mutual friends, the chief of whom was George D. Prentice, then and ever a friend of Texas. That there was wisdom in the President's course is evident from the fact that many persons holding roving commissions were not only doing no good, but were injuring our cause in the United States; but Chambers did not fall into that classification. However unwisely granted by the council, General Chambers was acting under its authority and could not have been included in the class referred to in the proclamation. He had incurred large responsibilities and expended considerable sums, and was entitled to be treated with good faith by the government, and so he was as soon as it became practicable.<sup>1</sup>

<sup>1</sup> Mr. Chambers, so far as popular feeling was concerned, had a heavy weight to carry. As superior judge under the judiciary law of 1834, without ever having held or organized a court, he received from the government of Coahuila and Texas thirty-two square leagues (141,696 acres) of land for one year's salary and also acquired several eleven league grants under a law that was very odious in public estimation. His opposition to independence in 1835 was attributed to this large landed interest. But his labors in behalf of Texas in Kentucky cannot be denied.

## CHAPTER VIII.

Result of the First Election — Gen. Sam Houston, President — Meeting of the First Congress — The First Constitutional Cabinet — List of Its Members and Officers — President Burnet's Message.

The first election in the Republic took place on the first Monday in September, at a time when a large number of citizens were yet absent from their homes, and hence the vote was small; but the people, in the main, chose an able Congress, including a fair per cent of the most distinguished and patriotic men in the country. The labors of this body, after the lapse of half a century, still receive the commendation of the most enlightened minds, at home and abroad. The election for President resulted as follows:

Sam Houston.....	5,119	votes
Henry Smith.....	743	"
Stephen F. Austin.....	587	"
Scattering.....	191	"
<hr/>		
Total.....	6,640	votes

For Vice-President Mirabeau B. Lamar received a majority of 2,699 votes.

The constitution was unanimously ratified.

For giving Congress power to amend the constitution only 223 votes were cast and against annexation to the United States only 91.

The new Congress assembled in accordance with the president's proclamation, on Monday the 3d day of October, 1836, at Columbia, whither the government had previously gone from Velasco. The accommodations were meager in every respect, but there was available a commodious house (for that

day), with large rooms on the ground floor, separated by a wide hallway, with other rooms for committee and clerical purposes. Each house occupied one of the large rooms. This house at first accommodated the government only in part, other houses being also utilized.

Both houses organized on the day of assemblage. In the senate, in consequence of the indisposition of the Vice-President, Lorenzo de Zavala, Senator Richard Ellis, of Red River County, was elected President pro tem, and Richardson Scurry, Secretary.

In the House of Representatives Ira Ingram, of Matagorda, was elected Speaker; and Willis A. Faris, Clerk.

The next day after the usual notifications from one house to the other and (jointly) to the Executive, President Burnet sent in his message.

Referring to the policy of imposing duties on imports and, in some cases, on exports, in the then straitened condition of the country, President Burnet said:

“ They constitute a convenient and economical mode of supplying the public necessities, and are less onerous to individuals than almost any form of taxation. They therefore form part of the financial resources of all countries. \* \* \* The idea of free international commerce is a modern improvement that reflects great credit on the philanthropy of the present age; and it is much to be regretted that the entanglements of ancient institutions, and the inveteracy of confirmed habits, have prevented its adoption by the principal nations of the earth. While such nations oppose it by cordons of custom houses, and ponderous codes of revenue laws, it would be vain and ineffectual for a nation just springing into existence, to effect its practical establishment.

\* \* \* \* \*

“ When the abundant, intrinsic resources of our country shall be fully developed, then it may be the *peculiar glory* of Texas to invite the kindred nations of the earth to an unem-

barrassed intercommunion of their diversified products. The effects of such a system on the peace and happiness of nations, and on the comfort and enjoyment of individuals, would transcend all that has heretofore been accomplished by the straitened and selfish spirit of commerce; and that, secret, parsimonious and jealous as it is, has done much to ameliorate the condition of man, by dispensing the munificent and various benedictions of Providence to and from remotest climes.

“The institution of a tariff is a matter of great delicacy, requiring minute attention to the smallest concerns of domestic life. An excessive or disproportionate charge upon one necessary article of merchandise would violate the grand principle of equalization, and I trust you will be enabled so to order the assessment as to avoid that evil. The experience of the nation from which we have seceded affords abundant testimony of the pernicious consequences of an overcharged tariff. An exorbitant rate of duty not only defeats itself, by presenting allurements to evasions of the law, but it has a tendency to demoralize a valuable portion of the community. It is one of the most interesting purposes of legislation to purify and elevate the standard of moral sentiment among the people.

“Young as we are in existence we have accumulated a debt of gratitude which all the goods of this world can never cancel. The generous exertions that have been made in our behalf by many citizens of that glorious land from which we claim a common parentage; the active sympathy they have manifested in our cause and sufferings; the many and valuable benefits they have conferred upon us, constitute obligations which nothing in our power to confer upon them can cancel. The best and most acceptable requital we can make, is an abundant evidence that their sympathies have been worthily bestowed; that the fruits of their liberality have been appropriated to the diffusion of the great principles of '76; and that our generous benefactors have contributed to the establishment of an enlightened, liberal and virtuous government, in a delightful

region of the earth, where recently the spirit of despotism reigned in all the gloomy majesty of an interdicted solitude.

“There are a multitude of other subjects that would naturally present themselves to the legislators of Texas. But they belong to your successors, while to us pertains the arduous task of adjusting the controversy with Mexico. The hand of Providence has been prodigal in its dispensations to our favored land. In its agricultural capabilities it is unexcelled. Its campaign surface invites the construction of railroads in all directions; and future explorations will disclose inexhaustible mineral wealth, comprising gold, silver, copper, lead and iron. All these will constitute subjects for future legislation. But, at present, the defense of our country and the achievement of our independence, are absorbing and paramount subjects to which all the functionaries of government, and all patriotic citizens should devote their most strenuous and indefatigable exertions.

“I trust that this Congress and all others that may assemble in Texas, will promptly and decisively put the seal of reprobation upon all sinister and unrighteous speculation in the public domain. But the moment the legislature of a country attempts, with an unhallowed hand, to violate the just and vested rights of individuals, government ceases to be a blessing and civil society is divested of half its guarantees.

“In the course of your labors for the public weal, you may experience trials and vexations that will be calculated to discourage your hearts and diffuse distrust into your minds. Your best exertions and most elaborate productions may receive reproach instead of approval, and your motives may be impugned when they are pure as the snow on the mountain-top; but let not these things dishearten you. ‘It is but the rough brake that virtue must go through.’ Banish from your councils all party spirit and political intrigue; and, armed in the panoply of an honest patriotism, move forward in the path of duty, and onward to the goal of our country’s redemption.

“And may the Almighty Ruler of the universe give you wisdom to discern, virtue to choose, and firmness to pursue the right and eschew the wrong. Then your labors will redound to the essential and permanent benefit of your country, and will so establish your own fame that the voice of jealousy and the tongue of vituperation shall not prevail to sully its brightness.”

These extracts from the first communication of the first President to the first Congress of Texas, reveal the integrity and lofty character of the writer, whose moral purity as a man and high mental endowments reflected honor on the people and country, for whom he labored with a zeal and courage that indisputably attested his conscientious devotion to the cause of liberty and pure representative government.

In the foot-note appended below will be found a complete list of the members and officers of the first Congress, all of whom, it is believed, are dead.<sup>1</sup>

<sup>1</sup> The first session began at Columbia, October 3d, 1836 — the adjourned session at Houston, May 1st, 1837.

Lorenzo de Zavala, Vice-President and President of the Senate till October 22, — term expired. He died November 15, 1836.

Mirabeau B. Lamar, Vice-President and President of the Senate from October 22, 1836, to December 10, 1838, died December 19, 1859.

Richard Ellis, President *pro tem* at the first session, — Jesse Grimes at the second.

#### THE SENATORS.

Dr. Stephen H. Everitt, from Jefferson and Jasper, died in 1849; Robert Wilson, from Harrisburg and Liberty, died in 1856; Willis H. Landrum, from Shelby and Sabine; Shelby Corzine, from San Augustine (elected first district judge and resigned, died in 1839); Sterling C. Robertson, from Milam, died March 4, 1842; Alexander Somervell, from Austin and Colorado, drowned in January, 1854; Jesse Grimes, from Washington, died March 16, 1866; Edwin Morehouse, from Goliad, etc., died in 1849; Richard Ellis, from Red River, died in 1840; Albert C. Horton, from Matagorda, Jackson and Victoria, died in 1865; James S. Lester, from Bastrop and Gonzales; Francisco Ruiz, from Bexar; William H. Wharton, from Brazoria, died in 1839 — resigned to become American Minister and succeeded by James Collinsworth, who was drowned in 1838; Dr. Robert A. Irion, from Nacogdoches.

Richardson Scurry was secretary of the first and Arthur Robertson of the

second session; Masillon Farley, Assistant Secretary of the first and Edward M. Glenn of the second session; Wm. King, Sergeant-at-Arms of the first and Noah T. Byars of the second session; Joshua Canter, Door-keeper of the first and Marshall Mann of the second session; E. Lawrence Stickney, Enrolling Clerk; Oscar Farish, Engrossing Clerk, second session; Augustus M. Tompkins, Reporter. The senators by lot, served one, two and three years.

#### REPRESENTATIVES.

Austin County, Moseley Baker, died November, 4, 1848; Bexar, Thomas J. Green, died in North Carolina, January 12, 1864; Bastrop, John W. Buntton and Jesse Billingsley; Brazoria, Dr. Branch T. Archer (speaker of the adjourned session, died September 22, 1856), and John A. Wharton (died in the third congress, December 17, 1838); Colorado, John G. Robison, killed by Indians early in 1837, and in the adjourned session, Jesse Burnham; Goliad, John Chenoweth; Gonzales, William S. Fisher; Harrisburg, Jesse H. Cartwright; Jackson, Samuel Addison White, died in 1869; Jasper, Samuel S. Lewis, died in 1838; Jefferson, Claiborne West; Liberty, Edward T. Branch; Matagorda, Ira Ingram, speaker of the first session, succeeded by D. Davis D. Baker, in the second; Milam, Francis W. Wethered, whose seat was contested and finally given to Samuel T. Allen; Nacogdoches, John K. Allen, died February 12, 1847; Haden H. Edwards, in the first session and Haden Arnold in the second; Red River, Dr. Mansell W. Mathews, George W. Wright (died August 1, 1877,) Wm. Becknell (for a short time Becknell's seat was contested and, on his own motion, awarded to Collin McKinney, who died in Collin County in 1860, aged 94 years); Refugio, Elkanah Brush; San Augustine, W. W. Holman, died in October, 1873, and Dr. Joseph Rowe, died in 1865; Sabine, John Boyd; Shelby, Richard Hooper and Sidney O. Pennington; San Patricio, John Geraghty; Victoria, Richard Roman, died in California in 1876; Washington, Wm. W. Hill and W. W. Gant.

#### OFFICERS OF THE HOUSE.

Thomas Blackwell, Recording Clerk; W. T. Hendricks, Door-keeper at the first and Abner S. McDonald at the second session; William D. Thompson, Engrossing Clerk at the first and Thomas Green at the second session; Augustus Parker, Sergeant-at-Arms at the first and George S. Stratton at the second session; Elisha M. Pease, Assistant Secretary at the first and John S. Simpson at the second session; M. J. Falvell, Reporter.

## CHAPTER IX.

Induction of Houston and Lamar into Office — Lamar's Tribute to Zavala —  
The New Cabinet — The Labors of the First Congress — Selection of  
District and County Officers.

The constitution provided that the President and Vice-President should be inaugurated on the second Monday in December; but the anomaly was now presented of the constitutional Congress being in session, while the President and Vice-President *ad interim* were still in office. Mr. Zavala resigned his office on the 21st, and on the 22d, President Burnet sent in this, his last official communication:

“ EXECUTIVE DEPARTMENT, }  
COLUMBIA, October 22, 1836. }

“ *To the Honorable Senate and House of Representatives:*

“ GENTLEMEN: The period having arrived when, in the estimation of Congress, the constitutional government may be completely organized, and, as I conceive such organization to be desirable, I request that the Congress will not consider my incumbency as any obstacle to the immediate inauguration of the executive officers elect.

“ Sensible of having discharged my duty to my adopted country to the utmost extent of my abilities, and with a faithfulness unmingled with a selfish feeling, I shall retire from office with the inmost approbation of my own conscience, which I esteem more than the plaudits of men.

“ DAVID G. BURNET.”

On the same day, in the presence of the two houses of congress and a number of distinguished invited guests, among

whom were ex-Governor Henry Smith and many spectators, Sam Houston was installed as President, and Mirabeau B. Lamar as Vice-President of the Republic. The oath of office was administered to each by Ira Ingram, Speaker of the House of Representatives.

General Houston, being called upon somewhat unexpectedly to assume the office, on that day, delivered a short impromptu address, abounding in patriotic sentiment, and deferred till another occasion a general expression of his views and the submission of recommendations. Until that hour he was major-general and commander-in-chief of the army, and on the day of his inauguration wore the sword he had carried at San Jacinto. The following description of the concluding part of his address is from the official report, House Journals of 1836, page 87.

“Here the President paused for a few seconds and disengaged his sword and continued:

“It now, sir, becomes my duty to make a presentation of this sword—this emblem of my past office.” The President was unable to proceed farther; but, having firmly clenched it with both hands, as if with a farewell grasp, a tide of varied associations rushed upon him in the moment; his countenance bespoke the workings of the strongest emotions; his soul seemed to have swerved from the hypostatic union of the body, to dwell momentarily on the glistening blade, and the greater part of the auditory gave outward proof of their congeniality of feeling; it was in reality a moment of deep and exciting interest. After this pause, more eloquently impressive than the deepest pathos conveyed in language, the President proceeded: “I have worn it with some humble pretensions in defense of my country; and, should the danger of my countrymen again call for my services, I expect to resume it and respond to their call if needful, with my blood and my life.”

Vice-President Lamar then delivered his inaugural, beautiful both in diction and conception, and breathing a spirit of

patriotism so pure and elevated as to deserve preservation among the forensic gems of our archives. Passing the merely formal parts the following is reproduced:

“As Vice-President merely, I shall not be invested with official means to accomplish much, either of good or evil. The positive power, the active authority which might fall to my lot by an unhappy contingency, I sincerely pray I may never be called upon to exercise, since it could only devolve upon me through national calamity (*i. e.* the death of the President). Upon you, gentlemen, and not upon any branch of the executive department, rests the good or evil destiny of this Republic. Mine is a station of honor; yours of action and responsibility. You have been convoked for high and solemn purposes, with duties to perform and obligations to discharge involving the most sacred principles of liberty and the deepest interests of humanity. A brave and virtuous people, struggling for freedom and independence, have made you the depository of their highest gift; and the permanent weal or woe of our country depends upon the fidelity or selfishness with which you shall execute the trust reposed. If, discarding all the meaner propensities of fallible nature, you shall approach the task assigned you, with reason for your guide, rectitude your policy, and the public good your only end and aim, I doubt not that you will, under the auspices of Divine Providence, be able to pass such laws and adopt such a system of measures as will result, not only in honor to yourselves, but in great glory and happiness to your country. You have it now in your power to open a fountain of legislation which, though a little stream at present, fertilizing as it flows, will continue enlarging with the lapse of time, as a rivulet of water widens as it wends its way to the ocean. But if you should prove recreant to the trust confided—if, listening to the whisperings of ambition and cupidity, you should depose the authority of conscience and yield yourselves up to the dominion of selfish passion, making the demons

of gold and glory the gods of your idolatry, it will be impossible to estimate the extent of mischief which must inevitably flow, not only to the living, but to many a coming generation. The evils may be boundless and irremediable; and at a crisis like the present, when the hopes of your countrymen and the eyes of all civilized nations are turned upon you, any dereliction of duty and sad betrayal of confidence, cannot fail to draw down upon yourselves the scorn of earth, and upon our country the wrath of Heaven. If ever there was a time when all selfishness should be sacrificed upon the holy altar of patriotism, *now is that time.*

“We are in the midst of a revolution, — struggling for a separate national existence — laboring under many serious and alarming disadvantages — almost destitute of civil government — trembling as it were upon the verge of anarchy — with too little credit abroad and too much of the fiery element of discord at home. To extricate ourselves from this fearful condition, will require not only our mental energies, but an exertion of the very highest order of moral worth. The least deviation from the direct path of wisdom and virtue may bring woes innumerable upon our country, and lose to us forever all those blessings which we hope to gain by the restoration of peace and the erection of a free and independent government. Hence, gentlemen, those venal indulgencies and selfish motives of legislation which under ordinary circumstances, might be productive of temporary mischief only and passed by without punishment, would, under the existing condition of things, in our present attitude to the world, be in its turpitude of the deepest dye, meriting the chastisement of universal execration.

“Gentlemen, I should be doing injustice to my own feelings if I were to resume my seat without paying to my predecessor in office that tribute of respect to which he is justly entitled, by his public as well as his private virtues.

Through the period of a long life the ex-Vice-President, Governor Lorenzo de Zavala, has been the unwavering and consistent friend of liberal principles and free government. Among the first movers of the revolution of his native country, he has never departed from the pure and sacred principles upon which it was originally founded. This steady and unyielding devotion to the holy cause of liberty has been amply rewarded by the high confidence of the virtuous portion of two republics. The gentleman, the scholar and the patriot, he goes into retirement with the undivided affections of his fellow-citizens: and I know, gentlemen, that I only express your own feelings, when I say that it is the wish of every member of this assembly that the evening of his days may be as tranquil and happy as the meridian of his life has been useful and honorable."

This just and merited tribute to the pure and spotless Zavala was unwittingly, on the part of its eloquent author, a virtual eulogy upon the dead. On the 15th of November, only twenty-four days later, at his home on Buffab Bayou, Zavala's soul peacefully plumed its flight to join the good and great who had gone before. In his native Yucatan his memory is enshrined in every heart. By the redeemed multitude in Mexico he is venerated as one of the most illustrious of those heroes whose names adorn the pages of the history of their country. To the old citizens of Texas his memory is dear; and to those of a later day it should be.

Promptly following his installment, President Houston sent to the Senate, and that body promptly confirmed, his nomination of men to compose his cabinet. They were:

Stephen Fuller Austin, Secretary of State; Henry Smith, Secretary of the Treasury; Thomas J. Rusk, Secretary of War; Samuel Rhoads Fisher, Secretary of the Navy; James Pinkney Henderson, Attorney-General; Robert Barr, Postmaster General. General Rusk soon resigned, his private

affairs requiring attention, and William S. Fisher succeeded him Rusk's appointment left General Felix Huston in command of the army then on the Lavaca.

The labors of the first Congress demanded the highest exercise of wisdom and prudence. They were herculean in magnitude, involving the enactment of primary laws embracing within their scope the entire machinery of civil government under a written constitution. Not only were the general principles pertaining to such a form of government to be securely embedded in the laws, but the rights of individual citizenship defined and protected. The rights of citizens to land as immigrants; and of the soldiers who had fought the battles of the country, or were yet in the army ready to take the field if farther occasion demanded, were to be secured by equitable headright and bounty laws. These grave responsibilities, embarrassed by the confusion incident to the times, were met with a wisdom that challenges the admiration of after times.

Under the constitution of the Republic, Congress was clothed with power to organize counties and county governments. In exercising it, that body reserved to itself the power to elect the county judges, surveyors, and boards of land commissioners to issue land-certificates to those who, upon proper proof, should be found to be entitled to them. Only the acknowledged patriotism of this Congress and the temporarily unsettled condition of the population can excuse this centralization of power. So far as known, the Congress made safe and judicious selections. This is especially true with reference to its selection of county judges.

On the 16th of December, 1836, the two houses assembled in joint session for the election of sundry officers under the Republic.

James Collinworth was elected Chief Justice of the Supreme Court by 25 votes to 18 cast for Richard Ellis.

Shelby Corzine was unanimously elected Judge of the first, or eastern district.

Benjamin C. Franklin was elected Judge of the second, or Brazoria district, by 23 votes to 19 for J. D. Woods.

Robert M. Williamson was elected for the third, or Washington, district, by 30 votes to 7 for Thomas R. Jackson and 5 for W. L. Underwood.

James W. Robinson was elected for the fourth, or western, district, by 34 votes, to 8 for W. D. Jarvis.

The District Judges, with the Chief Justice, composed the Supreme Court.

The following prosecuting attorneys were elected :

First district, Richardson Scurry, by 38 to 3 votes.

Second district, Augustus M. Tompkins, by 31 votes to 6 for Henry P. Brewster and 5 for Fenton M. Gibson.

Third district, H. C. Hudson, unanimously.

Fourth district, John Ricord, unanimously.

For Auditor, John W. Moody, received 23 votes; E. M. Pease, 18.

For Treasurer, Asa Brigham, was elected unanimously.

County Judges: Austin County, Thomas Barnett; Bexar, Joseph Baker (Don Jose); Bastrop, Andrew Rabb; Brazoria, George B. McKinsty; Colorado, William Menefee; Goliad, W. H. McIntire; Gonzales, Bartlett D. McClure; Harrisburg, Andrew Briscoe; Jackson, Patrick Usher (died in Perote prison, 1843); Jasper, Joseph Mott; Jefferson, Chichester Chaplin; Liberty, Daniel P. Coit; Matagorda, Silas Dinsmore; Milam, Massillon Farley; Nacogdoches, Charles S. Taylor; Red River, Robert Hamilton; Refugio, John Dunn; San Augustine, William McFarland; Sabine, Matthew Parker; Shelby, George V. Lusk; San Patricio, John Turner; Victoria, John McHenry; Washington, John P. Coles.

William H. Wharton was appointed Minister to the United States, and soon left for Washington City.

On the 21st of December, after a session of two months and eighteen days and the enactment of many wise, and a few imperfect or unwise laws, and selecting the new town of Houston as a temporary seat of government, the Congress adjourned to meet in that place on Monday the first day of May, 1837.

## CHAPTER X.

President Houston's Wise and Patriotic Action — Zeal of Gen. Austin for the Public Weal — His Death and the Universal Lamentations of the People — Ceremonies attending His Interment — Gen. Hamilton of South Carolina invited by Congress to become a Texian and Commander of the Army — Santa Anna to President Houston.

In the selection of his cabinet and William H. Wharton as minister plenipotentiary to the United States, President Houston manifested a most generous spirit — wisdom in statesmanship — and a sincere desire to harmonize hitherto discordant elements — elements represented by men whose antagonism grew out of differences of opinion as to the true policy to be pursued by Texas, during the period of the revolution, with reference to a declaration of independence. It was an inspiration worthy of the chief magistrate of a newly-born and sorely-tried republic of free men, to seek to heal the wounds inflicted in the discussion and settlement of that issue. He felt that the virtue and intelligence of the country should combine and act unitedly for the promotion of the common happiness and prosperity. Ignoring apparent rivalry in the presidential election, he urged the selection of Stephen F. Austin as Secretary of State, and ex-Governor Henry Smith as Secretary of Treasury, leaders respectively of the opposing parties, on the primary question of independence. This action was hailed by the patriots of the country, of all former shades of opinion, as eminently wise and just. Other selections, especially those of General Rusk, Mr. Henderson and Mr. Fisher, strengthened the public gratulation. To see those men sitting around the same board, forgetting the past and striving unitedly for a brilliant future, sent thrills of joy and hope through the anxious hearts of the people.

The multiplied labors for the moment cast upon General Austin, in regard to our foreign relations, and the internal organization of the civil departments of the government, national and municipal, were met with a zeal and courage worthy of his best days. He labored almost incessantly (though still in feeble health) in inclement weather and in uncomfortable quarters without fire. It was too much for his feeble frame. His self-sacrifice attested his courageous devotion to duty. Suddenly he was stricken and compelled to yield — to seek repose on his couch. Speedily pneumonia developed, in malignant form, and in two or three days after ceasing his official labor, at 12:30 p. m., on the 27th of December, 1836, the soul of Stephen Fuller Austin followed that of his father, which had taken its flight in 1821. As the news spread, lamentation was universal over the land.

From the first day of January, 1822 — the feeble dawn of American civilization on the Brazos — he had been identified with every movement having as its object the public good. He had toiled, in sunshine and in storm, for the prosperity of his colony, and, indirectly, had given aid to other colonies. His long imprisonment in the dungeons of Mexico, from the effects of which he never recovered and which, as the incipient cause, doubtless hastened his death, excited for him the sympathy and affection of his fellow-citizens. At the time of his decease he was in his forty-fourth year. While he had but reached manhood's meridian, in the latter years of his life, owing to innumerable hardships and sufferings that he had encountered, he presented the appearance of an old man. His mistakes in public policy were forgotten. His moral virtues, conceded by all, and his patriotism, denied by none, were alone remembered by the people.

It has been a misfortune to the fame of Stephen F. Austin, but not to as great a degree as to that of General Houston, that inconsiderate biographers, in the exuberance of an over-weening admiration, have attributed to him merit that he did

not possess. The attempt to make it appear that he was the father of Texian independence is of this character. It has been shown that he was nothing of the sort. His course on the subject, however, in nowise detracts from his claims to patriotism. History is instructive and valuable only in so far as it is a record of facts, with results springing from them. Stephen F. Austin, in 1822, assumed the position of his deceased father in a contract with the Mexican government, to introduce into Texas a number of American families for a specific consideration in land. He complied with his contract as a business transaction. In this matter patriotism had no part, De Witt, Sterling C. Robertson, Power and Hewitson, McMullen and McGloin, Milam, Burnet, Vehlein, Zavala, Beales, Cameron and others entered into similar contracts, some to succeed and some to fail, and with them too not patriotism but self-interest supplied the motive force. Nor was the exercise of this sentiment manifested until there were in the country a sufficient number of Anglo-Americans and Europeans to need a distinct political organization for their mutual protection against the evils of constantly recurring civil commotions, and internecine strifes in Mexico. This was in 1832. Thenceforward Stephen F. Austin's claims to the respect of posterity as a patriot become a part of our political history. The succeeding events have been given with an impartial reverence for truth; and by that test, the name of Austin must be handed down to posterity as a patriot. He was in other respects, more than this; he was a painstaking laborious man of business, just in regard to the rights of his colonists, an exemplar of personal and public virtue and the most tender domestic affections — a plain common sense man, without brilliancy of mind or genius, but eminently safe and prudent in all that engaged his attention. Let his memory be imperishably preserved on the brightest history of Texas.

General Austin died in the house of his friends, Mr. and

Mrs. George B. McKinstry. His remains lay in state from the 27th to the 29th, on which day they were escorted from West Columbia, two miles, to the steamboat Yellow Stone, at Columbia. Colonel George W. Poe acted as marshal of the procession, headed by the Sergeant-at-Arms of the Senate and House. Then followed the hearse, with his colleagues of the cabinet, Henry Smith, Wm. S. Fisher, James P. Henderson and S. Rhoads Fisher, as pall-bearers; his relatives; President Houston and Vice-President Lamar; officers of the civil list, officers of the army, officers of the navy and clerks of the departments and citizens.

On arriving at Peach Point, on the river, the home of James F. Perry, his brother-in-law, and the place of interment, the procession was met by a detachment of the first regiment of infantry, under Captain Martin K. Snell, who paid the last honors to the deceased patriot, on his interment. His only sister and other kindred were in after years buried beside him.

On the day of his death the following order was issued :

“ WAR DEPARTMENT,                    }  
“ COLUMBIA, December 27, 1836. }

“ The father of Texas is no more. The first pioneer of the wilderness has departed. General Stephen F. Austin, Secretary of State, expired this day at half-past twelve o'clock, at Columbia.

“ As a testimony of respect to his high standing, undeviating moral rectitude, and as a mark of the nation's gratitude for his untiring zeal and invaluable services, all officers, civil and military, are requested to wear crape, on the right arm, for the space of thirty days. All officers commanding posts, garrisons or detachments will, so soon as information is received of this melancholy event, cause twenty-three guns (one for each county in the Republic), to be fired, with an interval of five minutes between each; and also have the garrison and reg-

imental colors hung with black, during the space of mourning for the illustrious deceased.

“ By order of the President,  
“ WILLIAM S. FISHER,  
“ *Secretary of War.*”

A similar order to the navy was issued by S. Rhoads Fisher, Secretary of that department.

Among the touching episodes connected with the death of General Austin, was the presence with him in the hour of death of perhaps his oldest living friend in Texas, Major James Kerr, of the Lavaca, who had served with him in the territorial legislature of Missouri twenty years before, and who had ever been his warm and confidential friend in Texas. There lies before me now an entry in the private diary of Major Kerr, written on the day of Austin's death, beautiful in its tender lamentation over the sad event.

In the Senate of the United States, on the first of August, 1854, after referring to the American fathership of Texas, General Sam Houston, in the fullness of a great heart, said:

“ Stephen F. Austin was the father of Texas. This is a designation justly accorded to him, as will be testified to by every man who is acquainted with the primitive history of Texas, or its progress, as long as he lived. He is entitled to that honor. \* \* \* Posterity will never know the worth of Stephen F. Austin, the privation which he endured, the enterprise which he possessed, his undying zeal, his ardent devotion to Texas and her interests, and his hopes connected with her glorious destiny.”

It should have been stated a little earlier that on the appointment of General Rusk as Secretary of War and the command of the army falling upon General Felix Huston, a joint resolution of Congress invited General James Hamilton, of South Carolina, to become a Texian and commander-in-chief

of the army. That gentleman became a Texian, but declined the honor of commanding the army.<sup>1</sup>

On the death of Austin, President Houston appointed James Pinkney Henderson Secretary of State; but he was subsequently sent as Minister to Great Britain and France, to seek an acknowledgment of Texian independence and favorable treaties. Thereupon, Dr. Robert A. Irion of San Augustine became Secretary of State and served till the close of Houston's administration in December, 1838. In this connection it may be stated that, during this two years' presidential term, the other cabinet offices were successively filled as follows:

Secretary of the Treasury, Henry Smith.

Secretary of War, Thomas J. Rusk (only for a few weeks), William S. Fisher, Barnard E. Bee, George W. Poe, and George W. Hockley.

Secretary of the Navy, S. Rhoades Fisher and Dr. William M. Shepherd.

Attorney-General, James Pinkney Henderson, Peter W. Grayson, John Birdsall and Albert S. Thruston.

Postmaster-General, Robert Barr.

Comptroller, Elisha M. Pease and Francis R. Lubbock.

William H. Wharton, Memucan Hunt and Dr. Anson Jones were Ministers and Envoys to the United States, and W. F. Catlett, Secretary of Legation. James Pinkney Henderson was Minister to both Great Britain and France, and George S. McIntosh his Secretary of Legation.

<sup>1</sup> General Hamilton had been a gallant soldier in the war of 1812-15, had been governor of South Carolina and United States Senator from that State. In the Senate of South Carolina, early in 1836, when George McDuffie, to the regret of his friends throughout the Union, had denounced the Texas revolution in terms showing his ignorance of the issues involved, General Hamilton introduced counter resolutions and by one of the most eloquent speeches ever delivered in America, carried them almost unanimously. This won the hearts of all Texas. The distinguished services of General Hamilton to Texas will be recorded later on.

William H. Wharton as Envoy Extraordinary reached Washington in December and presented his credentials. His labors greatly hastened the acknowledgment of Texian independence although, of course, he was not officially recognized by the United States government until that time.

The following letter was written by Santa Anna to Gen. Houston fifteen days prior to his departure from Texas:

“ OROZIMBO, November 5, 1836.

“ *To His Excellency, Gen. Sam Houston:*

“ MY ESTEEMED SIR: Through the channel of your commissioners, and by my conversation with you on the 2d instant, I have manifested to you the importance of my visit to Washington City to adopt the most effectual mode of terminating the Texian question; and, as time is passing, without any definite action, when it is most precious, I am desirous that you, who are so deeply interested in the welfare of this country, should expedite the final determination of this question — using, if you should deem it advisable, the following reasons :

“ When the treaty of the 14th of May was entered into, it was based upon the principle that Texas should form an independent nation, and should acquire a legal existence by means of the acknowledgment of Mexico. But, as that basis has been changed by the recent declaration of the people of Texas in favor of annexation to the United States of the north, it appears to me that, by this declaration, the question is much simplified; because, in future, it will appertain to the cabinet at Washington to regulate this matter, and with whom Mexico will not hesitate to enter into explanation, as a definite treaty is desired.

“ The mode of effecting this important object, without loss of time, is what I hope to attain by my conference with the cabinet at Washington, at the same time conciliating all

interests. Convinced as I am that Texas will never reunite with Mexico, I am desirous, on my part, to improve the advantage which may offer, and avoid the sacrifices which will occur should an imprudent attempt to reconquer this country, which has hitherto proved more detrimental than beneficial; consequently reducing the Texas question to this single point — the regulation of the limits between the United States and Mexico, which, you are aware, has been pending many years, and may be fixed at the Nueces del Norte, or any other boundary, as may be decided on at Washington. Thus disagreeable discussions, which might delay the definite termination of this question, or cause a difference between two friendly nations, will be avoided.

“This, in substance, is a plain, safe and speedy mode of terminating this important matter, and, as all are interested, it becomes necessary that you facilitate my journey to Washington with the least possible delay.

“In regard to the stipulation in the secret treaty, that my journey should be direct to Vera Cruz, there will be no surprise when the reasons why I first go to Washington City are known; and should I be sent the latter route, I would like that Messrs. Hockley, Patton and Bee should accompany me. Should it meet your approbation, you can commission them for that purpose.

“I conclude by repeating to you what I have said, both verbally and in writing — that my name, already known to the world, shall not be tarnished by any unworthy action. Gratitude is my characteristic; so you will have nothing on your part to repent. To you I owe my existence, and many favors of which I am deeply impressed; and these I will endeavor to reciprocate as they so justly deserve.

“I have the honor to remain

“Your most obedient servant,

“ANTONIO LOPEZ DE SANTA ANNA.”

President Houston, notwithstanding Congress, by a close vote, refused to advise that course, assumed the responsibility, on the 20th of November, of placing Santa Anna and Almonte in charge of Messrs. Barnard E. Bee, George W. Hockley and William H. Patton, to be escorted, in accordance with Santa Anna's desire, on a visit to President Jackson, at Washington City. This was under the pledge of Santa Anna to seek the mediation of President Jackson and to do whatever he could to secure the independence of Texas and its annexation to the United States. His release, in any point of view, as matters then stood, was dictated by the soundest policy, the question of humanity or retribution for his crimes having already passed into history. His return to Mexico then, unlike it would have been had the soldiery not interfered on the 4th of June in forcing his detention, would find Mexico again torn into factions and the government in the hands of his enemies. Hence, if so inclined, he could do nothing to fulfill his promises. On the other hand any attempt he might make to recover his lost power and prestige, would still farther distract Mexico and prevent aggression towards Texas. He arrived in Washington on the 18th of December, and had several private conferences with President Jackson, with whom he had recently exchanged letters, and by whom he was received and treated with the courtesy due his former rank. But the government of Mexico as then constituted, through its minister at Washington, had, on the 20th of July, notified the government of the United States that Santa Anna no longer held power in that country, and it would be bound by no act of his.

Under such conditions his visit to Washington, in a political sense, amounted to nothing; but it subserved the objects most dear to his heart, first to get out of Texas, and secondly to travel that route, however tortuous, along which there would be the least danger of some brother of one of his victims at Goliad speeding a bullet through his heart. On the 26th of

December, 1836, after spending eight days in Washington, Santa Anna embarked on a ship of war, furnished by the president, for Vera Cruz. On arriving there he was greeted by no demonstrations of joy; but rather the frowns of those from whom he naturally expected congratulations. Suppressing his indignation, he sullenly repaired to his home, the hacienda of Mango de Clavo, to nurse his wrath, concoct new plans and await an opportune moment to re-appear in the politician arena. He could not, however, be robbed of the sense of supreme satisfaction that attended his reflections upon the fact that, despite his horrible crimes against humanity and the possession of his person for seven months, by the "barbarian hordes, land thieves, ungrateful colonists and pirates of Texas," he yet lived sound in body and limb.

On the 21st of December, during the stay of Santa Anna and after the arrival of Mr. Wharton in Washington, President Jackson sent in a special message to Congress, in relation to Texas. Guarded by certain prudential conditions as prerequisites, he was in favor of the recognition of Texian independence. The matter was discussed by that body, at intervals, till the close of the session on the 3d day of March, 1837, on which day, both houses having passed the same, that venerated soldier, statesman and patriot, closed his last presidential term and his public life, by signing a joint resolution acknowledging Texas to be a free, sovereign and independent republic; whereupon Mr. Wharton was received as its duly accredited Envoy Extraordinary. The United States was the first government, in 1822, to acknowledge the independence of Mexico, and was now the first to acknowledge that of Texas.

## CHAPTER XI.

Memucan Hunt, Minister to the United States, Minister Wharton resigned — On the Gulf, he, the Schooner Independence, Capt. Wheelwright and crew and schooner Julius Cæsar, captured and imprisoned at Matamoras — His brother, seeking his release, also imprisoned — Both escape and reach Home — Texas withdraws her Application for Annexation — Naval Matters — Loss of the Invincible in a Fight off Galveston — Purchase of Naval Vessels by Samuel M. Williams — Indian murders.

In the meantime, President Houston, with the view of more effectively urging annexation, also commissioned Memucan Hunt to the government at Washington; but, before our recognition, Mr. Wharton had asked leave to resign and return home. This leave reached him a few days after that result was achieved and he left for Texas. He arrived in New Orleans on the 20th of March, and, after considerable delay, sailed for Texas in the schooner of war Independence, Captain George W. Wheelwright, with a crew of thirty-one men. About thirty miles off Velasco, on the 17th of April, the Independence was attacked by the Mexican brigs Libertador, carrying 16 eighteen-pounders and 140 men, and the Vincedor del Alamo, carrying six twelve and one eighteen-pounder and 100 men. After a severe fight of two hours, in which the Texians acted gallantly and Captain Wheelwright was severely wounded, the Independence was captured and carried into Brazos Santiago, whence the prisoners were carried into Matamoras and imprisoned. Learning of this, Colonel John A. Wharton with the President's permission, and with thirty Mexican prisoners and a flag of truce, sailed for Matamoras, to effect exchange for his brother and other captives; but, on landing, was seized and imprisoned. After an imprisonment

of six days, he escaped and returned home, his brother having escaped a few days before.

To dispose of the question of annexation at that period it may be said that Mr. Hunt urged the matter in communications to Mr. John Forsyth, Secretary of State under President Van Buren, with much zeal; but the elements of opposition were too strong, especially from New England. A feeling in the north and east bitterly opposed to adding more slave territory to the Union, was responsible for the delay that attended the consummation of that measure.

The result was that late in 1838, Texas formally withdrew her application for annexation and resolved to work out her destiny as an independent nationality. At least one of her eminent men, Vice-President Lamar, rejoiced at the result and very distinctly gave his reasons on succeeding to the presidency soon afterwards (December 10, 1838). He believed the protective policy in vogue in the United States would impoverish the agricultural States, and build up dangerous and corrupting monopolies in the manufacturing States. The wisest and purest men and a majority of the American people at the end of half a century, seem now to entertain the same opinion.

On the 25th of April, 1837, all the Mexican prisoners at Liberty, after a captivity of one year and four days, were discharged from custody by President Houston with permission to return home; but many of them preferred remaining among the Americans in Texas and did so. President Houston sent six by water to Matamoros, hoping thereby more certainly to secure the liberation of Minister Wharton, Captain Wheelwright and the crew of the Independence.

The archives and officers of the government were removed to Houston, where a spacious capitol building had been erected by the proprietors of the new town, the brothers A. C. and John K. Allen, and on the first day of May, 1837, the first

Congress assembled there in adjourned session and so remained till the 13th of June, when it adjourned *sine die*.

On the 21st of June ex-Governor Henry Smith, Secretary of the Treasury, tendered his resignation. Among other causes that impelled him to this action was that he felt that Congress, in its two sessions and contrary to his recommendations, had failed to grapple wisely with the financial question, and had fallen into a policy of issuing treasury notes without imposing proper safeguards and hence he feared that the country would be flooded with depreciated paper, than which no greater financial evil can occur. In his letter of resignation he said to the President:

“I am satisfied that my services in the department, to which you have had the goodness to call me, cannot, under existing circumstances, be productive of any good to the public.”

After referring to his public services for years past, to the neglect of his private affairs, he said:

“In asking permission to retire from your cabinet, I assure you that I am influenced by no other motive than a sense of duty to myself and growing family, whose prospects in life depend entirely upon my own individual exertions.”

To this request President Houston replied, among other things, saying:

“That you should retire at this time would, in my humble opinion, be inauspicious to the interests of the country. Your steadfastness and integrity of character are calculated to inspire confidence in the community, and this is necessary to the success of our cause. Without national prosperity there can be no hope of individual happiness.

“That you have paternal ties which must operate powerfully, I have no doubt, and that your life and attention to business (since I had first the pleasure of your acquaintance) have been most patriotically devoted to the public service and

interest, none can doubt. Then, if you and those in whom the people have confidence should resign, a want of confidence, if not despair, would seize upon the public mind, and anarchy would be the consequence.

“That you had much to dishearten you in the course pursued by the last Congress, I am satisfied most fully, but let us look out for better days and cherish the hope that the next Congress will adopt such measures as will save the country and redeem us from embarrassment.”

This appeal to the patriotism of Governor Smith determined his course. He continued at his post, and was the only member of the cabinet who served from the beginning to the end of the term.

On his retirement, at the expiration of his term, December 10, 1838, the House of Representatives passed the following resolution:

“*Resolved*, That the thanks of this house be voted to the Honorable Henry Smith, late Secretary of the Treasury, for his able and statesman-like report furnished this house, in accordance with its resolution; and also for the ability and integrity with which he has managed the finances of the country and presided over the treasury department during his connection with it.”

This was the third Congress (convened November 5, 1838), sitting during the period covered by Houston's administration and the beginning of Lamar's administration.

At the same time and by the same force that captured the Independence, with Minister Wharton on board, the Texian schooner Julius Cæsar, with a cargo worth thirty thousand dollars, was captured and carried into Brazos Santiago.

The Mexican government proclaimed a blockade against the ports of Texas, and in attempting to enforce it, interfered with vessels of the United States. The Mexican war brig *Urrea* captured several American vessels and was herself captured and taken into Pensacola as a pirate, by the Ameri-

can sloop of war Natchez; but, after some delay, she was released and resumed her place in the Mexican navy.

In May the Texian navy made a cruise to the mouth of the Mississippi, in the vicinity of which they hovered for a week without encountering Mexican vessels, and then sailed down the coast of that country. Near the small island of Muger (woman) they captured several small prizes; and next appeared in front of the insignificant village of Sisal, in Yucatan, which they ineffectually bombarded, that place being shielded by shoal water so far in its front as to bid defiance to ordinary guns on ship board. They made, however, repeated landings on the coast and burned eight or nine villages. The only places on the immediate coast, above the rank of villages, were Vera Cruz, El Carmen and Campeche, which they avoided. After this the *Invincible*, Captain Thompson, captured the Mexican schooner *Arispe*, of eighty tons, and the *Brutus* captured the schooner *Telegraph*. Both prizes were sent into Galveston. The *Invincible*, off the *Allicerane* Islands, also captured and sent into Galveston the brig *Eliza Russell*, of 180 tons; but she belonged to British subjects, carried nothing contraband of war, and was released with proper explanations, and payment of damages.

The *Invincible* and the *Brutus*, Captain J. D. Boyland, arrived off Galveston on the 25th of August, having in tow an armed Mexican schooner which they had captured near the banks of Campeche. The *Brutus* and the prize entered the harbor the same afternoon, but the *Invincible* failed to get in. On the next morning she was attacked by two Mexican brigs of war. The *Brutus* in going out to her relief, ran aground and this left the *Invincible* to contend alone with two larger vessels. She made a gallant fight till late in the day and then attempted to cross the bar into port, but struck on the breakers near the southeast channel and, during the night, became a wreck. Her indomitable crew, however, effected a safe landing in the small boats. Their escape was hailed

with a joy as deep as was the lamentations at the loss of the *Invincible*, a favorite craft with the people.

On the 4th of November, 1837, an act of Congress was passed for increasing the naval force of the republic. To carry it into effect, President Houston appointed Mr. Samuel M. Williams<sup>1</sup> to contract for the number and character of vessels required. On the 13th of November, 1838, he contracted with Frederic Dawson, of Baltimore, for one ship, two brigs and three schooners, to be fully armed, furnished with munitions and provisions and delivered in Galveston.

In accordance with this contract deliveries of vessels were made in this order: on the 27th of June, 1839, the schooner *San Jacinto*; on the 7th of August the schooner *San Antonio*; on the 31st of August the schooner *San Barnard*; and on the 18th of October, the brig *Colorado*. The contract still called for a corvette and a brig. General James Hamilton also purchased for the navy the steamship of war *Zavala*. These vessels, including the *Charleston*, then undergoing repairs, in addition to the receiving brig *Potomac*, then constituted the Texian navy, of which, in a report, the Secretary of the Navy expressed the opinion that very soon after receiving orders for captures and reprisals, it would be a source of revenue to the government and re-imburse the Republic for the amount expended in its purchase.

<sup>1</sup> Mr. Williams was a well-known and useful man in Texas. He was a Baltimorean and settled in the colony in 1822. He understood the Spanish language and was valuable as a translator. From 1824 to the revolution in 1835, he was secretary of Austin's colony, and it is conceded that Austin owed much of his success to the ability and peculiar qualifications of Mr. Williams. He lost his popularity, however, when in 1834-5, under the notorious land law of 1834, he purchased one hundred of the four hundred league schemes. In defense he published a long explanatory address to the people which somewhat mollified the public displeasure. As one of the firm of McKinney and Williams, in aiding the revolution, he regained public confidence. In 1839 he represented Galveston in Congress. As a merchant and banker in that city and in other capacities he maintained an honorable position till his death in 1858.

The Indians were very troublesome and threatening late in 1836 and through 1837. President Burnet had placed Captain Robert M. Coleman in charge of a small ranging force in three or four detachments at different points; one on the Trinity, one at the Falls of the Brazos and one at the three forks of Little River, and one near the mouth of Walnut Creek, on the Colorado. President Houston, presumably in consequence of an abusive and vituperative pamphlet published against him in regard to the San Jacinto campaign by Coleman,<sup>1</sup> removed the latter and placed Captain Smith in command. These detachments had numerous encounters with the Indians. With 14 men and boys on the 7th of January, 1837, eight miles west of Cameron, Milam County, Lieutenant George B. Erath fought a hundred Indians in the Elm Creek bottom, killing about fifteen and losing two men, David Clark and Frank Childers. Lieutenant Wrenn fought and defeated a party near where the city of Austin stands, capturing all their horses and losing one man. Captain Wm. M. Eastland made a campaign to the head of the Leon and return down the Colorado. Twenty-two of his men, however, under Lieutenant Van Benthuyssen, continued across the country and, in Wise County, had a bloody fight, in which Lieutenant Miles and eight men were killed and several wounded. Those who survived escaped on foot and, after much suffering, halting for two or three days where the city of Dallas now stands, reached

<sup>1</sup> Captain Robert M. Coleman was a gallant soldier, but an impetuous man, governed too much by passion. His tirade against General Houston, after having served on his staff at San Jacinto, was as unseemly as unjust. He was drowned in 1837, while bathing at the mouth of the Brazos. His death was a great loss to the frontier, for despite his faults, he was a most valuable man, and none realized it more than General Houston. The death of his widow, an excellent lady, and his heroic son Albert (a boy of fourteen), and the captivity of a son of five years by Indians early in 1839, clothes his memory and that of his family with a melancholy interest. That this allusion is void of prejudice or unkindness is evidenced by the fact that he who pens this note, more than twenty years after his death, named the county of Coleman in his honor.

the settlements below. Lyons, Nunley, Smothers and Stiffler were killed at different times in Lavaca County. Warren, a son of Mr. Lyons, who lived in the southwest corner of Fayette County, was carried into captivity and remained among the Indians ten years. On Cumming's Creek in Fayette County, John G. Robison, then a member of the first Congress, and his brother (on a visit from the United States) were killed. A Mr. Davis was killed sixteen miles east of Gonzales.

On the Trinity, west of Palestine, David Faulkenberry, his son Evan, and Columbus Anderson, were killed, and in several localities in east Texas massacres by savages occurred.

## CHAPTER XII.

The second Congress and its members — More of the Army — Felix Houston and Albert Sidney Johnston fight a Duel — Murder of Henry Teal and execution of the Murderer — Opening of the Land Office, with John P. Borden as Commissioner — The Origin of the term "Cow Boy."

The election for the second House of Representatives, including one third of the senators, whose predecessors had drawn the short term of one year, took place on the first Monday in September, 1837.

President Houston called them together in special session on the 26th of September.

In the House of Representatives twenty-three new members appeared, only seven of the former members having been re-elected.

The members were: From Bexar, William H. Patton, succeeding Thomas J. Green, and Joseph Baker.

From Brazoria, Dr. Anson Jones and Patrick C. Jack, succeeding John A. Wharton and Dr. Branch T. Archer.

From Colorado, William Menefee, succeeding John G. Robison, killed by Indians.

From Harrisburg, Dr. Thomas J. Gazley, succeeding Jesse H. Cartwright.

From Jackson, George Sutherland, succeeding Samuel Addison White.

From Jasper, Samuel S. Lewis, re-elected — died and was succeeded by Timothy Swift.

From Jefferson, Joseph Grigsby, succeeding Claiborne West.

From Liberty, Edward Tanner Branch, re-elected.

From Bastrop, Jesse Billingsley, re-elected, and Edward Burleson, succeeding John W. Bunton.

From Matagorda, Thomas J. Hardeman, succeeding first, Ira Ingram (resigned) and second D. D. D. Baker.

From Nacogdoches, Thomas J. Rusk and Kelsey H. Douglas, succeeding John K. Allen, Haden Edwards (resigned) and Hayden Arnold, his successor.

From Refugio, James Power, succeeding Elkanah Brush.

From Milam, William Walker, succeeding Samuel T. Allen.

From Houston (a new county), Stephen O. Lumpkin.

From Sabine, William Clarke, succeeding John Boyd; Clarke resigned and was succeeded by Boyd.

From San Augustine, Dr. Joseph Rowe, re-elected, and Charlton Thompson, succeeding W. W. Holman.

From Victoria, John J. Linn, succeeding Richard Roman.

From Shelby, John English and William Pierpont, succeeding Richard Hooper and Sidney O. Pennington.

From Washington, Wm. W. Hill and W. W. Gant, both re-elected.

From Gonzales, Andrew Ponton, succeeding William S. Fisher.

From Austin, Oliver Jones, succeeding Moseley Baker, who removed to Harrisburg County.

From Red River, Edward H. Tarrant, resigned and was succeeded by Peyton S. Wyatt; Collin McKinney (re-elected), Dr. Daniel Rowlett, succeeding M. W. Matthews.

From Goliad, F. W. Thornton, succeeding John Chenoweth.

From San Patricio, Thomas H. Brennan, succeeding John Geraghty.

Dr. Joseph Rowe of San Augustine was elected Speaker over Edward T. Branch at both the called sessions of September 26 and the regular session beginning November 6, 1837.

At the called session John M. Shreve was elected chief clerk over William Fairfax Gray; and at the regular session Francis R. Lubbock was elected over the same gentleman.

The new senators for a full term of three years were:

From Washington, Dr. George W. Barnett, succeeding Jesse Grimes.

From Nacogdoches, Isaac W. Burton, succeeding Dr. Robert A. Irion, appointed Secretary of State.

From Shelby and Sabine, Emory Raines, succeeding Wm. H. Landrum.

From Goliad, San Patricio and Refugio, John Dunn, succeeding Edwin Morehouse.

From Red River, Richard Ellis, re-elected.

From Brazoria, William H. Wharton, elected to succeed James Collinsworth, who had become Chief Justice and who had succeeded Mr. Wharton when he became Minister to the United States.

From San Augustine, John A. Greer, succeeding Shelby Corzine, who resigned upon being appointed district judge.

After the interment of the remains of Fannin's men at Goliad, General Rusk, for a time, encamped the army at Spring Creek, three miles above Victoria; then removed to the Lavaca. Prior to its disbandment in 1837, the army occupied about five different encampments on the Lavaca and Navidad, in Jackson County, but all in a square of ten miles. When General Rusk left the army to become (temporarily as it proved) Secretary of War, General Felix Huston became the commander. Later General Albert Sidney Johnston superseded Huston, at which the latter became offended and a duel between them resulted, in which Johnston was severely wounded in the thigh.

As the terms of enlistment of different companies expired, they were discharged and the men scattered over the country as each individual preferred. Among them were many who became prominent and useful citizens, and some who acquired distinction in public positions. Volunteer companies continued to arrive from the United States till the spring of 1837, keeping up an aggregate force of from two thousand to

twenty-five hundred men. False alarms of Mexican invasion were of frequent occurrence and served in some degree to overcome the inertia incident to camp life. But volunteers idle in camp are prone to restlessness and subject to be influenced by such as have schemes for personal aggrandizement.

The Texian camp was not an exception to the rule. Pent up enthusiasm or ambition found vent, from time to time, in suggestions more or less chimerical, among which was a renewal of the plan for a descent on Matamoros, understood to have its parentage in General Felix Huston, in the latter period of his commandancy. The judgment of more dispassionate men, who realized the utter want of resources to sustain such an expedition, was entirely averse to the enterprise. President Houston was of that class, and regarded such an undertaking (impoverished and illy supplied as the country was) as doomed to disaster.

The many changes in the army, covering this period of inactivity, by resignations, elections and promotions; the discharge of those whose terms expired and the arrival of new companies, were such that it is almost impossible to convey an intelligible idea of its official composition. As the terms expired of those who were previously citizens of the country and had homes, or abiding places, they returned to them to provide for those dependent upon them, or to seek employment as a means of subsistence. Colonel Burleson and most of the men at San Jacinto were comprehended in the latter class. A portion of the discharged volunteers returned, some only for a season, others permanently to the United States.

Thus matters stood when, with about twenty-four hundred men in idleness and the government severely taxed for their subsistence, with no prospects of the renewal of serious hostilities by distracted Mexico, President Houston wisely assumed the responsibility of furloughing by companies all but about six hundred men, subject to be re-assembled by proclamation should an emergency arise. As no such contin-

gency arose, they were never called into service, but largely dispersed over the country to become valuable auxiliaries in building it up. Some went into the towns as mechanics, printers, lawyers, clerks, merchants, and an infinitesimal per cent as idlers, and many became invaluable settlers on and defenders of the frontier. General Albert Sidney Johnston remained in command of the reduced force.

Besides those whose names appear in the list of soldiers at San Jacinto, there figured in the army, more or less, during the time under consideration, Colonel Thomas J. Green (who afterwards went to San Antonio and was elected to the first Congress in September, 1836); Colonel Rodgers, Colonel Edwin Morehouse, Colonel Thomas Wm. Ward (who lost a leg as one of the New Orleans Grays in storming San Antonio), and Henry Teal, Louis P. Cooke, — Tinsley, Lysander Wells, Wm. D. Redd, George W. Fulton, John Holliday (escaped from the Goliad massacre), Alonzo B. Sweitzer, Reuben Ross, J. P. C. Kenneymore, Clendenin, William G. Cook, Hugh McLeod, Peter H. Bell, G. H. Burroughs, Clark L. Owen (killed at Shiloh, April, 1862), John M. Clifton, Jacob Snively, John Hart (from Red River), John M. Bradley, John A. Quitman, James A. Sylvester, George W. Poe, Mathew Caldwell, Pinkney Caldwell, George T. Howard, Martin K. Snell, Nicholas Brown (from Rodney, Miss.), Dr. J. P. B. January, William Scurlock, Wm. Becknell (from Red River), Andrew Neill, Jerome B. Robertson, and — Love, who held commissions as officers of various ranks.

During a terrific thunder-storm at night, in camp on the Navidad, Colonel Henry Teal was assassinated while asleep in his tent. The crime could be traced to no one; but in 1855, on the eve of his execution for a double murder in Galveston County, a wretch named John H. Schultz confessed to having fired the fatal shot.<sup>1</sup>

<sup>1</sup> The officer of the guard on that tempestuous night was Captain George W. Fulton, a native of Philadelphia, but then captain of a splendid company

The labors of the second Congress, though failing to accomplish what the country hoped for, were advantageous in many respects. The President vetoed a bill for establishing a land

recently arrived from Vincennes, Indiana, with a company from Washington, Indiana, commanded by Barton Peck, who soon afterwards married Fanny, one of the three daughters of Thomas Menefee of the Navidad, and many years afterward died in Goliad County.

From his home on Aransas Bay, February 12, 1889, Colonel Fulton among much else wrote:

"On the night of the murder of Colonel Henry Teal, in company with several other officers, I passed an hour or two with Colonels Teal and William G. Cooke, in their tent. Colonel Teal recounted his experiences at San Jacinto and remarked: "I tell you, boys, when you can see straight down a gun barrel it looks mighty long." When, two hours later, I saw him dead, this remark was indelibly fixed on my memory.

"Resuming my duty as officer of the guard, in a severe thunder-storm, at the instant of a most vivid flash of lightning, the report of a musket came almost simultaneously with the succeeding thunder-clap. In a few minutes the colored servant of Colonels Cooke and Teal came to my tent, which was within thirty yards of theirs, exclaiming: "Colonel Teal has been shot!" Being dressed I accompanied the negro man and was therefore the first, excepting the inmates of their tent, upon the spot. The cot of Colonel Teal had a leather bottom, depressed in a trough shape, and on feeling we found it almost filled with what in the dark we supposed to be rain water, but it was his blood. We secured a light and found him dead. He had been shot from the outside by an assassin, who, by the lightning, was enabled to miss Cooke about two inches and shoot Teal in the heart."

Eighteen years passed before any light was thrown on this murder, when, through the instrumentality of Judge Edmund Bellinger of Gonzales County, who, on a visit to his old home in South Carolina, through a nephew not over twelve years of age, discovered and had arrested John Hamilton Shultz, as the murderer of Simeon Bateman and — Jett on Galveston Bay, in 1845. Shultz was brought to Galveston, tried for this double murder and sentenced to be hanged in July, 1855.

I visited this doomed man in his cell in the Galveston jail several times. He promised me the day before his execution to make a full confession to me or any one I would select. Lewis M. H. Washington, a printer who came with Fannin's men from Georgia, was selected. Washington stayed in Shultz' lighted cell all night and wrote down his confession. Next morning he confidentially showed it to me, but enjoined secrecy as he expected or rather hoped to realize handsomely by its publication in pamphlet form. Before the publication Mr. Washington was killed in a battle on the San

office, very clearly setting forth his objections; but it was passed into law over his veto. He then evinced his desire to

Juan River in Nicaragua, under the Walker invasion of that country. His papers were all lost. The confession was to this effect:

That he was born and reared on the Wabash river, Indiana. That his whole family were thieves and some of them murderers. That his first great offense was in murdering for plunder a fellow passenger down the Wabash and Ohio, in a canoe, whereby he got considerable money. That on another occasion he murdered in the canebrakes of the Mississippi bottom, in west Tennessee, a land-seeker and got \$7,000; that he was discovered, closely pursued and narrowly escaped in a canoe across the Mississippi into Arkansas, and in its swamps joined the Murrell gang of robbers and cut-throats; that in north Alabama he married a woman and then, to get her money, poisoned her; that in 1843, sixteen miles east of Gonzales, Texas, he had murdered one Green, his cousin and traveling companion, in order to secure his money, horse and equipments. With these he sought and obtained a home on the farm of Simeon Bateman, a planter, four or five miles west of Gonzales.

In the winter of 1845 Mr. Bateman with one of the Jett brothers, locally distinguished as Texas rangers, wanted to take a steamer at Galveston and visit New Orleans. Between them they had about \$4,000 dollars. They took Shultz with them to convey their horses back to their homes in Gonzales County. About three miles west of Virginia Point on Galveston Bay, they encamped for the night. During the night Shultz murdered them, took their money, crossed the bay to Galveston and escaped on the steamer of that day to New Orleans before the dead bodies were discovered.

Though promptly tracked to New Orleans and Mobile, no further trace of him was found till ten years later when, by the mere prattling of a little boy he was discovered at Columbia, South Carolina, by Judge Bellinger, arrested, returned to Galveston, and by one of the most remarkable chains of evidence ever developed in the criminal jurisprudence of the United States, was tried, convicted and sentenced by Judge S. S. Munger to be hanged.

He confessed to Washington all that has been said in this note, which was the first intimation ever known as to who killed Colonel Teal, or Green on the head of the Lavaca, whose decaying body was first found by my elder brother, Rufus E. Brown, and John P. Tilley, while hunting cattle. Shultz fully explained how he killed Colonel Teal. He gave as his reason for the deed, that on a then recent expedition against the Indians, Colonel Teal had insulted him and he resolved on revenge. He confessed farther that he had robbed the patent office in Washington City and in escaping when discovered jumped from the roof of a house and his leg was broken. As a result of that accident he was captured, tried and put in the penitentiary of the District of Columbia for (I think) five years.

have the law wisely and faithfully executed by appointing John P. Borden<sup>1</sup> the first commissioner.

President Houston, on repeated occasions, with great firmness, but always in respectful terms, exercised the veto power to prevent what he considered hasty, unwise or dangerous legislation. In most cases, but not in every one, time vindicated his judgment. This was especially true in regard to the land law, which lacked the safeguards necessary to prevent frauds by unscrupulous men. The confusion and fraudulent practices it rendered possible, resulted in the enactment of the law of 1839-40, which created two traveling boards of commissioners, composed of three persons each, whose duty it was to visit and examine the records of all the county boards, showing the action of those bodies in issuing head-right certificates to claimants for land. He also wisely vetoed a bill providing for an excessive issue of treasury notes, against which policy also Governor Henry Smith, Secretary of the Treasury, was firmly opposed.

A matter of great interest in the west was the abandonment of stock ranchos between the Nueces and Rio Grande, by their Mexican owners and herdsmen, caused by the inroads of wild Indians in 1834-5-6, and rendered universal by the retreat of the Mexican army in June, 1836. Immense herds of semi-wild cattle were left in that region. Filisola's army on its retreat had taken out of Texas all the cattle found on its line of retreat. The country to the east of that region was barren of cattle. The soldiers of Texas were suffering for meat. In this emergency, General Rusk adopted the plan of sending

<sup>1</sup> Fifty-six years later, were it practicable to take the sense of the survivors of that period, it is believed there would be no division of opinion in asserting that a more judicious selection could not have been made. The last survivor of a father and four sons, all valuable immigrants in 1829, ever true, intelligent and patriotic. John P. Borden receives at least this homage from one who served and suffered with him in the Rio Grande expedition in 1842. He died in 1891.

alternate detachments of mounted men into the abandoned country to drive in cattle for the use of the army. This plan was successful and no farther scarcity was experienced. After the disbandment of the army, this mode of reprisal was resorted to by many discharged soldiers and large numbers of western citizens whose herds had disappeared during the invasion. Parties of ten to fifteen began a system of such reprisals on private account and met with no difficulty in gathering herds of from two to five or six hundred head. To reduce these herds to control (always selecting periods of moonlight nights) they would keep them in a virtual run for twenty-four hours, then graduate into a slower gait till, at the end of two or three days, they could be managed somewhat like domesticated cattle. Goliad, deserted as it was for a time, was the first place where pens existed in which they could be corraled.

This business flourished through 1838-9, but fell into disrepute and ceased about 1840. Western and central Texas, by the sale of these cattle, became possessed of a supply for breeding purposes which otherwise could not have been secured in many years and without which the frontier country could not have been populated and the people sustained as they were. This was the true origin of the term Cowboys in Texas. They were largely young men of the country, who had served in the army, and whose fathers had lost all their personal property in the war. A feeling arising in 1838, steadily grew in the country in favor of friendly trade with northern Mexico. It was responsive to overtures from that country and the belief that such commercial intercourse would be a safeguard against predatory warfare. President Houston issued a proclamation to encourage this intercourse, and this was seconded by an act of Congress passed in the session of 1838-9.

## CHAPTER XIII.

Death of Chief Justice Collinworth — Meeting of third Congress — Continued Indian depredations — Cordova's rebellion — Rusk's victory — The Famed Surveyor's fight — The Morgan massacre — French capture of San Juan de Ulloa — Santa Anna loses a Leg — Anson Jones Minister to the United States — Organization of a Regular Army — Retirement of Houston and inauguration of Lamar as President — The New Cabinet — Rusk made Chief Justice.

During the year 1838, Chief Justice James Collinworth of the Supreme Court, was drowned in Galveston Bay. Some writers have repeated the mistaken story that he committed suicide. His death was a loss to the country. He was a man of superior legal ability and high mental endowments. President Houston, until the meeting of Congress, appointed John Birdsall to fill the vacancy.

The general election came off on the first Monday in September, 1838, for a full house of representatives, one-third of the senators, and for president and vice-president. Mirabeau B. Lamar was elected president with only 252 votes against him. David G. Burnet was elected vice-president, by a majority of 776 over the combined vote of Albert C. Horton and Dr. Joseph Rowe.

The third Congress assembled in Houston, on the 15th of November, 1838.

The newly elected senators were Harvey Kendrick, of Matagorda, succeeding Albert C. Horton; Edward Burleson, of Bastrop, succeeding James S. Lester; Oliver Jones, of Austin County, succeeding Alexander Somervell; William H. Wharton, re-elected; and Benoni Stroud, of Robertson county, succeeding Sterling C. Robertson.

## THE THIRD HOUSE OF REPRESENTATIVES, 1838.

Austin, John W. Bunton, previously from Bastrop.

Bastrop, Greenleaf Fisk and John Caldwell.

Bexar, Jose Antonio Navarro and Cornelius Van Ness (formerly American Secretary of Legation in Spain, under his father, Governor Wm. P. Van Ness, of Vermont).

Brazoria, John A. Wharton (died December 17th) and Louis P. Cooke.

Colorado, William Menefee, re-elected.

Fannin (new county), Holland Coffee (founder of Coffee's trading house).

Fayette (new county), Andrew Rabb, resigned and succeeded by James S. Lester.

Fort Bend (new county), Thomas Barnett.

Goliad, Isaac N. Tower.

Galveston (new county), Moseley Baker.

Gonzales, Alonzo B. Sweitzer.

Houston, Isaac Parker, (the beginning of fourteen years of continuous service).

Harris (formerly Harrisburg), William Lawrence.

Jackson, James Kerr, who had served the territorial legislature of Missouri and in the Senate and House of the State Legislature of Missouri, in the Texas conventions of 1832 and 1833, in the provisional government of 1835, and was elected to the convention of 1836.

Jefferson, Joseph Grigsby, re-elected.

Jasper, Timothy Swift, re-elected.

Liberty, Hugh B. Johnson.

Matagorda, Edward L. Holmes.

Milam, James Shaw.

Montgomery (new county), Joseph L. Bennett.

Nacogdoches, K. H. Muse and David S. Kaufman.

Refugio, Richard Roman, from Victoria in the first Congress.

Robertson, Dr. George W. Hill, the beginning of long service.

Red River, George W. Wright, Dr. Isaac N. Jones and — Fowler.

Sabine, — Payne.

San Augustine, Ezekiel W. Cullen and Isaac Campbell.

San Patricio, Benjamin Odlum.

Shelby, John M. Hansford and — Johnson.

Victoria, John J. Linn, re-elected.

Washington, James R. Jenkins and Anthony Butler (United States Minister to Mexico from 1830 to 1836).

It will be seen that the number of counties had increased from twenty-three, in 1836, to thirty in 1838; and the number of representatives from thirty to thirty-seven.

John M. Hansford, of Shelby, was elected Speaker without opposition; John W. Eldridge, Chief Clerk, and William Badgett, Assistant Clerk.

The President, by a joint committee of the two houses, was informed of their organization and readiness to receive any *written* communication he might wish to make. In a communication to both houses he said:

“ Had no restriction been placed by the resolution on the right of the President to select the mode in which he would convey proper intelligence to Congress, and recommend such measures as he might deem necessary, he had important information to lay before the honorable body, and would have rendered it with pleasure, under the constitutional right secured to him, and in discharge of his duties. But for reasons which, to his mind, are satisfactory, he declines for the present, any further communication than to convey to Congress the reports of the several departments and the several bureaus attached to them. \* \* \* They suggest

the necessary measures for the finance and defense of the country."

Prior to this the President had delivered his messages, whether written or oral, in person, to the two houses in joint session. The merits of the controversy depend upon the intent of Congress. If the mode was intentionally and not accidentally indicated (which last would seem probable), it was a trivial act of discourtesy. The explanation that followed cannot be supplied; but, in the main, the President and Congress had respectful intercourse during the remaining five weeks of his term.

Through James Pinkney Henderson, President Houston had established a commercial understanding with Great Britain and France, under which trade could be carried on and Texas enjoy the rights of a belligerent in the ports of those countries; all the rights usually accorded short of a recognition of independence.

During the year occurred the Mexican rebellion headed by Vicente Cordova, with Manuel Flores as his lieutenant, in the county of Nacogdoches. Over a hundred misguided Mexicans took up arms and occupied a position on the Angelina River, and were joined by a considerable number of Kickapoo and other Indians. Matters assumed an alarming aspect but the prompt measures adopted by General Rusk struck terror into the hearts of the malcontents, causing their dispersion in part, some to their homes and others up the country with Cordova, who remained in the wilderness a considerable time seeking to arouse the whole of the east Texas bands into hostility against the whites, in which to some extent, he succeeded. In November General Rusk fought, defeated and severely punished a band of Kickapoo and other Indians, and thus matters stood till the spring of 1839.

On the 10th of August, 1838, Captain Henry W. Karnes, with twenty-five men, on the Arroyo Seco, west of San Antonio, had been furiously assaulted by two hundred mounted Com-

anches. With admirable skill he selected a defensive position and killed about twenty of the assailants before they gave up the contest and left the field.

On the Rio Frio, west of San Antonio, in 1838, a surveying party was attacked, the surveyor, Mr. Campbell, killed, and some of his companions wounded.

On the 19th of October, a surveying party seven miles west of San Antonio, was attacked and Jones and Lapham, the surveyors, killed. A party going to their relief was also assailed. Messrs. Cage, O'Boyle and Lee were killed and several wounded.

In October occurred also what is known as the Surveyor's fight in Navarro County. From nine o'clock in the morning till twelve o'clock at night twenty-three men, from a ravine in the prairie, fought several hundred Indians. Seventeen Texians were killed and six escaped, three being severely wounded.

These and other similar events occurred within a short time before the assembling of the third Congress. Others equally harrowing occurred during its sitting or immediately after its adjournment. Among these, in January, 1839, was the killing of an entire party of thirteen men, escorting the family of a Mr. Webster to their intended home in what is now Williamson County. Mrs. Webster and child were carried into captivity. In February Mrs. Coleman and son were killed about midway between Bastrop and Austin and one little son carried off. In the pursuit, first by Jacob Burleson and party, Burleson was defeated and his brother Jonathan killed. Reinforced by Colonel Edward Burleson (brother to the other two), a second fight occurred, resulting in a drawn battle and the death of three men, Edward Blakey, Rev. M. Gilleland and John Walters. All of these men were citizens of Bastrop and vicinity. As Congress had adjourned on the 24th of January, it will be seen that Colonel Burleson, a senator, had scarcely reached home when he was summoned, as on so

many previous and subsequent occasions, to lead his fellow-citizens in defense of their homes.

On the night of January 1st, 1839, while Congress was in session, Indians surprised portions of two or three families in the house of John Morgan, six miles above the present town of Marlin. George Morgan, Sr., and wife, Jackson Morgan's wife, Jackson Jones and Miss Adelaide Marlin were killed. Mrs. William Morgan was left as dead, but survived. Three children escaped.

Ten days later seventy Indians attacked the house (a few miles below) of John and Benjamin Marlin, who, aided by Jarett and Thomas Menefee (father and son), killed seven Indians and forced the others to retire. Citizens assembled to the number of forty-eight, under Captain Benjamin Bryant and pursued the Indians. Near Morgan's Point above Marlin, a fight took place in which Bryant was defeated with a loss of ten killed and five wounded. A disorderly retreat was the result.

It will be seen under what calamities the third Congress met and sat for two months and nineteen days. It, however, notwithstanding these distractions, kept diligently at work and accomplished much. It provided rangers for frontier defense; for the permanent location of the seat of government, (as a result Austin was selected as the site and the seat of government was removed to that place in 1839), for a more efficient navy; set apart fifty leagues of land for a university, and lands for each county for school purposes; invited friendly trade with northern Mexico; improved the land, judiciary and probate laws; extended land grants to encourage immigration and paved the way to the recognition of Texian independence by Great Britain, France and Belgium, or rather supplemented by additional efforts what had been done during Houston's administration towards that end.

Under instructions from President Houston, Dr. Anson

Jones, who had succeeded Mr. Hunt as Minister to the United States, formally withdrew the proposition for annexation to that country. The French blockade, attack on Vera Cruz and capture of the famed fort of San Juan de Ulloa, still further engaged the Mexicans at home and relieved Texas of further apprehensions in that direction. It was in the siege of San Juan de Ulloa that Santa Anna lost his leg.

A regiment of regular troops was provided for by Congress and soon raised, with Edward Burleson as colonel, Wm. S. Fisher as lieutenant-colonel, and Lysander Wells as major. Most of the measures enumerated were adopted after the induction of the new president (Lamar) into office.

On the 10th of December a committee, composed of Messrs. Baker, Jenkins, Menefee, Holmes and Muse, was appointed to wait upon President Houston and inform him that the two houses of Congress would meet him on the portico of the capitol, at 12 o'clock, to hear his farewell address. Messrs. Swift, Butler, Caldwell, Hill and Jones were appointed to invite the President and Vice-President elect to meet the two houses at the same time and place, and be inducted into office. The place chosen was to afford room for a great crowd of spectators. It has been charged that the inauguration committee made no arrangements on their programme for the delivery of President Houston's valedictory address. The fact is that Congress had adjourned from the 5th to the morning of the 10th. On assembling at 9 a. m. on the 10th, but three hours remained before the ceremonies were to begin. There was no inauguration committee, precisely the same invitation was given to and provision made for President Houston as for the incoming President and Vice-President, as shown by the official journals, page 155.

The retiring President delivered a long and eloquent address, reviewing the past and present and expressing his views and hopes of the future. It abounded in sentiments of exalted

patriotism and was received with every evidence of gratification.

The new President, Mirabeau B. Lamar, was too much indisposed to appear. His inaugural, beautiful in diction, and fervid in patriotism, was read by his secretary.

Vice-President Burnet delivered an address worthy of his reputation as a scholar, a patriot and a statesman. The entire ceremonies were creditable to all concerned and gave great satisfaction to the Congress, the spectators and the country.

President Lamar, on the 14th, sent to the Senate his cabinet nominations, all of whom were confirmed, as follows:

Bernard E. Bee, Secretary of State.

Albert Sidney Johnston, Secretary of War.

Memucan Hunt, Secretary of the Navy.

Richard G. Dunlap, Secretary of the Treasury.

Charles Watrous, Attorney-General.

The Congress, in joint session, elected General Thomas J. Rusk, Chief Justice of the Republic, in place of James Collinsworth, deceased. President Houston had temporarily conferred the position upon Mr. John Birdsall. During the summer Peter W. Grayson, who was prominently mentioned in connection with the presidency, came to an untimely death, while on a visit to the United States. His death was regarded as a public loss.

The country, at this period, was called upon to mourn the loss of one of its most gifted, talented and eloquent sons. Colonel John A. Wharton, Adjutant-General at San Jacinto, whose voice, when his chief was severely wounded, cheered his comrades on to victory. The public sorrow was appropriately expressed by both houses of Congress. John A. Wharton died on the 17th of December, 1838, while a representative from Brazoria, whose people had so often honored him. A few months later he was followed by his distinguished and only brother, William H. Wharton, senator from Brazoria,

mortally wounded by the accidental discharge of his own gun while mounting his horse to start out with a hunting party. William H. Wharton died in March, 1839. For thirteen years he had been a prominent actor and leader in public affairs. The names of these noble brothers are indissolubly connected with the infancy and revolutionary glory of Texas.

## CHAPTER XIV.

Lamar's eloquent first message — Noble utterances in behalf of general education — His plea for frontier protection and our relations with the Cherokees — Finance and the Navy.

The third Congress enacted numerous wise and salutary laws. In his first message to it, a few days after his inauguration, President Lamar dwelt at length upon the condition of the country, recommending such measures as he believed were calculated to promote the general welfare. On the subject of laying a foundation for a general system of popular education based on the public domain, he said :

“ If we desire to establish a republican government upon a broad and permanent basis, it will become our duty to adopt a comprehensive and well regulated system of mental and moral culture. Education is a subject in which every citizen and especially every parent, feels a deep and lively concern. It is one in which no jarring interests are involved, and no acrimonious political feelings excited ; for its benefits are so universal that all parties can cordially unite in advancing it. It is admitted by all that cultivated mind is the guardian genius of democracy, and while guided and controlled by virtue, is the noblest attribute of man. It is the only dictator that freemen acknowledge and the only security that freemen desire. The influence of education in the moral world, as in the physical, renders luminous what was before obscure. It opens a wide field for the exercise and improvement of all the faculties of man, and imparts vigor and clearness to those important truths in the science of government, as well as of morals, which would otherwise be lost in the darkness of ignorance. Without its aid how perilous and insufficient would

be the deliberations of a government like ours. How ignoble and useless its legislation for all the purposes of happiness. How fragile and insecure its liberties. War would be conducted without the science necessary to secure success, and its bitterness and calamities would be unrelieved by the ameliorating circumstances which the improved condition of man has imparted to it. Peace would be joyless, because its train would be unattended by that civilization and refinement which alone can give zest to social and domestic enjoyments; and how shall we protect our rights if we do not comprehend them? And can we comprehend them unless we acquire a knowledge of the past and present condition of things, and practice the habit of enlightened reflection? Cultivation is as necessary to the supply of rich intellectual and moral fruits, as are the labors of the husbandman to bring forth the valuable productions of the earth. But it would be superfluous to offer to this honorable Congress any extended argument to enforce the practical importance of this subject. I feel fully assured that it will, in that liberal spirit of improvement which pervades the social world, lose not the auspicious opportunity to provide for literary institutions, with an influence commensurate with our future destinies. To patronize the general diffusion of knowledge, industry and charity, has been near the heart of the good and wise of all nations, while the ambitious and the ignorant would fain have threatened a policy so pure and laudable. But the rich domes and spires of edifices consecrated to these objects, which are continually increasing in numbers, throwing their scenic splendor over civilization and attesting the patriotism of their founders, show that this unhallowed purpose has not been accomplished. Our young republic has been formed by a Spartan spirit. Let it progress and ripen into Roman firmness and Athenian gracefulness and wisdom. Let those names which have been inscribed on the standard of her national glory, be found also on the pages of her history,

associated with that profound and enlightened policy which is to make our country a bright link in that chain of free States which will some day encircle and unite in harmony the American continent. Thus, and thus only, will true glory be perfected; and our nation, which has sprung from the harsh tramp of war, be matured into the refinements and tranquil happiness of peace. Let me, therefore, urge upon you, gentlemen, not to postpone the matter too long. The present is a propitious moment to lay the foundation of a great moral and intellectual edifice, which will in after ages be hailed as the chief ornament and blessing of Texas. A suitable appropriation of lands to the purpose of general education can be made at this time, without inconvenience to the government or the people; but defer it until the public domain shall have passed from our hands, and the uneducated youths of Texas will constitute the living monuments of our neglect and remissness."

Consider the condition of Texas at that moment. Her treasury empty! her people yet in the throes of revolution! her frontier bleeding from savage fury from San Antonio to Red River! Only yet recognized by the United States! Consider these and other calamities (especially from East Texas Indians and the rebellious Mexicans of Nacogdoches) impending over the country, and how grandly stands forth Mirabeau B. Lamar, in his first utterances to Congress, as the champion of enlightened liberty.

President Lamar discussed the legal questions arising out of the change, by a constitutional provision, from the civil to the common law as the basis of the jurisprudence of the republic and recommended appropriate legislation.

He also advised, in this message, legislation in regard to Mexican brigandage on the southwestern frontier.

The preceding pages have briefly recited a few of the Indian atrocities perpetrated during the term of President Houston, but do not include depredations on and murders of the people

of the frontier by a band of Comanches, committed after visiting, counseling with and receiving presents from the President, in Houston in 1837, and while returning to their own country. Representative John G. Robison, of Fayette, his brother, and a number of citizens of Bastrop County were among the victims. The Indian outrages in 1837 and 1838 (during Houston's administration), and in 1839 and 1840 (during Lamar's term), were appalling. Both Houston and Lamar did all in their power to hold the Indians in check. It would be flagrantly unjust to hold either responsible for the partial failure of such efforts. The country was too weak and the combined tribes too powerful to do more than was done. The two presidents differed as to the mode of dealing with this momentous question; but no sane man can doubt the patriotic desire of each to save the people of the country from such dreadful visitations.

Lamar came into the presidency with Indian hostilities along almost the entire frontier. On this subject he said:

“ It is a cardinal principle in all political associations that *protection* is commensurate with *allegiance*, and the poorest citizen, whose sequestered cabin is reared on our remotest frontier, holds as sacred a claim upon the government for safety and security, as does the man who lives in ease and wealth in the heart of our most populous city. I am, by no means, desirous of aggravating the ordinary calamities of war by inculcating the harsh doctrines of *lex talionis* toward debased and ignorant savages. War is itself an evil which all good people will strive to avoid; but, when it cannot be avoided, it ought to be so met and pursued as will best secure a speedy and lasting peace. If that better mode consists in severity to the enemy, then severity to him becomes clemency to all. The moderation hitherto extended to the Indians on our border has been repeatedly retorted upon us in all the atrocious cruelties that characterize their mode of warfare.

The Indian warrior, in his heartless and sanguinary vengeance, recognizes no distinction of age, sex or condition. All are indiscriminate victims to his cruelties.”

The contemporary history of Texas bore testimony to the truth, the wisdom and the justice of Lamar’s position.

The colonists and later immigrants to Texas found no security against wild nomadic tribes until they were overawed by fear and taught the difference between self-reliant American riflemen and the illy-armed peons of Mexico.

That the Indians in the early history of the Union were dishonestly swindled by agents, traders and speculators of the United States cannot be denied. They were the victims of crimes, the perpetrators of which, like the perpetrators of many other crimes incident to human progress, have been permitted to go unwhipped of justice. They are crimes for which the mass of the people cannot be held responsible. Such offenses against law and conscience are deplored by good men of all nations and all times, and dim some of the otherwise brightest pages of history. In Texas, however, the people fought the Indians in necessary self-defense, and for peaceful existence in a wilderness to improve which the Indians did no more than the wild beasts in its forests and on its plains. The land was the untamed and unoccupied gift of nature — an untilled and practically uninhabited waste — and it was the right of civilization to enter upon and reclaim it for the sustenance of a nobler race, capable of laying broad and deep the foundations of a powerful and glorious State.

President Lamar frankly discussed the relations of Texas with the semi-civilized Cherokees, confessing a want of knowledge on some points. He said: “That the immigrant tribes (*i. e.* Indians from the United States) have no legal or equitable claim to any portion of our territory, is obvious from a cursory examination of their history. Their immigration to Texas was unsolicited and unauthorized, and has always

been a source of regret to its more enlightened population. The Federal government of Mexico neither conceded or promised them lands or civil rights."

This is true, but it is not the whole truth. The Consultation of 1835, under the impression that they had grants from Mexico, most solemnly promised, in a resolution signed by the entire body to secure the Cherokees in those rights, and promised to have their boundaries established. Under the Provisional Government, General Houston and Colonel John Forbes, as commissioners, entered into a treaty with them in February, 1836, among the stipulations of which was a provision for marking their boundaries. A report was made to Governor Smith when there was no council to ratify the treaty, and on the eve of the assemblage of the convention of March 1st, 1836. That body, in its eighteen days session, was engrossed with other and more momentous cares, and failed to ratify the treaty.

While President Lamar was correct in asserting that these Indians had no *legal* right in the country, he was assuredly wrong in adding that they had no *equitable* right to the country occupied by them. The act of the Consultation and the treaty made by authorized commissioners certainly gave them an *equitable* right. President Houston, so considering their claim, and feeling a personal responsibility, both as a member of the Consultation which made the pledge, and of the commission which made the treaty, and in the spirit of good faith, instructed Colonel Alexander Horton to survey and mark the boundaries. This was in 1838, and the work was, at least in large part, done. This action was repugnant in the first place to all land speculators, who desired to possess that section from purely selfish motives; secondly, to citizens and soldiers who wished to locate their land certificates in it; and thirdly, to a large element who believed that the Cherokees and associate bands in heart were enemies to Texas, and ready, whenever opportunity offered, to become allies of

Mexico against Texas. The attitude of General Houston towards the Cherokees, among whom his youth was partially passed, was friendly, confiding as he did, in their professed fidelity. That of President Lamar, distrusting as he did their professions and listening to the repeated recitals of murders and other outrages charged to them, and soon afterwards placed as he was in possession of captured correspondence between them and Mexican emissaries, seems to have been warranted and to justify his belief that their continuance in the country would constitute a constant menace to its peace and safety.

In regard to the navy, frontier protection and commerce, even at this day, the views of President Lamar seem to have been wise. He also favored a loan, based on the public domain, to meet the necessities of the government, which, by the way, was never effected. Opposing banks, dependent on and controlled by individuals, he favored the creation of such an institution under government control; but his recommendations in this matter also failed of adoption and, by the non-action of Congress, the government was left no alternative but a continued issue of irredeemable treasury notes, already (notwithstanding the assertions of some writers to the contrary), materially depreciated below par. President Lamar had also said in his message:

“The exchequer bills of England, the assignats of France, and the treasury (revolutionary) bills of the United States, furnish memorable examples of the inability of the most powerful and opulent governments to establish a good, practical circulating medium on their own credit alone, without the facilities of prompt redemption. The precious metals are the only uniform standard of value, and no paper representative can acquire general confidence, and answer the legitimate purposes of trade, unless it be convertible, at the pleasure of the holder, into gold or silver.”

This is a truth now recognized throughout the political and commercial world.

## CHAPTER XV.

The Cherokee Indians — Their intrigues with Cordova and Mexican Commanders at Matamoros — Their Defeat — Cordova starts for the Matamoros — He is pursued and defeated by Burleson — Caldwell next pursues but fails to overtake Cordova.

Reference has been made to our relations with the Cherokee Indians and their twelve associate bands and the Mexican rebellion around Nacogdoches in 1838. The importance of these relations demands a more explicit narration of the events connected with them.

After returning to Matamoros in 1836, and until some time in 1838, General Vicente Filisola remained in command of northern Mexico, with headquarters in Matamoros. He was superseded, during the latter year, by General Valentino Canalizo. The former undertook, by well planned intrigues, to win to Mexico the friendship of all the Indians in Texas, including the Cherokees and associate bands, and to unite them in a persistent war on Texas. Through emissaries passing above the settlements he communicated with the Cherokees and others and with a number of Mexican citizens in and around Nacogdoches, and succeeded in enlisting many of them in his schemes. Canalizo, on succeeding Filisola, prosecuted the same policy. The most conspicuous of these Mexicans, as developed in the progress of events, was Vicente Cordova, from which the affair has generally been called "Cordova's Rebellion." But there were others actively engaged with him, some bearing American names, as Nat Norris and Joshua Robertson, and Mexicans named Juan Jose Rodriguez, C. Morales, J. Santos Coy, J. Vicente Micheli, J. Ariola and A. Corda.

The first outbreak occurred on the 4th of August, 1838,

when a party of Americans, who had pursued and recovered stolen horses in a Mexican settlement in Nacogdoches County, were fired upon on their return trip, and one of their number killed. The trail of the assailants was followed and found to be large and made by Mexicans. On the 7th, General Rusk learned that over a hundred Mexicans, headed by Cordova and Norris, were encamped on the Angelina. He immediately raised sixty volunteers and posted them at the lower crossing of that stream. The enemy were then on the west side. On the 10th, it was reported that three hundred Indians had joined Cordova. On the same day President Houston, who was then in Nacogdoches, and had previously issued a proclamation to the insurgents, received a letter, signed by the nine persons whose names have been given, disavowing allegiance to Texas, and claiming to be citizens of Mexico.

On the 10th, Cordova moved up towards the Cherokee nation. Major Henry W. Augustin was detached to follow his trail, while Rusk, having been re-inforced by other volunteers, moved directly towards the village of Bowles, head-chief of the Cherokees, believing Cordova had gone there; but, on reaching the Sabine, it was found that he had moved rapidly in the direction of the upper Trinity, while the great body of his followers had dispersed. Cordova remained on the upper Trinity and Brazos till March, 1839, in constant communication with the wild Indians. He urged them to a relentless war on Texas. He advised them to burn and destroy the homes and property of the settlers, and promised them, under instructions from Filisola and Canalizo, protection under the Mexican government and fee simple rights to the respective territories occupied by them. He sent communications to Filisola and Canalizo, also to Manuel Flores in Matamoros, charged with diplomatic duties towards the Indians of Texas, urging Flores to meet with him for conference and a more definite understanding.

In the meantime, a combination of these rebellious and

lawless Mexicans and Indians committed depredations on the settlements to such a degree, that General Rusk raised two hundred volunteers and moved against them. On the 14th of October, 1838, he arrived at Fort Houston (near Palestine), and, learning that the enemy were in force at the Kickapoo village (in Anderson County), moved in that direction. At daylight on the 16th, he attacked them, and, after a short and hot engagement, charged them, upon which they fled with precipitation, and were pursued for some distance. Eleven warriors were left dead and a much larger number were wounded. General Rusk had eleven men wounded but none killed.

These events transpired during the presidency of General Houston and confronted the country when President Lamar assumed office on the 10th of December.

On the 27th of February, 1839, General Canalizo, from Matamoros, sent instructions to Cordova, in substance as had already been given to Flores, detailing the manner of procedure, and directing pledges and promises to be made to the Indians. The instructions embraced messages from Canalizo to the chiefs of the Caddoes, Seminoles, Biloxes, Cherokees, Kickapoos, Brazos, Tehuacanos and other tribes, in which he enjoined them to keep at a goodly distance from the frontier of the United States.

Of all the tribes mentioned the Caddoes were the only ones who dwelt along that border; and, in consequence of acts attributed to them, General Rusk, in November, 1838, captured and disarmed a portion of the tribe, and delivered them to their American agent in Shreveport, where they made a treaty, promising pacific behavior until peace should be made between Texas and the remainder of their tribe.

In his zeal to confer directly with Canalizo and Flores, Cordova resolved to go in person to Matamoros. From his temporary abiding place on the upper Trinity, with an escort of about seventy-five Mexicans, Indians and negroes, he

set forth March, 1839. On the 26th of that month his camp was discovered at the foot of the mountains north of and not far from Austin. The news was speedily conveyed to Colonel Burleson at Bastrop, who, though colonel of the regulars then being recruited, was at his home, and in a short time he was at the head of eighty of his Colorado neighbors, as reliable and gallant citizen soldiers as lived in Texas. Surmising the probable route of Cordova, Colonel Burleson bore west till he struck his trail and, finding it several hours old, followed it as rapidly as his horses could travel till late in the afternoon of the 29th, when his scouts reported Cordova near at hand and unaware of the danger in his rear. Burleson increased his pace and came up with the enemy in an open body of post oaks, about six miles east, or probably nearer southeast, of Seguin, on the Guadalupe. Mr. Yoakum says the enemy fled at the first fire. He was misinformed. Cordova promptly formed his men, and, shielded by the large trees of the forest, made a stubborn resistance. Burleson dismounted a portion of his men, who also fought from behind trees for some time. Finally, seeing some of the enemy wavering, Burleson charged them, when they broke and were hotly pursued two or three miles into the Guadalupe bottom, which they entered as twilight approached.

Burleson's horses were so jaded by rapid travel as to be incapable of further pursuit, and he moved up six miles to Seguin to protect the few families there from possible danger.

Cordova lost over twenty-five in killed — one-third his force — Burleson had none killed, but a considerable number wounded.

During the night Cordova passed on the east around and above Seguin and continued his retreat, passing some miles north of San Antonio, having crossed the Guadalupe where New Braunfels now stands. At that time Captain Matthew Caldwell commanded a company of rangers who were scat-

tered in two or three camps in that section. Collecting these and reinforced by a number of citizens, he pursued Cordova, who had dangerously wounded three of Caldwell's scouts above Seguin. He pressed the pursuit to the Nueces River, when it became evident that he could not overtake the refugees before they could reach and cross the Rio Grande. Hence further effort was useless, and Caldwell returned on the Presidio road via San Antonio, where the command was welcomed with every demonstration of joy and given a feast (for they were out of provisions), over which Colonel Henry W. Karnes presided.

Manuel Flores, the Mexican Indian agent in Matamoros, responsive to Cordova's earnest desire for a personal conference, and ignorant of the latter's disastrous defeat, set forth from Matamoros late in April to meet Cordova and the Indian tribes wherever they might be found — on the upper Brazos, Trinity, or east of the latter. He had an escort of about thirty Indians and Mexicans, supplies of ammunition, etc., for his allies and all the official papers from Filisola and Canalizo, to which reference has been made in these pages, empowering him to treat with the Indians so as to secure their united friendship for Mexico and their combined hostility to Texas. His march was necessarily slow. On the 14th of May, he crossed the road between Seguin and San Antonio, having committed depredations on and near the route, and on the 15th crossed the Guadalupe at the old Nacogdoches ford (now New Braunfels). He was discovered near the Colorado, not far above where Austin was laid out later in the same year. Lieutenant (afterwards Captain) James O. Rice, a gallant young ranger, in command of seventeen men, fell upon his trail, pursued, overhauled and assailed him on Brushy (not the San Gabriel as stated by one historian), in the edge of what is now Williamson County. Flores endeavored to make a stand, but Rice rushed forward with such impetuosity as to throw the enemy into confusion and flight. Flores

and two of his followers were left dead upon the ground, and fully half of those who escaped were wounded. Rice captured and carried in one hundred horses and mules, three hundred pounds of powder, a large amount of lead, shot, balls, etc., and all the correspondence in possession of Flores. This correspondence revealed in detail the whole plot that had been formed for the destruction of the frontier people of Texas, to be followed up by the devastation of the entire country. The atrocious conspiracy was brought to naught by Burleson, Caldwell, Rice and their brave followers.

A review of all the facts from the spring of 1836 to these events in 1839, together with the revelations of the captured correspondence, caused President Lamar to resolve on the removal of the Cherokees and their associate bands from the heart of East Texas and their return to their kindred west of Arkansas, by peaceful negotiations if possible, but by force if necessary.

He desired to pay them for their improvements and other losses. He appointed Vice-President David G. Burnet, General Albert Sidney Johnston, Secretary of War; Hugh McLeod, Adjutant-General, and General Thomas J. Rusk to meet and treat with them for their peaceful removal; but if that failed, then they were to be expelled by force. To be prepared for the latter contingency, he ordered Colonel Edward Burleson, then in command of the regular army, to march from Austin to the appointed rendezvous in the Cherokee country, with two companies of regulars and the volunteer companies of Captains James Ownsby and Mark B. Lewis, about two hundred strong and commanded by Major William J. Jones (still living opposite Galveston). On the ground they found the commissioners and, about the same time, General Kelsey H. Douglas arrived with several hundred East Texas militia and became senior officer. Burleson took with him, also, Captain Placido, with forty Toncagua warriors.

After three days negotiation terms were finally agreed upon. The Indians were to leave the country for a consideration. The second day following was fixed for signing the treaty. But the Indians did not appear. The rendezvous was ten miles from their settlements. Scouts sent out returned and reported the Indians in force moving off. It was discovered that Bowles, the principal chief, had been *finessing* for time to assembly all his warriors and surprise the whites by a superior force. His re-inforcements not arriving in time, he had begun falling back to meet them. Colonel Burleson was ordered to lead the pursuit. He pressed forward rapidly and late in the afternoon (it being July 16th, 1839), came up with them and had a severe engagement, partly in a small prairie and partly in heavy timber, into which Burleson drove them, when night came on and the Texian troops encamped. I now quote from the narrative of Major Wm. J. Jones, who was under Burleson in the first as well as the last engagement on the 17th of July. He says:

“It soon became apparent that the re-inforcements looked for by Bowles had not reached him and that he was falling back to meet them. This he succeeded in accomplishing the next morning (the 17th day of July), at the Delaware village, now in Cherokee County, occupying an eminence in the open post-oaks, with the heavily timbered bottom of the Neches in their immediate rear. When our forces overtook them the main body of the enemy were in full sight, occupying the eminence where the village was located, while a detachment was posted in a ravine, tortuous in its course, and was intended to conceal their movements toward our rear, with a view to throw themselves between our men and their horses. But the watchful eye of Colonel Burleson, who well understood Indian tactics, discovered this movement, in good time, when he ordered his entire force of three hundred men to charge and drive the Indians from their place of concealment. Although the weather was extremely hot and the men almost famished for

water, this order was executed with promptness, routing the Indians and driving them back toward the village, surrounded by fences and cornfields. General Rusk, with all the force (about 400) of East Texas under his immediate command, had in the meantime advanced upon the enemy's front and kept them so hotly engaged in defense of their women and children that no re-inforcement could be spared from that quarter for the support of those who had been driven from the ravine. When they retreated upon the main body, their entire force was terrorized and fell back in great disorder upon the cornfields, then in full bearing, and the dense timber of the river bottom. It was here that Bowles evinced the most desperate intrepidity, and made several unavailing efforts to rally his trusted warriors. \* \* \* It was in his third and last effort to restore his broken and disordered ranks, that he met his death. He was mounted upon a very fine sorrel horse, with blaze face and four white feet. He was shot in the back, near the spine, with a musket ball and three buckshot. He breathed a short time only after his fall. \* \* \*''

After this great defeat and the loss of their great and trusted chief, the Indians disappeared in the adjoining jungles of the Neches, and, as best they could, in squads, retreated up the country, the larger portion finally joining their countrymen west of the Arkansas. A band of them led by John Bowles (son of the deceased chief) and Egg enroute to Mexico, were defeated, these two leaders killed and twenty-seven women and children captured, near the mouth of the San Saba, on Christmas day, 1839, by Colonel Burleson. These captives were afterwards sent to the Cherokee nation.

In the battles of July 16th and 17th, many heroic actions were performed. Vice-President Burnet, General Johnston and Adjutant-General McLeod were wounded but not dangerously. Major David S. Kaufman, of the militia (afterwards a distinguished Congressman) was shot in the cheek. Captain S. W. Jordan of the regulars (afterwards by his

retreat in October, 1840, from Saltillo, styled the Xenophon of his age), was severely wounded.

The victory at the Delaware village freed East Texas of those Indians. It had become an imperative necessity to the safety and population of the country. Yet, let it not be understood that all of right was with the whites and all of wrong with the Indians, for that would be false and unjust, and neither falsehood nor injustice should stain the pages of our history. From their stand-point, the Cherokees believed that they had a moral, equitable, and at least, a quasi-legal right to the country, and such in truth they had. But, between Mexican emissaries on the one hand,<sup>1</sup> mischievous Indians on the other, and the grasping desire of unprincipled land-grabbers for their territory, one wrong produced a counter wrong until blood flowed and women and children were sacrificed by the more lawless of the Indians, and we have seen the result. All the Indians were not bad, nor were all the whites good. Self-preservation demanded the expulsion of the Indians. It has been ever thus where advancing civilization and savagery have been brought into juxtaposition and contended for the mastery.

<sup>1</sup> Under oath, December 11th, 1840, before a committee of Congress, Adolphus Sterne, a prominent citizen of Nacogdoches, said: "The conduct of the Cherokees towards the American settlers in Texas, in 1826 and 1827, was hostile. Richard Fields, a Cherokee, and John Dunn Hunter, another Cherokee, were killed by them because they were friendly to the white men. His son, Fox Fields, was killed by the Cherokees for the same reason. Hawkins was killed by them for the same reason; and I believe that if General Gaona's division of the Mexican army had penetrated into Eastern Texas in 1836, the Cherokees and their associate bands would have massacred every white man, woman and child they could have got into their power. In consequence of that belief the people of Eastern Texas fled from their habitations in the spring of 1836."

## CHAPTER XVI.

Austin becomes the seat of Government beyond the settlements — The Government removal — Fourth Congress assembled at the new seat of Government on the first Monday in November, 1839 — The Cherokee Land Bill — Commissioner J. Pinkney Henderson's return from Great Britain — Visit of Gen. Hamilton who was Loan Commissioner to Great Britain, France, Holland and Belgium.

The first Congress under Lamar's administration, in January, 1839, passed a law providing for the permanent location of the seat of government. It was a question of deep interest and excited more or less sectional feeling. The whole west and the upper frontier wished it located as far in the interior as practicable, that it might become the grand focus of frontier protection. Messrs. William Menefee of Colorado, James Kerr of Jackson, Cornelius Van Ness of Bexar, and John Caldwell of Bastrop, were the especial champions of the measure. After many propositions, the law, as finally passed provided for the election, by joint vote of Congress, of five commissioners, who should select the location and purchase lands for a town site, upon which action upon their part the President was authorized to appoint an agent to plat and lay off the town, and have public buildings erected. The commissioners were restricted to the territory bounded east by the Brazos; west by the Colorado and south by the old Nacogdoches road crossing (at Bastrop on the Colorado), and Nashville on the Brazos. The commissioners elected were Albert C. Horton of Matagorda, Isaac W. Burton of Houston County, William Menefee of Colorado, Isaac Campbell of San Augustine, and Louis P. Cooke of Brazoria. All excepting the first named were then members of the House of Representatives.

On the 15th of April, 1839, the commissioners reported *in*

*extenso* to President Lamar, their examinations of both rivers and the country between, and the purchase of 7,135 acres of land, having a front of three miles on the east bank of the Colorado River, a mile or two below the base, or foot-hills of the high lands usually designated as the Colorado mountains. The price paid for this site was \$21,000 in the treasury notes of the Republic. It was intended by Congress that the next session to assemble on the first Monday in November, 1839, should be held at the new site. President Lamar, as a frontier measure, was in favor of the change, and lost no time in carrying the law into effect. He appointed Edwin Waller as agent to lay off the town. At that time only two families (those of Harrell and Hornsby) lived on the site and one or two families three miles below. Beyond them to the north and northwest lay an unbroken wilderness. To the northeast it was sixty and eighty miles to a few settlements on the Brazos and Little River. Southwest to San Antonio, eighty-four miles, there was not a human habitation, and no road for the first thirty miles. It was bold enterprise thus to plant the capital of the young republic in the very teeth and traveled pathway of the wild savages. On the spot chosen still stands the State capital, the beautiful city of Austin.

Waller, with surveyors, carpenters and laborers, began his labors as soon as possible. While the town was being laid out, whipsaws and axes resounded in the vicinity, felling trees and converting them into plank, boards, shingles and house-logs. Lumber was hauled thirty-five miles from the mills at Bastrop. Hundreds of men were employed and guarded by rangers under Captains Mark B. Lewis and James Ownsby, of the battalion commanded by Major Wm. J. Jones.

By October a two-story frame house for the President, a board house for the Congress, and log buildings for all departments, were completed; and, while this was in progress, a large number of log cabins for residences and business pur-

poses, several large houses of numerous rooms for taverns and two others of plank or boards were erected. The heads of departments and archives arrived during October, and by the end of that month, Austin had probably fifteen hundred inhabitants, many of whom lived in tents or under temporary sheds. It is safe to say that no town, containing the same number of souls, on the American continent, ever had more talent among its founders. Certainly in no settlement, where defense against savages devolved upon the members of every household, was there ever more enlightenment and refinement.<sup>1</sup>

<sup>1</sup> There then resided in Austin: President Lamar; Vice-President Burnet; Abner S. Lipscomb, Secretary of State; Albert Sidney Johnston, first, and then, Branch T. Archer, Secretary of War; Dr. James H. Starr, Secretary of the Treasury; Louis P. Cooke, Secretary of the Navy; James Webb, Attorney-General; John P. Borden, Land Commissioner; Asa Brigham, Treasurer; and in other government offices: Musgrove Evans, Charles Mason, Charles de Morse, E. Lawrence Stickney, John B. Ransom, Joseph Daniels and Thomas Gales Foster. Among department clerks were: John M. Swisher, James H. Raymond, James F. Johnson, George J. Durham, Henry W. Raglin, Wm. S. Hotchkiss, Muhlenburg H. Beatty, George D. Biggar, M. P. Woodhouse, Alfred W. Luckett, Thos. Wm. Ward, Stephen Crosby, Parry W. Humphreys, Horace L. Upshur; Publishers: Jacob W. Cruger (of Houston) and George W. Bonnell (killed at Mier), of the *Centinel*; Samuel Whiting (publisher) and George K. Teulon (editor) of the *Gazette* (Teulon died in China). Printers: Joel Miner, Alexander Area, W. D. Mims, — McLelland, Thomas Wilson, Wm. Carlton, Joseph A. Clark, William Clark, Martin Carroll Wing (drew a black bean and was shot in Mexico, March 25th, 1843); John Henry Brown (the only youth among them) and George W. Noble. Staff officers of the army: Colonels Hugh McLeod, Wm. G. Cooke, Wm. L. Cazneau, Peter H. Bell, Jacob Sniveley. Lawyers: James M. Ogden (drew a black bean and shot in Mexico), Joseph Lee, John D. Anderson, Francis A. Morris. Doctors: Moses Johnson, Joseph W. Robertson, and Richard F. Brennan (killed in the Mier prisoner rescue). Merchants: John Adriance, Alex Russell, Arch C. McFarland, Thomas L. Jones (drew a black bean and shot in Mexico), Lamar Moore, Wm. H. Murrah, and James Burke; H. Mulholland, German architect and draftsman. Jewelers: Charles R. Sossaman and Wm. Simpson. Hotel keepers: Bullock, Miller and Johnson, Mrs. Angelina B. Eberly, John Hall, succeeded by Thomas Smith (killed by Indians; his son, James W. Smith, the first county judge, was also killed by Indians). Other residents remembered were: Judge Luckett, Arch C.

The fourth Congress assembled in the new capitol at Austin on the first Monday in November, 1839. At the first Congress in Austin were David G. Burnet, Vice-President, presiding over the Senate, and John D. McLeod, Secretary. Among the senators were Dr. George W. Barnett (killed by Indians in 1848), K. H. Muse, Dr. Francis Moore, Jr., Isaac W. Burton, John Dunn, Harvey Kendrick, James S. Lester, Dr. Anson Jones, Dr. Stephen H. Everitt, Jose Antonio Navarro and Ethan Stroud.

In the House of Representatives, David S. Kaufman was elected Speaker, and Thos. Wm. Ward, Clerk. Prominent among the members were General Sam Houston, Wm. H. Jack, and John W. Harris (both from Brazoria), Cornelius Van Ness, William Menefee, Edward L. Holmes, Ben McCulloch, John S. Menefee, Dr. Daniel Rowlett, Samuel M. Williams, Collin McKinney, Daniel P. Coit, Isaac Parker, Dr. George W. Hill and John M. Hansford.

This Congress, though meeting on the extreme frontier, accomplished much to effect permanently the policy of the country. It established, with certain reservations suggested by the condition of the country, the common law of England as the rule of decision in the republic. It enacted a law establishing the marital rights of husband and wife and another regulating the descent and distribution of the estates of persons dying without wills. It created two traveling boards of commissioners to visit every county seat in the republic, examine the records of county boards, hear testimony and pass upon the legality of every certificate issued by such

Hyde, (first postmaster), W. W. Thompson, Wayne Barton (first sheriff), M. H. Nicholson, W. Buck Billingsly, J. Monroe Swisher, Captain James G. Swisher, — McCurdy, Harvey and Fenwick Smith, Van Cleave, James Newcomb, Dolson and Black (both killed by Indians), Thomas Ward, Prentiss, Horst, Robert Todd, Ambrose Bonnell Pattison, Thomas Warren, John D. McLeod, John W. Lann and L. F. Marguerate.

The Count Alphonso de Saligny, first charge d' affaires from France to Texas, (recently arrived), was among the residents.

boards. It was a wise and necessary law and went far to purge the records of frauds. The fraudulent issuance of certificates was, however, discovered only in a few counties; chiefly in Shelby, San Augustine and Jasper.

At this session a bill was introduced reserving from location the lands in the Cherokee country. This was a favorite measure of General Houston and designed to hold these lands (to be hereafter sold) as a basis of credit for the redemption of treasury notes, or what subsequently became known as Exchequer Bills. It was a wise measure in the then condition of the country, but was opposed by land speculators from purely selfish motives and by others for the reason (though neither a legal nor an equitable one) that it denied the holders of bounty land and head-right certificates the right to locate their certificates wherever they might desire. This opposition was met by the declaration that the lands had been won only in the previous July, by force of arms from the Cherokees, who claimed both a legal and equitable right to them, and were, therefore, not a part of the public domain, subject to such locations, when the certificates were issued; and, if there was a doubt, it should be solved in favor of the government in view of the beneficent purpose to which it was proposed to appropriate the lands. The debate was earnest and spirited, General Houston leading on the affirmative and Speaker Kaufman in opposition.<sup>1</sup>

<sup>1</sup> The author heard the concluding speeches of those gentlemen on the bill at a night session, about the middle of January, 1840, with the sympathies of ardent youth in opposition to the measure, the point chiefly discussed being the previous right of the Indians to the territory. Mr. Kaufman, a young man of graceful and fine physique, fluent and eloquent, was exceedingly felicitous. It was the first time the writer heard General Houston, though that pleasure was enjoyed at intervals afterward till twenty-one years later, when on the 5th of January, 1861, in Belton he heard one of General Houston's last (if not his last) regular address. But he never heard him on any occasion when he was so eloquent, so logical, so free from passion, or so majestic in person or manner. If preserved, which it was not, that speech would be a valuable addition to our political literature.

The veteran, William Menefee, who was in the Consultation with General Houston, in 1835, when the "solemn pledges" were unanimously made to the Cherokees and their associate bands, and who was in opposition to this bill, presided in the Speaker's chair during the debate. General Houston very naturally referred to the coincidence; but in a spirit so void of bitterness or reproach, and so complimentary to the character and patriotism of Mr. Menefee, as to call forth a burst of applause, both on the floor and in the lobby. When he concluded, the roll was called and the bill passed the house by a large majority. The legislation of this session, in other aspects, was advantageous to the country; but nothing was done to supersede the continued issue of treasury notes, commonly called red-backs, already depreciated to a ruinous extent, and destined to still farther depreciation till it required ten paper dollars to supply the place of one dollar in gold or silver.

General James Pinkney Henderson as commissioner to Great Britain and France entered into a convention with the former country in which the British government agreed to bring about if possible the acknowledgment of Texian independence by Mexico, upon the accomplishment of which Texas would assume the payment of Mexico's debt to British bondholders to the amount of about five millions of dollars. Mexico peremptorily refused to entertain any proposition which involved Texian independence and there the matter ended. Mr. Henderson returned to Texas during the winter of 1839-40, leaving George S. McIntosh, Secretary of Legation, in charge of the embassy.

In the meantime, under a law of the previous session General James Hamilton had been appointed commissioner to England, France, Holland and Belgium, charged with securing a loan of five million dollars, Albert T. Burnley of Kentucky being associated with him. He returned to Texas during this session of Congress to report progress, in a secret session of

which he explained the situation and asked such modifications in the law as he believed would enable him to effectuate the loan. The whole matter is without historic interest, because nothing was accomplished in a financial way. But General Hamilton, on his return to Europe, secured the acknowledgment of Texian independence by Great Britain, France and Belgium; as will be seen a little later.

A number of persons were massacred by Indians within less than a mile of where Congress was in session, massacred at night by those wild barbarians who, secreted in the neighboring mountain cedar-brakes by day, stealthily went forth by night to commit murder and pillage.

## CHAPTER XVII.

The Republic of the Rio Grande — Texian volunteers — Battle of Alcantra — Visit of Mexican leaders to Texas — Betrayal of Texian volunteers by their Mexican Allies — Battle of Saltillo — Successful retreat of Jordan and his betrayed 107 — The New Republic dies in its birth — The bloody Council House fight with Comanches in San Antonio.

During the year of 1839 there arose in northern Mexico a new movement of the Federal party of that country. It culminated in the formation of the Republic of the Rio Grande, a diversion decidedly favorable to Texas. Before that step was taken, however, the leaders, through agents sent into Texas, appealed for aid in their cause against Santa Anna, Bustamente and the centralists, who had destroyed the constitution of 1824, and established what was in fact a military despotism. Volunteers to the number of about three hundred flocked to their standard, and organized with Colonel Reuben Ross, a soldier of '36, as their commander. Canales, a Mexican lawyer, was at the head of the movement. The Texians were united with a body of Mexicans commanded by Colonel Zapata, an impetuous and chivalrous border chief, the owner of a rancho on the east side of the Rio Grande. The combined force, on the 3d of October, 1839, at Alcantra, twelve miles beyond Mier, met and fought a superior centralist force, under Colonel Pabon. It was a long, fierce and bloody conflict, in which many were killed, and resulted in the defeat of Pabon with heavy losses.

A lull followed this battle and most of the Texians returned home — Colonel Ross soon to lose his life in a personal rencontre.

It was a little later that the Republic of the Rio Grande was

formed, with Jose M. J. Cardenas as President and Licenciate A. Canales as chief of its military forces. Jose M. J. Carbajal, a son-in-law of Don Martin de Leon and a former citizen of Victoria, Texas, also held a position under the proposed government. These three, with their associates, visited Texas early in the spring of 1840, and had long interviews with President Lamar, seeking some sort of alliance with Texas against Mexico. President Lamar received and treated them with the greatest courtesy, feeling, as did all Texas, a deep interest in their success; but he declined to commit the government of Texas to their movement, for the very sufficient reason, if none other existed, that Texas was still seeking recognition of her independence by Mexico through the mediation of Great Britain, and besides had in contemplation a direct overture to Mexico herself. This overture was, in fact, soon afterwards attempted, but the messengers of peace were not even allowed to disembark at Vera Cruz. Santa Anna and his partisans it seems, beginning in 1834, had so influenced the popular mind of Mexico against the Americans of Texas, that no public man in that country, regardless of what might be his private convictions, dared favor reconciliation with Texas, except on the basis of submission to the control of Mexico.

Anticipating a few months in the order of events, it may be stated that late in the summer of 1840 there congregated on the Rio Grande about three hundred Texian allies of Gen. Canales. Colonel Wm. S. Fisher and Captains S. W. Jordan and Juan N. Seguin commanded these volunteers, under Canales as chief. Jordan with 112 men and a Mexican force under Juan Molano and another force were dispatched in advance to the interior. They passed by a circuitous route though Mier, Tula, Victoria, Linares and other places, exciting Jordan's suspicion of treachery, but still he followed the Mexican officers until near Saltillo, on the 23d of October, 1840, they were confronted by over a thousand cen-

tralists under Vasquez, with several pieces of artillery. As soon as lines of battle were formed Molano and the other officer, followed by a portion of their troops, deserted to Vasquez, shouting vivas to Mexico and death to the Texians—as craven and base an act of premeditated treachery as ever disgraced the character of men professing to be soldiers. The whole villainous scheme was understood in Saltillo, whose population had gone forth and occupied the surrounding hills to witness the anticipated sport, the destruction of 112 Tejano-Americanos. But sad was their disappointment; and, when night closed on the scene, they were unanimously of the opinion that they had been fighting not men but devils. Jordan promptly seized an invulnerable position, behind a stone wall, only approachable from one side. The Mexicans charged and charged again till, when night came, four hundred of their number lay dead or dying on the field. During the night Jordan ascended and crossed a mountain ordinarily deemed impassable, and thence retreated with one hundred and seven men, through mountains and valleys a distance of three hundred miles, to the Rio Grande, and crossed that stream. The enemy followed (often in plain view, and firing at long range) the whole distance, but the last of the one hundred and seven safely crossed the river. Jordan<sup>1</sup> had but five men killed and seven wounded, all of the latter being saved.

Soon after this, Canales, on the Rio Grande, capitulated to General Mariano Arista, stipulating for the safety of Colonel Fisher and the Texians with him, all of whom immediately returned to Texas. Thus died the so-called Republic of the Rio Grande.

As the Alamo to Thermopylæ, so the retreat of Jordan and his little band, through an enemy's country, abounding in

<sup>1</sup> Captain Jordan, a physician of high character, died in New Orleans in 1843, from the effects of an overdose of opium taken while suffering great pain.

towns and villages and pursued by ten times their number, has been aptly and justly characterized as a modern parallel to the great retreat of Xenophon.

In San Antonio on the 19th of March, 1840, occurred a deadly fight between a party of sixty-five Comanches (chiefs, warriors, women and boys), and the Texas troops, commissioners and a few companions. The Indians, under a prior agreement, came in to make a treaty, and were to bring all the Texian prisoners they had, but only brought in one. The chiefs entered a council-house to confer with the Texian commissioners, Colonels Hugh McLeod and Wm. G. Cooke. Two companies of regulars, under Lieutenant-Colonel Wm. S. Fisher, were at hand. Part of one of the companies was in the hall.<sup>1</sup> Learning from the captive brought in by the Indians (Matilda Lockhart, an intelligent girl of fourteen, captured in October, 1838), that the Indians had numerous other prisoners and that their policy was to bring in one at a time and secure more rewards, the commissioners informed the twelve chiefs that they were prisoners and would be kept as hostages for the safety of captives then in their hands, and that they might send their young men to the tribe, and as soon as the captives were restored they should be liberated. I quote from the "Indian Wars and Pioneers of Texas: "

Captain Howard posted sentinels at the doors and drew up his men across the room. "We," says the report of Colonel McLeod, "told the chiefs that the soldiers they saw were their guards, and descended from the platform. The chiefs immediately followed. One sprang to the back door and attempted to pass the sentinel, who presented his musket, when the chief drew his knife and stabbed him. A rush was then made to the door. Captain Howard collared one of them and received a severe stab from him in the side. He ordered the sentinel to fire upon him, which he immediately did and

<sup>1</sup> This company was commanded by Captain George T. Howard.

the Indian fell dead. They then all drew their knives and bows, and evidently resolved to fight to the last. Colonel Fisher ordered: 'Fire if they do not desist.' The Indians rushed on, attacked us desperately, and a general order to fire became necessary.

"After a short but desperate struggle every one of the twelve chiefs and captains in the council house lay dead upon the floor, but not until, in the hand-to-hand struggle, they had wounded a number of persons.

"The indoor work being finished, Captain Howard's company was formed in front to prevent retreat in that direction; but, in consequence of the severity of the wound, he was relieved by Captain Gillen, who commanded the company till the close of the action.

"Captain Redd, whose company was formed in the rear of the council-house, was attacked in the yard by warriors, who fought like wild beasts. The Indians took refuge in some stone houses, from which they kept up a galling fire with bows and arrows and a few rifles. Their arrows, wherever they struck one of our men, were driven to the feather. A small party escaped across the river, but were pursued by Major Lysander Wells with a few mounted men, and all killed. The only one of the whole band who escaped was a renegade Mexican among them, who slipped away unobserved. A single warrior took refuge in a stone house, refusing every overture, sent him by squaws, and killing and wounding several till after nightfall, when a ball of rags soaked in turpentine and ignited, was dropped through the smoke escape in the roof onto his head. Thus, in a blaze of fire, he sprang through the door and was riddled with bullets.

"In such an action — so unexpected, so sudden and terrific it was impossible at times to distinguish between the sexes, and three squaws were killed. The short struggle was fruitful in blood. Our losses were:

"Killed: Judge Hood of San Antonio; Judge Thompson

of Houston; Mr. — Casey of Matagorda County; Lieutenant W. M. Dunnington, First Infantry; Privates Kaminske and Whitney, and a Mexican — 7.

“Wounded: Captain George T. Howard, Lieutenant Edward A. Thompson and Private Kelley, severely; Captain Mathew Caldwell, Judge James W. Robinson, Messrs. Higgenbottom, Morgan and Carson — 8.

“The Indian loss was: Thirty chiefs and warriors, three women and two children killed; total, 35.

“Prisoners taken: Twenty-seven women and children and two old men; total, 29.

“Escaped, the renegade Mexican — 1.

“Over a hundred horses and a large quantity of buffalo robes and peltries remained to the victors.

“By request of the prisoners, one squaw was released, mounted, provisioned and allowed to go to her people and say that the prisoners would be released whenever the Texas prisoners held by the Indians were brought in.

“A short time afterwards a party of Comanches displayed a white flag on a hill some distance from town, evidently afraid to come nearer. When a flag was sent out, it was found that they had brought in several white children to exchange for their people. Their mission was successful and they hurried away.”

General Canalizo took advantage of this occurrence to inflame anew the hostility of the Indians towards the Texans, and the first result of his appeals to the worst passions of these wild and brutal savages, will be seen in their descent upon Victoria and Linnville, which was followed by their overthrow at Plum Creek.

## CHAPTER XVIII.

The great raid of August, 1840 — Over a thousand Comanches, with renegade Mexicans and other Indians, march down the country — Attack Victoria, kill numerous persons — Capture about 2,000 horses — Rob and burn Linnville, on Lavaca Bay — Retreat and defy 125 men at Casa Blanca and continue to retreat with savage demonstrations of joy, but are attacked and overwhelmingly defeated near the mountains, August 12th, 1840 — Col. Moore's defeat on the San Saba — His victory on the Colorado — The United States boundary run — Texas independence acknowledged by Great Britain, France and Belgium.

Following the events just narrated, about the last of May, 1840, the government received information that as a result of the intrigues of General Canalizo at Matamoros, there was about to be a general Indian invasion of the settlements. Dr. Archer, the Secretary of War, issued a warning to the country and ordered out the militia in the southwest to meet the apprehended danger. Numerous companies responded and repaired to the frontier; but, in a stay of two or three weeks, no indications of the enemy were discovered, and the volunteers, for such they were, returned to their homes, derisively characterizing the campaign as the Archer war. But they were premature in adopting burlesque as the mode of expressing their disappointment.

On the 5th of August a band of a thousand, composed chiefly of Comanches and Kiowas, but including also many lawless Mexicans and Indians from some of the more civilized tribes, passed down the country fifteen miles east of Gonzales, directly en route to Victoria, committing depredations on the way. On the afternoon of the 6th, without previous warning, they suddenly appeared in the vicinity of Victoria, killing a number of persons three miles distant and then making a feint upon the town, killing a number of others and capturing that

afternoon and the next day about two thousand horses. The people quickly "forted-up" in houses best suited for that purpose. The Indians encamped for the night on Spring Creek, only three miles away, and re-appeared next day, killing one or two persons and robbing deserted houses in the outer portions of the town. About 2 p. m. they continued nine miles down the valley, captured a lady and child (Mrs. Crosby, a granddaughter of Daniel Boone) then bore down obliquely across in the direction of Linnville (two and a half miles above the present town of Lavaca), the only town on the west side of Matagorda Bay. On the way, during the night, they killed one or two persons, and at sunrise next morning, near the town, killed a white man and two negroes. The people of the town were astounded and without a gun for defense. They rushed through shallow water to a number of small boats two hundred yards from shore, in doing which Mr. Watts was killed and his wife and a negro woman and a son of the latter captured. The warehouse contained a large amount of goods, chiefly for the Mexican trade. The Indians spent the day in placing these goods and whatever else pleased their fancy on pack horses and mules, and then, in full view of the citizens in the boats, moored in deep water, set fire to the whole town. A single house at the water's edge escaped destruction. This was the 8th of August. The triumphant raiders then took up the line of march on their return, following a course which passed sixteen miles east of Victoria and intersected their downward trail about twenty-five miles north of that place. About 11 a. m. on the 9th they encountered about one hundred and twenty-five hastily collected volunteers sixteen miles from Victoria, commanded by Captains John J. Tumlinson, Ben McCulloch and Adam Zumwalt. An immediate skirmish ensued in which only one white man and one Indian were killed. About two hours were passed without results, in which time the enemy had gotten their pack animals and

herd of horses well in advance and then the warriors moved off. A measure of demoralization, caused by the hesitation of a few men, prevailed — enough to prevent such a bold attack as the others urged. A spiritless pursuit followed and was kept up till the Colorado road, east of Gonzales, was reached, when most of those who had been in the skirmish returned home. A Texana company, however, who had joined them, here fell in with Colonel John H. Moore with over a hundred men from the Colorado and continued on the trail. Captain McCulloch, in much chagrin, with three companions left the force when his views in favor of a charge failed of adoption and hurried up the country, via Gonzales, hoping to fall in with the others and still be in a decisive action, and in this he succeeded. His companions were, Barney Randall, Arch Gipson and Alsey S. Miller.

In the meantime, by a set of fortuitous circumstances, 21 men from Jackson County (of whom the author of this work, was the youngest), 37 from Gonzales and Seguin, and 29 from Gonzales (including McCulloch and his three friends), united on Plum Creek, near the trail of the Indians, at 11 o'clock on the night of August 11th. These squads were commanded by Captains Ward, Matthew Caldwell and James Bird. General Felix Huston, the Major-General of militia, arrived from Austin at the same hour. Early next morning they were joined by Colonel Edward Burleson, with 87 volunteers and 13 Toncawua Indians from Bastrop County. By courtesy, General Huston was invited to take chief command. The Indians passed from the timber on Plum Creek into full view in the prairie, two or three miles southwest of where Lockhart stands, and about a mile from where this junction of forces occurred. An advance upon the enemy was made in a gallop in two columns, under Burleson and Caldwell. The Indians sent their packs and loose animals ahead and prepared for a stubborn defense, part dismounting and half their number fighting on horseback. Huston dismounted his men with-

in gun-shot of the enemy and for half an hour or more a constant firing was kept up, the Indians, with their long range Mexican guns, having the advantage, and wounding a number of the whites and killing or wounding quite a number of horses. Yielding to the judgment of such experienced men as Burleson, Caldwell and McCulloch, General Huston ordered a charge, which was grandly made into the midst of the Indians in and near the oaks. They fled rapidly, scattering in groups, and were pursued by the whites in the same way. All order was lost and men pursued and fought in clusters as chance threw them together. Portions of the enemy frequently wheeled, stood their ground for a little while and then fled. Thus the pursuit was continued for ten or twelve miles. The defeat was complete, the enemy abandoning their captured animals and goods. Many of the horses stampeded to the right or left and were not recovered; still, about nine hundred were secured and a great many goods. The Indians lost 86 in killed and many wounded. The whites had none killed but a considerable number wounded. Mrs. Crosby, one of the captured ladies, was killed by the retreating Indians as the child had been previously. The other prisoners were recovered — Mrs. Watts and the negro woman severely wounded, the negro boy unhurt.

Returning to the point of attack, camp was pitched about 3 p. m., August 12. Colonel John H. Moore and about 150 men came up before sunset, having followed the Indian trail. His men were largely from Fayette County. Part of them (under Captain Clark L. Owen) were, however, from Jackson County, and a few from Colorado County. Some writers have fallen into the error of crediting these men with the victory at Plum Creek. It is simply untrue. Not one of them was in the battle, nor on the ground for some hours after its conclusion. But they did all in their power to be there and were entitled to as much credit as if they had succeeded.

These notes were taken on the ground, after the battle was over. With Colonel Burleson were Colonel Henry Jones, of the militia, Major Thomas M. Hardeman, Captains Billingsly and Wallace, Dr. David F. Brown, Owen B. Hardeman, Hurch Reed, Wm. H. Magill and other noted privates. With Captain Caldwell from Gonzales were: Dr. Caleb S. Brown, surgeon, Judge Edmund Bellinger, Captain Andrew Neill, Captain Alonzo B. Sweitzer, Ben and Henry E. McCulloch, Christopher C. De Witt, Archibald Gipson, and a number of other privates well known as gallant men.

On the 12th of February, 1839, Colonel John H. Moore, at the head of fifty-five Texians, forty Lipan and twelve Toncahua Indians — a total of 109 — made a daylight attack on a large Comanche encampment, on the San Saba river. He killed a large number, while the Lipans stampeded and drove in a thousand or more Comanche horses, safely reaching the settlements. But after a contest of an hour Colonel Moore found himself surrounded by such an overwhelming force, drawn from the villages extending five or six miles up the river, that retreat became a necessity, which he effected with great coolness and caution. His horses having been left a short distance in the rear, were all captured by the enemy. Six of his men (wounded) had to be borne in on litters. After fighting long on the defensive, the retreat was begun, and attended by much suffering, their route passing a hundred miles through mountains. They, however, safely reached the settlements.

John H. Moore was not a man to forget such a repulse. In the great invasion of August, 1840, it has been shown that he lost, by several hours, an opportunity to balance accounts with the Comanches. But he was resolved that the balance should be made. To this end, about the first of October, he left Austin with two companies of citizen volunteers, commanded by Capts. Thomas J. Rabb and Nicholas Dawson, both of Fayette County, with an aggre-

gate force of ninety men, besides twelve Lipans under their principal chief, Col. Castro. He bore directly up the Colorado about three hundred miles, to the region where now stands Colorado City. The Lipans, as scouts, discovered in advance a considerable Comanche village, in a small bend on the east bank of the river, opposite a bluff on the west bank. Sending thirty men, under Lieutenant Clark L. Owen, to occupy the bluff across the river, he made an attack as soon as daylight fully appeared, charging directly into the camp. Though surprised, warriors and squaws fought with desperation. Only two warriors escaped, on the only two horses immediately at hand. A hundred and thirty Indians were left dead on the field. Thirty-four squaws and children and several hundred horses were brought in. A few old men and women were released on the ground. Among the trophies were goods taken from Linnville. Quite a number of Moore's men were wounded, but none killed. Col. Moore doubtless felt that his ill-success on the San Saba was counterbalanced by the terrible punishment inflicted by him on the Colorado.

During the year 1840 many murders and robberies were committed along the entire zigzag frontier, from Red River to San Antonio and Goliad. During the year, the work of running and marking the boundary line between Texas and the United States was begun by a joint commission of the two countries, in the spring, continued in the autumn and winter after a considerable summer recess, and completed in the month of December from latitude thirty-two on the Sabine River, due north to Red River; from that point to the gulf the Sabine was the boundary, and from the point of intersection on Red River that stream was the boundary to longitude one hundred. Thence, the boundary, to this day not fully determined, was to follow that longitude due north to the Arkansas River.<sup>1</sup>

<sup>1</sup> This was the boundary defined February 22d, 1819, in the treaty be-

The still unsettled point of dispute between Texas and the United States is this: Melish's map, as corrected and published on the first of January, 1818, was attached to and made a part of the treaty. The line was to follow Red River as laid down on said map to longitude one hundred — thence north to the Arkansas. That map only laid down what is now known as the North Fork of Red River and entirely omitted the South Fork, then wholly unknown to white men, but called by the Indians Ke-ah-ke-ho-no, or Prairie-Dog-Town-River, which has the widest bed, but not near so much water as the North Fork. The junction of these streams proved to be below or east of the one hundredth degree of longitude. Texas justly claims the North Fork as the boundary laid down in the treaty. The surveyors of the United States, *ex parte*, took it upon themselves to assume — ignoring Melish's map — that the previously unknown Prairie-Dog-Town-River, or South Fork, was the true Red River. If this were true, the map fully sustains the claims of Texas as to what was intended and laid down in the treaty. The difference involves about eighteen hundred square miles of territory, between the two forks, ever since 1860 constituting Greer County, Texas, now and for some years populated and organized under State laws, with regular courts and all the habiliments of political organization. Nothing but an edict based on the doctrine that might makes right will ever deprive Texas of it.

The commission of 1840, however, was confined to the boundary between the Sabine and Red River. The boundary as established threw into Texas a strip of land several miles wide in the upper part, whose inhabitants had hitherto been considered residents of Louisiana or Arkansas. To these new citizens, Texas generously granted land as if they had been immigrants.

tween the United States and Spain, and re-affirmed in a treaty between the United States and Mexico in 1828 and finally ratified April 5, 1832.

In this mission Mr. Memucan Hunt was, at first, the commissioner on the part of Texas, but was superseded by Mr. George W. Smyth. Hamilton P. Bee was secretary and Mr. — Gray, surveyor.

The year 1840 became memorable, also, in its last few weeks, by the acknowledgment of Texian independence, through the negotiations of General James Hamilton, by Great Britain, France and Belgium. Thus the young Republic, envired as it was by the wily machinations of Mexico, through Canализo encouraging and patronizing a merciless Indian war along her entire borders, suffering under the pressure of a worthless currency and staggering under a combination of afflictions, was still making hopeful strides toward power and ability to meet and overwhelm all its enemies. Recognized by these three European powers, foreign commerce was encouraged and steadily grew in volume until, five years later, Texas became one of the States of the American Union. Amid much cause of sorrow and gloom, the spirits of the people steadily grew in confidence and heroic determination to preserve, enrich and increase the fame of their country.

## CHAPTER XIX.

### THE FIFTH CONGRESS.

Assemblage of the fifth Congress, December 13, 1840 — Illness of President Lamar — Burnet becomes acting President — Franco-Texienne Land Bill — A fatal duel — The Currency question — John Hemphill becomes Chief Justice — The unfortunate Santa Fe expedition — Houston elected President and Burleson Vice-President in September, 1841, and installed November 1st — Lamar's agreement to aid Yucatan — The Navy under Com. Moore — Orders to sell the Navy.

The fifth Congress assembled at Austin on the first Monday of November, 1840. After December 13th, Vice-President Burnet, in the absence (on account of ill-health) of President Lamar, filled the Presidential office.

In the Senate appeared, among others, Robert Potter, from the Red River district, the first Secretary of the Navy. This was his first and last service in the Senate. He was killed in a personal feud during the next year.<sup>1</sup> In the House of Representatives, David S. Kaufman of Nacogdoches, was unanimously re-elected Speaker. His immediate colleague was James S. Mayfield, a lawyer of ability, serving his only term in the councils of Texas. Gen. Houston again appeared from San Augustine, having as a colleague Henry W. Augustine. Matagorda returned Edward L. Holmes; Colorado re-indorsed William Menefee, as Bexar did Cornelius Van Ness, sending with him George Blow, a brilliant young Virginian,

<sup>1</sup> Robert Potter had been four years a member of the United States Congress from North Carolina. He was a man of eloquence and rare talent, but rash and impetuous in temperament. He was a lawyer and a planter, living on Soda Lake, Texas, at the time of his death, which resulted from one of those neighborhood feuds to which American frontiers have been too much subjected. Men of respectability were involved on both sides.

who afterwards returned to his native State. Among the new members were ex-Governor Henry Smith and Timothy Pilsbury, from Brazoria; Isaac Van Zandt, from Harrison; Patrick Usher, from Jackson; Washington D. Miller, from Gonzales; William N. Porter, from Red River; and Michel B. Menard, from Galveston; all men of ability and some of them experienced in legislation.<sup>1</sup>

The matter of greatest public interest before this Congress was an extraordinary measure known as the "Franco-Texienne Land Bill." It proposed to grant to a French company three million acres of land; 512,000 acres fronting one hundred miles on the Rio Grande, above the Presidio road, and eight miles in depth; 192,000 acres on the Nueces, above the Presidio road, on both sides of the river, six miles in width and twenty-one in length; 194,000 acres on the Rio Frio; 128,000 acres extending from the Arroyo Seco to the Arroyo Uvalde; 128,000 acres on the Guadalupe, above the mouth of Sabine Creek; 1,000,000 acres, in three tracts between the Colorado and San Saba; 192,000 acres from the Colorado to the Pasegona River, three miles wide and one hundred miles along the old Santa Fe road; 294,000 acres on Red River, next above the Cross Timbers, fronting forty-six miles and ten miles in depth; 50,000 acres at the head of the Nueces; 50,000 acres at the head of the Colorado; 50,000 acres on the Aguila River; 50,000 acres near the source of the San Andres (Little) River; 50,000 acres on the Brazos, thirty miles above the Palo Pinto Creek; 50,000 acres on Noland River, fifty miles above its mouth (this stream is not fifty miles long), and 50,000 acres

<sup>1</sup> Among other events this year was a duel fought in San Antonio by Major Lysander Wells and Capt. William D. Redd, of the regular army, in which one was instantly killed by a shot in the eye. The other received a shot in the cheek, and died an hour later. Both were chivalrous men and the event was deplored throughout the country. One of the seconds, Lieut. Roswell W. Lee, then a young officer, never ceased to mourn his connection with the tragedy, and the other second left the country, never to return.

in the forks of the Trinity, west of the Cross Timbers. The company was to have the right, for twenty years, to import free of duty whatever they wished, including goods for the Mexican trade and were to pay no ad valorem tax till 1849, and then only on occupied lands. They were to locate upon the land at least eight thousand immigrants by the 1st of January, 1849. They were also to establish, erect and keep in good and sufficient repair for all military purposes, for the term of twenty years from the 1st day of January, 1849, a line of military posts, extending from the Presidio Del Rio Grande to Red River, at some point above the Cross Timbers, the line to consist of twenty posts, the posts to be located on the lands designated.

This measure convulsed the country. Opposition sprung from every section, and after a heated discussion, fortunately for the country, in view of the transcendent events occurring three years before 1849, including annexation to the United States, it was allowed to fall into the sleep of death. The scheme, in the very nature of things, was impracticable; but, for the moment, its apparent promise of peace on the frontier, captivated some of the brightest minds of the country.

The worthless currency of the country was elaborately discussed in reports and speeches, and various remedial plans suggested. All deprecated the further issue of treasury notes, then circulating at ten cents on the dollar; but the session passed without producing a remedy. In January, 1840, Judge James W. Rolinson, of the fourth or western district, resigned, and John Hemphill was elected in his stead. During the session, a year later, Thomas J. Rusk, Chief Justice of the Supreme Court, resigned, and Judge Hemphill was chosen to fill the position, which he continued to do, by successive re-elections, for eighteen years, till his election to the United States Senate in 1858. Anderson Hutchinson succeeded him as judge of the western district.

During this session of Congress President Lamar very earnestly recommended an appropriation and the adoption of measures, peaceful and commercial, to extend the jurisdiction of Texas over Santa Fe and so much of New Mexico as lay east of the Rio Grande. This was a part of Texas as defined by the law of 1836, fixing her boundaries as previously advocated by General Houston, and embraced a considerable population, isolated by twelve hundred miles from the Mexican capital and by four hundred miles, partly across a desert, from El Paso del Norte, the nearest settlement of any consequence in the direction of the capital. Santa Fe, ever since 1823, had afforded a rich Mexican trade, through caravans of wagons making annual trips, from St. Louis, Missouri traders receiving gold and silver in return for their goods. This trade if diverted to Texas it was thought would supply the precious metals, relieve the financial embarrassments of the country, and speedily lead to a line of posts through the Indian country, thereby diverting the hostile tribes from the Texas frontier. New Mexico, in her isolation, was largely independent of Mexico, and was ruled with despotic severity by a few families, who successively furnished the governors and other functionaries and consumed the substance of the people. Two or three American residents of that place visited President Lamar in the spring of 1840, urged a measure of this kind and furnished evidence showing that it would be hailed by the mass of the people as a deliverance from a grievous thralldom. Looking over the field in all its aspects and taking into consideration the deplorable financial condition of Texas, it was certainly an alluring proposition. Congress failed to provide for the expedition. The President, however, had become so persuaded of its wisdom and utility that he resolved to undertake its execution upon his own responsibility.

Early in the spring he began the necessary preparation. Commercial men were invited to join the proposed expedition

with stocks of goods. A sufficient number of troops were to act as an escort to protect the party against Indians. Circulars and proclamations (printed in the Spanish language), assuring them that the expedition was peaceful, disclaiming all design of asserting jurisdiction by force and stating that the only wish entertained was to open peaceful trade-relations and give the New Mexicans an opportunity to live under the liberal laws of Texas, were to be taken along by three civil commissioners and distributed among the people. If they acquiesced, it was promised that only the general laws of Texas would be extended over New Mexico and that their local laws and customs should continue in force until altered by themselves. The commissioners were instructed to use no force unless to repel attack, and generally to act in accordance with the peace proclamation.

The expedition having been organized, left Brushy Creek fifteen miles north of Austin, on the 21st of June, 1841. The commander was Brevet Brigadier-General Hugh McLeod. The number of soldiers was 270, organized into companies, among the captains of which were, Matthew Caldwell, the old veteran of Gonzales, — Houghton, William P. Lewis, of the artillery, and others.

The commissioners were, Don Jose Antonio Navarro, (a native of San Antonio), as true a man as was ever born on or trod the soil of Texas; Col. William G. Cooke, a man of experience, honor and courage; and Dr. Richard F. Brenham, as gallant a gentleman as was ever born on the soil of Kentucky. Their secretary was George Van Ness, a younger brother of the orator and legislator, Cornelius Van Ness, and a young man of great worth.

There were a number of amateurs along, for the novelty and pleasure of the trip, among whom were George Wilkins Kendall, editor of the New Orleans *Picayune*, who afterwards published an admirable history of the expedition, and Frank, a son of General Leslie Coombes, of Lexington, Ky.

After innumerable hardships and much suffering — having traveled without the anticipated Lipan Indian guides — on the 11th of August, they thought themselves to be within about eighty miles of San Miguel, a frontier village on the Rio Pecos, east of Santa Fe. They had been almost constantly annoyed by parties of Indians seeking to kill their hunters, pickets and guards, and to steal their cattle (work oxen and beeves), and had become not only worn down with fatigue and watching, but were reduced to the necessity of eating snails and lizards to prevent starvation. For want of proper guides they had traveled nearly three hundred miles farther than was necessary.

Thus situated, Messrs. Howland, Baker and Rosenberry, were dispatched to San Miguel in search of provisions and to ascertain in what spirit the expedition would be received by the New Mexicans. The main body wearily followed on over a broken country until the 10th of September, “devouring,” says Mr. Kendall, “every tortoise and snake, every living and creeping thing, \* \* \* with a rapacity that nothing but the direst hunger could induce.” A few days afterwards their advance party met a small party of Mexican traders, who could give them no provisions and who told them they were still seventy or eighty miles from San Miguel; but that at Anton Chico, a nearer hamlet, they could procure mutton from flocks in that vicinity. Some of the Mexicans returned to those in the rear to guide them by a shorter route. The advance party continued on to the Rio Gallinas and found the flocks, where (says Kendall), “a scene of feasting ensued which beggars description.”

On the next morning the advance party sent forward Capt. William P. Lewis, of the artillery (who understood the Spanish language), with Messrs. George Van Ness, Howard, Fitzgerald and Kendall. They bore a letter to the Alcalde, informing him of the approach of the party; that it was a commercial enterprise, peaceful in character, and that the

mission of the gentlemen sent forward was to buy and send back provisions to the main body. They also carried numerous copies of President Lamar's proclamation, declaring the objects of the movement, and that, if the inhabitants of New Mexico did not desire peaceably to come under the jurisdiction and flag of Texas, the expedition would immediately return home. Lewis and party, on the 14th of September, left the Gallinas for San Miguel. The shepherds on the Gallinas had informed them that the country was in arms against them and that Howland, Baker and Rosenberry had been seized and imprisoned at Santa Fe.

Strangely enough, the advance party failed to send this startling intelligence back to Gen. McLeod, with the main body. It was a suicidal omission of both duty and prudence. Mr. Howland attempted to escape from prison and convey the news to General McLeod, but, was recaptured, and for this effort to save his countrymen, was shot in San Miguel, under the orders of Armijo, Governor of New Mexico.<sup>1</sup>

On the afternoon of their departure, Lewis and party overtook two muleteers, from whom they received confirmation of the imprisonment of Howland and party, and were advised of the intense excitement prevailing in the country, caused by Governor Armijo informing the people that it was the intention of the Texians to "burn, slay and destroy" as they marched. This information was sent back to the party on the Gallinas; but those in command of that body again failed to send it back to General McLeod. On the night of that day Lewis and party slept at Anton Chico, where they were informed that they would be arrested and shot next day. Still they proceeded toward San Miguel; but on the way were surrounded by a force under Salazar, dismounted and started

<sup>1</sup> Mr. Howland was one of the American residents of Santa Fe, who had visited Texas and urged the expedition upon President Lamar; and by his last act, proved the inflexible fidelity of his character. He merits the respect of posterity.

on foot for San Miguel. From San Miguel they were hastened on toward Santa Fe, tied together in pairs and driven as cattle on the way to a slaughter house. About sunset they met Governor Armijo, in command of near six hundred men on the march to meet and attack the Texians. Armijo saluted them as friends and inquired who they were. The traitor, William P. Lewis, then gave the first evidence of his hitherto latent villainy.

He replied to Armijo that they were merchants from the United States. The chivalrous young George Van Ness indignantly interposed, saying they were all Texians, excepting Mr. Kendall, who was an editor from the United States, and who was along on a trip of pleasure and observation. Armijo pointed to the star and the word "Texas" on the uniform of Lewis, and said: "You need not think to deceive me. United States merchants do not wear Texian uniforms!" Still, as Lewis spoke Spanish well, Armijo took him as interpreter. His companions, on foot, were taken back to San Miguel, where, on the next day, they witnessed the murder of Howland and Baker. Col. William G. Cooke, one of the commissioners, with ninety-four men, had moved from Gallinas to Anton Chico. Salazar informed him that Lewis and party had been kindly received and sent on to Santa Fe. On the 17th, notwithstanding protestations of friendship by Salazar, Col. Cooke found himself surrounded by a large force under the Governor. Cooke was about to open fire, when Lewis and the Governor's nephew advanced with a white flag. Lewis informed Cooke that there were six hundred men around him and that he had seen four thousand more, well equipped, who would be on the ground in a few hours, and that there were five thousand more on the march from Chihuahua (the two last statements false), but that Governor Armijo had authorized him to say that if the Texians would give up their arms, they would have permission to come in and trade and, after eight days, their arms would

be returned to them. Notwithstanding the treachery of Urrea to Fannin and Ward, Col. Cooke and the Texians acted on the statements of Lewis, and surrendered. They could not conceive of villainy so base as would be betrayal by Lewis. The bravest and most unselfish men are ever the least suspicious. But this creature was at that moment a purchased and perjured traitor to his kith and kin, his country and his God. He was ever after an object of aversion and detestation wherever he resided, even in Mexico. He was regarded, even by the humblest classes of the Mexican population, as a moral leper and shunned accordingly.

Armijo had all the prisoners bound as felons, and, without permitting them to see their friends who had been previously betrayed and captured, started them off to the city of Mexico, twelve hundred miles distant, via Santa Fe.

Armijo then set forth to meet Gen. McLeod, and the main body, which, in a starving condition, had reached the Laguna Colorado (Red Lake), about thirty miles from the Rio Gallinas. There Armijo met him. Absolutely without the physical strength or means of defense, and under promise of good treatment and respect for all their private property, Gen. McLeod and his men surrendered. Immediately upon this they were searched, robbed of everything, bound in pairs and marched to San Miguel, arriving there on the 12th of October; three months and twenty-one days after starting from the vicinity of Austin. The goods captured were disposed of by Armijo, who reserved to himself whatever his avarice coveted. He gave Lewis a large amount as a reward for his treachery, and wrote to Garcia Conde, Governor of Chihuahua: "In consideration of the great services rendered by Capt. William P. Lewis, in assisting me to capture the Texians, I have given him his liberty and his goods, and earnestly recommend him to the notice of the Central Government." On the 17th of October, bound in pairs, the prisoners were started to the city of Mexico, by way of Santa Fe, in charge of the brutal ruffian,

Salazar. Their treatment, while under his charge, as far as El Paso del Norte, was barbarous. Some died on the way and their ears were cut off as trophies and as proof that they had not escaped.<sup>1</sup>

At El Paso they fell under the charge of a humane officer and thenceforward received better treatment. At Chihuahua the citizens and foreigners gave them clothing and other supplies. In due time the prisoners reached the city of Mexico and were imprisoned till about July, 1842, when, at the intercession of General Waddy Thompson, of South Carolina, then American minister, they were released and returned home — some of them in time to visit retribution in the battle of Salado, on the 18th of September. Capt. Matthew Caldwell, one of their number, with the rank of colonel, commanded in the latter victorious conflict. Mr. Thomas W. Hunt, another of their number, did fearful execution on that occasion by the deliberate use of an unerring long range rifle. As a sharpshooter, in front of the Texian line, it is doubtful if a single one of more than a dozen balls from his rifle missed its intended destination. (He died in Bosque, County, in 1892.)

Before dismissing the subject, it is reasonable to say that if the party under Col. Cooke, among the sheep on the Gallinas, had sent a flock back to meet Gen. McLeod and had remained till he arrived, thus uniting over two hundred and fifty effective men, they could have defied Armijo and safely retreated down the Pecos, driving sheep before them for subsistence. Gen. McLeod was an enlightened and gallant man, quick in perception and prompt in action, and enjoyed the fullest con-

<sup>1</sup> John McAlister, a brave and worthy man, was one of the prisoners. His ankle was inflamed so that he could travel no farther and so he announced. Salazar ordered him to move on. He exposed his ankle declaring his inability to walk. Salazar, in a rage, declared he would shoot him if he did not move. McAlister then exposed his breast and told him to shoot. Thereupon the monster sent a ball through his heart, cut off his ears, and having him stripped of shirt and pants, left his body by the roadside.

fidence of his men. Col. Cooke and Capt. Caldwell were veteran officers and approved soldiers, and a large per cent of the men were experienced fighters. After a few shots from such men, Armijo and his five or six hundred Mexicans, armed with old muskets and escopetas, would have kept at as safe a distance as Vasquez did when opposed by Jordan just one year before. Fate decreed otherwise. The expedition was not without fruit for Texas. The treachery and barbarism practiced awakened anew, throughout the United States a determined feeling in favor of Texas and against Mexico.

Had the expedition succeeded the name of Lamar would have received additional luster. It failed. But Mr. Kendall, a highly competent authority, after stating the unexpected difficulties and untoward circumstances encountered, says: "President Lamar's estimation of the views and feelings of the people of Santa Fe and vicinity, was perfectly correct. Not a doubt can exist that they all were, and are (1843), anxious to throw off the oppressive yoke of Armijo, and come under the liberal institutions of Texas; but the Governor found us divided into small parties, broken down by long marches and want of food; discovered too, a traitor among us; and, taking advantage of these circumstances, his course was plain and his conquest easy."

Trivial events sometimes determine the fate of men, of cities and of nations. Had Houston been crushed at San Jacinto and had the victorious banner of Mexico been planted on the Sabine, the patriots who fought under his banner would have occupied a place in history similar to that of Walker and his followers in Nicaragua. They would have appeared as mere adventurers attempting revolution in a foreign State. By the erratic judgment of the hour, so often merciless and unreasoning, failure brought on Lamar pitiless criticism for trying in good faith to extend the ægis of Texas over her whole territory and thereby strengthen her power and resources as an independent nation. His judgment may have

been at fault ; but his patriotism cannot be questioned. The fact that in 1850 the United States paid Texas ten millions of dollars for the New Mexican territory, is a sufficient attestation of the wisdom of Lamar in his attempt to peacefully unite it with the destinies of Texas.

During the year 1841 the Indians were less bold than for several years before. The terrible chastisements they had received had taught them caution, and their depredations were confined to small bands. A few expeditions against them were practically fruitless, as, on discovering parties penetrating their country, they fled beyond pursuit.

In the elections of 1841, there was considerable interest, somewhat sectional, as to the Presidency. Gen. Houston and ex-President Burnet were the opposing candidates. The eastern and central sections, much the most populous, supported Gen. Houston. The west and the frontier preferred Burnet, being opposed to Gen. Houston's idea of treating and trading with the wild Indians until they were taught more thoroughly the white man's power. But Burnet had to bear a full share of the failure of Lamar's administration to establish a currency ; or rather its failure to prevent government treasury notes depreciating to almost nothing, and still continuing their issue. The failure of the Santa Fe expedition, or its assumed failure in advance of its actual occurrence, was also a heavy weight on Burnet, whose purity and patriotism no one questioned. And above all this, a considerable majority of the whole people regarded Gen. Houston as the ablest, wisest and safest man in the country ; and believed that he would be the means of inaugurating a better financial system. Under the circumstances, from the inception of the canvass, his election was a foregone conclusion. He was elected by a vote of about two to one. The contest for the Vice-Presidency was independent of that for the Presidency. The candidates were General Edward Burleson and Memucan Hunt. Burleson was elected by a large majority.

Congress assembled in Austin November 1st, 1841. President Houston and Vice-President Burleson were installed December 13th. General Burleson was dressed in a complete suit of highly dressed and ornamented buckskin, while General Houston's stately form never appeared more majestic.

Early in 1840, President Lamar entered into an agreement with a commissioner from the revolted state of Yucatan in Mexico, by which the combined navy of Texas became allies to that State, Yucatan paying all expenses pertaining to such aid.<sup>1</sup> On the 24th of June, 1840, under this agreement, there sailed from Galveston for Yucatan a naval fleet consisting of the sloop Austin of twenty guns as a flagship under Commodore Edwin W. Moore; the steamship Zavala,

<sup>1</sup> As a matter of convenient reference, here follows a list of the officers of the Texian navy covering the period referred to:

Captains Charles E. Hawkins, Jeremiah Brown, Wm. Hurd, Wm. Brown and Thomas F. McKinney.

Commanders: George W. Wheelwright, Henry L. Thompson and I. D. Boylan.

Lieutenants (of the Brutus): Cassin, — Dearing G. W. Estis, Galligar, Lent M. Hitchcock, — Hoyt, James G. Hurd and — Mellus; (of the Invincible) Parry W. Humphries, — Johnson, — Lee, Joseph Sevey, — Newcomb, James Perry, — Randolph; (of the Independence) J. K. P. Lathrop, J. W. Taylor, T. M. Taylor, Alex. Thompson, T. M. Thompson and F. B. Wright.

Surgeons: Chrisman, Dunn, Forest, O. P. Kelton, Knight, A. M. Levy, Leech, I. E. Woodruff.

Pursers: Norman Hurd, of the Brutus, F. T. Wells of the Invincible; Henry Fisher of the Liberty, and — Lering of the Independence.

Sailing Master: Daniel Lloyd of the Invincible.

Midshipmen: W. Tennison, I. Pollock, D. H. Crisp, — Crosby, Harrison, A. A. Wait and — Cummings.

Marine Corps: F. M. Gibson, Captain of the Invincible, Arthur Robinson, Captain of the Brutus, F. Ward, First Lieutenant of the Invincible, — Brooks, Second Lieutenant, and Wm. Francis, Second Lieutenant of the Invincible.

Vessels: Independence, eight guns, Invincible, eight guns, Brutus, eight guns, and the Liberty, four guns.

Privateers: Tom Toby, Captain Hoyt; and the Terrible, Captain Allen.





EDWARD BURLESON

eight guns, Captain J. K. P. Lathrop; the schooner San Jacinto, five guns, Lieutenant W. R. Postelle; the schooner San Barnard, five guns, Lieutenant W. L. Williamson; the schooner San Antonio, five guns, Lieutenant Alexander Moore, and the brig Dolphin, Lieutenant John Rudd. The navy remained in the service of Yucatan for two years or more and then entered the mouth of the Mississippi and remained there for a considerable length of time. While there, a mutiny occurred on the schooner San Antonio, resulting in the trial and execution of several persons. In August, 1842, the San Antonio, Captain Brennan, again sailed for Yucatan without the knowledge or authority of the government of Texas, but, supposedly by authority of Commodore Moore, for the purpose of collecting the amounts due and unpaid by Yucatan. No tidings were ever received of her fate.

About the time the Texas navy entered the Mississippi, President Houston declared the ports of Mexico in a state of blockade. The Zavala and the San Barnard were wrecked in Galveston Bay. The other vessels remained so long in the Mississippi that President Houston ordered them to repair to Galveston for instructions. On non-compliance with the order, Commodore Moore was ordered to report in person to the government of Texas, but he failed to comply with the order, claiming that he had invested largely of his own means in repairing the vessels and was unwilling to leave them. Thus situated, President Houston sent a secret message to Congress which was considered in secret session, and on the 16th of January, 1843, a secret act was passed providing for the sale of the navy. Messrs. James Morgan and Wm. Bryan were appointed by President Houston as commissioners to take possession of the vessels and convey them to Galveston. Commodore Moore refused to deliver them to the commissioners, but declared his intention of taking them to Galveston; and, with Mr. Morgan on board, actually started for that port with the Wharton and the Austin. On reaching the Balize,

they received such information as caused Mr. Morgan to consent to a cruise to the east of Yucatan. This act of Commissioner Morgan, occupying so confidential a position under the President, very naturally aroused the indignation of the latter; whereupon he issued a proclamation suspending Moore from command and ordering the ships directly to Texas. On receipt of this proclamation the vessels, seeing that disobedience would subject them to the charge of piracy if they continued hostilities, promptly returned to Galveston. In this time they had made a gallant fight and won a splendid victory over a Mexican war steamer in front of Campeche, compelling it to seek refuge in a harbor further south.

## CHAPTER XX.

Houston's Second Administration — Inaugurated December 13th, 1841<sup>1</sup> — Removal of the Seat of Government — Mexican Invasion of 1842 — The Somervell Expedition — The Battle of Mier — The Snively Expedition — Foreign Relations.

It will be seen that when General Houston entered upon his second term, December 13th, 1841, separated from his first by the three years term of General Lamar, he was confronted with grave difficulties, not the least of which was the depressed spirit of the people. The fate of the Santa Fe expedition was unknown, but grave apprehensions were entertained. The treasury was empty, with an enormous outstanding irredeemable issue of treasury notes, current only at home at a ruinous discount. Receivable for taxes and custom-house dues, as they were, there was no promise of their reduction. This created a nominal debt of several million dollars, including the purchase of naval vessels, and the expenses of the Santa Fe expedition.

In his message to Congress, reviewing the present deplorable condition of the country, the President submitted recommendations, which, he said, "found their justification

<sup>1</sup> Sam Houston, President, December, 1841, to December, 1844; Edward Burleson, Vice-President; Anson Jones, Secretary of State; George W. Hockley, first, and George W. Hill, second, Secretary of War and Marine; Wm. H. Dangerfield, first, and James B. Miller, second, Secretary of the Treasury; George W. Terrell, First, and Ebenezer Allen, Second, Attorney-General; Asa Brigham, Treasurer; Francis R. Lubbock and James B. Shaw, Comptrollers; Charles De Morse, Auditor; Thomas Wm. Ward, Commissioner of Land Office; James Reiley, Isaac Van Zandt and James P. Henderson, Ministers to the United States; Ashbel Smith, Minister to France; Wm. H. Dangerfield, Minister to the Netherlands, Belgium, and the Hanse Towns; Samuel M. Williams and George W. Hockley, Commissioners to Mexico; Charles H. Raymond, Secretary of Legation to the United States.

in necessity." He recommended "a total suspension of the redemption of its liabilities to a period sufficiently remote to enable the government to redeem such as it ought to redeem." "The evil," he said, "is upon us. While many just claims are thus deferred we can only refer our creditors to our inability to pay our debts."

A further remedy which he prescribed was the reduction of one half the State taxes and requiring that they and the import duties should be paid in par funds. He also advocated the issue of exchequer bills to the amount of \$350,000, and the contraction of a loan to that amount, to be redeemable by 1,000,000 acres of lands lying in the Cherokee country in east Texas, reserved for that purpose.

President Houston favored a pacific policy towards the Indians, and recommended warehouses and trading posts where the Indians would feel free to come and trade, supply their wants, make treaties, receive presents, as evidences of good will, and return peacefully to their villages. He recommended a policy towards Mexico, strictly defensive. He deprecated the Santa Fe expedition, and the contract which the preceding administration had made in 1841, with Yucatan, then in revolt against Mexico, to aid them with the Texian navy, as calculated to irritate Mexico and disturb the negotiations by which it was vainly hoped the United States or Great Britain would be able to secure a recognition of Texian independence from that government.

The sixth Congress of the Republic met (preceding the inauguration, November 1st, 1841), and set to work assiduously to improve the financial condition of the government and to reform what they considered abuses. The President commenced his official duties December 13th.

A committee of the house had, on the 6th, reported in condemnatory terms the unlawful expenditure of money by the preceding administration chiefly in fitting out the Santa Fe expedition, the fate of which did not become authoritatively

known until the 18th of January, 1842. As a further measure of economy, on the 11th of December, by joint act of both houses, several offices were abolished and the salaries of those retained were reduced, resulting in a reduction from 1840 of \$174,000.00 to \$32,800.00 in 1842. It was further decreed that all paper redeemed by par funds should be canceled and, later, that by commissioners duly appointed those thus canceled should be burned at the beginning of every month.

A project of raising money by a loan to Texas of \$7,000,000.00, at six per cent, by Belgium, had been under consideration between Gen. James Hamilton and a commissioner of that government, upon terms which, had it succeeded, would have been ruinous to Texas. The people had been alternately discouraged by failures to obtain loans from abroad, and cheered by new and seemingly favorable plans. This one presented such complications, and, withal, such a degree of humiliation to the pride of Texas in its requirements, that President Houston virtually condemned it by his silence, merely presenting it to the Congress, which in turn refused to accept it. Congress had, however, on the 12th of the preceding January, repealed the law authorizing a \$5,000,000.00 loan or less, thus saving Texas the mortification of having a proposition for a loan of any amount, refused.

As has been stated, on the 18th of January, 1842, tidings of the crushing final result of the Santa Fe expedition were brought to Congress in their minute and harrowing details, through the American consul at Santa Fe, Senor Alvarez. Seven months of anxious suspense had terminated in disaster far exceeding their worst forebodings. So carefully had the proclamation of Lamar been framed that a rejection of it by the people of Santa Fe was the worst the administration had looked for. Intense grief pervaded every portion of the Republic; nor was the excitement confined to Texas, as several members of the expedition were citizens of the United States. Congress immediately proceeded to pass an act of most

extraordinary and extravagant character. No less than extending the boundary line of Texas to take in the two Californias, the whole of the States of Chihuahua, Sonora and New Mexico with parts of Tamaulipas, Coahuila, Durango and Sinaloa, all with a population of about two millions.

How far this mad legislation was intended to give vent to their indignation may be surmised. The impossibility of its achievement, must soon have awakened the more thoughtful to a sense of its absurdity. The act was sent to the President for his approval and there met the fate which was to be expected. Houston, of course, vetoed the bill. Even if it were possible to invade Mexico with the object of the bill in view, the success of such a scheme, undertaken for revenge, would destroy all hope of effecting such relationships with countries at peace with Mexico as were necessary to the ultimate prosperity of Texas and her establishment upon an equal footing with other nations, and suspend all diplomatic action with Great Britain. So far from increasing the respect of other nations for Texas, "they would," the President said, "regard it as a legislative jest." Such an enactment was calculated to increase the rigors of the imprisonment of their friends and possibly cause their immediate destruction. All the representations which the President was able to urge availed nothing. Congress passed the bill over the President's veto.

No act ever passed by the Texian Congress savored more of braggadocio and imbecility, and, as a matter of course, it came to naught, falling by its own weight.

Immediately upon receipt of the news of the disaster to the Santa Fe expedition, several members of which, as has been stated, were citizens of the United States, who had joined the party for mere adventure, the Texian Secretary of State, Anson Jones, laid the case before the government at Washington. Secretary Daniel Webster urged that Mr. Powhattan Ellis (of Mississippi), American Minister to Mexico, should

demand the immediate release of those who were citizens of the United States, and recommend in emphatic terms that the Texian prisoners should be spared further severe treatment at the hands of the Mexicans. These prisoners were connected, many of them, with families of distinction in the United States, and their names were well known in various parts of the Union.

Deep interest in their behalf was manifested in memorials to the United States government, and although the government condemned the purpose of the expedition, they sent General Waddy Thompson, of South Carolina, to Mexico to make the demands of that government, which resulted in the immediate release of those who claimed citizenship in the United States, and pledges of civil treatment to the Texian prisoners.

General Houston's responsibilities at this time were heavy. At the moment when this Congress was passing those unreasonable enactments over his veto, he was anxiously awaiting the release of the Santa Fe prisoners, for the necessary expenses of which he could not control a dollar, either of private or public funds. He was also watching with intense anxiety, through the Texian Minister at Washington, for the moment when Texas might, without humiliation, indicate her readiness to be annexed to the United States, but at the same time resolved not to be abandoned by Great Britain and France; and for prudential reasons, he was anxious to avoid taking steps that would justify Mexico in renewing her aggressive incursions across the western border. They would thereby give encouragement to immigration and, by claiming that Mexico had abandoned the idea of reconquering Texas, increase the chances for annexation to the United States. President Tyler was known to be in favor of annexation, and the friends of the measure had been gradually increasing since her first rejection by the United States, but the Senate was obstinate in opposition to it. General Waddy Thomp-

son was, in the meanwhile, in Mexico endeavoring to bring about peaceful relations. Great Britain — opposed to annexation — also lent her influence with Mexico for peace. But in the correspondence between British ministers, the Mexican authorities and President Houston, there was no recognition of the last mentioned, as “President,” or of Texas as a “Republic.” Great Britain had motives of her own for wishing to see Texas restored peaceably as a State of the Mexican Republic, in the share the thrifty inhabitants might take in the liquidation of a large debt to that country, besides the extension of monarchical territory on this continent, as well as diminishing slave territory. These negotiations, as well as those with the United States, required careful and shrewd diplomacy on the part of the President of the Republic. So delicate and hazardous was the situation he could scarcely admit his whole Congress into his fullest confidence, lest by some hasty action or speech, publicity might betray the necessary coquetry of the Texians with these three jealous powers.

Congress was not willing to pledge lands as security for the redemption of exchequer currency and this was not provided for. It adjourned on the fifth of February, 1842.

The Indians, since their signal defeat in 1838–39–40, had almost ceased their murderous depredations, the year 1841 being the first since 1836 to which this assertion can truly apply. Immigration had steadily increased, and all the material interests of the country had slowly but surely advanced, and, in 1839, the initiative was taken for that grand system of land grants in support of a system of universal free education in the Republic which has since placed Texas second to no State in the world in that regard.

To facilitate a better comprehension of the foreign affairs of Texas, it is proper here to give a list, as near as may be, of those who, at different times and in various ways, represented Texas abroad, from the beginning of the revolution in 1835 to annexation on the 19th of February, 1846.

By the Consultation — the first revolutionary assembly — on the 13th of November, 1835, Dr. Branch T. Archer, Stephen F. Austin, and William H. Wharton, were elected commissioners to the United States to represent Texas in that country, by explaining the true state of affairs in Texas, soliciting aid in men, money and munitions of war, and in every appropriate way strengthening the cause of Texas. They were at once commissioned by Governor Henry Smith, but did not leave the mouth of the Brazos for New Orleans until the 27th day of December, reaching the latter city on the 4th of January, 1836. They performed their mission to the entire satisfaction of the country, and returned home in June of the same year. Covering the same period and to a later date, Wm. Bryan rendered invaluable aid as local agent in New Orleans. By the Provisional Government, a little later, Thomas J. Chambers was authorized to raise volunteers in Kentucky, with authority to act otherwise as an exponent of the cause of Texas.

By President Burnet, in the summer of 1836, James Collinsworth and Peter W. Grayson were dispatched to the United States as commissioners to represent the interests of Texas at Washington and elsewhere. They were absent but a few months.

On the formation of the constitutional government, which was fully accomplished on the 22nd of October, 1836, President Houston appointed Wm. H. Wharton as the first commissioner and prospective minister to the United States. He left November 17th, 1836. A few months later Memucan Hunt was deputed as Minister Plenipotentiary to endeavor to secure the annexation of Texas to the United States, its independence having been previously acknowledged on the 3rd of March, 1837, by the approval of a joint resolution by President Andrew Jackson, his last official act. On the acknowledgment of Texian independence Mr. Wharton was recognized as regular minister. In the month of April or May, Mr. Whar-

ton, at his own request, was relieved of his diplomatic duties, leaving Mr. Hunt alone in charge, who, however, was not presented till July 6th. On his way home, while on the gulf, Mr. Wharton was captured by a Mexican war vessel, and imprisoned at Matamoros, from which place he escaped and returned home in time to be re-elected to the Senate from which he had resigned at the time of his appointment as minister. Mr. Hunt continued to act, until succeeded by Dr. Anson Jones, who served until the beginning of 1838, and was succeeded by Richard G. Dunlap, and he soon afterwards by James Reiley and he by Isaac Van Zandt.

In 1837, President Houston dispatched James Pinkney Henderson as diplomatic agent to represent Texas in Great Britain and France, George S. McIntosh being secretary under him. W. F. Catlett was Secretary of Legation to the United States.

Under President Lamar's administration, from December 10th, 1838, to December 13th, 1841, Richard G. Dunlap and Bernard E. Bee were successively ministers to the United States with M. A. Bryan, Samuel A. Roberts, and Nathaniel Amory, respectively Secretaries of Legation. James Hamilton was appointed commissioner to Great Britain succeeding J. P. Henderson. William H. Dangerfield and George S. McIntosh were appointed ministers to France and Bernard E. Bee and James Webb ministers and agents to Mexico, with George L. Hammeken, Secretary. Bee and Webb, however, were not allowed to land at Vera Cruz and returned home. James Hamilton was sent as commissioner to treat with Holland, Belgium, Great Britain, France and the Hanse Towns, and, in 1840, secured the acknowledgment of the independence of Texas by Great Britain, France and Belgium.

Samuel M. Williams, Albert T. Burnley, James Hamilton, and James Reiley were appointed commissioners to effect a foreign loan.

Under Houston's second administration, December 13th,

1841, to December 19th, 1844, James Reiley, Isaac Van Zandt, and James Pinkney Henderson were successively appointed ministers to the United States, with Charles H. Raymond Secretary of Legation. Ashbel Smith was appointed minister to France, Wm. H. Dangerfield minister to the Netherlands, Belgium and the Hanse Towns and Samuel M. Williams and George W. Hockley commissioners to Mexico. Messrs. Williams and Hockley effected a brief armistice.

Under President Anson Jones' administration, December 9th, 1844, to February 19th, 1846, George W. Terrill and Ashbel Smith were appointed ministers to Great Britain, France and Spain; and James Reiley and David S. Kaufman, ministers to the United States, with William D. Lee as Secretary of Legation. The first minister from the United States to Texas was Alcee Labranche of Louisiana, in 1837. He was succeeded at different times by George H. Flood, Joseph M. Eve, and William H. Murphy (all of whom died and were buried in Galveston) and Duff Green, Mr. Howard of Indiana, Andrew J. Donelson of Tennessee, and Charles A. Wickliffe of Kentucky. In 1836, however, under a resolution of Congress, President Jackson had sent Mr. Moffat, as a special agent to visit and report upon the condition of affairs in Texas, as a precautionary measure before acknowledging the independence of the young Republic. His report was altogether favorable, and, as already stated, the recognition occurred on the 3rd of March, 1837.

Under authority of Lord Palmerston, Prime Minister, on the 12th of April, 1837, Mr. Crawford, British consul at Tampico, arrived at Columbia, the temporary seat of government, for the purpose of reporting on the condition of Texas to the British premier. Late in 1839 Count Alphonse de Saligny arrived as charge d' affaires from France, and so continued for some years. Having been Secretary of Legation at Washington, he had early in the year made a visit of observation to Texas and reported favorably. On the 13th of May,

of the same year, Admiral Baudin, commanding a part of the French fleet then blockading the ports of Mexico, touched at Galveston and exchanged salutations. It was regarded as a good omen. The freedom of the city accompanied by an address of welcome from the municipal authorities, was tendered the admiral, who responded in eulogistic terms.

In August, 1839, General James P. Henderson, with Mr. Albert T. Burnley, as a colleague, secured the acknowledgment of Texas independence by France, and on the 25th of September, with Marshal Soult, Duke of Dalmatia and president of the council, signed a treaty of amity, navigation and commerce, the Duke expressing his pleasure at thus becoming the European god-father of the young Republic.

General James Hamilton, having obtained the acknowledgment of Texian independence by Holland and Belgium succeeded soon afterwards (November 16th, 1840), in forming treaties, covering all desired points, with Great Britain.

## CHAPTER XXI.

Capture of San Antonio and the Retreat of the Invaders under Vasquez, 1842.

It must be borne in mind that at this period San Antonio, thirty-six miles west of the hamlet Seguin and seventy-six miles from Gonzales, was an outpost and eighty-four miles southwest of Austin. Beyond either place there was no settlement for hundreds of miles; from San Antonio to Laredo and Presidio del Rio Grande, 160 and 180 miles without a human habitation between. The inhabitants of San Antonio were made up of about nine-tenths Mexicans, the remainder being Americans, Germans, French, Indians, Scotch, Irish and English.

During the winter of 1841-42, through some friendly Mexican women, the Americans of San Antonio learned that preparations were on foot in Mexico for an invasion of Texas. Some of the Mexican residents of the town had secretly left to join the invaders under lead of a Mexican, well known to the Americans, named Antonio Perez. John C. Hays was then a rising young ranger in San Antonio, who had gained reputation as a bold and dashing Indian fighter. He occupied the same position in his district that Ben McCulloch and Matthew Caldwell occupied at Gonzales, Col. Ed Burleson on the Colorado, John T. Price at Victoria and Col. John H. Moore in Fayette. There were numerous others in the localities named who stood high as leaders: As Dawson and Rabb in Fayette, Wallace and Jesse Billingsly in Bastrop, Mark B. Lewis of Austin, James H. Callahan of Seguin, Henry E. McCulloch of Gonzales, Daniel B. Friar of Cuero, and others.

Forewarned, the Americans of San Antonio organized a

company, with John C. Hays as captain. In its ranks were several *distinguished* soldiers, and men of *distinction*, as Capt. D. C. Ogden, French Strother Gray, Henry Clay Davis, John R. Cunningham, Kendrick Arnold, Cornelius Van Ness, Dr. Smithers, John Twohig and others. Hays at once adopted energetic measures to organize and prevent a surprise. In response to his request, Ben McCulloch and Alsey S. Miller joined him from Gonzales. His first move was to send out as scouts, towards the Rio Grande, Mike Chevallie and James Dunn. These men were ambushed and captured on the Nueces. He next sent his favorite Mexican servant, Antonio Coy, who, in like manner, was captured on the Rio Frio. Receiving no report from either, as soon as Ben McCulloch and Miller arrived from Gonzales, he sent them out under similar instructions. While these movements were in progress, Hays sent runners into the east calling for help. Five young men and boys (the author being one) left the Lavaca settlement in response to Hays' appeal. They reached the Cibolo creek on the Seguin and San Antonio road,—in company with similar squads of men from elsewhere, and there organized a company, electing as their captain, James H. Callahan, of Seguin, one of the few men saved at Fannin's massacre. We reached San Antonio on the afternoon of March 5th and found Hays in chief command with Daniel B. Friar in command of a small company from the Cuero settlement. Hays was recognized by all as chief in command and D. C. Ogden succeeded him as captain of the San Antonio company. A call of the roll revealed the fact that the entire force at that time was 107 men, among whom were Captain Andrew Neill and Col. Ury (a planter from Louisiana). Hays, still keenly anxious to know the real condition of things, sent a special detail of scouts west to reconnoitre.<sup>1</sup> Leaving at dark, in

<sup>1</sup> This party consisted of Kendrick Arnold, Isaac N. Mitchell, Stewart

the chaparral four miles west of San Antonio, the party was fired upon from ambush, apprising them of the near approach of the Mexicans. Avoiding the road, the party moved on and soon discovered that the bluff on the west side of Leon creek was illuminated by a hundred or more camp fires. Moving on to the west of the camp they estimated the force of the enemy at 1,400, which, subsequently, proved to be correct. Returning, they reached San Antonio, about eight miles distant, at daylight, and reported the facts to Col. Hays. Early in the morning of the 6th of March, the sixth anniversary of the fall of the Alamo, Col. Hays dispatched the same party with the addition of a man widely known as "Keno," whose real name was Ellison, to watch the approach of the Mexicans. This party passed entirely round the Mexicans, exchanging occasional shots. On returning back to the road a white flag appeared at this point. Arnold and Isaac Mitchell advanced to meet it. It was borne by Colonel Carrasco, who demanded a surrender of San Antonio. He was conducted blind-fold to headquarters. He announced that General Vasquez was in command of 1,400 men — infantry, cavalry and artillery; that 1,800 would re-inforce him next day and several thousand a few days later, and demanded a peaceful surrender of the city. He was promised an answer at 2 p. m. and re-escorted to his command. A council of war was then held, Hays presiding and Captains Ogden, Friar, and Callahan, Lieuts. James P. Kincannon and Messrs. Cornelius Van Ness, John D. Morris and other citizens participating. The question was, "Shall we retreat or fight?" On a parade of the men fifty-four voted to retreat, and fifty-three to stay and fight. Preparations were at once made to retreat, and at 2 p. m. General Vasquez was informed that they "refused to surrender." Three hundred and twenty-seven kegs of powder — the heads being knocked in — were thrown into the river, and John Towhig

Foley, Joshua Threadgill, Wm. Morrison, John Henry Brown, and perhaps one or two others.

(a merchant of San Antonio) arranged a number of slow matches to the powder in his store house which was filled with valuable goods for the Mexican trade. The retreat, with one piece of artillery, drawn by oxen, was commenced and continued in good order. As the rear guard left the plaza Twohig ignited his matches. As the Mexicans entered from the west, the *pelados* rushed to Twohig's rich store for plunder. When about one hundred had rushed in the first keg of powder exploded — then another and another, — till a considerable number of Mexicans were dead or wounded. The retreat continued without encountering the enemy, though several parties showed themselves on our right. Three American citizens of San Antonio, having no horses to ride (Dr. Launcelot Smithers and Messrs. Rhea and McDonald), declined to join in the retreat and were subsequently murdered by Mexican outlaws at the Cibolo Sulphur Springs. As we passed the Alamo in the retreat these men sat upon its walls. Col. Hays and Capt. Ogden besought them to join us, but they refused. We crossed the Powder-house ridge and descended the long slope towards the Salado creek on the Seguin road. To our right half a mile distant a body of Mexican cavalry appeared at the edge of the timber on the creek and waved their hats in defiance. Capt. Ogden galloped down the line and called for forty of the best mounted volunteers to attack them. The number was instantly at his side, among whom are remembered: Capt. Andrew Neill, Isaac N. Mitchel, C. C. DeWitt, Wm. Morrison, Calvin Turner, Henry Clay Davis, Stewart Foley, and others. They charged — the Mexicans ran, and a beautiful sight gladdened our eyes — although retreating, our boys were whipping the foe. But little blood was shed, as the enemy had the start, but the Seguin boy, Calvin Turner, tumbled one Mexican and led his horse back in triumph. Capt. Neill and several others were severely injured in the charge by thorns piercing their legs. We encamped on the Cibolo that night — a courier

having been sent to Austin — and next day we encamped at Flores' ranch, opposite Seguin on the Guadalupe. The whole Guadalupe valley, from Seguin — via Gonzales, to Cuero — was abandoned by the inhabitants, who retreated east as best they could in wagons, carts and on foot. The fighting citizens from the Brazos west rallied and hastened to the front. Ben McCulloch and Alsey Miller, who had been on a scout west to observe the enemy and were supposed to have been killed, brought to camp ample information as to the strength of what was believed to be the advance of an invading army. In a few days a large force of volunteer citizens assembled around San Antonio. The old veteran, Col. John H. Moore, of Fayette, with a goodly number following, was among the first to arrive. The noble soldier, Capt. Mark B. Lewis, afterwards basely murdered at Austin, was there, as was Burleson, the Vice-President, and Chief Justice Hemphill. There were upwards of 2,000 men, most of them with their respective captains. All hearts turned to Burleson as the commander, and he was elected by acclamation. The militia were called upon by President Houston to repair to San Antonio with Brigadier-General Somervell to take command. Scouts soon brought the information that the enemy, after holding San Antonio a few days, had rapidly retreated.

While these events were passing on the upper or San Antonio route the lower or Goliad route had its full share in the events of the day. The coastwise people, on notice of the danger, rallied at Goliad. Victoria, Jackson, Matagorda and glorious old Brazoria were well represented by volunteers meeting by neighborhoods under their respective captains. Clark L. Owen was elected commander and they remained in camp about two weeks. They sent out scouts and soon found that no considerable force of the enemy was on that line. In that command were: Major James Kerr, John S. Menefee, Major George Sutherland and Frank M. White of Jackson; Ira R. Lewis, Albert C. Horton, J.

W. E. Wallace, George M. Collinsworth, Hardeman, Stewart, McCamly, Sam Fisher, Thomas M. Duke, Matthew Talbott, Harvey Kendrick and others from Matagorda; Capt. John T. Price, John J. Linn, Alfred S. Thurmand, David Murphree, Wm. Rupley, George Wright and others from Victoria; Wm. L. Hunter and others from Goliad; Wm. H. Jack, Branch T. Archer, Powhattan Archer, Edwin Waller, John Sweeney, the McNeels, Isaac T. Tinsley, Andrew Westall, Mordella S. Munson, M. Austin Bryan, James H. Bell, Orlando and Virgil Phelps, the Pattons, Reuben R. Brown, W. D. C. Hall, and others from Brazoria.

The State militia (a small remnant of a former organization), were ordered to San Antonio, and Brigadier-General Alexander Somervell was ordered to take command of the militia and other unorganized men. These having declared their choice of commander to be Vice-President Edward Burleson, General Somervell retired. Burleson was elected to command, by acclamation, but on the 31st of March, he proposed to resign the command to General Somervell who declined on the ground that the men had asserted their right to elect their own commander. It was ascertained by the scouts that the invaders had retreated across the Rio Grande, but Burleson was without orders which would admit of pursuit (as was almost the unanimous wish of the men), consequently on the 2d of April he disbanded the volunteers.

Capt. Hays remained in the country to the west of San Antonio and Capt. Cameron with his command in the country from Victoria to the Nueces in the southwest. They were called cowboys, as they subsisted on such wild cattle, deer and other game as they could kill. Cameron was a fine specimen of the old Highland chiefs of Scotland. He stood six feet two, weighed about two hundred and ten pounds, and was a model of form and symmetry. He was a prudent, sagacious man of few words, careful of the lives of his men, who idol-

ized him, and never hesitated to follow where he led the way.<sup>1</sup> Capt. John T. Price, in command of a small company of irregular troops, made several scouting expeditions into the Nueces country.

President Houston in consequence of these incursions of the enemy and the condition of Austin on the exposed frontier, in the exercise of a constitutional power, moved the seat of government to Houston. This removal aroused no little indignation among the citizens in the city and the country contiguous. The government archives were not, however, immediately removed. He issued urgent solicitations for contributions of men and money from the United States through agents who were instructed to require that volunteer immigrants should come armed, equipped and provisioned, and that they should proceed immediately to the rendezvous at Corpus Cristi, there to wait further orders. On the 5th of May, General James Davis was sent to take command of the volunteers, organize, drill and hold them until such time as an invasion of Mexico could be undertaken with a prospect of success. The requirements of the President that volunteers ("immigrants") should come "armed, equipped and provisioned" had not been complied with, consequently their condition was trying in the extreme, as there was little but beef in that part of the country even for the settlers and their families. The meeting of the extra session of Congress which, it was confidently expected, would inaugurate plans and make necessary appropriations for the war into Mexico, was anxiously anticipated by the citizens who were eager to join the expedition. Congress

<sup>1</sup> Among others in Cameron's company were: John R. Baker, first-lieutenant, Alfred Allee, second lieutenant; A. S. Thurmand, Gideon K. Lewis, "Legs," Henry D. Weeks, Mr. Bray, Robert W. Turner, Wm. Rupley. In Hays' company were: Chief Justice John Hemphill, Mike Chevallie, James Dunn, Ellison, John Henry Brown, Achilles Stapp, Beverly C. Greenwood, John H. Livergood, Wm. Smothers, C. Rufus Perry, Kit Acklin, Antonio Coy, John R. Cunningham, Sam Norvell, Guy Stokes, and forty or fifty others.

met on the 27th of June, and the President in his message regarding the question of war with Mexico as tacitly determined upon in view of the pompous threats of Santa Anna of retaking the country, and the annoyances of the petty invasions which interrupted the peace and prosperity of the country, presented for their consideration and immediate action, the demands which such an expedition would make upon the resources of the government, the time which would be required for such preparations as the magnitude of the undertaking would require. If the former session of Congress was entitled to be called the "Reform Session" this was emphatically the "War Session." It was well known that President Houston had uniformly opposed an invasion of Mexican territory, for reasons which were fully sustained by time. He had in his order to General James Davis in May, required that officer to allow no forward movement towards the Rio Grande and repeated what the country knew only too well, that the greatest disasters which had befallen Texas had resulted from schemes to invade that country without authority and the necessary preparations.

As was to be expected the volunteers at Lipantitlan on the west bank of the Nueces became restless. Some repaired to San Antonio, and by the 7th of June their number had become so reduced as to invite an attack from Mexicans under Canales. Gen. Davis, his command reduced to one hundred and ninety-two men, apprised of Canales' intention, moved his quarters from their brush tents on the night of the 6th, so that on the morning of the 7th when Canales, with about 700 men and one piece of artillery, made the attack upon the tents, there was no response. However, discovering Davis' position in a ravine, they advanced and fired but were checked on their near approach by the fire of the Texians. About fifty soon returned to renew the attack, when their leader ——, was killed. Canales and his command then withdrew. The force under General Davis was soon after disbanded.

There had been little improvement in the currency of the Republic. Appropriations had not been made by the recent Congress for necessary expenses; the mail service had been suspended for want of means for its continuance. The President in his message, referred to this state of things, to the want of provisions for the volunteers then being fed by private contributions, and to the condition of the navy, useless for want of means to put it in proper condition. He added that the Mexicans would, in all probability, continue to harass the Texian borders until some retaliatory check was put upon them and urged the necessity of an early settlement of the question of an invasion of their country.

A war of invasion was declared. Legislation progressed rapidly. Bills were passed which placed the President at the head of the invading army and clothed him with every power necessary for its equipment, and the successful conduct of the campaign. To defray the necessary expenses an appropriation of 10,000,000 acres of land was made. Expectation and anxiety were at a high pitch when the time for the return of the bill drew near, and great was the surprise throughout the country when the war bill was returned with the President's veto.

The people, in after years, came to realize the suicidal absurdity of an invasion of Mexico without the means of sustaining an adequate force. The President found ample reasons for his veto in the facts, that no provisions were made for the payment of agents to sell the 10,000,000 acres of lands, even were the sales probable in view of the cheapness of land script then on the markets in the United States, and that lands could be procured for the mere settlement of a family upon them. No adequate amount had been contributed in the United States.

A bill was passed authorizing the President to order out the militia by draft of one-third the whole population capable

of bearing arms, to form a part of the army of invasion. This bill was vetoed as exercising a power not found delegated to Congress in the constitution, that of requiring the citizens to join an army of invasion into a foreign country, and a precedent which on some future plea of necessity might prove of great damage. Another objection was that the loan of \$1,000,000.00, which Mr. Dangerfield had gone to New Orleans to negotiate, had not been effected. It is possible that the more cogent reason in the President's mind was a correspondence then being conducted by Daniel Webster, Secretary of State of the United States, with the American minister, Waddy Thompson, to Mexico, urging a cessation of hostilities, detrimental alike to the interests of all countries, which had recognized the independence of Texas, and affecting the friendly feelings of those countries for Mexico; and offering the friendly mediation of his government to bring about so desirable an end.

#### THE SANTA FE PRISONERS.

In June or July, 1842, at the instance of General Waddy Thompson, of South Carolina, American minister to Mexico, with the hearty concurrence of President Tyler and Daniel Webster, Secretary of State of the United States, the Mexican government released the Santa Fe prisoners, and they arrived at home a few weeks before the invasion conducted by Woll. Besides Col. Caldwell, a few others of their number participated in the operations against Woll. A few of them at the intercession of General Jackson, had been previously released. They had suffered much during their march from Santa Fe and their prison life in Mexico. General Houston, though without financial resources, had sought through various means to accomplish their liberation, notwithstanding the allegations subsequently made to the contrary. Although, as he

claimed, the Sante Fe expedition was undertaken without the authority of law, he yet maintained that their honorable surrender as prisoners of war demanded of the Mexican government, their humane treatment as such. He fully realized that the expedition was chiefly made up of the best citizenship of the country.

## CHAPTER XXII.

Woll's Capture of San Antonio — Battle of the Salado — The Dawson Massacre — Retreat of Woll.

At daylight on Sunday morning, September 11th, 1842, the people of San Antonio were awakened by the roar of cannon, and a few moments revealed the fact that the town was in possession of a body of Mexicans, 1,400 strong, consisting of infantry, cavalry and artillery, commanded by General Adrian Woll.<sup>1</sup> District court was in session and Judge Anderson Hutchinson, district attorney, George Blow with all the lawyers and most of the American citizens and officers, were speedily captured. Attorneys Wm. E. Jones, Andrew Neill, James W. Robinson and John R. Cunningham, and Citizens Isaac Allen, Samuel A. Maverick, John M. Bradley, John Twohig, James L. Trueheart, George Brown, — Elley and — Young were also captured. The whole affair occupied but a few moments. Some few escaped and hastened to

<sup>1</sup> General Adrian Woll was a Frenchman by birth, educated for the army. He came to Baltimore in 1816 with letters to General Winfield Scott, who became his friend and aided him to reach Mexico the same year, in the celebrated Mina expedition, to aid in her war for independence against Spain. After the final triumph in 1821, in reward for his services, he received a commission in the regular army of Mexico. As a general he came with Santa Anna's army into Texas, but, being in Filisola's division, was not at San Jacinto. After that battle, however, he entered General Houston's lines, by an oversight, without displaying his flag of truce, and was detained for some time as a prisoner; but was finally escorted to Goliad and allowed to go home. These facts the author received from him in person in 1855, when as a friend of Santa Anna, on the latter's final downfall, Woll was escaping from Matamoros to New Orleans. He died at his native place in France while Maximilian was in Mexico. His son, by his Mexican wife, bearing the name "Gual," (pronounced Woll,) was keeping a hotel in the city of Mexico when the author was in that city in the years 1869-70.

Seguin and Gonzales to give the alarm. From Gonzales couriers were sent to the Lavaca, the Colorado and the Brazos. They rode day and night, spreading the news and the fighting men, as always, rallied in squads, until companies were formed, and by Saturday following September 17th, two hundred and two men rendezvoused on the Cibolo, above the Seguin and the San Antonio road. A general organization took place. Capt. John C. Hays was placed at the head of a scouting company of forty-two of the best mounted men. Henry E. McCulloch was the first lieutenant of this company.

The old frontier captain, Matthew Caldwell (just returned from confinement in Mexico as a Santa Fe prisoner), was enthusiastically chosen commander. Canah C. Colley was made adjutant and Dr. Caleb S. Brown, of Gonzales, surgeon. The companies were commanded respectively by Captains Daniel B. Friar, of Cuero, thirty-five men; sixty from Gonzales and Seguin by Capt. James Bird of Gonzales, with James H. Callahan of Seguin as first lieutenant; twenty-five from the Lavaca by Adam Zumwalt; forty cow-boys and Victorians by Capt. Ewen Cameron, with his lieutenants, John R. Baker and Alfred Allee, in all 202 men.

At sunset they marched for the Salado over the country, without any road, and, about midnight took position on the east bank of that creek a little below the present New Braunfel's crossing and about six miles northeast of San Antonio. Sentinels being stationed, the men slept until daylight Sunday morning, September the 18th, just one week after General Woll had taken San Antonio. Woll's force consisted of 400 cavalry, 1,050 infantry and two pieces of artillery. About sunrise, Col. Caldwell, having examined the ground, dispatched Hays and his company of scouts, with instructions, by taunts and defiances, to challenge the Mexicans to attack our position, thinking that two hundred and two Texians in such a position could whip fourteen hundred and fifty Mexicans. Hays and his men appeared on the ridge, three to four hundred yards

east of the Alamo, waved hats, shouted and challenged the enemy to come forth. In a few moments four hundred cavalry emerged through the gate of the Alamo and charged the bold challengers. Just then, however, fighting was not in Hays' programme, so he retreated up the ridge towards our camp, feeling confident of his ability on such horses to regulate the distance between himself and his pursuers. The Mexicans fired their escopetas by elevation as they pursued, and dropped balls constantly among the little company. About midway the distance, the horse of Capt. Augustus H. Jones of Gonzales, began to fail, and fell behind, seeing which Hays, who was his bosom friend, threw the whole company behind him and regulated his speed to the ability of Jones' horse to keep ahead. From there to our camp the skirmishing was brisk, our men being compelled repeatedly to wheel and fire, to save Jones — a man highly esteemed by all his comrades. Hays, closely pressed, crossed the Salado half a mile above our camp, there being no other crossing near, and wheeled at once down to Caldwell's position. The Mexican cavalry crossed at his heels, but, soon discovering our position, passed obliquely across the little valley to the ridge some three hundred yards east and in our front. From that time till the arrival of General Woll with his infantry and artillery, probably two or three hours skirmishing was kept up, and many gallant acts performed. In that time one of the three brave brothers Jett escaped from San Antonio during the excitement of the morning, and by seeking the protection of the chapparal reached our camp a little before Gen. Woll arrived.<sup>1</sup> About one o'clock p. m. General Woll, with eight hundred infantry and two peices of artillery, arrived on the ground. He formed his infantry on the hill-side, fired two rounds

<sup>1</sup> This brave man was killed during the battle. One of his two brothers was the Mr. Jett, murdered, with the venerable Simeon Bateman, by Shultz, in January, 1845, for which the murderer was arrested ten years later and hanged in Galveston, in July, 1855.

of grape and canister, then advanced in slow but good order. A general feeling of enthusiasm prevailed. Very soon the enemy sounded the bugle, commenced firing rapidly and rushed to the charge, but soon well aimed *rifles* of the Texans checked their advance. Here, there and everywhere the enemy fell rapidly either killed or mortally wounded. After a desperate struggle of some twenty minutes the enemy fell back under the protection of their guns. At the same time, Vicente Cordova, the Mexican rebel from Nacogdoches, with forty Cherokees, a few renegade Mexicans and Carrizo Indians, attacked our guard and right flank at the mouth of a ravine running at an acute angle into the creek and somewhat enfilading the Texian line. Lieutenant John R. Baker with a small detachment rushed into a hand-to-hand fight with the enemy in the ravine and soon drove them out. At that moment Cordova stood on the opposite bank cheering his men, when Private John Lowe, of Bird's company, about ninety yards distant, fired diagonally across the Texian right front and shot that brave but misguided old chief through the heart. Several charges, not so vigorous as the first, were subsequently made and gallantly repulsed. Late in the afternoon Woll reformed his men on the ridge and there remained until about sunset. We now come to what is known in Texas history as Dawson's massacre.

While the battle was going on as before described, a company of fifty-three volunteer citizens, all but two or three of whom were from Fayette County, under command of Captain Nicholas Dawson, was approaching from the east to re-inforce Caldwell. When on the prairie about a mile and a half distant and within hearing of the guns, they discovered a body of Mexican cavalry directly in front and approaching them. The enemy's cavalry had been unemployed during the fight on the creek. They numbered four hundred men, and, on the discovery of Dawson's approach, had been sent sent by General Woll to engage him. For a mile or so around the

country was almost level, but much higher, and out of view from the battlefield on the creek. Dawson took position in a small grove of mezquit trees, covering from one to two acres of ground, dismounted and prepared for action. The enemy advanced in a compact mass to within a point just beyond rifle shot, then divided into two parties, passing to the right and left of Dawson's position, thereby revealing the presence of a cannon, which at once opened fire with grape and canister. A very few moments revealed the fact that the Texians were at the mercy of this gun. Men and horses rapidly fell. The fire of Dawson's men proved to be totally ineffective at such a distance. When more than half their number had fallen it became evident that death or surrender was inevitable. Efforts were then made to surrender. Several signals to that effect were hoisted, when a rush was made by the enemy into the grove. As the Texians surrendered their arms in numerous cases they were cut down, and, had it not been for Col. Carrasco and a few other honorable officers, every man would have been slain. In this moment of confusion, two men escaped, one of whom was Gonzalvo Woods of Fayette, who surrendered to a Mexican, who attempted to pierce him with his lance. Woods, already wounded in three places, seized the lance, jerked the Mexican to the ground, drove the lance through his heart, mounted the Mexican's horse and made his escape. The other was Alsey S. Miller of Gonzales, who, at the same moment, mounted a horse near by (his own having been killed) and attempted to escape by flight, but was pursued by Antonio Perez and a few other renegade Mexicans, formerly from San Antonio, who were mutually acquainted. Miller's horse rapidly failed, but the fine horse of Edward T. Manton escaped from the grove and came galloping by. Miller mounted this horse and outran his pursuers. The result was that, of the fifty-three men, forty-one were left dead on the ground, two escaped and ten were taken prisoners, four of whom were

wounded, Norman B. Woods receiving wounds from which he died afterwards in the prison of Perote. Among the ten prisoners were: Nat W. Faison, Edward T. Manton, Norman B. Woods, — James, Joseph Shaw, Joseph C. Robinson, Wm. Trimble, J. E. Kornegy, Richard Barclay, and Allen H. Morrell.

Among the slain were: Captain Nicholas Dawson, the venerable Zadock Woods (father of the two brothers named), aged nearly eighty years, a mulatto man belonging to Samuel A. Maverick,<sup>1</sup> Jerome Alexander, — Cummings, — Farris, and David Berry, over seventy years of age.

The dead were stripped of every particle of clothing and left on the field. About sundown General Woll, rejoined by the cavalry and their ten prisoners, retired to San Antonio — employing about sixty carts in bearing away most of his wounded, and some of his dead. This engagement was wholly unknown to Caldwell and his men until early next day, but one or two persons reported to Col. Caldwell that they had heard artillery in the direction of this tragic scene. The night being dark and stormy, with a continual down-pour of rain, nothing could be done until morning. During the night Captains Jesse Billingsly and W. J. Wallace of Bastrop, each commanding a company (including men from La Grange, in all one hundred men), and Major James S. Mayfield commanding the whole, arrived in camp. Among them was Samuel H. Walker (afterwards so distinguished as a Texas ranger, and who fell at Huamantla, Mexico, in 1847), on his first campaign in Texas. When morning came Col. Caldwell dispatched John Henry Brown, Wm. Burnham, Griffith Jones, and Dr. Caleb S. Brown, and one other to investigate the reported sound of the cannon, the first named and a young Mexican named Chico being the only persons who

<sup>1</sup> The mulatto had been sent by Mrs. Maverick, with one thousand gold dollars, belted around his body, to secure the release of his master, who had been captured in San Antonio on the previous Sunday.

claimed to have heard the guns in that direction. They speedily arrived at the scene, guided thereto by the wounded horses around the grove. They counted in the grove forty dead bodies entirely naked, so mutilated with cannon shot, sabre wounds and lances as to be unrecognizable. The heads of several were nearly severed from their bodies. The cold rain of the previous night had cleansed them of blood and given the bodies a marble-like appearance. It was simply a horrible sight. The forty-first man, whose name was Cummings, from the Lavaca settlement, having run about four hundred yards before he was killed, was not found until afterwards.

Among the casualties in Caldwell's command were a goodly number of killed and wounded horses. Mr. Stephen Jett was killed. Among the wounded were: Cockrell, Jesse Zumwalt, Creed Taylor, James Taylor, John Henry Brown, Solomon Stephens, and others.

Col. Caldwell remained in camp on the 19th and until the morning of the 20th. Learning that Woll had begun his retreat early in the morning Caldwell moved in pursuit at ten o'clock, nooning at the head of the San Antonio River, anxiously hoping for re-inforcements; but, none arriving, he continued the march and reached the Presidio crossing of the Medina (where Castroville now stands), at twelve o'clock in the night. Next morning he moved up the valley five or six miles and halted, while Hays and a few others went forward to reconnoitre. About noon Hays returned bringing in four prisoners, and stating that Woll was encamped eight miles above. At this time re-inforcements were reported near at hand. At four p. m. they arrived, eighty from the Colorado and twenty from the Lavaca, unorganized, but the old veteran, Col. John H. Moore, was in command. This increased the aggregate force to four hundred and eighty-nine men, which by general consent was speedily divided into two battalions, with Matthew Caldwell as colonel, John H. Moore, lieutenant-colonel, and James S. Mayfield, major. Ben

McCulloch, returning from eastern Texas, accidentally fell in with these men, and joined the pursuers at the same time, his arrival being hailed with great delight. After night-fall Caldwell moved up to within two miles of Woll's encampment on the opposite side of the Medina. At midnight scouts reported Woll still in that position. At daylight on the 22nd Caldwell moved forward but, on reaching the crossing, found that Woll had retreated. A rapid pursuit was continued until three p. m., when Hays, in the advance, came up with Woll's rear guard, and exchanged a few shots, in which the valiant Samuel H. Luckey received an ounce ball through his lungs. He lived to die ten years later in San Antonio. The pursuit was continued till near sunset. Hays came up with the main body of the enemy on the Arroyo Honda, where the new road made by Woll passed through dense chaparral. In a narrow and serpentine defile through this chaparral, Hays charged their rear, and up to the cannon's mouth, killing five Mexican artillerymen and having three of his own men (Archibald Gipson, Hurd Perry and Col. Wm. G. Cooke) wounded, and one horse killed.

The ground was boggy from recent rains. Caldwell did not arrive in time to support Hays, who fell back a short distance. When the main body came up and was reformed it was too dark to pursue further. Caldwell went into camp, formed a line of pickets around the Mexican encampment and awaited the dawn of day. When that time arrived it was found that General Woll, leaving his carts and baggage, and, being favored by the wet ground, had retreated noiselessly during the night. He crossed into Mexico at El Presidio Rio Grande. Being without provisions and many of the horses being worn out, the pursuit was reluctantly abandoned. The volunteers, in a somewhat irregular manner, retraced their steps to San Antonio, meeting on the way the old hero, Col. Edward Burleson, with about three hundred volunteers, who counter-marched and returned with them. All parties reached San

Antonio on September 24th and on the 25th a meeting was held in front of the Alamo, standing in a window of which Col. Burleson addressed the crowd, then increased to about twelve hundred. He recapitulated the repeated outrages of the Mexicans within the last year or two, and outlined a plan for a retaliatory expedition into Mexico. He advised those present to return home, recruit their horses, procure suitable clothing, supplies, arms and ammunition and rendezvous at San Antonio a month later. This plan resulted in what became known as the Somervell expedition, and finally the battle of Mier, on Christmas day, 1842.

At the same time Major James S. Mayfield, feelingly and most eloquently, after indorsing Col. Burleson's plan, appealed to all the volunteers from Fayette County to repair with him to Dawson's battle ground, and there bury their forty-one fallen comrades. This was done and their bodies remained till 1848, when they were exhumed, removed and interred on Monument Hill, opposite La Grange.

During his occupancy of San Antonio, General Woll maintained his pledge made to the citizen-prisoners at the time of their surrender, guaranteeing the humane treatment due to prisoners of war. He interfered with the local authorities, appointing local officers according to Mexican customs. He also interfered with ecclesiastical affairs, by removing the pastor of that church, a native Spaniard, who had been placed in that position by the new vicar-general, Rev. John M. Odin,<sup>1</sup> restoring to that place the native priest, Don Refugio de la Garza.

<sup>1</sup> In 1840 Rev. John M. Odin arrived in Texas as vicar-general for the whole Republic, by authority of the Catholic church. On arriving at San Antonio, he was shocked to find that La Garza, the resident priest, in defiance of his vows, was the father of a large family of children. He removed him from his position and placed in charge an estimable priest who had arrived in the country with him — hence the action of Woll in restoring La Garza to his former position. This priest, however, returned to Mexico with Woll, which restored the statu-quo. Substantially the same facts ex-

On the retreat of Vasquez from San Antonio in March, Antonio Perez and about forty of the citizens of the San Antonio valley abandoned the country and allied themselves with the Mexicans beyond the Rio Grande, and thus formed a company in Woll's present command. In the interval, between March and September, Col. John N. Seguin, who had been greatly endeared to the people of Texas, quietly withdrew into Mexico. His father, Don Erasmo Seguin, had been the friend of our people from the troubles of 1812-13 and was yet venerated by the whole American people of Texas, while his son, Juan Nepomucino Seguin, had been a gallant captain at San Jacinto, and a few months afterwards, while there was no Americans in San Antonio, had collected and buried in the church of San Fernando in that city, with military honors, the charred remains of the martyrs of the Alamo. He had been a good frontier soldier, and a senator of the Republic. His defection can only be explained on the grounds as stated by himself that he had been grossly mistreated by parties in and around San Antonio. As late as 1885 he declared that he had never raised an arm against Texas — this declaration being made in reply to the long prevailing opinion that he had accompanied Woll into San Antonio. He died in 1890, over eighty years of age. The influence of the men under Perez, during their nine days' stay in San Antonio, induced some of the old Mexican citizens of that place to desire a more quiet life beyond the Rio Grande. A number of them with no other means of transportation than Mexican carts, undertook to accompany Woll in his retreat, but most of them necessarily fell behind, and were overtaken and passed by Caldwell's command before reaching the crossing of the Medina, and thereupon returned to San Antonio. Among them was the then venerable Don Erasmo Seguin, who was treated by the Tex-

isted at Goliad in the person of Padre Valdez, where the same corrective was applied.

ians with marked distinction. He was deeply affected and wept like a child, saying: "In 1813 I saved the lives of a number of Americans after their defeat on the Medina; in 1821 as commissioner of the government I conducted Stephen F. Austin, and a small party with him, from Natchitoches on his first entrance into Texas, and have ever since been a true friend to the Americans of Texas." All of which was known to be strictly true, besides the fact that he with his family and the families of his sons had abandoned San Antonio at the approach of Santa Anna in 1836, and retired to San Augustine in Eastern Texas. Moreover, from exposure on that trip he lost a brother, a son and other kindred. He was born in San Antonio in 1772, and died in his native place in 1857. The cattle and provisions of those people had, since the beginning of the revolution in 1835, furnished subsistence to both American and Mexican expeditions, without compensation, until they were reduced to extreme poverty. It was not, then, strange that they should seek relief among their own people, on the Mexican side of the Rio Grande.

Simultaneous with Woll's invasion several predatory bands of Mexicans, understood to be under the direction of the Ranchero General Licentiate Canales, made demonstrations on the lower route, but did not reach Goliad and hence found nothing upon which to depredate. Nothing further on the southwestern frontier worth mentioning occurred, until the inauguration of the Somervell expedition hereafter to be given.

## CHAPTER XXIII.

The Somervell Expedition and Battle of Mier — Another Removal of the Seat of Government.

After the adjournment of the called session of Congress at Houston, President Houston issued a proclamation, temporarily removing the seat of government to Washington on the Brazos, where it remained until the final action in connection with annexation to the United States, when it was restored to Austin, the permanent capital.

Following the meeting at the Alamo on the 25th of September, providing for an expedition to Mexico, President Houston ordered out two regiments of militia, one from Montgomery County (embracing what now constitutes Montgomery, Grimes and Walker Counties), under Col. Joseph L. Bennett, who had been a Lieut.-Col. at San Jacinto; and one from Washington County under Col. Jesse B. McCrocklin, who in due time proceeded via Gonzales to San Antonio. He also assigned the command of the contemplated expedition, presumably to be composed of those regiments and newly-forming volunteer companies, to Brigadier-General Alexander Somervell of the State militia, who also repaired to San Antonio and assumed command. During the same period there arrived at San Antonio, from different parts of the country, various volunteer companies, commanded respectively by Captain Wm. M. Ryon, of Fort Bend; Capt. John N. O. Smith, of Houston (who was left sick at Gonzales and the company throughout the campaign was commanded by First Lieut. Thomas S. Lubbock, with Lewis B. Harris as first sergeant); Captain Bartlett Simms, of Bastrop; Capt. Wm. M. Eastland, of Fayette; Capt. Ewen Cameron, of

the "Cow Boys;" Capt. John G. W. Pierson, of Robertson County; Capt. Clark L. Owen, of Jackson County; Capt. Isaac N. Mitchell, of the Lavaca; Capt. Shelby McNeel, of Brazoria; Capt. Jerome B. Robertson, Capt. E. S. C. Robertson, Capt. Phillip Coe, Capt. Wm. S. Fisher, and Capt. Wm. P. Rutledge (the last five being from Washington County), also Capt. Samuel Bogart's company from Washington County. There was also a "spy" or advance company commanded by Capt. John C. Hays, with Henry E. McCulloch as first, and Eph. M. McLean as second lieutenant, and James W. Henderson ("Old Smoky," afterwards Lieutenant-Governor of the State), as first sergeant. Bogart's company was attached to that of Hays, and they continued in the advance throughout the expedition.

The bulk of these volunteer companies was organized into a regiment, and an election held for field officers. James R. Cook of Washington was elected colonel, George Thomas Howard of San Antonio, lieutenant-colonel, David Murphree of Victoria, major, and Capt. Houghton was appointed adjutant. The companies of Simms and other small bodies remained unattached, but were afterwards formed into a battalion, and an election ordered for major. At this time the militia regiment of McCrocklin, and the greater portion of Bennett's militiamen, under various pretenses, had returned home. Col. Bennett, however, with a few unorganized men, was included in this proposed battalion. There were two elections for major between Col. Bennett and Capt. Peter H. Bell, (afterwards Governor). In the first there was a tie, in the second Bell was elected, but it bred an ulcer, which was not entirely cauterized during the campaign. Bennett was a brave old veteran, writhing under the fact that so many of his militia regiment had gone home against his wish; while Bell was a princely looking young man of dash, a soldier of San Jacinto, and supported unanimously by those who knew him from Travis, Bastrop, Fayette and Washington. The result

was that neither finally assumed the position, and Simms, as senior captain, maintained command of the battalion. Of the entire force, Chief Justice John Hemphill was appointed adjutant-general, and Col. Wm. G. Cooke quartermaster-general.

After considerable delay, all things were announced ready, and on a pleasant November day, 22d, all the camps around the mission of Concepcion below San Antonio, took up the line of march on the road from San Antonio to El Presidio Rio Grande. They camped two nights and one day on the Rio Medina, then crossed that stream on the 24th, and, after following that road several miles, to the astonishment and mortification of almost every one, turned to the left southerly, and through chaparral, toward the Laredo road. The whole country was inundated with water, the weather was cold, and a few miles brought them into a sandy post oak country, where horses and mules sank to their bodies in quagmire. For three days they floundered through that sort of country, the men abusing the country in general and General Somervell in particular. There were seven hundred men, about two hundred pack mules and about three hundred beeves. The command embraced more than one preacher, many church members, a full array of Texas farmer boys, and almost every variety of the genus homo. At night, unable to sleep on the deluged ground, large campfires were built on little knolls, and all kinds of meetings were held, political, theatrical and comical. That locality became known to the troops as "The bogs of the Atascosa," or "The devil's eight leagues." It was common to see pack mules sink until their cayacs (packs) stayed their further descent. A few men would lift them up and start them afresh. Thus by extraordinary efforts and great suffering, they reached the Laredo road, as ancient as San Antonio and solidly packed down, so that man and beast could stand on firm ground. In fact they had passed the boggy belt. The comments passed on the commanding general were by no

means complimentary either to his military or geographical knowledge. It was known that the Presidio route was firm, and that at that place — three miles beyond the Rio Grande — we would get a fight, for which most of the men were keenly anxious.

Thence the march was without interest to the Nueces River which, on the east side, was overflowed about two miles, to a depth of one to three feet; on the west dry land approached the water's edge. Hays, with Bogart, being in front, swam across and sent back word that pioneers must be sent forward to construct a brush bridge. The companies of Fisher and Mitchell were sent forward for this purpose. The writer belonged as first sergeant to Mitchell's company, and was in that detail.

After wading about two miles they arrived at the bank of the narrow river, the water on this side being fully three feet deep and a keen norther in full blast. Some men with hatchets swam over and from both sides trees were felled into the stream, their tops meeting and interlapping. Then came large bushes worked in, getting smaller and smaller until finally the bridge was floored with layers of reed cane and long grass, so that next morning all the horses and pack mules passed safely over. Arrived on the west bank they spent the remainder of a clear day in drying baggage, while Hays' command went forward to reconnoitre, accompanied by Capt. Flaco, the brave young chief of the Lipan Indians, who, with a few of his tribe and one Apache, accompanied us. This Apache, Luis by name, had been smuggled out of prison at Perote by the released Santa Fe prisoners, and came to Texas with them during the previous summer. When night came on a rain with a cold wind set in, and about midnight a general stampede of the horses and mules took place. It was a fearful time. Dark as pitch and nearly a thousand horses and mules rushing blindly, furiously over the men. The Rev. Edward L. Fontaine, a grandson of Patrick Henry,

and afterwards long known as the Rector of the Episcopal Church in Austin, in jumping to escape the rushing animals sank back into a bed of prickly pears, and was terribly lacerated by the barbs, insomuch that his captain, Dr. Jerome B. Robertson spent the leisure hours of several succeeding days in extracting them from his body.

Next morning an hour's search brought in most of the animals. Flaco arrived with a note from Hays, saying that he had taken two Mexican scouts; that there were two companies of Mexican troops at Laredo, and that, by a rapid march, they could be captured. It must be borne in mind that there was not a tent in the command. It was a cold, rainy morning, with a severe north wind, and it was sixty miles to Laredo. Leaving a few men behind to seek the missing animals, the command moved rapidly on. At nightfall a halt was made to rest the animals and take refreshments, after which, abandoning all the beef cattle, the march was resumed, Hays still in the advance with Ben McCulloch as his companero. The skies became clear and the stars shone forth in the glory of a beautiful night. The route was only a cart road, narrow and bordered by dense chaparral. An hour before day our troops had surrounded the town and awaited the dawn, when it was found that not a Mexican soldier was in the place. One of the two scouts captured by Hays two days before had been allowed to escape, though badly wounded. His guard (Wm. Alsbury), overcome by fatigue, pillowing his head on the prisoner's body, fell into a sound slumber. The brave fellow, for such he evidently was, gently laid the head of his guard on a saddle and left. He reached Laredo in time to give the alarm, and the soldiers of the garrison crossed to the west side of the river. So when, a little after sunrise, the Texans entered the town, not a soldier was to be seen, but the streets were lined with the Dons and common people of the place, doffing their hats and ejaculating — "Buenos dias caballeros! Nosotros son amigos de los Amer-

icanos!" (Good morning, gentlemen! We are friends of the Americans!) Passing through the town the troops camped about a mile above on a sand-bar. Right there the trouble began. The troops had nothing to eat and many of them were destitute of blankets. It was the 8th day of December and they had been en route from San Antonio since the 22nd of November. The men expected General Somervell to levy a requisition upon the town for food and some other necessary articles. It was done, but so feebly, that all did not get enough to eat for one day. Nearly all wanted to cross the river and seek a fight. Instead thereof they were countermarched to a point three miles below and there encamped on a high bluff. Next day a few of the men, illy supplied with clothing, and mad, went into the town and helped themselves to blankets, hats, etc.,—perhaps in all not exceeding one thousand dollars in value; but this was felt to be a stigma on the command, and the next day all the spoils were sent back into the town. A council of war was held. Most of the officers desired to cross the river, move rapidly down its western valley, inflict punishment whenever practicable, recross and return home before the enemy could concentrate a large force against them. This, General Somervell declined to do. Dissatisfaction and disgust ran high. On the afternoon of the second day, December 10th, they moved out southeast six or seven miles and encamped at a water hole in a small glade surrounded by a chaparral. This looked like a movement homeward and indignation ran high. Next morning Somervell paraded the men and said, all who desired to return home could honorably do so; but that he desired all who were willing to follow him down the river and that he would cross below and chastise the enemy who had so devastated our frontier. The result was, no one having much faith, that Col. Bennett and a few men yet following his lead with Captains Jerome B. and E. S. C. Robertson, with their companies, in all about two

hundred men, returned home via San Patricio and Victoria. The remaining five hundred bore down the country, until they came to the mouth of the Salado river, at the Carrizo village, opposite and six miles from Guerrero.

This was on the 14th of December, a clear but cold day. A crossing was speedily effected by means of flat boats found there. General Canales, with seven hundred rancheros, appeared on the neighboring hills but manifested no disposition to fight. The command camped that night in the abandoned Carrizo village, faring sumptuously on kid and mutton found there in abundance. The Alcalde of Guerrero, accompanied by a Frenchman who spoke English, appeared in camp. He tendered the surrender of the town but begged that the Texians would camp outside its limits, where he would furnish food, blankets, shoes and other things for which the troops were suffering. To all this General Somervell agreed, and in the afternoon of the 15th, he moved up and encamped on a hill-side, near the town, perfectly commanded by numerous surrounding hills. During the night there sprang up a cold northwest wind with a deluge of rain and every man throughout the night was thoroughly drenched to the skin, standing at daylight a shivering mass of humanity, suffering from cold and hunger. The cold wind from the mountains came down with great force. During the day a scanty supply of flour, a few refuse old blankets and a dozen or two pairs of shoes were sent to camp. Few of the men received enough to eat, and late in the day they were countermarched and recrossed the river. The whole command was sullen, indignant and mutinous. The 17th and 18th were spent in the same position, cattle being found to furnish meat for all. On the succeeding morning, December 19th, an order was read directing all to prepare at once for a return home. This was the last feather on the camel's back. Three hundred men refused to obey. The other two hundred, sorely perplexed as to duty, resolved to obey the legal commander and return home.

Among those who thus returned were: Col. James R. Cook, Capt. Peter H. Bell; Judge Hemphill, Adjutant-General; Lieut.-Col. Howard, Major Murphree, and Cpts. McNeel, Mitchell, Owen, Bogart and Simms; Lieut. Thomas S. Lubbock, Lieut. John P. Borden, Memucan Hunt, Mr. Lowery, Ed. Winfield, John H. Herndon, Lieut. Moses A. Bryan, Lieut. John Henry Brown, Edward Linn, Jonathan Scott, Beverly C. Greenwood, B. J. Gillespie, Oliver H. and Walter W. Stapp, Lieut. James Evetts, Capt. James A. Sylvester (who captured Santa Anna at the battle of San Jacinto), James H. Bell, Mordella S. Munson, John Sweeny, Guy Heard, Lewis B. Harris, Lazarus Cooke; besides Captain Flaco, the Lipan chief, and an old deaf-mute of his tribe; the other Lipans, with the Apache, Luis, having already confiscated a herd of Mexican horses and returned home. Flaco with a Mexican and a man named Rivas, had with them thirty or forty horses procured in like manner. After the command arrived at San Antonio, while encamped in the vicinity, Rivas and the Mexican basely murdered Flaco and the mute and fled with the horses into eastern Texas and Louisiana. The confusion of the times forbade pursuit. This base and treacherous act caused a thrill of horror throughout the country and converted the friendly Lipans into implacable enemies, causing them to remove across the Rio Grande, and subsequently leading to many murders on the western frontier. For half a century they have lived in greater or less hostility to the people of Texas; all being the result of this foul murder.

#### BATTLE OF MIER.

The three hundred men who refused to return with Somervell, reorganized into companies on the 19th of December, 1842, under Captains Ewen Cameron, William M. Eastland, J. G. W. Pierson, Wm. N. Ryon, Claudius Buster, John R. Baker and C. K. Reese. Captain Wm. S. Fisher was

elected colonel-commanding and Thomas A. Murray was appointed adjutant. They marched four miles down the river the same day. (While all yielded to the election of Capt. Fisher, who had been much in Mexico, many would have preferred the chivalrous Scot, Captain Ewen Cameron, the "lion-hearted," who had been their leader in many Mexican and Indian forays.)

On the 20th of December they took possession of some flat boats below Guerrero and descended the river, some passing down on the Texas bank riding or leading the horses, occupying three days in the descent. They encamped opposite the Mexican town of Mier. Col. Thomas J. Green commanded the boats. The small town of Mier lay in a curve of the Alcantra, a small rapid stream, with rugged bluff-banks.

The following day, December 23d, they crossed the Rio Grande, and, meeting with no opposition, entered Mier, and separating, marched in columns through the streets into the main plaza, where they met a priest and the Alcalde, who surrendered the town unconditionally. They made formal requisitions upon the town for supplies, and taking the priest and Alcalde as hostages, they returned to the Texas side of the river, moved their camp to a place three miles from Mier, and there awaited the promised supplies. After waiting two days they learned that Ampudia was in Mier with two thousand Mexican soldiers. They resolved to cross and give him battle.

Up to this time Capt. Hays, Ben and Henry E. McCulloch, Tom Green, C. C. Cady, Ephraim M. McLean, and perhaps one or two others who had declined returning with Somervell, yet failed to affiliate with the organization under Fisher, voluntarily performed scouting service for him. These men were the first or among the first, to enter Mier, but were not willing to remain there several days, in face of the fact that Ampudia had had plenty of time to collect, and was known

to be at the head of a force overwhelmingly greater than that under Fisher, the latter without supplies and with a limited supply of ammunition. Hence, when Fisher took his second position on the Rio Grande to await supplies from Mier, they returned home.

On the 25th of December (Christmas day) Fisher crossed the river, leaving forty-two men as a camp-guard on the east bank, and marched with the Alcantra between them and Mier. The night was dark, and a cold drizzling rain was falling.

To create a diversion from the ford where they wished to cross the creek, the Texians fired upon a picket guard two hundred yards to the left. It was found that the ford was guarded by a strong force of Mexican cavalry. In the darkness they groped their way down the bluff and effected a crossing so near a picket of twenty Mexicans as to create a mutual surprise. To their challenge "Quien vive?" (Who comes?) the Texians shouted "fire!" and about one hundred rifles were fired upon them. There was no response. Nothing could be heard but the voice of Col. Ramirez (Mexican) vainly urging his men to charge.

In making their way to the plaza where the cavalry was planted they gained an entrance into a street that opened upon it. From this they commenced a sudden, rapid fire which was promptly answered from the Mexican artillery, the Texians escaping the balls by retreating around the corners, forming and firing with deadly effect. They took possession of rows of houses, against which the artillery was turned, and wherever a breach was made, Texian rifles appeared. At daylight the Mexican artillery was three times manned and as often silenced. The last time sixteen of the seventeen artillerymen were killed. Fifty-five of a choice company of sixty were killed. The Texians lost one man killed (John E. Jones) and two wounded. The Mexicans charged upon one of the houses held by the Texians, when Col. Fisher and

twenty men suddenly threw themselves into the street and received their fire, returning it with such fury that the whole column turned and fled. Several Texians were wounded, Col. Fisher having the ball of his right thumb shot off.

The Mexicans took possession of the flat tile roofs of the houses and, with their muskets, poured down the most damaging fire of the battle; but so sure was the aim of the Texas riflemen, that whenever a Mexican showed his head, he was shot. Blood flowed from the tiled guttering and their dead lay in piles. Captain Cameron and his gallant company occupied a yard, outside the houses, surrounded by a stone wall, from which they kept up an effectual fire, but lost three men killed and seven wounded.

On the night of the crossing in the darkness, Mr. Joseph Berry had his thigh broken by a fall, and a detail of seven men, including Dr. Sinnickson, was made to remain with him outside of the town. They had watched the battle seventeen hours, when a troop of sixty Mexican cavalry dashed past the door. Their rifles were instantly brought to bear, killing the commander and ten men. In a short time a larger force of cavalry appeared with a cannon, when the Texians rushed from the house to make their way to the main body. Two succeeded; three, including Dr. Sinnickson, were taken prisoners, the remainder (including Berry) were killed.

After a desertion of their cannon for six hours, the Mexicans, fearing to come in sight of the Texians, resorted to the lasso, dragging them off by main strength. Bugles, now sounding the charge, could be heard in various directions. About two o'clock p. m. of December 26th, Dr. Sinnickson (prisoner) came to Col. Fisher with a white flag and communicated to him verbally proposals from Ampudia for the surrender of the Texians. This was followed by a private interview between the two officers, Ampudia and Fisher, who had formerly been on friendly terms during the Federal war in Mexico, in 1839-40. When Col. Fisher returned he

repeated Ampudia's proposals and pledges and assured the Texians that, from his own personal knowledge of that officer, they need have no doubt that these pledges would be faithfully kept. All who would surrender and give up their arms should be "treated with the consideration which is in accordance with the magnanimous Mexican nation," that they should not be sent to Mexico, but retained on the frontier until they could be exchanged, but if they did not surrender no quarter should be given." Many of the Texian officers and men regarded themselves as conquerors, having fought eighteen hours nine times their own number with the loss of but twelve killed and having killed or wounded between six and seven hundred Mexicans. Col. Fisher urged the consideration of the already great disparity of numbers, which he had been informed, would immediately be greatly increased; the scarcity of ammunition; of the impossibility of retreating with their twenty-three wounded companions, without great loss of life. He informed them that only five minutes were allowed to make their decision. If they chose to fight, however, he would remain with them, and they would sell their lives as dearly as possible. The surrender which followed was not by unanimous consent. A few (three men) at first, worn out with hunger and fatigue, stepped forward and laid down their arms; then followed a few others; a few who had been Santa Fe prisoners, and at last all stacked their faithful rifles and surrendered prisoners of war. The pledges of Ampudia, reduced to writing after the surrender, were redeemed by tying the men in pairs and marching them on foot to Matamoros where they arrived on the 9th of January, 1843, when they were marched through the streets in triumph, with music, banners and the ringing of bells, but some of the citizens, moved to pity, afterwards contributed clothing and money to supply their most pressing necessities. After starting a small party two days in advance, including Cols. Fisher, Green, and others, the prisoners left

Matamoros on foot, January 14th, under a guard of one hundred cavalry, under command of Col. Savriego, for Monterey. Six men and two boys remained in Matamoros. (One of these boys, whose father and brothers were also prisoners, was but thirteen years old. His name was John C. C. Hill. His fearless daring in action had attracted the attention of General Ampudia, who temporarily took him to his own headquarters and wrote Santa Anna of his chivalrous conduct in the action. Santa Anna summoned him to the city of Mexico. Arriving there and with his consent, on condition of the release of his father and brother, Santa Anna placed him as a student into La Minera (the college of Mines), where he continued some years as a member of the family of Gen. Tornel, finally graduating with distinguished honors as a mining engineer, in which pursuit he has continued chiefly through the intervening years.

Averaging eighteen or twenty miles a day, corraled at night in the open air, they reached Monterey on the 29th of January. Here they were made more comfortable and rested until the 2nd of February. Arriving at Saltillo they were joined by five of the prisoners taken from San Antonio by Gen. Woll in the previous September. Under command of Col. Barragan they left for San Luis Potosi, taking the haciendo of Salado on their way, which they reached February 10th, 1843.

On the morning of the 11th of February, at a preconcerted signal, led by Capt. Cameron, the prisoners rushed upon their guard, then eating breakfast, disarmed them and made their way into the courtyard, where they overcame one hundred and fifty infantry. Here they armed themselves and dashed for the gate, overcame the guard stationed there and scattered the cavalry on the outside, capturing their horses. They had four men killed, three of whom were to have been their guides through the mountains on their homeward march. They secured one hundred and seventy stand of arms and one

hundred horses. At ten o'clock a. m. they left. They traveled sixty-four miles the first twenty-four hours, on the Saltillo road. They next abandoned the road and sought escape through the mountains. On the night of the 13th in the darkness they became separated; and, during the five succeeding days, suffering from hunger, thirst and the cold air of the mountains, they wandered about searching for water. Their tongues were swollen and several became deranged. They killed some of their horses and ate the flesh. About noon on the 18th they discovered a smoke, the signal to be given if any of the stragglers found water. In eager expectation of quenching their thirst they went to the place and discovered the camp fires of a body of Mexican cavalry under command of General Mexia. Most of them, through exhaustion, had thrown away their arms and were in no condition for resistance. They again surrendered and during the day, other stragglers came to the camp or were found and brought in by the soldiers. On the 19th Capt. Cameron came in with quite a number and surrendered. General Mexia treated them with great consideration, giving them food and water in such quantities as they could take in safety. Notwithstanding these precautions several drank too freely and died. On the 22nd of February they began their return march, on foot, to Salado, tied in pairs and closely guarded, picking up their companions in a perishing condition on the way. Some of the sick were allowed to ride on donkeys. They arrived at Saltillo on the first of March and on the 22nd left for the hacienda of Salado, one hundred and ten miles distant, which they reached on Saturday the 25th about one p. m. Soon after their arrival they were informed of a decree from Santa Anna, ordering them all to be shot; but that, yielding to remonstrances from Gen. Mexia and some of his officers, the sentence had been commuted to "diezmo" (one in ten). Gen. Mexia tendered his resignation, refusing to officiate at so "cruel and unmartial" a ceremony. The villainous act was

performed under command of Colonel Juan de Dios Ortiz. The Texians were drawn up in line and an interpreter, Alfred S. Thurmand, himself a prisoner, read the sentence. A subaltern brought forward a jar containing one hundred and seventy beans, seventeen of which were black, the remainder white. The roll was called and each man, blindfolded, answered to his name by stepping forward and thrusting his hand into the jar held above his head. If he drew out a black bean it meant death. The doomed seventeen resolved to "die like soldiers." Many tender messages were intrusted to those more fortunate; fervent prayers and expressions of loyalty to Texas filled the half hour that closed the gloomy day. Their companions were separated from them, in an adjoining inclosure, from which they heard the order to "fire" and the cries and groans of the dying.

During the war following the annexation of Texas in 1846, Major, afterwards General Walter P. Lane of Texas, while on a scouting expedition towards San Luis Potosi, and from Mat-hualala, made a detour across the mountains to the Hacienda of Salado, surprised and arrested the Mayor Domo, of whom he made demand for the bones of the seventeen murdered men of Mier. Without delay they were exhumed (all having been thrown into one excavation), the bones placed in sacks and on mules which the startled chief gladly furnished; they were carried to General John E. Woll at Saltillo, then escorted by Captain Quisenbury, a Texian, with an escort to La Grange, Texas, and in the presence of thousands gathered on the rare and solemn occasion, were buried with the honors of war, on Monument Hill. Their names were as follows:

James D. Cocke, Robert H. Dunham, James M. Ogden, William M. Eastland, Thomas L. Jones, J. M. Thompson, Henry Whaling, J. L. Cash, W. N. Cowan, C. Roberts, Edward Esty, James Turnbull, R. H. Harris, Martin Carroll Wing, P. Mahoney, James Torrey.

It must be borne in mind that on the morning of the day

the prisoners escaped from their guard, Col. Fisher, T. J. Green, and a few others had been sent forward and took no part in that movement. The morning after the massacre, March 26th, tied in pairs, the prisoners started early on their march to the city of Mexico, passing the dead bodies of their comrades lying as they fell. Their commander, Juan Ortega, a full-blooded Indian, showed them all the kindness in his power, when untrammelled by the presence of other officers. They were occasionally halted for a day to rest and the sick taken to hospitals. On the 23rd of April an additional guard met them from the City of Mexico. They brought an order from Santa Anna for the immediate execution of Captain Ewen Cameron. On the morning of the 25th he was untied from his companion (Alfred S. Thurmond), taken from his cell and received fifteen shots in his breast, which he bared, and died instantly. Captain Cameron was a native of Scotland. He had been the loved and trusted leader of his band of rangers, for several years, they never fearing to follow where he led. He was the embodiment of the youthful idea of the old Scottish chiefs.

The prisoners arrived in the city of Mexico on the 25th of April, four months from the day of their capture. Here they were furnished suits of clothing made of striped-blanketing and made to transport sand to the grounds of Santa Anna's palace in Tacubaya. They remained in the city of Mexico until March 12th, 1844, when they were taken to Perote, about one hundred and fifty miles distant on the route to Vera Cruz, where was the strongly built and fortified castle of San Carlos, beyond which on the same route, and under the mountains, was Mango Del Clavo, the princely estate of Santa Anna.

The prisoners captured in and near San Antonio by General Woll in September, 1842, who had been confined in Mexican prisons with the Mier prisoners, numbered one hundred and twenty at this time in Perote. On the 16th of Septem-

ber, 1844, their number having been diminished by an occasional release or escape and fourteen deaths, the remaining one hundred and four were released by order of Santa Anna. It was said and generally credited that the death of Santa Anna's gentle and lovely wife, who had shown so much concern for the condition of the prisoners and had asked their release as a dying request, so softened his heart that he consented.

#### FATE OF THE PRISONERS.

Of the forty-two left on guard at the river forty-one escaped to reach home — 41.

Major George W. Bonnell was captured and murdered.

Escaped at the time of the surrender at Mier: Whitfield Chalk and Caleb St. Clair — 2.

Left wounded at Mier and escaped: Robert Beale, John Videler, Lewis Hays, George W. Piland, Nathan Mollen, Wm. Rupley, Henry D. Weeks — 8.

Escaped at the haciendo of Salado and reached Texas: John R. Alexander, John Blackburn, Rev. Thomas W. Cox and Wm. Oldham — 4.

Escaped from Perote, July 2d, 1843: Daniel Drake Henry (subsequently surgeon in the United States navy) and Charles K. Reese — 2.

Killed at Mier: James Austin, R. P. Bassett, Joseph Berry, — Dickson, Wm. H. Hannon, A. Jackson, John E. Jones, Dr. Isaac W. Towers, Calvin White, and Wm. Hopson — 10.

Died of wounds received at Mier: Lynn Bobo, Hanks Kuykendall, Stanley Locherman, Wm. J. McIllrea, Alexander McKendall and James Urie — 6.

Killed at the hacienda of Salado: Dr. Richard F. Brenham, Archibald Fitzgerald, John Higgerson, Patrick Lyons, Lorenzo Rice — 5.

Massacred at Salado, March 25th: L. L. Cash, James D.

Cocke, Robert Holman Dunham, Captain Wm. M. Eastland, Robert Esty (brother of Mrs. President Burnet), Robert Harris, Thomas L. Jones, Patrick Mahan, James M. Ogden, Charles Roberts, Wm. Rowen, J. L. Shepherd, J. W. N. Thompson, James N. Torrey, — Turnbull,\* Henry Whaling and Martin Carroll Wing — 17.

Murdered at Huehuetoca, April 25th: Captain Ewen Cameron — 1.

Perished in the mountains after the escape: Wm. H. Cady, A. J. Lewis, Wm. Mitchel, Perry Randolph and Sanford Rice — 5.

Lost in the mountains: George Anderson, F. Bray (German musician), Jonathan Morehead, John Calvert and James B. Neely, recaptured on the Rio Grande and sent to Mexico — 5.

Died in prison: Robert Beard, Wm. Beard, Samuel P. Bennett, John B. Blanton, W. B. C. Bryan, A. T. Burras, Thomas Colville, Robert M. Crawford, P. C. Grosjean (a French protege of James H. Lucas of St. Louis), Daniel A. Hallowell, Charles Hill, Allen Halderman, John Irvin, E. G. Kaughman, Wm. Martin, Benoni Middleton, Wm. Miller, first, Wm. Miller, second, Wm. Morris, Peter Rockfeller, — McDade, Samuel McLelland, John Owen, Elisha Porter, Carter Sargeant, Leonidas Saunders, John Shipman, Joseph Simons, Robert Smith, Patrick Usher, Wm. H. Van Horn, James S. White, Zacheus Wilson, O. R. Willis, J. P. Wyatt — 35.

Released at different times: By request of General Waddy Thompson: George B. Crittenden, Wm. Reese, Dr. J. J. Sinnickson and Robert Waters — 4. By request of John Quincy Adams and Mahlon Dickerson, of New Jersey: Israel Canfield — 1. By request of General Andrew Jackson: P. H. Lusk — 1. By request of the British Minister: Charles Clarke, Jerry Lehan, Adjutant Thomas A. Murray and Donald Smith — 4. By Santa Anna himself: Jeffrey Hill, his sons Asa C. Hill and John C. C. Hill (already mentioned), and Orlando Phelps — 4. Total, 14.

Escaped from the city of Mexico: Robert M. Crawford, Patrick Dougherty, John Fitzgerald, D. H. Gatis, John Morgan, Wm. Thompson, (Capt.) Samuel H. Walker and James C. Wilson — 8.

#### LIST OF THE GUARD WHO ESCAPED FROM THE RIVER.

From Buster's company: — Hackstaff, Wm. Hensley, — Hicks, Archibald C. Hyde, Major McQueen, Thomas Ransom, Gabriel Smith, — Turner, — Van Harm, Dr. Watson and Warren Wilkerson — 11.

Of Cameron's company: John Canty, — Donnall, — Earnest, Wm. Ward and A. J. Yates — 5.

Of Eastland's company: George W. Alley, M. Ambrose, Theodore Bissell, Oliver Buckner, — Clark, W. S. Holton, Davis Hudson, Edward Marlow, and E. A. Vincent — 9.

Ryon's company: Edward Brown, J. Buckhanan, Wm. E. Dresser, Ralph Gilpin, Moses Kuykendall, Z. Lucas, one not remembered — 7.

Reese's company: Sidney Callender, F. Hancock, Virgil A. Phelps, George Walton, Thomas Warren, and Gilford West — 6.

Pierson's company: Thomas Oldam, — Owens, George Smith, and George W. Bonnell — 4. Total, 42.

#### LIST OF OTHER PRISONERS.

Alfred Allee, Peter Ackerman, John R. Alexander, Alfred Mathew Alexander, W. A. Alexander, David Allen, George Anderson, Alexander Armstrong, James C. Armstrong, E. Arthur, James Barber, Daniel F. Barney, T. A. Barney, D. H. E. Beasley, Thomas W. Bell, Bate J. Berry, Samuel P. Bennett, Benjamin Boone, Ransom Boswell, B. F. Beuman, John Brennen, Henry Bridger, Gilbert R. Brush, James Burke, — Bush, Claudius Buster, Wm. T. Carter, T. J. Censeleau, George Wilson Clark, Charles Clark, Wm.

A. Compton, Thomas Coville, Willis Copeland, Campbell Davis, Daniel Davis, Wm. Davis, Thomas Davis, W. K. Davis, — Dickson, Freeman W. Douglas, N. G. Downies, Wm. Dunbar, John Dusenbery, Leonidas D. T. Edwards, Wm. S. Fisher, Wm. H. Frensley, Fenton M. Gibson, Wm. Gibson, James A. Glasscock, Cyrus K. Gleason, Stephen M. Goodman, F. Grubs, — Hanna, Robert Harris, F. W. T. Harrison, John Harvey, Wm. H. Hasmore, Abin D. Heddenburg, Charles Hensley, John Hoffer, Frank Hughes, J. J. Humphries, Zed Isam, Edward B. Jackson, Jack Johnson, Wiley Jones, Henry Journey, Wm. Keigler, Edward Kean, Richard Kean, R. B. King, John Lacey, A. J. Lewis, Wm. B. Lewis, George Lord, P. H. Lusk, Patrick Lyon, Samuel C. Lyon, T. B. Maltby, Alexander Mathews, P. M. Maxwell, Wm. B. Middleton, Wm. E. Millon, John Mills, Lawson Mills, William H. Moore, Wm. Moore, H. B. Morrell, Wm. Morris, Abram Mosier, Malcolm McCanley, J. B. McCutcheon, — McDade, Daniel McDonald, Samuel McFall, John McGinley, Charles McLaughlin, — McMath, James McMicken, John McMullen, Samuel McLelland, James B. Neely, H. Neely, Thomas Nelson, Harvey H. Oats, Wm. Oldham, James T. Peacock, John G. W. Pierson, Robert M. Pilley, E. H. Pitts, Lorenzo Rice, Francis Riley, A. J. Roark, H. H. Roberts, Mark Rodgers, Wm. Runyan, Wm. M. Ryon, John Sansbury, Wm. Sargent, Wm. Y. Scott, W. Harvey Sellers, Dr. Wm. M. Shepherd, John Shipman, Donald Smith, Ezekiel Smith, Joseph Smith, Robert Smith, Thomas S. Smith, Wm. P. Stapp, Daniel C. Sullivan, John Sweizy, John Tanne, Thomas Tatum, Thomas A. Thompson, Wm. Thompson, Alfred S. Thurmond, John Toops, George W. Trahern, Robert W. Turner, Wilson Vandyke, D. H. Van Vechten, Wm. A. A. Wallace, Robert G. Waters, Joseph D. Watkins, Francis White, James C. Wilson, Wm. F. Wilson, — Wilson, Levi Williams, E. B. Wright, Wm. Wynne, James Young and Isaac Zumwalt.

## THE SAN ANTONIO COURT PRISONERS.

Of these, Richard Barclay, John Dalrymple, John Forester, John Twohig (3), escaped from Perote, July 22, 1843.

Judge Anderson Hutchinson, Wm. E. Jones and Samuel A. Maverick, released at the intercession of Gen. Waddy Thompson — 3.

Released at the intercession of General Andrew Jackson: John M. Bradley — 1.

Released by Santa Anna: Lawyer James W. Robinson and Samuel Norvell — 2.

Escaped: Andrew Neill, George Van Ness, George Hatch, — Morgan — 4.

Finally released from Perote in 1844: Isaac Allen, D. J. Davis, Augustus Elley, John Young, D. C. Ogden, A. H. Alsbury, T. B. Beck, Edward Brown, James H. Brown, Wm. Bugg, Ludovick Colquhoun, Chauncey Johnson, Johnson Lehman, A. J. Leslie, A. H. Monell, J. C. Morgan, Francis McCay, Robert S. Neighbors, S. L. Nobles, John Perry, C. W. Peterson, M. L. B. Raper, George Schaffer, John Smith, John L. Truchart, J. G. A. Goss — 26.

Died in prison: Dr. Shields Booker, — Crews, John R. Cunningham, French Strother Gray, — Jackson, John Trappnell, Trimble (called "Tecolote") — 7.

## THE DAWSON PRISONERS.

Died in prison: Norman B. Woods.

Released with the Mier and Court prisoners: Nathaniel W. Faison, Nathaniel Herbert, M. Harrell, Edward Manton, Joseph C. Robinson, Joseph Shaw, Samuel C. Stone, Thomas Hancock, Simeon Glenn.

The San Antonio, the Dawson and the Mier prisoners were finally imprisoned at Perote and discharged in a body, and hence a few of the names may be transposed.

## CHAPTER XXIV.

Letter to Foreign Courts, October 15th, 1842 — Negotiations with Mexico.

At this period many of the newspapers of the United States were bitter in their denunciations of the Texians, and foreign papers were copying their tone. To counteract this, in October, 1842, President Houston instructed George W. Terrell, Attorney-General and acting Secretary of State, to prepare a communication to the foreign powers, including the United States, calling their attention to the nature of the warfare waged by Mexicans — “a nation of herdsmen” subsisting on their flocks and herds, against the Texians, a strictly agricultural people, whose labors were constantly interrupted and the peace and safety of their families menaced by marauding and stealthy incursions across the border; not by an invading army of Mexican soldiery in honorable warfare with the purpose of reconquering Texas, but by vagabonds and convicts, with a few officers to give authority to their movements, holding a few isolated places for a short time and then retreating. Their warfare had been characterized by brutalities and massacres disgraceful in character and at variance with the settled usages of civilized nations; while on the part of Texas all the usual observances of honorable warfare had been strictly adhered to. Texas had now maintained her independence for seven years and despite this incubus and hostile tribes of Indians to combat, which tended greatly to discourage immigration, all her material interests were advancing. Referring to the obligations which civilized nations have acknowledged, to regulate in a measure the mode of warfare which shall govern countries at war, it was earnestly hoped that the powers addressed would require Mexico to engage

Texas in an honorable war of subjugation, acknowledge her independence, or declare a cessation of hostilities.

This communication, bearing the impress of the ripe scholar, the enlightened statesman, and able advocate of those high principles of national honor recognized among Christian nations, was not without its early effect. It clearly portrayed the character of the struggles which Texas was making to maintain an honorable independence, her desire on the score of humanity to be at peace with Mexico, and her willingness, if need be, to meet Mexico and settle their differences by the arbitrament of the sword. Sir Robert Peel, on the part of Great Britain, and Minister Guizot of France, became interested and the predicate was laid for the temporary peace which Texas subsequently enjoyed.

Among the prisoners captured at San Antonio, September 8th, 1842, was ex-Judge James W. Robinson, who was Lieutenant-Governor under the provisional administration of Governor Henry Smith. He had suffered himself to be used by the few leaders of the faction in the council, who essayed to depose Governor Smith and place in his stead Robinson. Robinson, in his confinement at Perote, yearned for personal liberty. To this end he opened a clandestine correspondence with Santa Anna, which was followed by a personal interview at Mango de Clavo, offering his services as a mediator to bring about a reconciliation between Mexico and Texas, by which Texas, restored as a State to the Mexican Union, was to enjoy special privileges. He proposed an armistice to allow the people time to consider the propositions, and that with Mexican commissioners and with one or two of his friends — prisoners — whose views coincided with his own, they might return to Texas and submit the proposals to his people. Santa Anna forwarded Robinson's plans to Tornel, Minister of War, through whom he received authority, from the Substitute President of Mexico, to treat with Robinson so far as it could be done without hazarding the honor of the Mexican

nation. His Excellency was not without the suspicion that it might be a plan for securing the liberty of Robinson and his friends, but that could do no harm and the plan might succeed.

Robinson was released by Santa Anna, and, armed with propositions to this effect from the latter, arrived in Texas in February, 1843. He reported to President Houston and his mission soon became known. Although this was the darkest period (from 1836 to annexation) the propositions were received with universal opposition and, more than once, Robinson was threatened with personal indignities. While then taking steps through foreign mediation, to bring about amicable relations between Mexico and Texas as a republic, and while regarding the propositions as wholly inadmissible, President Houston pursued that course which he deemed most practicable in furtherance of his own views in favor of the acknowledgment of Texian independence by Mexico. It was necessary that Santa Anna should be advised of the success of this scheme, and the President saw fit to require that the answer, though written by Robinson, should be dictated by himself, and to provide further against any clandestine correspondence which might result in further complications.

We may imagine the penance under which Mr. Robinson wrote the following communication to Santa Anna at President Houston's dictation. Far from enlightening his Excellency as to the questions at issue, that functionary was left under grave apprehension that Texas would choose to make her terms known accompanied by an invading army of sufficient force to insure their acceptance. The letter bears date April 10th, 1843, and is as follows:

“When I arrived at Galveston, it was soon understood that I had important news from you to the people of Texas, and there was a great stir to see what it was. Knowing that it would meet your views, I published the substance of the propositions in the newspapers, accompanied by remarks

of my own, recommending them to the favorable consideration of the people of Texas. When I did this, I thought it would have a great effect at once, but it did not produce as much excitement as I expected.

“From Galveston I proceeded to Houston and remained there some days, with the expectation that I would see some clear manifestation of the feelings of the people on the subject of the propositions. I have the honor to inclose to your Excellency the Houston *Telegraph* of the 5th of April, in which you will see among other items, the publication which I made over my own signature, and that I presented the propositions to the people in the most favorable light. I have also the honor of inclosing your Excellency a newspaper published at Washington (on the Brazos) by which you will perceive that I arrived there on the 6th instant, and laid your communication before General Houston. The paper contains various items of interesting news, which I have marked for your Excellency’s attention.

“On my way to Washington (on the Brazos) from Houston I passed through the most thickly settled and wealthy portions of the Brazos. The news of my arrival had spread with great rapidity, and, of course, there was much anxiety among the people. The first question usually asked was, “Are all the prisoners released?” On answering in the negative they asked me if I thought they would be released. I expressed the belief that your Excellency would release them if you had not already done so. The next inquiry was whether I had not brought terms proposing peace. To which I said, “I think so.” They then asked me if your Excellency had proclaimed an armistice between Texas and Mexico. I told them you had not; but that I looked upon it as in effect so, until the wishes of the people could be known upon the subject of your propositions. I found the people much engaged in the cultivation of their farms, except those who are very anxious for an invasion of Mexico, and many who are in favor of an

invasion are improving their farms and planting their crops so as to be ready for any action the government of this country might think it necessary for this country to take.

“ When I laid your communication before General Houston, he read it, and asked me if I thought the translation correct. On my replying that I did he evinced no excitement, but observed that, since the commencement of the Revolution in 1835, the affairs of Texas and Mexico had become much more complicated than they had once been ; that, since then, Texas had been recognized by foreign powers as independent of all governments and had formed treaties ; and, that for Texas to act independently of the consideration of those powers would, in his opinion, be treating them with disrespect. I endeavored to find out from him what course would be adopted, in reference to your Excellency’s proposition, but I could not ascertain what his purposes were, if he had any.

“ I find that your Excellency and myself were mistaken when we suspected that Texas was torn to pieces by factions. It is not so. The price of produce in the country is low ; money is scarce in the country and there is some discontent ; but that discontent I am assured does not arise from the acts of the government. There are some factious men in Texas, and they have some papers at their command. Those papers, however, are supported by the contributions of the factions or party that wishes to annoy the Executive. They are not encouraged by popular sentiment, but are used to create one, if possible, against the government. It will be impossible for them to succeed. The whole number of men, of any prominence of character, engaged in this opposition, would not exceed some thirty or thirty-five in the Republic.

“ I would most respectfully beg leave to submit to your Excellency, in gratitude for your kindness to me, a few suggestions, which your Excellency can take into your distinguished consideration.

“ The first is, that if your Excellency had thought proper to

have released all the Texian prisoners and let them return to their homes, and declared an armistice of some months, until the people of Texas could have time to think of your propositions, if the President had submitted them to their consideration and action, it would have had a good effect upon the people. They would then have been free from passion and excitement, but when almost every neighborhood has an acquaintance or friend a prisoner, the people cannot act on these subjects without much feeling; and there are many persons here ready to excite them in favor of a war beyond the Rio Grande.

“The last Congress passed a law favorable to what war spirit there is in Texas; and the President has authority to accept the services of forty thousand volunteers, which he would be authorized to land at any point on the coast of Texas, entirely beyond its settlements, and on the borders of the Rio Grande.

“You will see from the papers, that General Rusk is raising a very large expedition to march across the Rio Grande; but it is possible that it may be delayed awhile, although the preparations will go on.

“If I were to judge from what I have heard since my return, and what I knew before I was taken prisoner at Bexar, I would think that Houston would prefer peace, if it could be had on terms he thought perfectly honorable to Texas. He has always been opposed to an irregular warfare between the two countries; but he has now succeeded in making peace with the Indians, and, as that will relieve the northwestern frontier of much embarrassment, it is possible he may unite all the influence he may have with those in favor of prosecuting the invasion of Mexico. If this should be the case, and Texas should apply all her energies to war, I think she would be easily able to raise from her own citizens an army of ten thousand men, besides volunteer immigrants, as they are called; and, that they would take care to land within one or two day's march of the Mexican frontier. I will not be so

presumptuous as to advise your Excellency about anything; but as things have changed since I communicated with your Excellency in relation to the affairs of Texas, I feel bound to inform you of such facts as result from my observation.

“If your Excellency should wish to send me any instructions, or make any further communications, you can have them directed to the care of Major James H. Cocke, custom house, Galveston, who will forward them to me wherever I may be. I will endeavor so to manage as to get my dispatches to your Excellency through some safe channel. Your Excellency will be aware of the discretion with which I will have to act, from the character of the communications I have made in the papers.”

The propositions from Santa Anna were suffered to repose among the archives without official recognition or action.

About this time, as a result of the diplomatic appeal of the President through Secretary George W. Terrell and the friendly offices of England and France, an armistice was entered into between Texas and Mexico on the 13th of June, 1843, suspending hostilities, to continue until either party should notify the other, through the representative of Great Britain to its government, of an intention to resume hostilities.

On the 26th of September, Messrs. Samuel M. Williams and George W. Hockley were appointed by President Houston as commissioners to meet similar representatives from Mexico and endeavor to effect a general armistice, to continue pending negotiations for permanent peace and the final adjustment of all difficulties between the two countries — the armistice not to be violated until after six months' notice, through the British embassy. The commissioners were also to agree that Texas would appoint two commissioners to meet in the city of Mexico, with power to negotiate for the adjustment of “all existing difficulties and the establishment of a permanent peace.”

The commissioners, Williams and Hockley, at Sabinas, in

Tamaulipas, met the Mexican commissioners, Landeras and Jannequi, on the 26th of October, 1843, but it was not till the 18th of February, 1844, that the armistice was signed. It only recognized Texas as a "department of Mexico." That clause caused it to be rejected. President Houston caused it to be filed in the State department and took no further notice of it.

## CHAPTER XXV.

### OUR INDIAN AFFAIRS.

The thrilling Mission of Commissioner Joseph C. Eldridge to the wild tribes in 1843, by authority of President Houston — Hamilton P. Bee, Thomas Torrey — The three Delawares, Jim Shaw, John Connor and Jim Second Eye — The Treaty.

Preceded by a partial treaty in the winter of 1842-3, begun at the mouth of the Bosque and concluded on Tehuacano Creek, seven miles southeast of Waco, a first step was taken by President Houston looking to a general treaty with the wild tribes, and leading to the establishment of Torrey's trading house on that stream, which exerted a salutary influence among the Indians.

General Sam Houston was then serving his second term as President of the Republic and the seat of government was temporarily at the town of Washington, on the Brazos. He had uniformly favored a peace policy towards the Indians, whenever it might become practicable to conclude a general treaty with the numerous wild and generally hostile tribes inhabiting all the western and northwestern territory of the Republic. On this policy the country was divided in opinion, and the question was often discussed with more or less bitterness. Nothing could be more natural, respecting a policy affecting so deeply the property and lives of the frontier people, who were so greatly exposed to the raids of the hostiles, and had little or no faith in their fidelity to treaty stipulations; while the President, realizing the sparsity of population and feebleness in resources of the government and the country, hoped to bring about a general cessation of hostilities, establish a line of demarkation between the whites

and Indians, and by establishing along the same a line of trading houses, to promote friendly traffic, with occasional presents by the government, to control the wild men and preserve the lives of the people.

It was a policy in keeping with his high character as a wise and faithful guardian of the lives of the people. The lack of confidence by many in the fidelity of the tribes was no reason why the effort, so fraught with good, should not be made.

At this time Joseph C. Eldridge,<sup>1</sup> a man of education, experience, courage, and the highest order of integrity, was appointed by the President as commissioner of Indian affairs. About the same time a delegation from several of the smaller tribes visited the President, in order to have a talk. Among them were several Delawares, nearly civilized, and among them were persons who spoke not only our language, but all the tongues of the wild prairie tribes, some speaking one and some another tongue. It occurred to the president, after frequent interviews, that he could utilize these Delawares, or the three chief men among them, Jim Shaw, John Conner and

<sup>1</sup> Joseph C. Eldridge was a native of Connecticut, and of an ancient and honorable family. Of him General Bee writes:

"He was an admirable character, brave, cool, determined in danger, faithful to public trusts and loving in his friendships. He did more than his duty on this trip. He served as paymaster in the United States navy from 1846, and died the senior officer in that corps in 1881, at his home in Brooklyn, New York. His stern sense of duty was displayed on our way out when, north of Red River, we met and camped all night with a company of men under Captain S. P. Ross returning from the ill-fated Snively expedition. They urged us to return home, as the Indians on the plains were all hostile — our trip would be fruitless, and the hazards were too great for such a handful. Only Eldridge's courage and high sense of duty caused him to reject the advice and proceed; but pending our trial in the Comanche council we all regretted not having yielded to the warnings of Captain Ross. Captain Eldridge died of softening of the brain. He had a son, Houston Eldridge, named for the President after their temporary unpleasantness, a most promising young officer of the navy, who died not long after his father. John C. Eldridge, a cousin of Joseph C., also figured honorably in Texas for a number of years, and their names were sometimes confounded.

Jim Second Eye, as commissioners in inducing all the wild tribes to meet the President and peace commissioners, at a point to be designated, for the purpose of making a treaty. Subsequent events went to show that the Delawares had imbibed that idea; but President Houston finally decided to commission Captain Eldridge for that onerous and hazardous mission, to be accompanied by two or three white men of approved character, together with the Delawares and a few Indians of other tribes. Captain Eldridge eagerly applied to his young and bosom friend, Hamilton P. Bee, to accompany him. They had crossed the gulf together, on their first arrival in Texas in 1837 — Bee accompanying his mother from South Carolina to join his father, Colonel Barnard E. Bee, already in the service of Texas, and Eldridge coming from his native State, Connecticut. He selected also Thomas Torrey, already an Indian agent, and also a native of Connecticut.

The preparations being completed, the party left Washington late in March, 1843, and consisted of Joseph C. Eldridge, commissioner, Thomas Torrey, Indian agent, the three Delawares as guides and interpreters, several other Delawares as hunters, helpers and traders, Acoquash, the Waco head chief, who was one of those who had been to see the President, and Hamilton P. Bee. There may have been a few other Indians. They had a small caravan of pack mules to transport their provisions and presents for the Indians. They also had with them, for delivery to their own people, two Comanche children about twelve years old, one a girl named Maria (Ma-re-ah) and the other a boy who had taken the name of William Hockley, being two of the captives of the Council House fight, in San Antonio, on the 19th of March, 1840, elsewhere described in this work. They also had two young Waco women, previously taken as prisoners, but these were placed in charge of Acoquash.

They passed up the valley of the Brazos, passing Fort Milam, near the present town of Marlin, around which were

the outside habitations of the white settlers. Further up on Tehuacano creek, six or seven miles southeast of the present city of Waco, they reached the newly established trading house of the Torrey brothers, afterwards well-known as a resort for Indians and traders. Here they found a large party of Delawares.

The Delawares accompanying Eldridge also had mules freighted with goods for traffic with the wild tribes, and among other commodities, a goodly supply of that scourge of our race — whisky — doubtless intended for the Delawares found here, as expected by those with Eldridge, for at that time the wild tribes did not drink it.

On the arrival of the commissioner all became bustle and activity. The liquor was soon tapped and a merry time inaugurated, but soon after dark every Indian surrendered his knife and fire-arms to the chiefs, by whom they were secreted. Then loose rein was given to unarmed warriors, and throughout the night pandemonium prevailed, accompanied by screams, hideous yells, fisticuffs, scratching, biting and all manner of unarmed personal combat, causing wakefulness and some degree of apprehension among the white men. But no one was killed or seriously injured, and in due time, sheer exhaustion was followed by quiet slumber, the red man showing the same maudlin beastliness when crazed by mean whisky as, alas, characterizes his white brother in like condition. It required two days to recover from the frolic, and then Eldridge resumed his march into the wilds beyond. His instructions were to visit as many of the wild tribes as possible and the head chief of the Comanches — to deliver to them the words of friendship from the Great Father, the President, and invite them all to attend a grand council to be held at Bird's Fort, on the north side of the main or west fork of the Trinity, commencing on the 10th of August, 1843, where they would meet duly accredited commissioners and the President in person to treat with them. This fort was about twenty-

two miles westerly from where Dallas was subsequently founded.

At a point above the three forks of the Trinity, probably in Wise or Jack County, the expedition halted for a few days and sent out Delaware messengers to invite any tribes found in the surrounding country to visit them. Delegations from eleven small tribes responded by coming in, among them being Wacos, Anadarcos, Tow-e-ashes, Caddos, Keechis, Tehuacanos, Delawares, Bedais, Boluxies, Ionies, and one or two others, constituting a large assemblage, the deliberations of which were duly opened by the solemnities of embracing, smoking and a wordy interchange of civilities. Captain Eldridge appeared in full uniform, and Bee <sup>1</sup> performed the duties of secretary. The council opened by an address from the Delaware interpreter, and the whole day was consumed in a series of dialogues between them and the wild chiefs, Captain Eldridge getting no opportunity to speak, and when desiring to do so was told by the Delawares that it was not yet time, as they had not talked enough to the wild men. So, at night, the council adjourned till next day, when Eldridge delivered his talk, which was interpreted to the different tribes by the Delawares. Finally Eldridge said, "Tell them I am the mouth-piece of the President and speak his words." Two of the Delawares interpreted the sentence, but Jim Shaw refused, saying it was a lie. The other two conveyed the language to

<sup>1</sup> Hamilton P. Bee is a native of Charleston, South Carolina, favorably and intimately known to the writer for nearly half a century as an honor to his country in all that constitutes a true and patriotic citizen—a son of Hon. Barnard E. Bee, who early tendered his sword and services to struggling Texas, and a brother of General Barnard E. Bee, who fell at Manassas, the first general to yield his life to the Confederate cause. Hamilton P. Bee was secretary to the United States and Texas boundary commission in 1839-40, secretary of the first State senate in 1846, a gallant soldier in the Mexican war; eight years a member of the legislature from the Rio Grande, and Speaker of the house in 1855-56; a brigadier-general in the Confederate army, losing a handsome estate by the war, and now, at three-score and ten, after so honorable and useful career, still vigorous in intellect.

all. The result was satisfactory, and the tribes present all agreed to attend the council at Bird's Fort. Returning to his tent, Captain Eldridge demanded of Shaw, who was the leader and more intelligent of the Delawares, the meaning of his strange conduct, to which he replied that the three Delawares considered themselves the commissioners, Eldridge being along only to write down whatever was done. He also charged that Eldridge had their commission, attested by seals and ribbons, with his baggage. This document being Eldridge's instructions as commissioner, was brought out, read and explained by Bee. Jim Shaw was greatly excited, and had evidently believed what he said ; but Eldridge bore himself with great composure and firmness. After the reading Jim Shaw said : " I beg your pardon, Joe, but I have been misled. I thought the Delawares were to make the treaties. We will go no farther, but go to our own country, on the Missouri river — will start to-morrow, and will never return to Texas." Eldridge, alarmed at this unexpected phase of affairs, appealed to the trio to stay and guide him, as the President expected them to do ; but they seemed inflexible. To proceed without them was madness, and in this dilemma Eldridge sent for Jose Maria, the noted chief of the Anadarcos, who had been so severely wounded in his victorious fight with the whites, in Bryant's defeat near Marlin, in January, 1839. He explained to him the facts just related, and asked him if he would escort him back into the settlements. Greatly pleased at such a mark of confidence — his keen black eyes giving full expression to his gratified pride — he promptly and solemnly promised to do so.

On the next morning, while Eldridge was packing and mounting for his homeward march, surrounded by his promised escort of one hundred Anadarco warriors, well mounted and armed with bows and lances, with Jose Maria at their head, Jim Shaw sent word to Captain Eldridge that he had changed his mind and would continue the trip. An interview

followed and a full understanding was entered into, acknowledging Captain Eldridge as the sole head of the expedition; but after this the manner of the Delaware trio was formal and reserved, and their intercourse long confined to business matters.

Continuing the march, they next reached the principal village of the Wacos, whither they had been preceded by Acoquash, with the two released Waco girls, who greeted them warmly. During their stay he was their guest, and most of the time had his family on hand. It was a little odd but his friendship was too valuable to be sacrificed on a question of etiquette. Here the Delawares announced that it would be necessary to send out messengers to find the Comanches; but this would require fifteen days, during which time the trio, Shaw, Connor and Second Eye, would take the peltries they had on hand to Warren's trading house down on Red River, for deposit or sale, and return within the time named. During the delay, Eldridge camped three miles from the village, but was daily surrounded and more or less annoyed by the Wacos, men, women and children. The wife of Acoquash became violently ill, and he requested his white brothers to exert their skill as medicine men. Mr. Bee administered to her jalap and rhubarb, which fortunately for them, as will be seen later, speedily relieved and restored her to health.

The runners returned on time with rather encouraging reports; but the essential trio, so indispensable to progress, were absent twenty-eight instead of fifteen days, causing a loss of precious time.

Their next move was for Wichita village, at or near the present site of Fort Sill. They were kindly received by this war-like tribe, who had heard of their mission and promised to attend the council at Bird's Fort.

They next bore westerly for the great prairies and plains in search of the Comanches, Acoquash and his wife being with

them. It was now in June and all their provisions were exhausted, reducing them to an entire dependence on wild meat, which, however, was abundant, and they soon found the tallow of the buffalo, quite unlike that of the cow, a good substitute for bread. They carried in abundance strings of cooked meat on their pack mules.

After twenty days they found Indian signs in a plum thicket. They saw where Indians had been eating plums during the same day, and there they encamped. Pretty soon an Indian, splendidly mounted, approached, having a boy of six years before him. He proved to be blind — but a distinguished chief of the Comanches — a man of remarkable physique, over six feet in height, a model in proportions and his hair growing down over his face. He told the Delaware interpreter the locality in which they were, and that the town of Payhayuco, the great head chief of the Comanches, was only a few miles distant.

As soon as the blind chief's boy — a beautiful child, handsomely dressed in ornamented buckskin — gathered a supply of plums, they mounted and returned to their town, accompanied by a few of the Delawares. In the afternoon a delegation of the Comanches visited Eldridge and invited him and his party to visit their town. Promptly saddling up and, escorted by about 500 Comanche warriors, in about two hours ride, they entered the town of the great chief, Payhayuco, and for the first time beheld the pride and glory of the wild tribes. With considerable ceremony they were conducted to the tent of Payhayuco, who was absent, but the honors were done by the chief of his seven wives, who caused the best tent to be vacated and placed at the disposal of her white guests. It was hot summer weather, and such crowds of Comanches, of all ages and sexes, pressed in and around the tent that it became so suffocating as to necessitate the erection of their own tent, which was open at both ends. First getting the consent of their hostess, this was done.

Finding that the chief would be absent a week yet to come, and their business being with him, they could only patiently await his arrival. They were ceaseless curiosities to all the younger Comanches, who had never seen a white man, and who continued to crowd around and inspect them: rolling up their sleeves to show their white arms to the children, etc. While thus delayed the Comanches twice moved their town and our people were astonished at the regularity with which each new location was laid off into streets and the precision with which each family took its position in each new place. Mr. Bee accompanied the warriors on two or three buffalo hunts, and was surprised at their wonderful dexterity.

Payhayuco arrived on the afternoon of August 8th (1843), and occupied the tent adjoining the whites. They were soon informally presented to him and courteously received, but no clue was obtained as to the state of his mind. At sunrise next morning (9th), about a hundred warriors met in council in a large tent, sitting on the ground in a series of circles diminishing from circumference to center, wherein Payhayuco sat. Eldridge and his white companions, not being invited, took brief glances at them and retired to their own tent, leaving the case with the Delawares, who attended the council. About ten a. m. a sort of committee from the council waited on them to say that a report had come from the Waco village, where they had tarried so long, charging that they were bad men and had given poison to the Wacos, and wanted to know what they had to say about it. This was supremely preposterous, but it was also gravely suggestive of danger. They repelled the charge and referred to the old Waco chief, Acoquash, then present, their companion on the whole voyage, and whose wife they had cured. What a hazard they had passed! Had that poor squaw died instead of recovering under Bee's treatment, their fate would have been sealed. A Choctaw negro, who understood but little Comanche, told them the council was deliberating on their lives and talking savagely. They sent for

the Delawares and told them of this. The Delawares denied it, and re-assured them, but half an hour later their favorite Delaware hunter, the only one in whose friendship they fully confided, informed them that the Comanches were going to kill them. They were, of course, very much alarmed by this second warning, and, again summoning the trio, told Jim Shaw they were not children, but men; and demanded to know the truth. Shaw replied that he had desired to conceal their peril from them as long as possible, and for that reason had told them a lie; but in truth the council was clamorous and unanimous for their death; that all the chiefs who had a right to speak had done so, and all were against them; that they (Shaw and Conner) had done all they could for them; had told the council they would die with them, as they had promised the White Father they would take care of them and never return without them; and that Acoquash had been equally true to them. They added that old Payhayuco was yet to speak, but even should he take the opposite side they did not believe that he had influence enough to save their lives.

I now quote the language of General Bee on this incident: "Next came into our tent, our dear old friend Acoquash, where we three white men were sitting, betraying the most intense feeling, shaking all over and great tears rolling from his eyes, and as best he could told us that we would soon be put to death. He said he had told them his father was once a great chief, the head of a nation who were lords of the prairie, but had always been the friend of the Comanches, who always listened to the councils of his father, for it was always good, and he had begged them to listen to him as their fathers had listened to his father, when he told them that we (Eldridge, Bee and Torrey), were messengers of peace; that we had the "white flag," and that the vengeance of the Great Spirit would be turned against them if they killed such messengers; but he said it was of no avail. We had to die and he would die with us, for he loved us as his own children. Poor old

Indian. My heart yearns to him yet after the lapse of many years.”<sup>1</sup>

“Acoquash then returned to the council. Our friends, of course, agonized as brave men may who are to die as dogs, but they soon recovered composure and resolved on their course. Each had two pistols. When the party should come to take them out for death, each would kill an Indian with one, and then, to escape slow torture, empty the other into his own brain. From twelve till four o’clock not a word was spoken in that council. All sat in silence awaiting the voice of Payhayuco. At four o’clock his voice was heard, but no one reported to the doomed men. Then other voices were heard, and occasionally those of the Delawares. A little later confusion seemed to prevail, and many voices were heard. Bee said to Eldridge: “See the setting sun, old fellow. It is the last we shall ever see on earth.” At the same instant approaching footsteps were heard. Each of the three sprang to his feet, a pistol in each hand, when “dear old Acoquash” burst into the tent and threw himself into the arms of Eldridge. Bee and Torrey thought the old Spartan had come to redeem his pledge and die with them, but in a moment realized that his convulsive action was the fruit of uncontrollable joy. The next moment the Delawares rushed in exclaiming, “Saved! saved!”

“Oh, God, can I ever forget that moment,” says General Bee, “To the earth from which we came, we fell as if we had been shot, communing with Him who reigns over all—a scene which might be portrayed on canvas, but not described. Prostrate on the earth lay the white man and the red man, creatures of a common brotherhood, typified and made evident that day in the wilderness; not a word spoken; each bowed to the earth, brothers in danger and brothers in the holy electric spark which caused each in his way to thank God for deliverance.”

<sup>1</sup> Gen. Bee to his children.

After this ordeal had been passed, succeeded by a measure of almost heavenly repose, the interpreters, now fully reconciled to Eldridge, explained that after that solemn silence of four hours, Payhayuco had eloquently espoused the cause of mercy and the sanctity of the white flag borne by the messengers of peace. His appeal was, perhaps, as powerful and pathetic as ever fell from the lips of an untutored son of the forest. Upon conclusion, amid much confusion and the hum of excited voices, he took the vote per capita and was sustained by a small majority. The sun sank at the same moment, reflecting rays of joy upon the western horizon, causing among the saved a solemn and inexpressibly grateful sense of the majesty and benignity of the King of Kings — our Father in heaven.

As darkness came the stentorian voice of Payhayuco was successively heard in the four quarters of the town, its tones denoting words of command. Our countrymen demanded of the interpreters to know what he was saying. The latter answered: "He is telling them you are under his protection and must not, at the peril of their lives, be hurt." A hundred warriors were then placed in a circle around the tent, and so remained till next morning. No Indian was allowed to enter the circle.

When morning came they were invited to the council, when Captain Eldridge delivered the message of friendship from President Houston, and invited them to accompany him in and meet the council at Bird's Fort; but, this was a day after the date heretofore fixed for the assemblage, and a new day would be selected promptly on their arrival or sooner if runners were sent in advance. The presents were then distributed and an answer awaited.

On their arrival the little Comanche boy had been given up. He still remembered some of his mother tongue and at once relapsed into barbarism. But now Captain Eldridge tendered to the chief little Maria, a beautiful Indian child, neatly

dressed, who knew no word but English. A scene followed which brought tears to the eyes of not only the white men, but also of the Delawares. The child seemed horrified, clung desperately and imploringly to Captain Eldridge, and screamed most piteously. It was simply heartrending. She was taken up by a huge warrior and borne away, uttering piercing cries of despair. For years afterwards she was occasionally heard of, still bearing the name of Maria and acting as interpreter at Indian councils.

Succeeding this last scene they were informed that the council had refused to send delegates to the proposed meeting. Payhayuco favored the measure, but was overruled by the majority. Within an hour after this announcement the commissioners mounted and started on their long journey home—fully five hundred miles through a trackless wilderness. Some exciting incidents occurring at the moment of their departure between a newly arrived party of Delaware traders, having no connection with Eldridge, and a portion of the Comanches, in regard to a Choctaw negro prisoner bought from the Comanches by the traders are here omitted as of no especial importance. It was dreaded by the commissioners as a new danger, but was settled without bloodshed by the payment of a larger ransom to the avaricious Comanches.

Without remarkable incident and in due time, Eldridge and party arrived again at the principal Wichita village (at or near the present Fort Sill) and were again kindly received. The day fixed for the treaty having passed, Eldridge knew the President would be disappointed and impatient; so, after consultation, it was agreed that Torrey, with Jim Shaw, John Conner and the other Indian attaches, still with them, should return on the route they had gone out, gather up the tribes first mentioned in this narrative, and conduct them to Bird's Fort, while Eldridge, Bee and their most trusted Delaware hunter, with Jim Second Eye as guide, would proceed directly

to the fort. Thus they separated, each party on its mission, and to Eldridge and Bee it was a perilous one.

On the second day, at 3 p. m., they halted in a pretty grove, on a beautiful stream, to cook their last food, a little Wichita green corn. This enraged Second Eye, who seized the hunter's gun and galloped away, leaving them with only holster pistols. The Delaware hunter was a stranger in the country and could only communicate by signs. For three days he kept a bee line for Warren's trading house on Red River, as safer than going directly to Bird's Fort, guided by the information he had casually picked up from his brothers on the trip, for neither of the white men knew the country. On the third day they entered the Cross Timbers where brush and briars retarded their progress, and camped near night on a pretty creek. The Delaware climbed a high tree and soon began joyful gesticulations. Descending he indicated that Eldridge should accompany him, leaving Bee in camp. He did so and they were gone two or three hours, but finally returned with a good supply of fresh cornbread, a grateful repast to men who had been without an ounce of food for three days and nights. The camp visited proved to be that of a party of men cutting hay for Fort Arbuckle, on the Washita, who cooked and gave them the bread and other provisions, with directions to find the trading house and the information that they could reach it next day. With full stomachs, they slept soundly, started early in the morning and about 2 p. m. rode up to Warren's trading house. The first man seen was Jim Second Eye, the treacherous scoundrel who had left them at the mercy of any straggling party of hostile or thieving savages. He hastened forward with extended hand, exclaiming: "How are you, Joe? How are you, Ham? Glad to see you."

The always courteous Eldridge, usually gentle and never given to profane language, sprang from his horse and showered upon him such a torrent of denunciatory expletives as to

exhaust himself; then recovering, presented himself and Mr. Bee to Mr. Warren, with an explanatory apology for his violent language — justified, as he thought, towards the base wretch to whom it was addressed. Quite a crowd of Indians and a few white men were present. Mr. Warren received and entertained them most kindly. They never more beheld Jim Second Eye.

After a rest of two days, Eldridge and Bee, with their faithful Delaware, left for Bird's Fort, and, without special incident, arrived there, to be welcomed by the commissioners, Messrs. George W. Terrell and E. H. Tarrant, who had given them up as lost. The President had remained at the Fort for a month, when, greatly disappointed, he had left for the seat of government.

Captain Eldridge, anxious to report to the President, tarried not at the fort, but with Bee, Callaway H. Patrick, (now of Dallas County), and the Delaware, continued on. On the way Mr. Bee was seized with chills and fever of violent type, insomuch that, at Fort Milam, Eldridge left him in charge of Mr. Patrick and hurried on. Mr. Bee finally reached the hospitable house of his friend, Colonel Josiah Crosby, seven miles above Washington, and there remained till in the winter before recovering his health. Captain Eldridge, after some delay, met and reported to the President, but was not received with the cordiality he thought due his services. Jim Shaw and John Conner had preceded him and misstated various matters to the prejudice of Eldridge, and, to the amazement of many who knew his great merit and his tried fidelity to President Houston, he was dismissed from office. Very soon, however, the old hero became convinced of his error; had Eldridge appointed Chief Clerk of the State Department under Anson Jones, and, immediately after annexation in 1846, secured his appointment by President Polk as paymaster in the United States navy, a position he held till his death in his home in Brooklyn, New York, in 1881. Except-

ing only the incident referred to — deeply lamented by mutual friends — the friendship between him and President Houston, from their first acquaintance in 1837, remained steadfast while both lived. Indeed, Captain Eldridge subsequently named a son for him — his two sons being Charles and Houston Eldridge.

On the 29th of September, 1843, a few days after Eldridge and Bee left, a treaty was concluded by Messrs. Tarrant and Terrell with the following tribes, viz. : Tehuacanos, Keechis, Wacos, Caddos, Anadarcos, Ionics, Boluxies, Delawares, and thirty isolated Cherokees. The Wichitas and Tow-e-ashes were deterred from coming in by the lies of some of the Creeks. Estecayucatubba, principal chief of the Chicasaws, signed the treaty merely for its effect on the wild tribes. Leonard Williams and Luis Sanchez, of Nacogdoches, were present and aided in collecting the tribes, who failed to assemble on the 10th of August, because of the non-return of Eldridge and his party. Roasting Ear, S. Lewis and McCulloch, Delaware chiefs, were present at the signing and rendered service in favor of the treaty.

The most potent chief in the council to whom the wild tribes looked as a leader, was Kechikoroqua, the head of the Tehuacanos, who at first refused to treat with any one but the President, but finally yielded after understanding the powers of the commissioners.

A line of demarkation was agreed upon between the whites and Indians, along which, at proper intervals, trading houses were to be established. Three points for such houses were selected, which indicate the general line chosen, viz. : one at the junction of the west and Clear Forks of the Trinity (now Fort Worth), one at the Comanche Peak, and one at the old San Saba mission.

From undoubted data this narrative has been prepared, the first full account ever published of the most thrilling succession of events in our Indian history. It reflects the highest

credit on the three courageous young men who assumed and triumphed over its hazards, though sadly followed by the death of the heroic and much loved Thomas S. Torrey.<sup>1</sup>

The seventh Congress met on the 14th of November, 1842 (the exigencies of the times at the close of the call-session demanding an earlier meeting than the regular time — the first Monday in December), and adjourned on the 16th of January, 1843.

Among the acts passed by this Congress was one providing for the election of a major-general of militia (an office which the Executive had power to fill), whose duty it should be to organize for immediate service on the frontier, six companies. That officer should take the field in person if he should think it necessary, and command all troops, in his official capacity, and \$50,000 were appropriated for this purpose. The President returned the bill with the objection that it made the military independent of the civil government. The act, however, was passed over the President's veto. The danger indicated by him was obviated by the election of Thomas J. Rusk to this office.

<sup>1</sup> The Torrey brothers, seven in number, and all from Ashford, Connecticut, deserve further mention. David K., born in 1815, came to Texas in 1839, rendered important services in Indian matters and, on such a mission, was killed by the Mescaleros, near Presidio del Norte, Christmas Day, 1849. John F., born in 1817, came to Texas in 1838 — a merchant in Houston, interested in the Indian trade — later in woolen manufactures in New Braunfels and now (in 1892) the only survivor, owns, and lives at Comanche Peak, in Hood County. Thomas S., born in 1819, came to Texas in 1840. He was a Santa Fe prisoner, released and joined John F. in the Indian trade, sent, as we have seen, by the President with Eldridge, and died at the treaty grounds (since known as Johnson's Station), September 28, 1843. James N., born 1821, came to Texas in 1841. As a Mier prisoner on the 25th of March, 1843, he drew a black bean and with sixteen others, was murdered under the order of Santa Anna. The remains of both James N. and Thomas S. repose on Monument Hill, La Grange, Texas. The brothers Judson, George B. and Abraham, all came to Texas and died at the threshold of manhood. The father came in 1858, lived fifteen years in New Braunfels and died in 1873, aged eighty-three years.

They also provided for trading posts for the Indians, prohibiting the sale of liquor among them and it was made a capital crime for a white man to kill an Indian except in war or in self-defense (which of course included defense of his family, etc.). This Congress was in session at the time of the battle of Mier and adjourned just as the news of the surrender of the Texians reached the country.

## CHAPTER XXVI.

### THE LATER COLONIES IN TEXAS.

Peters', Fisher and Miller's (the German colony), Castro's and Mercer's.

With the declaration of Texian independence, March 2nd, 1836, all prior colonial grants and contracts with Mexico or the State of Coahuila and Texas ceased. Really and practically they ceased on the 13th of November, 1835, by a decree of the first revolutionary assembly, known as the Consultation, which, as a preventive measure against frauds and villainy, wisely and honestly closed all land office business until a permanent government could be organized. Hence, as a historical fact, the colonial contracts of Stephen F. Austin, Austin and Williams, Sterling C. Robertson, Green De Witt, Martin De Leon, Power and Hewitson, and McMullen and McGloin ceased on the 13th of November, 1835. The concessions to David G. Burnet, Joseph Vehlein and Lorenzo de Zavala, previously transferred to a New York syndicate, known as the New York and Galveston Bay Company, of which Archibald Hotchkiss, of Nacogdoches, was made resident agent, and which, in reality, accomplished little or nothing, also expired by the decree of the 13th of November, 1835.

The Republic was born March 2nd, 1836, and for the five succeeding years, until February 4th, 1841, the last year of Lamar's administration, there was no law authorizing colonial contracts. But on the last named day a law was passed authorizing the President, under conditions set forth, to enter into contracts for the colonization of wild lands in Northwest and Southwest Texas. That act was amended January 1st, 1843.

President Lamar entered into a contract for what became known as Peters' colony, in North Texas, August 30th, 1841, which was altered November 20, 1841, and by President Houston, on the 26th of July, 1842, Houston having succeeded Lamar as President. Under this law, besides the Peters' colony, already granted, President Houston made grants to Henry F. Fisher and Burchard Miller, for what afterwards became known as the German colony, which did much to populate the beautiful mountain country drained by the Perdernales, Llano and San Saba rivers.

About the same time a grant was made to Chas. Fenton Mercer for settling immigrants in the territory now embraced in and adjoining Kaufman County. It was but partially successful and many of the settlers located elsewhere.

The contract with Fisher and Miller passed into the hands of what became known as the German immigration company, and covered the waters, in whole or in part, of the Perdenales, Llano, San Saba and the lower Conchos. From 1844, to and including 1848, they introduced a large number of valuable and industrious immigrants into that mountainous section, previously without a habitation and open to the inroads of the wild tribes, from which, till after the close of the civil war in 1865, they periodically suffered dire calamities, involving robberies, murders and captivities of their women and children. Landing at Indianola, as their permanent entrepot, they acquired a considerable tract of land on the Guadalupe, at the foot of the mountains, and founded the beautiful and afterwards flourishing town of New Braunfels, which became the base of their colonial operations. Some of the immigrants remained at Indianola and a few in Victoria, Gonzales and Seguin, and from time to time, quite a number settled in San Antonio, but a large number adhered to the colony proper, founding the towns of Fredericksburg, Boerne, Sisterdale, Comfort and other rural villages, and opening a large number of farms. Among them were a due proportion of professional

and educated men, supplemented by enterprising merchants, mill men and mechanics. Some noblemen were for a time interested in the enterprise, but did not long so continue, the annexation of Texas to the United States probably modifying their hopes of establishing institutions akin to those to which they had been accustomed. It was well, for it left in Texas an element suited to her condition, a brave, self-reliant, law-abiding and industrious yeomanry, the fruits of whose labors, after so many years of hardship and danger, are everywhere visible.

Peters' colony, on its east line, ran from the mouth of Big Mineral creek, in Grayson County, due south, passing about ten miles east of Dallas, to a point in the eastern part of Ellis county, and thence west and north to Red River, embracing a large district of the best lands in North Texas. Beginning in 1842, it was rapidly settled chiefly by farmers, from Missouri, Illinois, Indiana, Kentucky, Tennessee and other States. It has developed in the fifty intervening years, despite bloody Indian wars, the civil war and the calamities following, into the wealthiest and most populous portion of the State, in which are comprehended the whole or large parts of the counties of Grayson, Collin, Dallas, Ellis, Johnson, Tarrant, Denton, Cooke, Montague, Wise, Parker and several others on the west. In this colony every head of a family received a head-right of 640 acres and each single man 320 acres. The company received its pay in premium-lands lying further west.

On the 15th of January, 1842, Henry Castro entered into a contract with President Houston for settling a colony west of the Medina, to continue for five years, the eastern boundary being four miles west of the Medina and cutting him off from that beautiful stream; but he bought from private parties the lands on it and thereby made the Medina his eastern boundary. At the same time President Houston appointed Mr. Castro Texian Consul-General to France. He was an educated and accomplished Frenchman. Owing to the invasion

of Texas in 1842, and other obstacles, on the 25th of December, 1844, after he had brought over seven hundred immigrants, on seven different ships, chartered at his own cost, his contract was prolonged for three years from its original period of termination — a just and honorable concession by Texas to one of such approved zeal and energy.

An interesting volume could be written descriptive of the efforts of Mr. Castro to settle his colony, then exposed to the attacks of bandit and guerilla Mexicans but a little to its west, and to all the hostile Indians north and west of his proposed settlement. He hurried to France and, besides his official and personal affairs, did great service in aiding General James Hamilton, the Texian Minister, in popularizing the cause of Texas in France. He encountered great obstacles, as the French government was using immense efforts to encourage migration to its colony in Algiers ; but on the 13th of November, 1842, he dispatched the ship *Ebro*, from Harve, with 113 immigrants, for Texas. Soon afterwards the ships *Lyons*, from Harve, and the *Louis Philippe*, from Dunkirk, with immigrants, accompanied by the Abbe Menitrier, followed. These were followed from Antwerp on the 25th of October, 1843, by the ship, *Jeane Key*, and on May 4th by the *Jeanette Marie*. The seven ships named brought over seven hundred colonists. In all, in thirty-seven ships he introduced into Texas over five thousand immigrants, farmers, orchardists and vine-growers, chiefly from the Rhenish provinces, an excellent class of industrious, law-abiding people whose deeds “ do follow them ” in the beautiful gardens, fields and homes in Medina and the contiguous counties on the west.

On the 3d of September, 1844, after many delays, the heroic Castro, at the head of the first party to arrive on the ground, formally inaugurated his colony. A town was laid out on the west bank of the Medina, and by the unanimous vote of the colonists, named *Castroville*. It was a bold step. He confronted dangers unknown to the first American

colonists in 1822, for besides hostile savages, now accustomed to the use of fire-arms, it challenged inroads from the whole Rio Grande Mexican frontier, which, in 1822, furnished friends and not enemies to foreign settlements in Texas. It was doing what both Spanish and Mexican power had failed to do in 153 years (from 1692 to 1844) — since the first settlement at San Antonio. It was founding a permanent settlement of civilized, Christian men, between San Antonio and the Rio Grande, the settlements and towns on which, from Matamoras, Reynosa, Camargo, Mier, Guerrero, Laredo, Dolores, San Fernando, Santa Rosa, Presidio del Rio Grande, Presidio del Norte, bristled in hostility to Texas and its people. It was an achievement entitling the name of Henri de Castro to be enrolled among the most prominent pioneers of civilization in modern times. Yet the youth of to-day, joyously and peacefully galloping over the beautiful hills and valleys he rescued from savagery, are largely ignorant of his great services.

Colonel John C. Hays, Colonel George T. Howard, John James, the surveyor, and among others, John M. Odin, the first Catholic Bishop of Texas, visited Castroville and bade Godspeed to the new settlers from La Belle France and the Rhine. Bishop Odin laid and blessed the corner-stone of the first house dedicated to the worship of God — a service rendered before the settlers had completed respectable huts to shelter their families.

Mr. Castro, soon after inaugurating his colony, was compelled to revisit France. He delivered a parting farewell to his people. On the 25th of November, 1844, to the number of fifty-three heads-of-families they responded. Their address is before me. They say: "We take pleasure in acknowledging that since the first of September — the date at which we signed the process verbal of taking possession — you have treated us like a liberal and kind father. \* \* \* Our best

wishes accompany you on your voyage and we take this occasion to express to you our ardent desire to see you return soon among us, to continue to us your paternal protection." Signed by Leopold Mentrer, J. H. Burgeois, George Cupples, Jean Baptiste Lecompte, Joseph Weber, Michael Simon and forty-seven others.

The Indians sorely perplexed these exposed people. In the rear of one of their first immigrating parties, the Indians, forty miles below San Antonio, attacked and burnt a wagon. The driver, an American, rifle in hand, reached a thicket, and killed several of them; but they killed a boy of nineteen — a Frenchman — and cut off his head and nailed it to a tree. In the burnt wagon was a trunk containing a considerable amount of gold and silver. In the ashes the silver was found melted, the gold only blackened. This was one of the first parties following the advance settlers.

In this enterprise Henry Castro expended of his personal means over one hundred and fifty thousand dollars. He fed his colonists for a year — furnished them milch cows, farming implements, seeds, medicines and whatever they needed. He was a father, dispensing blessings hitherto unknown in the colonization of Texas. He was a learned, wise and humane man, unappreciated by many, because he was modest and in nowise self-assertive and his tastes were literary. He was a devoted friend of Presidents Lamar, Houston and Jones, all of whom were his friends and did all in their power, each during his term, to advance his great and patriotic idea of planting permanent civilization in Southwest Texas. He was a devout believer in the capacity of intelligent men for self-government, and abhorred despotism as illustrated in the kingly governments of Europe. He believed, with Jefferson, in the God-given right of every association of men, whether in commonwealth, nation or empire, to select their own officers, and, by chosen representatives, to make their own laws. Hence

he was, in every sense, a valuable accession to the infant Republic of Texas.<sup>1</sup>

<sup>1</sup> When war raged and our ports were closed, Mr. Castro sought to visit the land of his birth, and, to that end, reached Monterey in Mexico. There he sickened and died, and there, at the base of the Sierra Madre, his remains repose; but his memory has an abiding place in the bosom of every surviving Texian who had the good fortune to know him and his labors in the cause of civilization. He is ably, honorably and faithfully represented in the person of his enlightened and gifted son, Mr. Lorenzo Castro, of San Antonio.

## CHAPTER XXVII.

### THE SNIVELY EXPEDITION AGAINST THE SANTA FE TRADERS IN 1843.

The Snively expedition — Capt. Cooke, U. S. Army — Capt. Myers F. Jones — Joseph S. Pease of St. Louis.

The year 1843 was one of the gloomiest, at least during its first half, ever experienced in Texas. The perfidious and barbarous treatment given the Texian Santa Fe prisoners of 1841, after they had capitulated as prisoners of war, preceded by the treason of one of their number, William P. Lewis, had created throughout Texas a desire for retaliation. The expedition that surrendered to the overwhelming force of Armijo, the Governor of New Mexico, was both commercial and peaceful, but, of necessity, accompanied by a large armed escort to protect it against hostile Indians. The wisdom and the legality of the measure, authorized by President Lamar, on his own responsibility, were severely criticised by many; but Texas was a unit in indignation at the treacherous, dastardly and brutal treatment bestowed upon their brave and chivalrous citizens.

The Mexican raids of 1842, ending with the glorious but unsuccessful battle of Mier, intensified the desire for retaliatory action toward Mexico and especially toward New Mexico.

As a result of this feeling, on the 28th of January, 1843, Jacob Snively, who had held the staff rank of colonel in the Texian army, applied to the government for authority to raise men and proceed to the upper boundaries of Texas, and capture a rich train belonging to Armijo and other Santa Fe Mexicans. Permission was issued by George W. Hill, Secretary of War,

on the 16th of February, with provisos that half the spoils should go to the government and should only be taken in honorable warfare.

On the 24th of April, near the present town of Denison, the expedition, about 175 strong, was organized and Snively unanimously chosen as commander. A few others joined a day or two later, making a total of about 190. They followed the old Chihuahua trail west till assured of being west of the hundredth meridian, then bore north, passing along the western base of the Wichita mountains, and on the 27th of May encamped on the southwest bank of the Arkansas. This was said to be about forty miles below the Missouri-Santa Fe crossing, but was only eight or ten miles from the road on the opposite side of the river.

It was known before they started that a Mexican train of great value (for that day) would pass from Independence to Santa Fe, some time in the spring, and as the route for a long distance lay in Texas, it was considered legitimate prey.

They soon learned from some men from Bent's Fort that six hundred Mexican troops were waiting above to escort the caravan from the American boundary to Santa Fe. Snively kept out scouts and sought to recruit his horses. His scouts inspected the camp of the enemy and found their number as reported, about six hundred. On the 20th of June a portion of the command had a fight with a detachment of the Mexicans, killing seventeen and capturing eighty prisoners, including eighteen wounded, without losing a man, and securing a fine supply of horses, saddles and arms. Snively held the prisoners in a camp with good water. On the 24th three hundred Indians suddenly appeared; but seeing Snively's position and strength, professed friendship. There was no confidence, however, in their profession, excepting so far as induced by a fear to attack.

The long delay created great discontent and when scouts came in on the 28th and reported no discovery of the caravan,

a separation took place. Seventy of the men, selecting Captain Eli Chandler as their commander, started home on the 29th. Snively, furnishing his wounded prisoners with horses to ride and the others with a limited number of guns for defense against the Indians, and such provisions as he could spare, set the whole party at liberty. Whereupon he pitched another camp further up the river to await the caravan, perfectly confident that he was west of the hundredth meridian and (being on the southwest side of the Arkansas, the boundary line from that meridian to its source,) therefore in Texas. Subsequent surveys proved that he was right. By a captured Mexican he learned that the caravan was not far distant, escorted by one hundred and ninety-six United States dragoons, commanded by Captain Philip St. George Cooke. On June 30th they were discovered by the scouts and found to have also two pieces of artillery. Cooke soon appeared, crossed the river, despite the protest of Snively that he was on Texas soil, and planted his guns so as to rake the camp. He demanded unconditional surrender and there was no other alternative. Cooke allowed them to retain ten guns for the one hundred and seven men present, compelled to travel at least four hundred miles through a hostile Indian country, without a human habitation, but their situation was not so desperate as he intended, for a majority of the men, before it was too late, buried their rifles and double-barrel shot guns in the sand-mounds, and meekly surrendered to Cooke the short escopetas they had captured from the Mexicans. Cooke recrossed the river. He awakened to a partial realization of his harsh and unfeeling act, and sent a message to Snively that he would escort as many of his men as would accept the invitation, into Independence, Missouri. About forty-two of the men went, among whom were Captain Myers F. Jones, of Fayette County, his nephew, John Rice Jones, Jr., and others whose names cannot be recalled. With Cooke, on a health seeking trip, was Joseph S. Pease, a noted hardware merchant of St. Louis, who bitterly denounced

Cooke and defended the cause of the Texians on reaching St. Louis.

Colonel Snively hastily dispatched a courier advising Captain Chandler of these events and asking him to halt. He did so and on the 2d of July the two parties re-united. On the 4th the Indians stampeded sixty of their horses, but in the fight lost twelve warriors, while one Texian was killed and one wounded.

On the 6th scouts reported that the caravan had crossed the Arkansas. Some wanted to pursue and attack it — others opposed. Sniveley resigned on the 9th. Sixty-five men selected Charles A. Warfield as leader (not the Charles A. Warfield afterwards representative of Hunt County, and more recently of California, but another man of the same name who, it is believed, died before the civil war). Colonel Sniveley adhered to this party. They pursued the caravan till the 13th, when they found the Mexican escort to be too strong, abandoned the enterprise and started home. Warfield resigned and Snively was re-elected. On the 20th they were assaulted by a band of Indians but repulsed them, and after the usual privations of such a trip in midsummer, they arrived on the west fork of the Trinity (since known as Johnson's station), pending the efforts to negotiate a treaty at that place, as elsewhere set forth in this work. Chandler and party had already gotten in.<sup>1</sup>

When this news reached St. Louis, the press of the country went wild in bitter denunciation of the Texians as robbers and pirates. The *Republican*, alone of the St. Louis press, seemed willing to hear both sides. Captain Myers F. Jones and party published a short defensive card, supplemented by a friendly one from Mr. Joseph S. Pease. The author of this work had just returned and, happening to be in St. Louis,

<sup>1</sup> Among others in this expedition were Hugh F. Young, Hon. Stewart A. Miller and Robert A. Terrell, founder of the town of that name.

could not submit in silence, and published in the *Republican* a complete recapitulation of the outrages, robberies and murders committed in 1841 and 1842 by the Mexicans upon the people of Texas, and closed with a denunciation of the conduct of Captain Philip St. George Cooke.

The effect was salutary and caused a revulsion in the public mind, that resulted in Prentice, of the *Louisville Journal*, and other journalists, warmly espousing the cause of the Texians.

It should be added that Colonel Snively was an exceedingly conservative and honorable man, who afterwards died in Arizona, while a citizen of California.

## CHAPTER XXVIII.

President Houston's Secret Message to Congress, Washington, January 20th, 1844 — Annexation — New Colonial Enterprises.

January 20, 1844, President Houston sent a secret message to Congress in session at Washington on the Brazos, relative to annexation, from which the following is an extract.

“ Connected with our present condition, our foreign relations are becoming daily more and more interesting, and it seems to me that the representatives of the people should anticipate the events which may in all probability occur.

“ To suppose that both branches of the Honorable Congress were not aware of the important and absorbing questions which it is believed will agitate the Congress of the United States connected with the fate of this country, would be to doubt their intelligence. The Executive therefore relies upon the deliberative wisdom and decision of the representatives of the people to give him all the aid in their power to conduct the affairs of Texas to such an issue as will be promotive of its interests as a community and, at the same time, gratifying to the people. Heretofore he has carefully abstained, during his present administration, from the expression of any opinion in reference to the subject of annexation to the United States, and in submitting this communication, he does not think it becoming in him now to express any preference. It will be perceived by the Honorable Congress that if any effort were made on the part of this government to effect the object of annexation, which is so desirable, and it should fail in meeting responsive and corresponding action on the part of the United States, it might have a seriously prejudicial influence

upon the course which England and France might otherwise be disposed to take in our favor, and a failure on our part after a decided expression could not but be mortifying to us and to a great extent, diminish our claims to the confidence of other nations. It would create distrust on their part towards us, because the opponents of our interests would allege that there was no stability in our purposes and therefore unsafe in other nations to cultivate any intimate relations with us, or even to maintain those which now so fortunately exist. They might apprehend that, after the lapse of a few more years, Texas, having acquired increased importance from their friendly aid and good offices, would be induced again to the agitation of the same question in the United States, to apply for admission into the Union, and, that by possibility it might be effected. Hence the utmost caution and secrecy on our part as to the true motives of our policy should be carefully observed.

“ Were the interest now manifested both in the United States and Texas in relation to annexation to pass off without producing any material change in our national attitude, another object of but secondary importance might be achieved. It appears to the Executive that the relations which the United States bear to this country, and its important position in the Gulf, would not disincline them to a treaty of alliance with us, defensive, if not offensive. If nothing else were effected than a treaty for defense, it would secure to Texas a position that would bid defiance to our Mexican enemy. It would be as important to us, in fact, as the recognition of our independence by Mexico.

“ These measures seem to the judgment of the Executive to be vitally connected with the glory, the well-being, and the stability of the nation, and, had he under this conviction not communicated the same to Congress, he should have felt himself delinquent in the discharge of an important duty. If they are favorably received by the Honorable Congress, and their

effectuation desired, it may be necessary for this purpose, if circumstances daily arising should justify this course, to dispatch an additional agent to the government of the United States to co-operate with our agent now there; and, in that event, an appropriation of five thousand dollars would be requisite to meet the necessary expenses. This recommendation does not arise from any distrust of the ability and capacity of Mr. Van Zandt, our present charge d'affaires. His industry and capacity are evinced by his correspondence with this government; but the additional weight a coadjutor would give to our character at that court, and the multiplications of facilities for success by the aid which they could mutually render each other, from increased opportunities for intelligence and in collecting and comparing information, would doubtless be of the highest importance.

“ If the Honorable Congress should think well of these suggestions they will be aware of the propriety of *immediate action* upon the subject. The Congress of the United States has now been in session some time, and there can be but little doubt that, if they have not already done so, they will soon indicate their disposition and course of policy towards this country.

“ Believing, as the Executive did, at the commencement of the present session, that the subject of annexation was in the best position in which Texas could place it, he did not allude to it in his general message, apprehending that any public action taken, either by the Executive or the Congress, would only have a tendency to embarrass the subject. Action must now be taken by the United States, and we must now watch and meet their disposition towards us. If we evince too much anxiety, it will be regarded as importunity, and the voice of supplication seldom commands in such cases great respect.

“ The Executive hopes that these injunctions, under which this communication is made, may be so regarded by the Con-

gress, as to prevent the possibility of its publication, until the measures sought may be accomplished, or the negotiations terminated."

In response to this, James Pinkney Henderson was sent to the United States as minister to co-operate with Mr. Van Zandt.

#### THE EAST TEXAS FEUD.

In the early settlement of that portion of Eastern Texas now comprehended in the counties of Harrison, Panola and Shelby, there was until the year 1840, an undefined boundary between Texas and Louisiana.

The country involved a width of several miles, many claiming allegiance to the one country or the other as suited their personal wishes; the result was, most naturally, that it became a refuge for lawless men. While there was a fair per cent of reputable citizens in the country, there were also many who preferred to live by illicit means. Among other dishonest schemes practiced in the country were the forgery and sale of land certificates, the circulation of counterfeit money and other kindred crimes. In due time feuds arose, involving personal difficulties and violence. This led to the organization of a body of self-styled "Regulators," and this in turn led to a counter organization which assumed the designation of "Moderators." Affrays and murders became frequent, and early in 1844 armed bodies of men numbering from 150 to 200 each, stood in array against each other. President Houston realized that a crisis was upon the country. He issued a proclamation addressed to the malcontents, at the same time ordering General James Smith to raise a body of several hundred militia and proceed to the scene of the difficulties. This was speedily done and President Houston arrived on the scene about the same time. He called a convocation of the leading men on both sides and addressed them with great earnestness. He told them that the laws must and

should be enforced; that the taking of human life must be stopped, and peace be restored to the country. That all this he wished to accomplish without shedding a drop of the blood of his countrymen; but, in the last alternative, added, that these objects must be accomplished cost what they may. He appealed to the leaders on both sides to cast their arms aside and become peaceful citizens. His appeal had the desired effect. Both sides agreed to follow his advice and obey the laws. The President and militia returned to their homes.

Thus ended the so-called "*War of the Regulators and Moderators*." The best men of each party were elected to fill the various offices and to represent the country in the Texas Congress. It is but truth to state that there were many lawless men in that country, but they speedily disappeared, order was restored and the average population of that section for nearly half a century, has compared favorably with other portions of Texas.

#### NEGOTIATIONS.

Under the administration of John Quincy Adams, the United States proposed the purchase of Texas from Mexico. This was refused. The same was repeated two years later. It was a favorite project of Henry Clay. Other high dignitaries of the United States had never abandoned the claims to Texas as part of the purchase of Louisiana from France. Andrew Jackson was of the number, and, though from motives of policy, he refrained from the advocacy of annexation at the first, he watched the ebb and flow of the tide setting towards its accomplishment, with intense interest. The opposition to annexation was a whig policy and carried to a degree of acrimony that would have condemned the Texians as brigands and outlaws, who would sooner, or later scatter and leave the country in a worse condition than at the beginning. The question had many complications.<sup>1</sup> Great Britain

<sup>1</sup> Almonte, then Mexican minister to the United States, expressed the

opposed annexation, hoping through Texas to secure the earlier payment of her claims against Mexico — to increase monarchical territory on this side of the ocean; to add to her own commercial advantages through the Gulf of Mexico; and, it was suspected, to diminish slave territory. The communications between Great Britain and Texas were frequent and conducted with secrecy. It was only to be observed that the “*Seylla*,” a British vessel, made frequent trips between Vera Cruz and Galveston, and carried as a passenger a British Ambassador in the person of Captain Charles Elliot, of the British navy, whose mission could only be understood as bearing directly upon the question most nearly affecting the interests of Texas, and known in the United States to be prejudicial to annexation.

The labors of the ministers of Texas at Washington were confined chiefly to personal interviews with individual senators, and their views urged with caution, as no step must be taken that would be humiliating to Texas, or, by becoming public, would prejudice her (at least pleasant) relations with Great Britain.

On the 6th of July, 1843, the question of annexation was ordered suspended by the Texian government; at the same time the friends of the measure in the United States were urging it upon all occasions. It was declared to be the great measure of Tyler’s administration, and on the 18th of September, 1843, Mr. Van Zandt was advised to make this known to his government in order that her ministers might have power to treat with the United States at the proper time.

On the 16th of October, Mr. Upshur, having made a formal proposition for a treaty of annexation, Mr. Van Zandt transmitted the same to the government of Texas. Texas did

believe that Texas was so torn by dissensions her subjugation by Mexico would be easily accomplished.

not receive the proposition with the eagerness which had evidently been expected. Various considerations engaged the mind of the Executive. The Mier prisoners had not been released, and it was feared their lives would be imperiled. It would alienate Great Britain and France and, in the possible contingency of its rejection in the Senate, Texas would be left without a friend. The President was determined to act with extreme caution. It was known that a secret correspondence was conducted between President Houston and his ministers, and on the occasion of a special messenger being dispatched to the United States, of whose mission Congress had not been informed, in their indignation they passed a resolution demanding a return of the messenger until his errand should be made known to Congress. The President refused to comply, explaining the necessity of secrecy. He, however, consented for the Speaker and committee on foreign relations to call at the State department and inform themselves. It was a period of intense anxiety. The President was especially determined to hazard nothing like defeat and only responded favorably, after assurances from Andrew Jackson, that it would pass the Senate by a vote of thirty-nine senators (thirty-five being the requisite two-thirds), and from other sources that there could be no possible doubt of the bill passing the Senate. And in addition an armed force was pledged by the President of the United States for the protection of Texas against Mexico. It was urged by the sanguine friends of the measure that a treaty of annexation should be made immediately and signed before it was submitted to the Senate for ratification.

On the 5th of December, President Tyler in his message to Congress, after dismissing the idle threat of Mexico of war as the result of annexation, virtually declared in its favor.

On the 12th of April, 1844, a treaty of annexation was signed by Messrs. Van Zandt and Henderson on the part of Texas, and John C. Calhoun, successor of Mr. Upshur (who

was killed by the explosion of a gun on the steamer Princeton), and sent by Mr. Tyler to the Senate for ratification.

The annexation of Texas had become an exceedingly popular measure of the Democratic party in the United States, and not more so for general reasons than for jealousy of Great Britain and France, foreseeing what complications might ensue to her maritime commerce on the Gulf, with Great Britain as the "Protector" of Texas. An election for President of the United States was pending and Henry Clay (whig) was the popular candidate of his party. He had committed himself against annexation in an open letter on the 12th of April. The nominating convention for the whigs was held in Baltimore and on the first day of May Mr. Clay received the nomination. The question of annexation was discussed in the convention and the Texians were roughly handled. They were styled a nation of vagabonds, adventurers, cut-throats, etc., and not worthy to occupy a place among the States of the Union, and not a voice was raised in their defense. This greatly aroused the interests of the friends of annexation, and the nomination of the Democratic candidate was anticipated with anxiety. This convention met on the 27th of May, and Mr. Van Buren, the idol of his party, was the candidate for nomination. When the question of annexation was put to him he declared against it, and the strength of the friends of the measure was sufficient to cast Mr. Van Buren aside and put in nomination a candidate for President, James K. Polk of Tennessee, and for Vice-President George M. Dallas of Pennsylvania, both known to be in favor of annexation.

When the revival of the subject of annexation was made public — as it was by President Tyler's message to Congress — Mr. Elliot, the British envoy, expressed the greatest surprise and demanded an explanation of Texas. This was given in the facts that the "armistice" was a failure — the terms not having been kept by Mexico — in releasing the Mier

prisoners — and, as the British minister to that country had retired, Texas had no authorized medium of communication with Mexico, and Great Britain had furnished Texas no protection against an invasion, of which Texas stood in pressing need, as Mexico had, in her indignation, declared the cessation of hostilities at an end, and that an invading army would be marched, without unnecessary delay, for the complete subjugation of the country. The re-opening of the question, moreover, had not been of her seeking, but the overtures had come from the United States, and had only been cautiously met.

Provoked by the continued discourtesy in Santa Anna's unofficial communications to the "Texas people," President Houston addressed him the following letter :

EXECUTIVE DEPARTMENT, WASHINGTON, }  
July 29, 1844. }

*To His Excellency, General Antonio Lopez de Santa Anna,  
President of the Republic of Mexico:*

It appears by a letter received from General Adrian Woll, under date of the 19th ultimo, that you have entertained a desire to communicate with this government. I regret, however, extremely, that in so doing, you should have indulged in a departure from the courtesy which ordinarily obtains in the correspondence between civilized States of the present age. There are certain designated and universally acknowledged channels of intercourse between nations, such as the Department of State, or Foreign Affairs.

Through your subaltern, General Woll, you have, in the communication to which I allude, addressed no government, or functionary of any government. It is, however, addressed to Texians, but in language which even common courtesy does not sanction.

For the information of your Excellency, I will suggest, that the commissioners sent out by this government for the

purpose of regulating the conditions of an armistice between the two countries was authorized by the President of Texas, and as such must have been communicated to your Excellency; otherwise they could not have been received in their official capacity. Their credentials alone entitled them to the recognition of yourself and officers.

The Texian commissioners had special and prescribed powers delegated to them, and all their acts were subject to the review, and rejection or approval of the Executive. Without approval, they could acquire no validity. The designation of Texas as a department of the Mexican confederacy, *so called*, was highly obnoxious to the President, and, consequently, the conduct of the commissioners was at once disapproved. For this, you are now, sir, pleased to express, through your subaltern, your indignation at the perfidious conduct of the people of Texas.

I regret much that you have given this complexion to the affairs of the two countries. When men, by chance or Providence, have been elevated to the rule of nations, and entrusted with the best interests of the people, it must be considered a great misfortune if they entail upon them calamities which their duties as philanthropists should teach them to avert.

When belligerents, even in the most angry excitement of feeling, are arrayed against each other, it is but proper that their chieftains should preserve towards each other a comity which might render them approachable, and thereby avert great human suffering and the effusion of human blood. When war rages, all ranks and conditions are subject to its agitations and calamities. Texas has already endured the extremest agony, and will endeavor to profit by her experience. Against her, you have again denounced war. We will await the event. Eight years ago you were a suppliant; obtained your liberation without ransom, and acknowledged the government of Texas. If Texas existed then as a nation, her

recognition since then by other powers, and increased commercial relations would, well excuse your recognition now of her sovereignty. But, sir, you speak of your resources and power. They were defied and triumphed over in 1836, and if you invade Texas in 1844, you will find neither her powers nor the success of her arms less complete.

I desire to know for what reason you have charged the authorities of Texas with perfidy. Have they given to Mexico any pledge they have not redeemed? They have liberated her chiefs and soldiers taken on the field of battle, without obligations so to do. But they are of a race which permit neither their word nor their honor to be falsified. How has it been with Mexico? The capitulation of Fannin was disregarded, and hundreds massacred in cold blood. You indeed denied a cognizance of this fact; declared that you were implicated by the falsehood of General Urrea, and that if you returned to your country and came into power, you would execute him for his duplicity. Have you done it? You have power but to what purpose? Of the inoffensive traders who visited Santa Fe, and capitulated to your officers, what was the treatment? They were slaughtered by the wayside, when unable to march, and their ears cut off; evidence, indeed, of barbarity not heard of among nations pretending to be civilized, since the ninth century of the Christian era.

Again, at the surrender of Mier, your officers pledged to the men the protection due to prisoners of war, in fulfillment of which, they were soon after barbarously decimated and the remainder ever since held in chains and prison. They were also to be returned to their homes immediately after their submission; but every pledge given them has been violated. Is this good faith? You pledged yourself also, solemnly, through H. B. M. ministers, to release the Texian prisoners in Mexico, if those of Mexico remaining in Texas should be set at liberty, which was done on the part of this government, by public proclamation, and safe conduct offered to them to

return to their country. Have you performed your part of the agreement or your duty? Are they free? Will all this justify you in charging, through General Woll, either the government or citizens of Texas with perfidy, or its Executive with double-dealing in diplomacy?

I regret, sir, extremely, that it has been my duty thus to advert to circumstances which must be as disagreeable to you as to myself. But you have invoked it.

You have denounced war, and intend to prosecute it. Do it presently. We will abide the result. Present yourself with a force that indicates a desire of conquest, and with all the appendages of your power, I may respect your effort. But the marauding incursions which have heretofore characterized your molestation, will only deserve the contempt of honorable minds.

I have the honor, etc. etc.,

SAM HOUSTON.

The 104 remaining Mier prisoners were released on the 16th of September, 1844, by order of Santa Anna, as has been stated, in remembrance of a dying request of his wife.

The result of the nominations at Baltimore was looked for with intense interest. Mr. Van Buren's adherents did not surrender quietly and the friends of Mr. Clay exerted all their energies for his election and the defeat of Mr. Polk. The questions at issue became "the re-occupation of Oregon and the re-annexation of Texas." "Polk, Dallas, Oregon and Texas," was the party cry of the Democrats. Polk and Dallas were elected. On the 8th of June the treaty of annexation was voted on in the Senate and rejected by a vote of sixteen to thirty-five. Lightning did not then carry evil as well as good tidings but the people of Texas soon heard this unwelcome news with inexpressible mortification and chagrin, and Mexico heard it with corresponding elation and renewed threats. Texas was left without a friendly ally, Great Britain and

France having previously united in a protest against annexation.

President Houston was assured by letters from the United States that annexation at some period, not remote, was inevitable, and Texas was advised to keep herself in an attitude of preparation so that whenever the time arrived there would be no new obstacles in the way.

In reply he said: "Texas is free from all involvements and pledges; and her future course, I trust, will be marked by a proper regard for her true interests. My decided opinion is that she should maintain her present position, and act aside from every consideration but that of her own nationality.

"It is now the duty of the United States to make an advance that shall not be equivocal in its character; and when she opens the door, and removes all impediments, it might be well for Texas to accept the invitation."

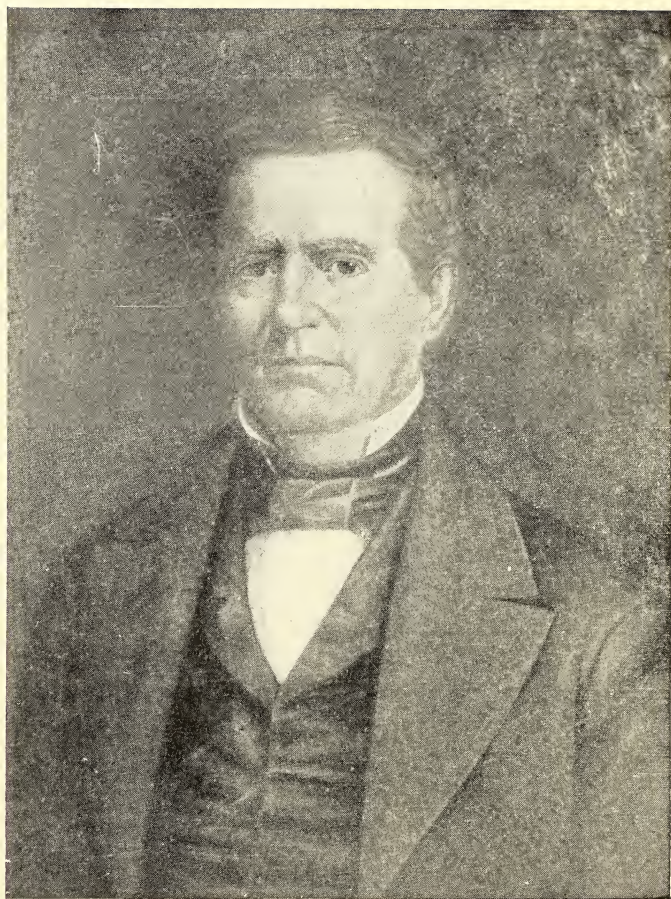
Regret for the failure of annexation was not universal in Texas, and the number of those opposed to that policy was now greatly increased. The threats of Mexico created no alarm, it being evident that her domestic affairs would demand all her attention and resources, and the young republic "girded up her loins" for a successful struggle, in which wounded pride was a powerful agent.

Great Britain and France, regarding the United States as an ally, renewed their efforts to obtain the recognition of Texian independence by Mexico.

The Texian ministers were recalled from Washington, and there were no recognized official relations between the two countries (except Mr. Van Zandt remained as Secretary of Legation).

General Houston's term expired and he was succeeded by Anson Jones as President, on the 9th of December, 1844. The ninth Texian Congress; in session at the time of Jones' inauguration, adjourned on the 3d of February, 1845. Neither the President nor Congress took any action on the subject of





ANSON JONES  
*President*  
1844

annexation, determined to await the action of the United States Congress on the subject. At this time General Herrera, a wise and liberal Mexican, became President of Mexico. He released Jose Antonio Navarro — a Santa Fe prisoner who had been kept in confinement in the prison of San Juan de Ulloa. The Mexican Congress authorized him to conclude a peace and acknowledge the independence of Texas, on the condition that she should not afterwards be annexed to the United States. This was brought about by British and French diplomacy. On the 19th of May, 1845, preliminary articles were signed on the part of the Mexican government. They were transmitted to Captain Elliot, British charge d'affaires, in Texas, and by him submitted to the Texian government on the 2d day of June.

On the 25th of February, 1845, the United States House of Representatives passed the joint resolution providing for the annexation of Texas to that country, by a vote of one hundred and twenty to ninety-eight. They passed the Senate on the first of March by a vote of 27 to 25. On the same day, President John Tyler affixed his signature to them.

The resolutions were received from Washington, District Columbia, by President Jones and, to carry them into effect, on the 15th of May, he called a convention of sixty-one delegates to meet at Austin on the 4th of July and speak the voice of Texas on the main issue. In pursuance of a provision of the resolutions, he called an extra session of the ninth Congress to meet in Washington, Texas, on the 16th of June, in order to give or withhold the consent of the existing Government to the proposed union. That body, on the 23d of June, 1845, gave its consent to the joint resolutions of the American Congress and also to the convention as called by President Jones.

On the 4th of June, — two days after receiving the proposed treaty from Mexico — President Jones issued a proclamation to the people, setting forth the fact that the people

now had the choice of remaining an independent Republic — her independence acknowledged by Mexico — or of becoming a State of the American Union.

The convention assembled at Austin on the 4th of July and adjourned on the 27th of August, after ratifying the terms of annexation and forming a constitution for the proposed State, which was duly ratified by a vote of the people, and thus fell, without action, the overtures from Mexico.<sup>1</sup>

#### <sup>1</sup> THE TREATY.

COMMITTEE ROOM, July 4th, 1845.

*Hon. Thomas J. Rusk, President of the Convention:*

The committee to whom was committed the communication of his Excellency, the President of the Republic, together with the accompanying documents, have had the same under consideration and have instructed me to report the following Ordinance, and recommend its adoption by the convention.

ABNER S. LIPSCOMB, *Chairman.*

#### AN ORDINANCE.

*Whereas*, The Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the 1st day of March, 1845, and

*Whereas*, The President of the United States has submitted to Texas the first and second sections of the said resolutions as the basis upon which Texas may be admitted as one of the States of said Union, and

*Whereas*, The existing Government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows:

#### JOINT RESOLUTIONS FOR ANNEXING TEXAS TO THE UNITED STATES.

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled:*

That Congress doth consent that the Territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a Republican form of government, adopted by the people of said Republic, by deputies in convention assembled, with consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further Resolved*, That the foregoing consent of Congress is given upon the following conditions, to-wit: First, said State to be formed, subject to the adjustment by this Government of all questions of boundary

This convention of 1845 was a remarkable body of men, embracing an unusual number of men distinguished for talent, experience in official life and patriotic devotion to country. General Thomas J. Rusk was unanimously chosen to preside, and James H. Raymond as Secretary. The other members were John D. Anderson, James Armstrong, Cavitt Armstrong,

that may arise with other Governments — and the constitution thereof with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States to be laid before Congress for its final action, on or before the first day of January, 1846: Second, said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, forts and harbors, navy and navy-yards, docks, magazines and armaments, and all other means pertaining to the public defense, belonging to the said Republic, shall retain all the public funds, debts, taxes and dues of every kind which may belong to or be due and owing to the said Republic, and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third, new States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal constitution; and such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes, north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery, or involuntary servitude (except for crime), shall be prohibited."

Now in order to manifest the assent of the people of the Republic, as is required in the above recited portions of said resolution, we, the deputies of the people of Texas in convention assembled, in their name and by their authority, do ordain and declare that we assent to, and accept the proposals, conditions and guarantees contained in the first and second sections of the Resolutions of the Congress of the United States aforesaid.

Adopted by a vote of fifty-six to one, July 4th, 1845, in the tenth year of the Republic.

THOS. J. RUSK, *President.*

JAMES H. RAYMOND, *Secretary.*

Robert E. B. Baylor, Isaac W. Brashear, George Wm. Brown, J. M. Burroughs, John Caldwell, Wm. L. Cazneau, Edward Clark, Abel S. Cunningham, Philip M. Cuney, Nicholas H. Darnell, Lemuel D. Evans, Gustavus A. Evarts, Robert M. Forbes, David Gage, John Hemphill, James Pinkney Henderson, A. W. O. Hicks, Albert C. Horton, Spearman Holland, Volney E. Howard, Wm. L. Hunter, Van R. Irion, Henry J. Jewett, Henry L. Kinney, Albert H. Latimer, Henry R. Latimer, John M. Lewis, James Love, Stephen O. Lumpkin, — Lusk, Abner S. Lipscomb, James S. Mayfield, Andrew McGowan, John G. McNeel, John F. Miller, Francis Moore, Jr., Jose Antonio Navarro, Isaac Parker, James Power, Emory Rains, Hiram G. Runnels, James Scott, George W. Smyth, Isaac Standefer, Wm. M. Taylor, Isaac Van Zandt, Francis M. White, George T. Wood, George W. Wright, Wm. C. Young, and Richard Bache. Richard Bache, a grandson of Benjamin Franklin and delegate from Galveston, was the only man who voted against annexation.

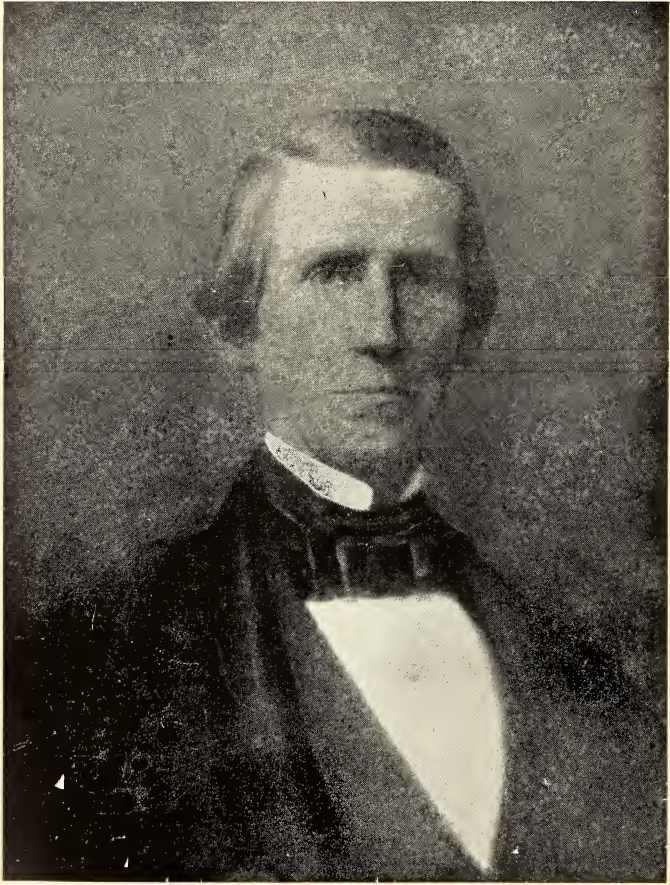
The constitution was ratified with great unanimity on the 10th of October, 1845.

On the 22d of December, President Polk approved a bill extending the laws of the United States over Texas, which, however, excepting the laws relating to impost duties, did not take effect, until the final organization of the State government on the 19th of February, 1846.

Under the new constitution an election was held on the third Monday of December, 1845, for Governor, Lieutenant-Governor and members of the legislature. James Pinkney Henderson was elected Governor by a large majority over Dr. James B. Miller, and Albert C. Horton, Lieutenant-Governor only by one hundred and twenty majority over Nicholas H. Darnell.<sup>1</sup>

<sup>1</sup> The legislature assembled in joint session to count the votes for Governor and Lieutenant-Governor. General Henderson was declared to be the Governor-elect, and Nicholas H. Darnell, by a small majority, was declared





J. PINCKNEY HENDERSON  
*Governor*  
1846

The constitution had been sent to Washington City through Nicholas H. Darnell, especially deputed by the convention for that purpose.

The new constitution was formally accepted by the Congress of the United States and approved by President Polk on the 29th of December, 1845.

Under a proclamation of President Jones, the new, and first, legislature of the State assembled at Austin on the 16th of February, 1846. The senate organized by the election of Jesse Grimes as President pro tem. In the House of Representatives, Wm. E. Crump was elected Speaker.

Both houses having completed their organization, assembled in joint session to witness the closing scenes in the drama of annexation.

It was a scene witnessed by many persons from all parts of Texas, over which the banner of the lone star floated for the last time. President Jones delivered his valedictory address, from which brief extracts follow. He said:

“ The great measure of annexation, so earnestly discussed, is happily consummated. The present occasion, so full of interest to us and to all the people of this country, is an earnest of that consummation; and I am happy to greet you, their chosen representatives, and to tender you my cordial congratulations on an event the most extraordinary in the annals of the world; one which marks a bright triumph in the history of republican institutions. A government is changed both in its officers and in its organization — not by violence and disorder, but by the deliberate and free consent of its citizens; and amid perfect and universal peace and

to be Lieutenant-Governor elect; but before the inauguration next day the returns from a missing county arrived, changing the result, electing Albert C. Horton by one hundred and twenty majority. Though urged by indiscreet friends to claim the office under the count and declared result, Colonel Darnell indignantly refused, and demanded the inauguration of Horton, the choice of the people.

tranquillity, the sovereignty of the nation is surrendered, and incorporated with that of another. \* \* \*

“The lone star of Texas, which ten years since arose amid clouds over fields of carnage, and obscurely seen for a while, has culminated, and followed an inscrutable destiny; has passed on and become fixed forever in that glorious constellation which all freemen and lovers of freedom in the world must reverence and adore — the American Union. Blending its rays with its sister States, long may it continue to shine, and may generous Heaven smile upon the consummation of the wishes of the two Republics now joined in one. May the Union be perpetual, and may it be the means of conferring benefits and blessings upon the people of all the States, is my ardent prayer.

“The first act in the great drama is now performed. *The Republic of Texas is no more.*”

General Henderson then delivered his inaugural address. It was elegant in diction and breathed the spirit of fervent patriotism. He ably pointed out the work before them, involving the change of laws to suit the altered condition of the country; a vast labor demanding thoughtful and patient care.

Texas received many congratulations, none more fervid and sincere than from ex-President Andrew Jackson. He appreciated the value of the addition of Texas to the Union and congratulated the United States as well, always regarding the act as the “re-annexation of Texas.” He said: “I now behold the great American eagle, with her stars and stripes, hovering over the lone star of Texas, with cheering voice welcoming it into our glorious Union, and proclaiming to Mexico and all foreign governments, ‘You must not attempt to tread upon Texas’ — that the United stars and stripes now defend her.” Glorious result. He gave good advice as to the protection of the political morals, and of the labor of the country and in favor of the specie currency, “which,” he said, “gives

life and action to the producing classes on which the prosperity of all is founded.”

At the State election two members were elected to the United States Congress. The State was then entitled to two Congressmen, the territory west of the Trinity constituting one district and the country east of that stream the other. The eastern district elected David S. Kaufman, a graduate from Cumberland College, Pennsylvania, a lawyer and an orator, who identified himself with Texas in 1835. He served in the Texian Congress from 1838 to 1840; was twice Speaker of the House of Representatives, and was severely wounded in the Cherokee battle of July, 1839. He was re-elected to the United States Congress till his death (caused remotely by a wound received some years before), December 31, 1851.

The western district elected as its first representative in the American Congress, Timothy Pillsbury, a retired sea-captain from the State of Maine, who had served in the Texian Congress from Brazoria. He, too, was re-elected two years later.

The legislature, among its first acts, elected two senators to the Congress of the United States. General Thomas J. Rusk received the unanimous vote of each house and General Sam Houston was elected by a vote almost equally unanimous, only three negative votes being cast.

President Anson Jones labored with unceasing zeal for the accomplishment of annexation. His action in this matter was peculiarly unselfish, as he thereby shortened the term of his official life.

The election of Gen. Thomas J. Rusk, and the hero of San Jacinto, Gen. Sam Houston, to the United States Senate was a fitting recognition of their distinguished services and high abilities.

The spirit of justice, in view of much that has been written derogatory of General Houston, regarding the events of 1836, including the battle of San Jacinto; the Santa Fe expedition,

the question of our foreign relations and annexation to the United States, demands and challenges just and enlightened freemen to pause and consider the facts. If, at the end of this period, the whole people arose in their majesty, well knowing all the facts, and almost unanimously declared for Houston as one of their first representatives in the Senate of the United States, is it not time that the people of Texas, more than half a century later, should ignore the utterances of men, however respectable, who differed with him in his plan of conducting the campaign of 1836, and the grave issues following. The world is subject to the temporary influence of those who play upon the passions of the hour. But it is also subject to what is popularly designated as the sober second and generally right, thought. This thought was expressed by the election of General Houston to the Senate when he was in private life and three hundred miles from the scene of action and, by enlightened minds, will be accepted as final so far as antecedent Texian history is concerned. The abuse, in years gone by, heaped upon Bowie, Houston, Burnet, Lamar and others, aside from the personal recriminations between some of them, have long since ceased to disturb the reflective judgment of wise and just men. Each has come to be judged by his real and true character as a man and a patriot. And so it should be.

When the final act was performed, when Texas, the offshoot of a neglected Mexican province, ceased to be an independent Republic and became a State of the North American Union, the fathers and mothers of the country rejoicing with moistened eyes, did not forget their dead; the men who had founded, built up and (many of them) died for their country. They established in their hearts the memory of Moses and Stephen F. Austin; of Green De Witt, Sterling C. Robertson and Martin De Leon; of Benjamin R. Milam, William Barrett Travis, Placido Venibedes, David Crockett, Albert Martin, James Bowie, William H. and John A. Whar-

ton, James Butler Bonham, William H. and Patrick C. Jack, James W. Fannin, William Ward, Peter W. Grayson, James Collinsworth, Robert C. Wallace, William Motley, Lorenzo de Zavala, Henry W. Karnes and many of their compeers. But they cherished no less in grateful remembrance, the services and virtues of Henry Smith, Sam Houston, David G. Burnet, Mirabeau B. Lamar, Thomas J. Rusk, Anson Jones, Jose Antonio Navarro, Edward Burleson, Albert C. Horton, Edwin Waller, Sidney Sherman, Albert Sidney Johnston, Branch T. Archer, John Forbes, Charles S. Taylor, James Power, John McMullen, Patrick McGloin, Alexander Horton, Adolphus Sterne, Wm. Hardin and brothers, Robert M. Williamson, John Hemphill, Abner S. Lipscomb, James Pinkney Henderson, Samuel M. Williams, Michel B. Menard, Francis Moore, Jr., Thomas F. McKinney, Colin McKinney, Wm. Menefee, Jesse Grimes, Chas. B. Stewart, Frost Thorn, John H. Moore, John Caldwell, Edward H. Tarrant, Wm. G. Cooke, Peter H. Bell, David S. Kaufman, Isaac Van Zandt, James Hamilton, Barnard E. Bee, Ashbel Smith, Edward T. Branch, Robert E. B. Baylor, and a host of others, yet spared to them, — each in his sphere of action had shed lustre on the country.

#### A BRIEF RECAPITULATION.

Anglo-Americanism had its birth in Texas in the year 1822. For four years it was a feeble province of Mexico, with but a handful of Mexicans at Nacogdoches, Goliad and San Antonio, supplemented by a few obscure and ephemeral settlements at remote points elsewhere. For ten years — 1825 to 1835 — it was fastened as an unwilling appendage to Coahuila, under the designation as a Mexican State of Coahuila and Texas. For the succeeding ten years, save a few months succeeding the final victory of its arms, it was known and recognized by the most enlightened nations as the Republic of Texas; and then

became a State of the American Union. Prior to the introduction of Americans in Texas, the country from about 1692 to 1822, had remained, with the slight exceptions mentioned, a primeval wilderness, dominated by roving bands of savages, unacquainted with the modern blessings of civilized life. A country without roads, navigable streams or secure harbors, with no human habitation along its four hundred miles of sea coast; no government to shield it from the innumerable petty tribes of freebooters; indeed with no allurements save its fine climates, grand forests, fertile plains, lovely valleys, and picturesque hills and mountains; with no means of immigration excepting by sail boats on the gulf, or carts, or wagons, often cutting their own pathway through the wilderness for hundreds of miles, crossing streams and swamps. With all these and other potent facts, it is not strange that the growth of Americanism in Texas, from 1822 to the revolution in 1835, was slow, demanding from women and men the highest order of patience, fortitude, patriotism and those moral virtues, without which no sparse wilderness population, so exposed, can so assimilate in the bonds of fellowship and mutual good faith, as to assure progress and happiness. Under such surroundings, though slow, the actual progress through these thirteen years challenges admiration.

During the ten years' life of the Republic six hundred miles of our border was ever open to attacks from Mexico, and countless raids and forays were made. In nearly all that time, for seven hundred miles, from Clarksville on Red River, to San Patricio and Corpus Christi, the frontiers were opened to scenes of savage plunder, murder and the captivity of women and children. Yet how much was achieved despite these untoward conditions!

Population quadrupled, towns were built, roads opened, justice, regulated by law, administered, education to the utmost extent possible, fostered, freedom of conscience guaranteed and religion encouraged, the hostile savages and Mexican

brigands often punished, the recognition and friendship of the United States, Great Britain, France, Holland and Belgium, with liberal commercial treaties, secured, our rights maintained by a gallant little navy on the high seas, our flag, the "Lone Star of Texas," everywhere respected, our ambassadors to foreign courts received with the amenities due to the most favored nations, our revolutionary debt, an extraordinary and perhaps unprecedented fact in the history of revolutionary States, guaranteed and fully provided for, our Executive, legislative and judicial departments respected at home and abroad, and finally our warriors, living and dead, were enrolled among the patriots and heroes of the world — enrolled with those who fell at Thermopylæ and triumphed at Salamis and Marathon. Truly a glorious record and one that entitled Texas to an equal station in the Union.

## CHAPTER XXIX.

### The New State — The Homestead, etc.

By statutory provisions, under the Republic, certain personal property and, to each head of a family fifty acres of land, were exempted from forced sale for debt, but under the new constitution this beneficence was greatly extended. In the country it exempted as a homestead, not exceeding two hundred acres of land; in town a lot or lots in value not exceeding two thousand dollars. Texas was the first country in the civilized world to thus shield the family from the misfortunes of life, but her example has since been followed, in greater or less degree, by many States of the Union. But one other safeguard was wanting to give entire efficiency to this constitutional shield thrown around the family altar and that, after thirty years, experience, was supplied by the present constitution, which went into effect April 18th, 1876. It is a clause which prohibits the hypothecation, pledge or mortgage or incumbrance by deed of trust, whether by the husband, wife, or both, of the homestead, excepting for the purchase money therefor. The husband and wife may sell it to acquire a homestead elsewhere, but shall not incumber it with mortgages or deeds of trusts by which, in a large majority of cases, the wife and children (as shown by experience) will be deprived of their home. Nearly half a century has endeared the homestead exemption to the people of the State and nothing less than revolution can cause its abandonment.

The constitution of 1845 (as does that of 1876) also banished forever that relic of mediæval barbarism, accursed by the sorrows of centuries — *imprisonment for debt*.

The first State legislature, an able and discreet body of men, had herculean labors to perform in reforming and adjusting the laws to the new condition of affairs. Under an unfortunate inhibition in the constitution of the Republic, and notwithstanding a large increase and consequent expansion of population, the Congress for several years could create no additional county, causing great inconvenience and serious burdens to the people, caused by remote distances from their respective county sites. This was remedied by the creation of thirty-two new counties, on some of which, in recognition of their friendship for Texas, were bestowed the names of Presidents Tyler and Polk and members of their cabinets. The new counties were: Anderson, Angelina, Burleson, Comal, Collin, Calhoun (Tyler's cabinet), Cass, Cherokee, De Witt, Dallas (Vice-President under Polk), Denton, Guadalupe, Grayson, Grimes, Hopkins, Hunt, Henderson, Leon, Lavaca, Limestone, Nueces, Newton, Navarro, Polk (president), Panola, Smith, Tyler (president), Titus, Upshur (with Gilmer as county seat — both of Tyler's cabinet), Wharton and Walker (Robert J. Walker of Polk's cabinet).

The laws during this session were wisely adjusted to the altered condition of affairs and new ones enacted to meet new conditions.

Governor Henderson nominated and the Senate confirmed the following appointments:

David G. Burnet, Secretary of State; John Hemphill, Chief Justice, and Abner S. Lipscomb and Royall T. Wheeler, Justices of the Supreme Court; John W. Harris, Attorney-General.

The legislature elected James B. Shaw as Comptroller and James H. Raymond as Treasurer. By subsequent elections by the people, both held their positions for twelve years.

The first district judges nominated by Governor Henderson and confirmed by the Senate were: William E. Jones of Gon-

zales, R. E. B. Baylor, M. P. Norton, Anthony B. Shelby and John T. Mills.

### THE MEXICAN WAR.

Pending the action of Texas on the United States proposition for annexation, in August, 1845, under orders from President Polk, General Zachary Taylor, of the United States army, coming by the gulf from New Orleans, encamped at Corpus Christi, Texas, in command of about three thousand men. Mexico, as was anticipated, protested against it. Events succeeded each other without any grave incident until the treaty of annexation was perfected by the action of Texas and her complete habilitation as a State of the Union. Then, in March, 1846, under orders from Washington, General Taylor took up the line of march for the east bank of the Rio Grande, in the vicinity of Matamoros. The United States, under a statutory declaration by the first Congress of Texas, in December, 1836, regarded the Rio Grande as a boundary between the two countries. On reaching the tide water stream known as the Sal Colorado, some thirty miles east of his destination, General Taylor found a detachment of Mexican troops on its west bank, and the commander of the detachment formally protested against his crossing that stream. He disregarded such admonition and proceeded, the protesting party retiring without further action. General Taylor reached the river and at once began the erection of fortifications, soon afterwards and ever since known as Fort Brown.

News of these movements and the defiant threats of the Mexican authorities were borne upon the winds through Texas and created intense excitement and eagerness to participate in the impending contest. At Austin, on the 9th of May, the legislature, after an explanatory preamble, passed the following resolution:

“*Resolved*, That James Pinkney Henderson, Governor of

the State, have leave and authority, under this resolution, to take command in person of all troops raised (in this State) and mustered into service by order of the general government, according to the constitution and laws of the United States.

Approved May 9th, 1846."

On the 4th of March, Paredes, the Mexican President, ordered General Mariano Arista, commanding in northern Mexico, to attack the army of the United States. Arista lost no time in preparations and by the first of May acts of hostility occurred. Several skirmishes took place, in one of which Captain Thornton, with a squadron of cavalry, was captured. In another Lieutenant Porter of the fourth infantry, was killed, and Captain Samuel H. Walker, of the Texas Rangers, narrowly escaped. The Mexicans opened a bombardment on Fort Brown, on the 4th of May. On the 6th, the commander, Major Jacob Brown, was killed. He was succeeded in the command by Major Hawkins, who made a gallant and successful defense. About the same time Arista crossed his army on to the Texas side, with the evident design of capturing Point Isabel, with all its army supplies. General Taylor had lost no time in marching to its relief. After reaching Point Isabel and providing security for his stores, he began his return march for Fort Brown. On the 8th at Palo Alto, was fought the first battle of the war. On the morning of the 9th, General Taylor reported to the government at Washington as follows: "I have the honor to report that I was met near this place yesterday on my march from Point Isabel, by the Mexican forces and in an action of about five hours dislodged them from their position and encamped upon the field. Our artillery, consisting of two eighteen-pounders and two light batteries, was the arm chiefly engaged, and to the excellent manner in which it was manœuvered and served, is our success mainly due.

"The strength of the enemy is believed to be about six thousand men, with seven pieces of artillery and eight hun-

dred cavalry. His loss is probaby at least one hundred killed. Our strength did not exceed, all told, twenty-three hundred, while our loss was comparatively trifling — four men killed, three officers and thirty-seven men wounded, several mortally. I regret to say that Major Ringold, 2nd artillery, and Captain Page, 4th infantry, are severely wounded, Lieutenant Luther, slightly so. [Both Major Ringold and Captain Page died of their wounds.]

“The enemy has fallen back and, it is believed [erroneously, however], has repassed the river. I have advanced parties now thrown forward in his direction and shall move the main body immediately.”

General Taylor's next report is dated at camp Resaca de la Palma, three miles from Matamoros, 10 p. m. May 9th, 1846, in which he says:

“I have the honor to report, that I marched with the main body of the army at two o'clock to-day, having previously thrown forward a body of light infantry into the forest which covers the Matamoros road. When near the spot where I am now encamped, my advance discovered that a ravine crossing the road had been occupied by the enemy with artillery. I immediately ordered a battery of field artillery to sweep the position, flanking and sustaining it by the third, fourth and fifth regiments deployed as skirmishers to the right and left. A heavy fire of artillery and of musketry was kept up for some time, until finally the enemy's batteries were carried in succession by a squadron of dragoons (Captain Charley May) and the regiments of infantry that were on the ground. He was soon driven from his position, and pursued by a squadron of dragoons, battalion of artillery, third infantry, and a light battery to the river. Our victory has been complete. Eight pieces of artillery, with a great quantity of ammunition, three standards and some one hundred prisoners have been taken, among the latter General Romulo de la Vega and several other

officers. One general is understood to have been killed. The enemy has recrossed the river, and I am sure will not again molest us on this bank.

“The loss of the enemy in killed has been most severe. Our own loss has been very heavy, and I deeply regret to report that Lieutenant Inge, 2nd dragoons, Lieutenant Cochrane, 4th infantry, and Lieutenant Chadbourne, 8th infantry, were killed on the field. Lieutenant Col. Payne, 4th artillery, Lieutenant Colonel McIntosh, Lieutenant Dobbins, 3rd infantry, Captain Howe and Lieutenant Fowler, 5th infantry, and Captain Montgomery, Lieutenants Gates, Selden, McClay, Burbank, and Jordan, 8th infantry, were wounded. \* \* \*

“The affair of to-day may be regarded as a proper supplement to the cannonade of yesterday; and the two taken together, exhibit the coolness and gallantry of our men, in the most favorable light. All have done their duty and done it nobly. \* \* \*

“It affords me peculiar pleasure to report, that the field work opposite Matamoros (Fort Brown), has sustained itself handsomely during a cannonade and bombardment of one hundred and sixty hours. But the pleasure is alloyed with profound regret, at the loss of its heroic and indomitable commander, Major Brown, who died to-day from the effects of a shell. His loss would be a severe one to the service at any time but to the army under my orders it is indeed irreparable. One officer and one non-commissioned officer killed, and ten men wounded, comprise all the casualties incident to this severe bombardment. I inadvertently omitted to mention the capture of a large number of pack-mules, left in the Mexican camp.

“Your obedient servant,

“Z. TAYLOR.”

While General Taylor was yet at Corpus Christi, he was re-inforced by Colonel David E. Twiggs, in command of a regiment of United States dragoons, who had come across the

country by land. In 1846, there also came to him over land, the mounted regiment of Colonels Archibald Yell of Arkansas, Humphrey Marshall of Kentucky, and Thomas of Tennessee. There also arrived by water, landing at Lavaca Bay, and thence proceeding to the mouth of the Rio Grande, the infantry regiments of Colonel John J. Hardin and Wm. H. Bissell of Illinois. There came also by land an independent mounted company, commanded by Captain Albert Pike of Arkansas. The other recruits for the army came chiefly by water and landed at Point Isabel. Among the more conspicuous regular officers under General Taylor, were Generals Wm. J. Worth and John E. Wool, but it is not designed here to give a history of the Mexican war excepting so far as it relates to the troops from Texas.

The first Texians to join General Taylor were small, independent companies of Southwest Texas, commanded by Captain Samuel H. Walker, who was in the two first battles, and John T. Price.

The first Texas regiment to join him, composed of six months men raised and organized in Galveston and surrounding country, was commanded by Colonel Albert Sidney Johnston (classed as 2d regiment), of which Ephraim M. McLean was lieutenant-colonel, and — Wells, major. In this regiment was a company of recently arrived Germans, citizens of Indianola, commanded by the lamented August Buchel, who fell as a Confederate colonel at Mansfield, in 1864.

The first regiment of Texas mounted troops was commanded by Colonel John C. Hays, with Samuel H. Walker, lieutenant-colonel and Michael Chevallie, major.

The third regiment of Texas mounted troops was commanded by Colonel George T. Wood (afterwards Governor), of which Wm. R. Scurry was major. Captain Ben McCulloch commanded the celebrated spy company of that period, though it nominally belonged to Hays' regiment.

As already stated, Governor James Pinkney Henderson,

with the rank of major-general in the United States army, commanded the Texas troops in the first year of the war. On his staff served ex-President Lamar, General Edward Burleson, Henry L. Kinney and Edward Clark, afterward Governor. Later, President Lamar, with an independent command, was stationed at Laredo, with Hamilton P. Bee as his lieutenant. As near as can be ascertained, 8,018 Texians served under the United States during the war.

Some weeks were required to enable General Taylor to get his army in marching order for Monterey. During this time Captain McCulloch's company of spies was kept almost constantly in the saddle, scouring the country on the west of the Rio Grande, and had several successful encounters with detachments of the enemy, and justly won a reputation that made his name famous throughout the United States. Hays' Texas Rangers, under the lead of that intrepid officer, were kept actively employed and made several scouts in the direction of Monterey. General Pedro Ampudia, the successor of General Arista in the command of Northern Mexico, with a large force, was actively engaged in fortifying that naturally strong position. On the 31st of August, 1846, he issued the following proclamation:

“Considering that the hour has arrived, when energetic measures and precautionary disposition should be taken to liberate the department of the East from the rapacity of the Anglo-Americans, and for attending to the rights of the people and the usages of war, every person who may prove a traitor to his country, or a spy of the enemy, shall suffer death, without any remission of sentence; and, taking into consideration that it is my bounden duty to put an end to the evils which have been caused by the contraband trade which has been indiscriminately carried on by the usurpers of our sacred territory, and using the faculties which the laws have empowered me with, I decree as follows:

1. Every native, or foreigner, who shall, either directly

or indirectly, voluntarily aid or assist the enemy, in any manner whatsoever, shall suffer death by being shot.

2. All those who, after the publication of this proclamation, shall continue to traffic in contraband articles with the enemy, shall suffer the same penalty named in the preceding article.

3. The authorities of every branch of the public service will take especial care, under the strictest responsibility, that this article shall be rigorously complied with.

4. This proclamation should produce popular action among our citizens, who are under the obligation to make known any infraction of it, and all citizens are empowered to apprehend criminals and deliver them over to the judicial authorities; and, that all persons may be duly notified, and that none may plead ignorance, I order the publication of this proclamation, and a due circulation shall be given it.

Done at the headquarters of the army, in Monterey, August 31, 1846.

PEDRO DE AMPUDIA.”

This alarmed the Mexicans and produced an evident change in their manner. From the time General Taylor moved from Comargo, the intercourse of the Mexican population with the American army had manifestly changed into a far more unfriendly spirit. Their prices for the necessaries of life were advanced very largely, and everything indicated a more hostile feeling in the country.

General Worth conducted the main advance. On the afternoon of the 9th of September General Taylor reached Seralvo with the second dragoons and the first division under General Twiggs, to which was attached Captain Shivers company of Texas volunteers and the Washington and Baltimore battalions; also two twenty-four pound howitzers and one mortar. On the morning of the 10th, General Wm. O. Butler arrived with the 1st brigade, under General Hamer, composed of the 1st Ohio and 1st Kentucky regiments; and at night

General John A. Quitman arrived, with the 2d brigade composed of the 1st Mississippi and 1st Tennessee regiments of volunteers. The whole force at Seralvo then amounted to about six thousand troops, Major-General Henderson's Texas Rangers, composed of Hays' and Wood's regiments, were yet to arrive.

An eye-witness wrote at the time:

"On the morning of the 11th of September the whole camp was one scene of activity. Never did the little town wear such an aspect of military display. Drums were beating in all directions throughout the day and all was hurry and bustle. The forges of the different batteries were busy shoeing horses, etc., and every preparation was making for our march to Monterey. In the afternoon the men assembled for evening parade. After drill the music of the different regiments beat off while the officers saluted. The adjutant then read the following orders from headquarters:

1. As the army may expect to meet resistance in the farther advance to Monterey, it is necessary that the march should be conducted with all proper precaution to meet an attack and secure the baggage and supplies.

From this point the following will be the order of march until otherwise directed:

2. All the pioneers of the army consolidated into one party will march early to-morrow on the route to Marin for the purpose of repairing the roads and making it practicable for artillery and wagons. The pioneers of each division will be a subaltern to be specially detailed for the duty and the whole will be under command of Captain Craig, 3d infantry, who will report to headquarters for instruction. The pioneer party will be covered by a squadron of dragoons and Captain McCulloch's company of rangers. Two officers of topographical engineers, to be detailed by Captain Williams, will accompany the party for the purpose of examining the route. Two wagons will be provided by the quartermaster's department

for the transportation of the tools, provisions and knapsacks of the pioneer party.

3. The first division will march on the 13th inst. to be followed on successive days by the second division and field-division of volunteers. The headquarters will march with the first division. Captain Gillespie with half of his company (Texians), will report to Major-General Butler; the other half, under the 1st Lieutenant, to Brigadier-General Worth. These detachments will be employed for outposts and videttes and expresses between the column and headquarters.

4. The subsistence supplies will be divided between the three columns, the senior commissary of each division receipting for the stores and being charged with their care and management; the senior commissaries of divisions will report to Captain Waggaman for this duty.

5. Each division will be followed immediately by its baggage train and supply train with a strong rear guard. The advance train under Captain Ramsay will march with the second division, between its baggage and supply train, and will come under protection of the guard of that division. The medical supplies will, in like manner, march with the first division.

6. The troops will take eight days' rations and forty rounds of ammunition. All surplus arms and accoutrements, resulting from casualties on the road, will be deposited with Lieut. Stewart, left in charge of the depot at this place, who will give certificates of deposit to the company commanders.

7. The wagons appropriated for the transportation of water will not be required, and will be turned over to the quartermaster's department for general purposes.

8. Two companies of the Mississippi regiment will be designated for the garrison at this place. All sick and disabled men, unfit for the march, will be left behind, under the charge of a medical officer, to be selected for this duty by the medical director.

By order of Gen. Taylor,

W. W. S. BLISS, *Asst. Adjt.-Gen.*

The army moved forward in brigades and divisions until on the 17th of September, by the arrival of Gen. Butler's division, the whole army was concentrated at Marin (Mareen) on the San Juan River. At the hamlet of San Francisco, on the 18th, Gen. Henderson arrived with the two regiments of Texas Rangers under Cols. Hays and Wood. At daylight on the 19th, the army again moved forward on the road to Monterey in the following order: Capt. R. A. Gillespie's company of Hays' regiment in the advance, followed by McCulloch's company which, for the first time, joined Hays' regiment — the regiment itself coming next; then came Col. Wood's East Texas Rangers, the whole commanded by Major-General J. P. Henderson. The 1st division under General Twiggs, the 2d under General Worth, and the 3d Division of volunteers under General Butler, followed in the order mentioned. As the army moved on Gen. Taylor and staff were seen advancing to the head of the column. A low murmur of admiration arose in the ranks as the General passed, bowing to both men and officers, who saluted him as he rode by, when a voice rang out saying — “Boys, the General himself is going to lead us forth to battle!”

Before night on the 19th the whole army encamped at what became known as Walnut Springs on the east side of Monterey, from which reconnoitering parties were sent out to determine the practicability of a circuitous route to the rear of the town, to reach the Bishop's Palace on the Saltillo road, and cut off the enemy's communication with the interior.

On the morning of September 20th General Worth's division, accompanied by Hays' Texas regiment, was ordered to make a detour in order to reach the enemy's rear in the positions of Independence Hill and the Bishop's Palace. A company of pioneers was sent in the advance to cut a passage through chaparral and fences so as to make a road practicable for artillery. This movement was discovered by the enemy, who sent large bodies of infantry at a run, from the Bishop's

Palace to Independence Hill above it. In the meantime Gen. Burleson of Texas, with about twenty men, proceeded along the base of the hill, while Col. Hays and Lieut.-Colonels Duncan and Walker, with Capt. Ben McCulloch and Col. Payton, late of the Louisiana volunteers, ascended the hill to reconnoitre. While these officers were riding on the brow of the hill, Gen. Worth and Lieut. Wood, of his staff, also ascended the hill. Soon after Gen. Burleson rode up and informed Gen. Worth that he had met the enemy's pickets and that a large force, consisting of cavalry and infantry, was approaching from a point beyond, with the evident intention of disputing his further progress. Descending the hill, Gen. Worth ordered a detachment of McCulloch's company, under Lieut. Kelly, to proceed and join a detachment of Capt. Gillespie's company, already in the advance; Generals Worth and Smith, Lieut.-Colonels Duncan and Walker, with Gen. Burleson, taking the advance, supported by the rest of the Texians and a body of infantry. When immediately opposite and in point-blank range of the guns of Independence Hill, they were fired upon by both artillery and infantry. As it was the evident intention of the enemy to cut off this advance party before they could rejoin the main force, a retrograde movement was ordered, and a race ensued on the way back to the main force.

In the city proper, Gen. Taylor pressed the enemy in the various forts and houses, from the 20th to the morning of the 24th, in which not only the commander-in-chief, but the officers and men under his command performed prodigies of valor. Among the prominent officers were: Generals Butler, Twiggs, Henderson (Governor of Texas); Col. Jefferson Davis, of the Mississippi Rifles, and his Lieutenant-Col. A. K. McClung; Col. Garland, Col. George T. Wood, of Texas, Major Mansfield, Major Lear, Major Abercrombie, Lieut.-Col. Watson, Capts. Bragg, Ramsey, Webster, and others of the artillery. Among the slain were Major Barbour, Capt.

Williams, Lieut. J. P. Ferry, Capt. G. P. Field, Lieut. Dilworth, and a number of other promising officers. The loss in killed and wounded was very large during the siege. Lieut.-Col. McClung was shot through the lungs and otherwise, and thought to be mortally wounded, but finally recovered. On the west, under Gen. Worth, the fort on Federation Hill and several other places were stormed and captured. Of the most brilliant events connected with the entire siege, the following account, from an eye-witness, is extracted:

“ At three o'clock on the morning of the 22d of September, the troops that had been detailed to storm the fort on Independence Hill, were aroused from their slumbers. It was dark and cloudy, with a heavy thick mist. The command consisted of three companies of the Artillery Battalion; three companies of the 8th Infantry, under Capt. Sereven, commanded by Lieutenants James Longstreet (afterwards Confederate general), T. J. Montgomery and E. B. Holloway; and seven companies of the Texas Rangers, under Colonel John C. Hays and Lieutenant-Colonel Samuel H. Walker, the company commanders being Captains Ben McCulloch, R. A. Gillespie, Tom Green, Christ. B. Acklin (Walter P. Lane being his first lieutenant), James Gillaspie, Claiborne C. Herbert and Ballowe; Lieutenant-Colonel Thomas Childs commanded the entire storming party, numbering four hundred and sixty-five men, besides the officers.

Independence Hill, between seven and eight hundred feet high, is not only the most inaccessible height, from its almost perpendicular ascent, covered as it is with ledges of rock, some four or five feet high, and low, thick, thorny bushes — but also the most important, as commanding all the western approaches, and, by a gradual descent from the crest of the hill, of about four hundred yards, southeast course, along the ridge, leading to the Bishop's Palace, which it also commands and overlooks; thus forming a key to the entrance to Monterey on the west side. The height was defended by artillery, and

during the night, a large re-inforcement had been thrown forward from the Bishop's Palace. Here they remained, as they supposed, in perfect security, considering their position impregnable. The expedition was looked upon as a forlorn hope, but not a word was spoken, save by the officers, in a low tone, as they marshaled their men in the darkness of night. At this moment the short, quick word "Forward!" was given, and the column, conducted by Capt. John Sanders, military engineer, and Lieut. George G. Meade (afterwards Federal commander at Gettysburg), topographical engineer, with a Mexican guide, wound its way, by a right flank, along the dark and devious road, passing through a cornfield, until it arrived at the base of the hill. Here the command was divided. Capt. J. R. Vinton with one company of the 3rd Artillery, one of the 8th Infantry, and three companies of Texas Rangers, under Lieut.-Col. Walker, was detached to move as a left column up the northwest slope of the hill; while Col. Childs, with the residue of the command, should ascend on the southwest. Now commenced the ascent which, at a distance, had appeared sufficiently steep, difficult, rugged, and, when actually grappled with, required all the vigor and strength of the most hardy. Forward pressed the men, invigorated by the fresh morning air, until they arrived within one hundred yards of the crest of the hill, when a crash of musketry from the enemy's skirmishers, announced that they were discovered. An incessant random fire was poured down upon the stormers, the day having yet hardly dawned, but not a shot was returned, not a word uttered. The two columns steadily advanced, climbing over projecting crags by means of fissures in the rocks, or clinging to the stunted thorny bushes, which had embedded themselves among them, until they were within about twenty yards of the top, when a shout and yell arose on the still air, amid the rattling of a volley of musketry from the regulars, and the whistling of the rifle-ball of the Texians, which appalled the enemy,

and drove them back from the brow of the slope. Then came the deadly struggle. Panting and breathless, men and officers strove to gain the height, contending with the rocky steep as well as the enemy. Peal after peal and shout and cry rang wildly forth for victory! Onward they rushed, braving the storm of hail until they gained the brow and, with a loud huzza, bore back the foe, while the mist now left the mountain's top for the sun-beams' warmer glow, to shine upon the triumphant colors of our victorious troops.

“The Mexicans fled in confusion, some toward the palace, while others ran headlong down the hill. They, however, succeeded in carrying off a piece of cannon, our men being too much exhausted to pursue them further. The loss of the enemy was considerable, while on our part it was but few in numbers, though some of our noblest spirits fell. Among them was the brave and gallant Captain Richardson Addison Gillespie, an officer well known in Texas and to the army, for his kind and unassuming deportment in social life, and his sagacity, activity, and undaunted courage in the field. He fell, mortally wounded, at the head of his company, while in the act of mounting the enemy's works. As his men came up they offered to assist him but he refused them and cheered them on to the combat. Here, too, the daring and chivalric Herman S. Thomas, of Baltimore, belonging to McCulloch's company, who was among the first to scale the height, received a mortal wound. Lieut. W. E. Reese, of Ballowe's company, with many others, was wounded; Daniel McCarthy of the same company was killed.

The next point of attack was, necessarily, the Bishop's palace. Many hours passed in various movements and attacks, from the remainder of our forces on Federation Hill and elsewhere until large re-inforcements of cavalry and infantry were seen ascending the road from the city to the Bishop's Palace. The commander, General Francisco Berra, determined to save the palace by making a

desperate effort to drive the Americans from Independence Hill. Orders were then given for Blanchard's company to fall back on the alignment, while the Texas Rangers kept their covered positions, on each side of the mountain slope. This movement, apparently retrograde, was soon after followed by one from the enemy, which realized the very hopes that Capt. Vinton had so warmly cherished. Battalions of Mexican infantry formed in front of the palace, their crowded ranks and glistening bayonets presenting a bold and fearless front, while squadrons of light horsemen, with lances, bright and fluttering flags, and heavy cavalry with escopetas (Spanish for carbines) and broad swords gleaming in the sun, richly contrasting with the gaudy Mexican uniforms, made a most imposing sight. Their bugle-notes sounded a charge. Onward they came, in proud array, — nearer and nearer they approached, their troopers dashing up the slope with a fierce and savage air, until the clang of their arms rang wildly on the ear. Then, when within twenty yards of our position, on the appointed signal being given, out rushed our gallant troops and formed a serried line of bayonets which, like an apparition, suddenly rose before the enemy to oppose their progress. Bravely were they met. One volley from that long line, with a deadly fire from the Texian rifles, made them reel and stagger back aghast, while above the battle cry was heard the stentorian command, "Charge!" On, on rushed our men, with shouts of triumph, driving the retreating enemy, horse and foot, down the ridge, past the palace, and even to the bottom of the hill, to the streets of the city. The victory was won! The palace ours! A short struggle ensued with those inside the palace, but they soon surrendered, thus opening our access to Monterey from the west. Our loss was six killed and fifteen wounded — that of the enemy one hundred and eighty killed and wounded. Worth's division then moved down the streets into the city seeking a junction with General Taylor; many bloody contests took

place, continuing till the morning of the 24th, when the forces had captured all the defensive works of the enemy excepting the cathedral, and the almost impregnable fort, known as the citadel, when Gen. Ampudia sent in a flag proposing a capitulation. After some delay, Gen. Taylor appointed as commissioners on the part of the United States, Gen. Worth, Gen. Henderson of Texas, and Col. Jefferson Davis of the Mississippi Rifles. Gen. Ampudia appointed Gen. J. M. Ortega, Gen. T. Requena and Don Manuel M. Llano, the Governor of Nueva Leon. After considerable delay the articles of capitulation were agreed upon and signed late in the day, dated September 24, 1846. Ampudia was allowed to retire from Monterey, with his army and their small arms, with one small battery. An enormous amount of military stores and supplies, all their forts and appurtenances, remained in the hands of the victorious Americans. The actual and final surrender took place on the 25th — the understanding being that the American forces would not advance for a period of eight weeks, beyond the line formed by the pass of the Rinconada — the city of Linares and San Fernando de Pustos, in Tamaulipas.”

Soon after the battle of Monterey, the Texian troops, being sixth months' men, were discharged and returned home. Here it seems appropriate to condense a statement in regard to the Texians more or less distinguished, who participated in the war with Mexico from May, 1846, to February, 1848.

First, it is proper to state that, on the declaration of war, President Polk tendered the appointment of major-general in the United States Army to both Sam Houston and Thomas J. Rusk, the new senators from Texas. The brows of each were already encircled with the halo of military glory. The people of Texas felt honored by these tributes to two of their most distinguished heroes and patriots; but the desire was almost universal that these eminent men should remain in the Congress of the United States. They yielded to that

expression of the popular will and declined the tendered appointments.

Beyond this marked evidence of regard for the leaders of Texas it is but justice to state other facts. These are, that among the distinguished volunteer officers at Monterey, who won plaudits from the official reports of the generals commanding, were ex-President Mirabeau B. Lamar, ex-Vice-President Gen. Edward Burleson, ex-General (of the Texian Army, in 1836), Albert Sidney Johnston; George T. Wood, Peter H. Bell and Edward Clark, afterwards governors of the State; Major W. R. Scurry (of Wood's regiment), Captains Ben McCulloch, Tom Green, Walter P. Lane and Lieut. Ham P. Bee, afterwards generals in the Confederate army; Col. John C. Hays, afterwards surveyor-general of California, and Major Richard Roman, afterwards treasurer of California.

In his report, September 28th, 1846, of the battle of Monterey, Gen. Worth said:

"The General feels assured that every individual in the command unites with him in admiration of the distinguished gallantry and conduct of Col. Hays and his noble band of volunteers. Hereafter they and we are brothers, and we can desire no better guarantee of success than by their association." The Texas troops had scarcely reached home, when General Taylor called for a small force of mounted Texians. A company of one hundred and ten was organized at San Antonio, with ex-Lieut. Walter P. Lane as captain, and Gouvenier Nelson as first lieutenant. This company (in which James W. Throckmorton, just entering man's estate, was a physician) was united with those of Capt. Robert H. Taylor, of Fannin, Capt. G. W. Adams of Victoria, and Capt. Gideon K. Lewis, of Corpus Christi, an ex-Mier prisoner known as Legs Lewis. These companies constituted a battalion of which Michael Chevallie was major. Afterwards, at Saltillo, Chevallie resigned and Capt. Lane became major, in which capacity he performed much valuable service, including

a victorious battle with three hundred Comanches, in which he had four men killed and fourteen wounded. He killed nearly fifty of the Indians, captured three hundred horses and mules, six little Mexican girls and eight Mexican boys, who had been carried into captivity by the Comanches, all of whom were restored to their parents, sixty and eighty miles away. In one of his scouts (in which he was accompanied by Lieut. John Pope of the Topographical Engineers, afterwards a commanding general of the Union forces in the civil war,) he recovered and brought to General Woll's headquarters the remains of the "black bean" Texian martyrs, from the hacienda of Salado, where they were murdered as Mier prisoners, March 25th, 1843. These remains, in charge of Capt. John Dunsenbury, were escorted nearly five hundred miles and interred on Monument Hill at La Grange, Texas, as has been previously related.

Having completed their term of service of a few months, Major Lane and his battalion were discharged at Camargo. On the discharge of Hays' regiment Capt. Ben McCulloch was appointed quartermaster with the rank of major of the United States Army, but returned to Texas with the promise to Gen. Taylor that, on the resumption of hostilities, he would return to him with a company of Texian scouts. The United States terminated the armistice agreed upon and preparations were at once made for a renewal of hostilities. McCulloch at once raised the promised company and, on the 31st of January, 1847, he arrived at Monterey and, finding the army already on the march to Saltillo, continued on to that city, where he arrived on the 4th of February and reported to Gen. Taylor. His company was mustered into service for six months with orders to remain and recruit his horses until called upon. Gen. Taylor moved on to Agua Nueva, eighteen miles distant, where he established his headquarters. Under his orders McCulloch repaired to his headquarters on the 15th of February, and was ordered to make a

reconnoissance as far as Encarnacion, a large rancho thirty miles distant, for the purpose of obtaining information in regard to the advance of Santa Anna's army.

On the 16th McCulloch, with sixteen picked men, proceeded on this dangerous mission. At 11 o'clock at night he encountered the enemy's pickets one mile from his destination. They were fired upon by about twenty of the enemy's cavalry drawn up in the road. McCulloch charged them and so hotly continued the pursuit that he was enabled to estimate the strength of the enemy at Encarnacion. His charge would seem to have been reckless but his position was as critical as perilous and in order to save his men and prevent the enemy from charging him, he was forced to pursue the course he did. It was quick work and there was no time for thought. The maneuver succeeded and they came off without pursuit and without loss. Having obtained the desired information the detachment fell back and next day safely reached Agua Nueva. On the 20th of February Major McCulloch, under orders, left on another reconnoissance for Encarnacion, taking with him but four men besides his second lieutenant, Fielding Alston, and Lieut. Clark of the Kentucky infantry. Some miles on the way they met a Mexican deserter, who stated that Santa Anna had arrived at Encarnacion with 20,000 troops. McCulloch sent the deserter back to Gen. Taylor and proceeded on his way. Moving through the chaparral and crossing the road twice, at about midnight they arrived in sight of Encarnacion, and found a very large Mexican force encamped there. Knowing the hazards before him he sent back Lieut. Alston and all of the party, excepting his trusted friend, Wm. Phillips, to report immediately to Gen. Taylor, the probable strength of the enemy, and to state that he would remain behind until daylight for the purpose of obtaining a fuller view of the enemy's camp and strength. In approaching the camp by another route they suddenly came in contact with the enemy's pickets, who immediately pursued

them. To be caught in the enemy's lines was certain death. To avoid this, McCulloch and Phillips galloped down towards the enemy's camp. This ruse misled the pickets into the belief that they were pursuing their own friends, trying to pass out. Falling back to a hill about a mile distant, they concealed themselves until daylight. At sunrise a heavy smoke settled down upon them, caused by the green wood of the Mexican fires, and prevented McCulloch from making further discoveries. He then started on his return. They had gone but a short distance, when they discovered two picket guards of twenty men each. They were stationed about a quarter of a mile apart on the forks of the road which separated, for about eight miles, and again met at the Rancho. McCulloch and Phillips were between the two roads and were compelled to pass between the two lines of pickets. The pickets, having been on guard all night without any fire, and it being very cold, had kindled large fires after daylight and, having tied their horses, were warming themselves, when the two scouts, holding down their guns and moving in a walk, passed out between them, the enemy taking them to be Mexicans hunting stray horses. At about eight miles they ascended a high hill at a watering place on the road, called Tanque La Vaca, to take a look. Here McCulloch expected to find and did find another picket of the enemy. He remained, making observations, until nine o'clock, hoping the picket would be called in and, in the meantime, through his field glass, made observations of the movements of the main army. He then avoided the pickets by keeping around the foot of the mountains; passed them unobserved, and hastened towards Agua Nueva, in sight of which he arrived on the afternoon of the twenty-first. Not a tent was seen standing, but instead a long column of dust was visible on the route to Buena Vista, the army having been ordered to fall back immediately on the reception of the news sent by McCulloch through Lieut. Alston, and thus

was General Taylor's army saved from destruction on the plain of Agua Nueva. At the camp McCulloch found Gen. Taylor awaiting him, who, on receiving McCulloch's final report, observed, "Very well, Major, that is all I wanted to know. I am glad they did not catch you," and mounting his horse they rode off for Buena Vista.

A little prior to this, under orders from the government at Washington, Gen. Winfield Scott, the commander of the army of the United States, was ordered to take the field as commander-in-chief of the army of invasion to land at Vera Cruz and thence march to the city of Mexico. To further this move a large part of the forces under Gen. Taylor had been withdrawn from him and sent by water from Matamoras to join General Scott at Vera Cruz. Thus depleted in strength, Taylor was left to command in the north and defend that already conquered region against the Mexican forces destined under Santa Anna in person for its reconquest and the destruction of Taylor's army.

As we have seen, Santa Anna's army had already advanced to within a few miles of Taylor's final position at the pass of Buena Vista, or, as Santa Anna called it, La Angostura, meaning a narrow pass. Buena Vista, the name of an hacienda, was a broken valley, checked with gulches and deep ravines, only about three-fourths of a mile wide and flanked on either side by mountain ridges. Here on the 22d and the morning of the 23d, Gen. Taylor skillfully planted his reduced force of about five thousand men, embracing, besides the regulars, volunteers from Kentucky, Illinois, Indiana, Arkansas, and Texas, with individual volunteers from other States. Santa Anna arrived in front of this position with fully twenty-five thousand men, on the afternoon of February 22d, 1847, and opened the battle. Thence until twilight on the 23rd, was fought one of the most unequal, stubborn and bloody battles before or since known on the American continent. The details cannot be given in this work, but it can

be said that the troops from every State represented, and the regulars, covered themselves with glory. Colonel Lincoln, of the regulars, and Colonels McKee and Henry Clay, Jr., of Kentucky, John J. Hardin, of Illinois, Archibald Yell, of Arkansas, and a host of the gallant sons of each State died as only the brave and true can die. Col. Jefferson Davis and the Mississippi Rifles shed imperishable renown on their country. Bissell and Richardson, of Illinois, equally honored their State, as did the sons of Indiana. Gen. Wool of the regulars and the old North Carolina hoosier, of Indiana, Joseph Lane, general of volunteers, won the admiration of the heroes they commanded. In the artillery, Captains Braxton Bragg, John P. J. O'Brien, Vinton and others, were equally distinguished, while Gen. Taylor won the admirable and applicable appellation of "Old Rough and Ready." The enemy displayed a valor worthy of praise. Many of their noblest leaders surrendered their lives in the struggle for victory, the most lamented and promising of whom was the young General Lombardino, whose fearless bearing won the spontaneous admiration of the American army. The sun of the 23d went down leaving the two armies in deadly array. The rising sun of the 24th revealed the fact that Santa Anna, despairing of success, had abandoned the field and retired towards the south. Our victory was thus rendered complete, but it was dearly bought. Thousands of hearts in the United States were yet to bleed on receipt of the tidings.

This was the last serious conflict in Northern Mexico during the war. But blood was yet to mark the route 279 miles from Vera Cruz to the city and valley of Mexico.

It thus happened that Texas was not represented at Buena Vista as she had been at Monterey; but Gen. Taylor bestowed unstinted praise on Major Ben. McCulloch and his men, and on the noble and chivalric German, Captain August Buchel, of Indianola, Texas, who went through the sanguinary scene as an aid on his staff. Capt. O'Brien, who stood

by his battery till every man fell and then, severely wounded, left it to the enemy, in 1849, died in Indianola as quartermaster of the United States army.

#### HAYS' SECOND REGIMENT.

In April and May, 1847, Col. John C. Hays, at San Antonio, was elected colonel of his second regiment of Texas Rangers, mustered in for twelve months, or during the war.

The companies of Capt. Middleton T. Johnson, Shaply P. Ross, Samuel Highsmith, James S. Gillett and Henry W. Baylor, were formed into a battalion and stationed separately along the Rio Grande and Indian frontiers, commanded by Lieut.-Col. (afterwards Governor) Peter H. Bell. Some of them, at least the company of Baylor, rendered some service on the Mexican side of the Rio Grande.

The other five companies commanded by Captains Jacob Roberts, Gabriel M. Armstrong, who was succeeded by Alfred Evans; Isaac Ferguson, who died and was succeeded by Ephraim M. Daggett; Stephen Kinsey, who resigned and was succeeded by Preston Witt, and Alfred M. Truitt, who became major and was succeeded by Chaucer Ashton, who died and was succeeded by Alexander E. Handley. Of these companies Hays in person was colonel, Samuel H. Walker, lieutenant-colonel, Michel Chevallie and Alfred M. Truitt, successively, majors, and John S. Ford, adjutant. They marched to Laredo, thence down the west side of the Rio Grande to its mouth and thence by water to Vera Cruz, where their brilliant career began on the route to the city of Mexico, a career signalized by a series of daring events that rendered famous the achievements of "Hays' Texas Rangers" wherever the English language is spoken. They were here, there and everywhere on the great interior table lands of Mexico,

largely operating as a part of that wing of the army under command of Gen. Joseph Lane of Indiana, who had already won his spurs at Buena Vista. No body of mounted troops ever won greater fame in the same length of time. It is not admissible, in this work, to follow their movements and brilliant achievements. They became a terror to the hitherto audacious bands of Mexican guerrillas and freed the highways of those pestiferous troopers. Gen. Scott and the chiefs of the army, were lavish in praise of their almost daily achievements and so it continued till peace was made. In one of their assaults in the ancient town of Huamantla, on the plains of Puebla (the ancient Tlascala), while in the discharge of a hazardous duty, Lieut.-Col. Samuel H. Walker fell, pierced in the brain by a ball fired from the steeple of a church. All Texas — all the army, his native State, Maryland, and Georgia and Florida, where he had won honor in their Indian wars — mourned his loss and honored his memory.

In numerous cases, immediately following the close of the Mexican war, volunteer companies of Texas rangers were called into the service of the United States and placed along the Indian and Mexican frontiers. Among those who, in 1848, 1849 and 1850, for longer or shorter periods, commanded these companies, were Captains Samuel Highsmith, — Sutton, John J. Grumbles, Wm. A. A. Wallace, Henry E. McCulloch, Jerome B. McCown and John S. Ford.

#### GENERAL TAYLOR ON THE TEXIANS, AND SENATOR SAM HOUSTON'S REPLY.

On the 3d of July, 1850, while General Taylor was President of the United States, and Gen. Sam Houston a senator from Texas, the boundary of Texas being under consideration, and the United States military authorities exercising jurisdiction

over that portion of the territory of Texas which embraced all of the former New Mexico, Senator Houston delivered an elaborate and powerful speech vindicating the right of Texas to that territory and denouncing in bitter terms the prejudice of President Taylor against Texas and her volunteers in the Mexican war, and charging that, not only as a general of the United States army, Gen. Taylor had slandered and misrepresented the character of the Texians, but that now, as President of the United States, he was manifesting the same unfounded prejudice. He quoted from repeated communications of Gen. Taylor, while commanding in Mexico, to the Secretary of War, abounding in these ill-timed and unjustifiable allegations against the soldiers of Texas. He sustained his position, beyond question, by repeated quotations from the official reports. Gen. Houston referred most eloquently to the gallantry of the Texians, both mounted and infantry, on the march from Matamoras to Monterey, including the daring achievements of Hays and McCulloch; to the almost reckless heroism of Hays' regiment in storming and capturing both Independence Hill and Bishop's Palace; and paid special tributes to Lieut-Col. Walker and to Captain R. A. Gillespie, who fell in the assault on the Hill. He showed that at the same time, in the three days' assault upon the main city, the Texian infantry (under Col. George T. Wood and General James P. Henderson), had performed prodigies of valor and also that to Major Ben McCulloch and his scouts, Gen. Taylor was indebted for information of the approach of Santa Anna and thereby had time to abandon his defenseless position at Agua Nueva, and fall back to his Gibraltar of defense at Buena Vista. He also succinctly narrated the gallant deeds and invaluable services of Hays' regiment from Vera Cruz to the city of Mexico, and referred to the death of Lieut.-Col. Walker and other brave Texians, the command throughout receiving the highest commendations of Gen. Scott, Gen. Jo Lane and the most distinguished officers of the

army from other States. It is sufficient to say that Gen. Houston's vindication of the Texian troops in the Mexican war against the unseemly prejudice of Gen. Taylor, was just, bold, triumphant! Gen. Houston also asserted that if at the time when Gen. Taylor reached the Rio Grande in the spring of 1846, five hundred Texas rangers, properly armed, had been employed, they could have prevented Gen. Arista and the Mexican army from crossing to the east side of the Rio Grande and thereby virtually prevented the war. Indeed, he bestowed the highest praise, and no living man knew them better, upon the Texian troops engaged in the Mexican war from the first voluntary rally of Capt. Samuel H. Walker and his handful of men at Palo Alto and Resaca de la Palma to their last achievements around the city of Mexico.

The treaty of peace was signed on the 2d of February, 1848, at Guadalupe Hidalgo, four miles from the city of Mexico; but Hays' regiment remained in the service until the withdrawal of the last of the army in June, when it embarked at Vera Cruz and returned home. It was the most popular body of troops that ever represented the United States on foreign soil. Wherever any of his prominent men appeared in the next two years, from Boston to New York, Philadelphia, Baltimore and Washington to St. Louis, Nashville and Charleston, they were honored as the bravest of the brave, and never did one of them cast a stain upon the escutcheon of the command. No Texian of that day, or this, withheld, or ever will withhold admiration for the distinguished character and achievements of Gen. Zachary Taylor, and it is a sad reflection that almost at the moment Gen. Houston felt called upon to make these utterances in defense of his people, the commander at Monterey and Buena Vista and president of the United States, was suddenly called to pass from earth.

## THE COMPROMISES OF 1850 AND THE BOUNDARIES OF TEXAS.

Anticipating the order of events, it is proper here to refer to certain matters growing out of the Mexican war. By the treaty of Guadalupe Hidalgo, Mexico, for the consideration of \$10,000,000.00 ceded to the United States all that vast territory now embraced in California, Nevada, Utah, a large portion of Colorado, all of Arizona, a part of Kansas, and all the territory claimed by Texas. The question of slavery interfered in the deliberations of Congress. Military governments were established in California and New Mexico; Santa Fe, the capital of the latter, and claimed by Texas, being the military headquarters of that section; the claims of that portion of the country by Texas were ignored by the United States through its military officers. Bitter conflicts of opinion arose, largely based upon the question of the extension of slavery, disturbing the peace of the country until the Congress of the year 1850, since known as the year of compromises. Long debates ensued, many propositions were made and the country kept in a state of suspense. Finally, in August, a bill introduced by Senator James A. Pearce, of Maryland, which passed that body, and on the 4th of September passed the House, was signed by the President on the 7th, and immediately communicated to the Governor of Texas, Peter H. Bell. He immediately called a session of the legislature to act upon it. That bill fixed the boundary of Texas as it has ever since existed, and under it the United States agreed to pay Texas \$10,000,000.00 in five per cent interest bearing stock, redeemable at the end of fourteen years, with a proviso, however, that only five millions should be issued at the time, and five millions retained to indemnify the United States against the claims of that portion of the creditors of Texas, for whose payment the custom house dues of the late republic were

pledged, basing their claims on the very reasonable ground that that source of revenue had been acquired by the United States, under the treaty of annexation. Notwithstanding there was great opposition to the bill on various grounds, on the 25th of November, 1850, the legislature of Texas passed an act accepting the propositions of the United States, declaring:

“That the State of Texas hereby agrees to, and accepts said propositions; and it is hereby declared that the State shall be bound by the terms thereof, according to their true import and meaning.”

The act took effect from its passage and was at once transmitted by the Governor to the President of the United States. This settled the whole controversy, and only required the subsequent running of the new boundary lines agreed upon, which were as follows: Beginning on the existing boundary at the meridian of one hundred degrees west from Greenwich; where it is intersected by the parallel of thirty-six degrees thirty minutes north latitude, and thence running on said latitude to the meridian of one hundred and three degrees west from Greenwich; thence due south to the thirty-second degree of north latitude; thence on that degree west to the Rio Bravo del Norte, and thence with the channel of said river to the Gulf of Mexico. It may be added that the remainder of the boundary of Texas is as follows: Running from the mouth of the Rio Grande, *three marine leagues from the coast*, to the mouth of Sabine Lake; thence up said lake or bay and Sabine River to latitude thirty-two north; thence due north to Red River; thence up said river to longitude one hundred west from Greenwich; thence due north to the initial point as herein described, to the intersection of the one hundredth meridian and north latitude thirty-six degrees thirty minutes.

This settled the entire boundary question so far as Texas was concerned, excepting the pending dispute as to which branch of Red River, the north or main fork or Prairie-dog-

town-river was intended in the treaty of 1819 between Spain and the United States, involving the present territory of Greer County, Texas, covering an area of about 1,800,000 acres. The question by an act of both Congress and Texas in 1890 was submitted to the Supreme Court of the United States, and now (1892) is still pending before that tribunal.

By this adjustment of boundaries, Texas sold to the United States 98,380 square miles, or 56,000,000 acres. Clay's bill would have taken from Texas the fifty-four counties now in the Panhandle.

We now return to the regular order of events. During the absence of Governor Henderson in Mexico, his position was satisfactorily filled by Lieut.-Gov. Albert C. Horton. The biennial election for Henderson's successor, in November, 1847, resulted in the election of Col. George T. Wood, of Polk County, late commander of the 2nd Texas regiment at Monterey, and John A. Greer as Lieut.-Governor. Washington D. Miller was appointed Secretary of State; John W. Harris and H. P. Brewster were successively made Attorney-General; James B. Shaw, Comptroller; James H. Raymond, Treasurer; Thomas Wm. Ward, Commissioner of the Land Office; John D. Pitts, Adjutant-General, and John M. Swisher, Auditor. Gov. Wood took a very decided stand in favor of the rights of Texas to the Santa Fe territory. Under an act of the legislature he sent a district judge (Spruce M. Beard) and other civil officers to organize and hold court under the jurisdiction of Texas, but the military commander of the United States ignored them and proceeded to order an election for a territorial delegate from New Mexico to the United States Congress — a military usurpation which to this day excites the indignation of all the old citizens of Texas. And so matters remained, despite the patriotic efforts of Governor Bell, the successor of Wood, until the adjustment of 1850 as previously narrated.

## SUFFRAGE.

The State constitution of 1845 changed the manner of voting from that made under the Republic — the ballot system — to the old Virginia and Kentucky plan of voting *viva voce*, viz., the voter publicly calling out the names of the persons for whom he voted; with a proviso, however, that the legislature might do away with the new and re-establish the old plan. One or two experiments under the *viva voce* plan generated so much ill-feeling among neighbors that it was abandoned and the ballot system re-established whereby every voter has the right to fold his ticket and vote a secret ballot, if he so prefers. Experience has proven not only in Texas but elsewhere the wisdom of this plan, as it secures to employes and dependents great but not entire protection against interference with their personal rights by corporations and employers. Still it has been shown that this righteous provision of the law, especially in large cities and manufacturing districts, has been evaded and trampled under foot by artifices needless to mention.

In the year 1848 many depredations were committed by the Indians on the frontier, causing several companies of rangers to be called into the service. In the winter of 1848-9 an expedition, under the leadership of Col. John C. Hays, escorted by the ranging company of Capt. Highsmith, left San Antonio for the purpose of finding a route for a wagon road from San Antonio to Chihuahua and El Paso, which hitherto had had no such connection. They crossed the Pecos and struck the Rio Grande too low down and failed to reach either point of destination, but soon afterwards the route, as afterwards traveled by troops, wagon trains, and yet later by overland mail-stages, was opened, and so remained until virtually superseded first by the Texas and Pacific and second by the Southern Pacific railroad.

With the opening of 1849 the California gold fever made its appearance in Texas and caused thousands of its most enterprising and daring men to brave dangers, from Indians, desert regions and scarcity of water and food, and flock to those regions. In many cases, intense suffering attended these expeditions, especially among women and children, who accompanied husbands and fathers. A heavy per cent of these people returned to Texas in from one to three or four years. Many died and occupy unmarked graves in the mining districts. The majority probably remained in California, some to become prominent in public affairs, among whom were Col. Hays, afterwards sheriff of San Francisco, Major Richard Roman, Captain Joseph Daniel, and, a little later, ex-Congressman Volney E. Howard. Among those who intended to return to Texas, was Governor Henry Smith, who died in a mountain camp east of Los Angeles, March 4th, 1851. Among those who remained for a time and returned were Major Ben McCulloch who served as the first sheriff of Sacramento, James W. Robinson (Lieut-Governor in 1835-6) settled, and died some years later, in San Diego. Todd Robinson and A. P. Crittenden, prominent men of Brazoria, Lewis B. Harris of Harrisburg, Wm. H. Rhodes and E. S. Cobb, of Galveston; also E. M. McLane, Chas N. Creaner, of Victoria, George W. Trahern, Simon L. Jones, Capts. Kit Aclin and John McMullen were types of hundreds, perhaps thousands of valuable citizens lost to Texas by the golden allurements for several years offered by California.

At the election in November, 1849, Col. Peter H. Bell was elected Governor and John A. Greer of San Augustine was re-elected Lieutenant-Governor; James Webb, first, and Thomas H. Duval, second, became Secretary of State; A. J. Hamilton and Ebenezer Allen, successively Attorneys-General; James B. Shaw, Comptroller; James H. Raymond, Treasurer; George W. Smyth, Commissioner of the Land Office; John M. Swisher, Auditor, and Ben F. Hill, Adjutant-General.

At the election in 1847, Timothy Pilsbury and David S. Kaufman were re-elected to the United States Congress. In 1849, Kaufman was elected the third time, but Volney E. Howard, of San Antonio (lately deceased in California), succeeded Pilsbury. Howard and Pilsbury were natives of Maine.

As has been stated the Santa Fe question was at its height when Gov. Bell went into office, and it has been shown how firmly he stood by the rights of Texas until the matter was adjusted.

#### THE CHOLERA IN TEXAS.

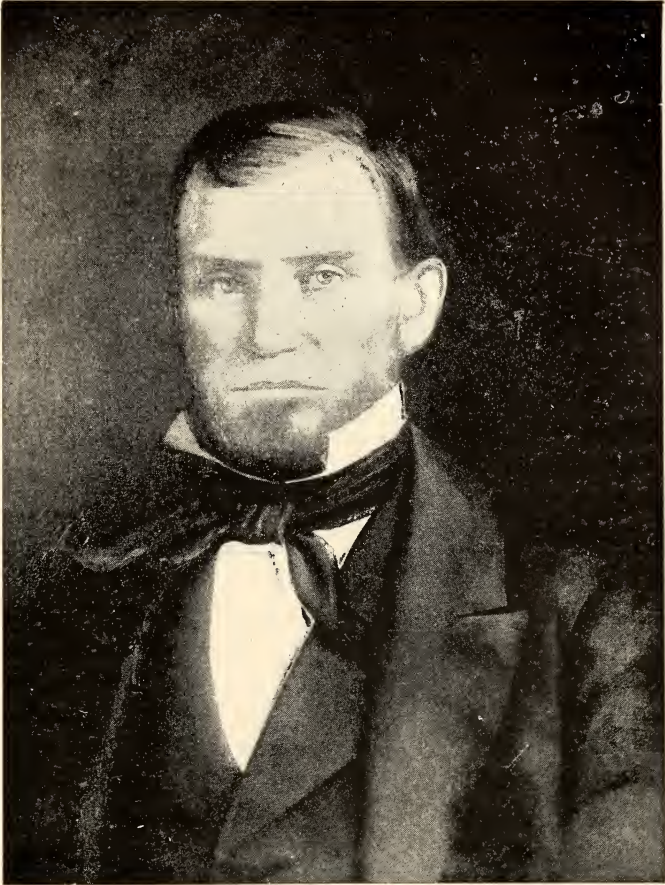
The first appearance of this dread disease (so far as remembered) was in the year 1833, when it appeared in Victoria, Brazoria, and perhaps a few other places, and carried off a number of prominent and valuable citizens, among whom were Don Martin De Leon of Victoria; Capt. John Austin, and D. W. Anthony, editor of the *Constitutional Advocate*, published in Brazoria. The *Constitutional Advocate* of May 11th, says; "The disease was brought to the mouth of the Brazos about three weeks before, and that the following persons had died there previous to its publication, viz.: Capt. Anthony Clark, Dr. J. C. Catlin, Mrs. Eliza Chase, John M. Porter, Beverly A. Porter, Charles Chapman and two negroes."

The next appearance of cholera in Texas was in Port Lavaca in December, 1848. Of 260 newly arrived troops of the United States army, under Major Pitcairn Morrisson, encamped on a brackish bayou in the vicinity of the town, nearly one half died in a few days, together with a family of five persons encamped with them, all drinking of the brackish water of the bayou, while neither of the officers at the hotels, nor any citizen of the town where cistern water was exclusively used, was stricken with the disease. The remainder of the troops being moved to a large building, and supplied with cistern water, the malady disappeared as if by magic. The disease appeared next at Indianola, in February, 1849, having

been brought from New Orleans, from which place a weekly steamer arrived via Galveston, and from Mobile in an immigrant vessel, on which a number of negroes died, some at sea and others after arriving. The people of Indianola, with few exceptions, used water from shallow wells, and the disease proved very fatal. Those who used cistern water were exempt, and at Lavaca, except among transient persons, the exemption was almost universal, and yet they were as much exposed, otherwise, as were the people of Indianola. In Galveston, where the people used nothing but cistern water, and were much more exposed by intercourse with New Orleans, there was no cholera among the citizens, the disease being confined to arrivals from other places. By way of Indianola the disease was carried to San Antonio and proved very destructive to human life. Among its victims was Major General William J. Worth, of the United States army, recently arrived at that place. The most intelligent and observing men, with these opportunities of observation, became convinced that a people confined to the use of cistern water, are not subject to this fearful scourge. This opinion was also greatly strengthened by similar experience at Savannah, Georgia, and the freestone water regions of Georgia, Alabama, and similar districts of country, while in the limestone regions of the valley of the Mississippi, as before and since repeated, at St. Louis, Cincinnati, Louisville, Lexington, Nashville, and elsewhere, its ravages have been terrible.

#### THE LATER COLONIES.

The origin of the later colonies of 1841 to 1844 has been already given. Now in 1849 their work had been substantially accomplished, by the introduction into North Texas of a large and valuable agricultural population, the introduction of a similar population into the German colony, with its headquarters at Fredricksburg, and the successful labors of the



GOV. HARDIN R. RUNNELS



indefatigable Henry Castro, who had secured a good foot-hold for his colonies on and west of the Medina. The beneficial effects of these enterprises, in extending and populating the then frontier, in view of the enfeebled condition of the country at that time, can scarcely be estimated at this day. The history of the German and French colonies, menaced as they constantly were with Indian tribes, suffering much from depredations, unacquainted with the country and its language, and during the year of 1846 facing disease and death on their route from Indianola to their mountain destinations, reveals both moral and physical courage, worthy of the highest admiration. Even their descendants of this day can form no adequate conception of the hardships endured by them from 1843 to 1848. The respective regions in which they settled, as seen to-day, reflect the wisdom of Presidents Lamar and Houston and the Congress of Texas in initiating and fostering not only these colonies but those of Peters and Mercer in North Texas. It should be added that Governors Henderson, Wood, and especially Governor Bell, manifested the warmest interest in the success and defense of these infant settlements. The effect of the two southwestern colonies, the German and the French, was to make known and extensively popularize Texas in the countries from which those emigrants came. The character of the French has already been stated. Among the Germans was a large per cent of educated, progressive and liberal-minded men, who proved to be valuable acquisitions not only to the material interests of all the country, but to its literary and scientific knowledge.

A notable event in the year 1850, though only indirectly affecting Texas, was the passage through the State from Indianola to El Paso of the commission on the part of the United States to act in concert with that on the part of Mexico, in establishing and marking the boundary line between the two countries, from the Rio Grande at the intersection of the thirty second degree of north latitude to the Pacific ocean.

The American commissioner was John R. Bartlett of Providence, R. I., at the head of a splendid corps representing the sciences of astronomy, topography, botany, mineralogy, and kindred sciences. In these sciences every State in the Union had at least one representative, among them many promising young men who afterwards became distinguished. Among the more conspicuous United States officers were, Col. James D. Graham, of the Engineers, and Lieut. Isaac G. Strain, of the United States Navy. They landed at Indianola, at that time the military depot for the United States on the coast of Texas, and proceeded, with a wagon train bearing every needed supply in scientific instruments, provisions and clothing, and were escorted by a mounted body of young men under Lieut. Strain. From San Antonio they also had a military escort, successfully made the trip, and in due time accomplished their mission, not, however, until, under the "Gadsden purchase," the line was deflected more southerly than the original boundary, by which was secured a better route for a railroad through Arizona.

#### THE SEAT OF GOVERNMENT.

Under a provision of the constitution of 1845 an election was held in 1850 for the location of the seat of government for twenty years.

Austin, the existing site, was rechosen by a large majority over Tehuacano Hills, now the seat of Trinity University. The twenty years expired in 1870, but the election could not be held until November, 1872, when Austin was again elected by a majority of 15,355 over the combined vote of Houston and Waco. Considering its splendid location, its magnificent State capitol, unsurpassed by that of any other State in the Union; its State University, and numerous educational institutions; and asylums for the insane, the deaf and dumb, and the blind, Austin seems destined to remain perpetually the capital of the State.

## CHAPTER XXX.

### BELL'S SECOND ADMINISTRATION.

Peter W. Bell was re-elected Governor in November, 1851, with James W. Henderson, of Harris County, Lieutenant-Governor; James Webb and Thos. H. Duvall were respectively Secretaries of State; A. J. Hamilton and Ebenezer Allen were respectively Attorneys-General; James B. Shaw, Comptroller; James H. Raymond, Treasurer; John M. Swisher, Auditor; George W. Smyth, Commissioner of the Land Office; and Dr. Charles G. Keenan, Speaker of the House of Representatives.

Governor Bell, being elected to Congress, resigned a few weeks before the expiration of his term, to take his seat in that body, and Lieut.-Gov. Henderson filled out the term.

Following the sale of the Santa Fe territory to the United States, the legislature enacted laws for ascertaining, adjusting and liquidating so much of the public debt as was not affected by the custom house dues. An auditorial board was created, and the State determined to pay the indebtedness upon what became known as the scaling system, by which is meant, liquidating the debts, contracted by the issue of the depreciated paper, with a fair approximation to the actual par value of the treasury notes at the time of their payment by the government, but in all cases where below par value, the debts were scaled to a standard considerably above the actual par value at the time of payment. This is evidenced by the fact that, while some of these obligations were paid out at ten per cent on the dollar, yet only one such payment was scaled as low as twenty cents on the dollar; one at twenty-

five; two at thirty; three at fifty; one at seventy; one at eighty-seven; and two at one hundred cents on the dollar. Anticipating events, it may be stated that the creditors of Texas who claimed pledges of the custom house revenues, and for whose benefit the United States had retained \$5,000,000.00, claimed a higher scale than that fixed by the State, whereupon a compromise was effected, paying a somewhat higher scale, satisfactory to both parties, and thus the revolutionary debt of Texas was wiped out of existence.

During Gov. Bell's administration additional measures were adopted looking to the adjustment of all the difficulties pending in Peters' colony, which, as heretofore stated, were finally completed during Pease's administration, by granting the premium-lands claimed by the contractors, farther west, and allowing every colonist to retain the full amount of land to which he was entitled, viz., six hundred and forty acres to each head of a family and three hundred and twenty acres to each single man who settled within the colony prior to January first, 1848. The most populous portion of Texas is now embraced within the bounds of this colony.

#### RAILROADS AND EDUCATION.

As early as 1847 the public mind of Texas was drawn to the necessity of railroads as a means of developing the vast territory of the State, deprived as it was of interior navigation, excepting in mere neighborhoods on the coast and at Jefferson on the extreme northeast, and even at that time, before the treaty with Mexico, by which the United States acquired the immense territory between Texas and the Pacific ocean, there were far-seeing minds in Texas advocating through the press and public meetings a trans-continental railway from the coast of Texas to San Diego in California. One such meeting was held in the town of Victoria late in 1846 in which substantially the route now followed by the Southern Pacific

Railroad was warmly advocated. Three or four years later Senators Thomas J. Rusk and Sam Houston and other men of high character, became the earnest advocates of what is now the Texas and Pacific Railroad, destined, after passing through many changes and many doubtful stages, and by the blending of different charters, to ultimate fruition in 1881.

The pioneer road of Texas was that projected and inaugurated in 1853, by Gen. Sidney Sherman and his associates. It was first constructed from Harrisburg, on Buffalo Bayou, about twenty miles to Stafford's Point, and was known as the Galveston, Harrisburg and San Antonio road. A few years later it reached Richmond on the Brazos, and about 1860, it halted at Alleyton, three miles east of Columbus on the Colorado, and there remained until after the war between the States.

The Houston and Texas Central Road, by the indomitable perseverance of Paul Bremond, sustained by the enterprising citizens of Houston, was begun in 1853-4, and, under many difficulties, halted first at Cypress, next at Courtney, then at Hempstead, next at Navasota and just previous to 1861, at Millican, and there remained for several years.

Between 1856 and 1860, the Texas and New Orleans road was opened from Houston, via Liberty and Beaumont, to Orange on the Sabine. Before 1860, also, the Gulf, West Texas and Pacific Road was built thirty miles from Port Lavaca to Victoria.

In granting railroad charters after 1850 — about 1853 or 1854 — a theory, previously advocated, assumed legal form, in granting to railroads, sixteen sections of public lands for each mile of railroad constructed in the State, upon various conditions, the chief of which was, that the roads should have the lands sectionized at their own expense, receiving as their bounty every alternate section, while the other half was set apart in perpetuity as a part of the permanent fund for the support of a system of free public schools. This grand pro-

vision, modified and enlarged from time to time, is the base and corner-stone of that system of free education now blessing the State; unsurpassed in its magnitude by that of any other State or nation in the world, of which more will be stated later.

### INDIAN FIGHTS.

(It is not within the purview of this work to chronicle a history of the Indian wars of Texas, beyond simple allusions to the more important events. That labor, in order to do ample justice as far as possible, to the citizenship of the country, who, largely unaided by government, from 1822 until after the close of the war between the States, clothing, arming, feeding and mounting themselves, reclaimed and preserved the country from savages and, by their blood and suffering, dedicated Texas to freedom. This labor the author of this work has endeavored to perform in a separate volume entitled *The Indian Wars and Pioneers of Texas*. Brief accounts, however, of a few encounters with the savages as examples of the whole, are here inserted from that volume.)

### HENRY E. M'CULLOCH'S FIGHT.

From the 8th of June, 1846, to November 4th, 1851, Henry E. McCulloch commanded six different companies of Texas rangers called into the service of the United States, some for six and some for twelve months. In November, 1850, under the orders of Gen. Brook he became captain of the 5th company. He was stationed on the Aransas River and rendered important service in checking frequent raids of Indians into that portion of the coast country.

The company, being six months' men, were discharged at Fort Merrill, on the Nueces, on the 4th of May, 1851, but reorganized as a new company for another six months on the next day. Capt. Gordon Granger (a Federal general in the

war between the States), was the officer who mustered out the old company and remustered them in the new.

Of this second company (the sixth and last one in the service of the United States commanded by the same gentleman), Henry E. McCulloch was unanimously elected captain, Milburn Howell first and William C. McKean second lieutenant; Oliver H. P. Keese, orderly sergeant; the other sergeants being Houston Tom, Thomas Drennan and James Eastwood; the corporals were John M. Lewis, Abner H. Beard, Thomas F. Mitchell and Archibald Gipson; Wm. J. Boykin and James E. Keese, buglers; John Swearingen, blacksmith; Thomas Sappington, farrier. There were seventy-four privates and a total in rank and file of eighty-nine.

In the meantime Gen. Brooke died in San Antonio and Gen. Wm. S. Harney had succeeded to the command. He directed Capt. McCulloch to take such position in the mountains, covering the headwaters of the Guadalupe, Piedernales, Llano and San Saba, as, by a system of energetic scouting, would enable him best to protect the settlements inside, in reality covering most of the country between the Upper Nueces and the Colorado. About the first of June Capt. McCulloch established his headquarters on the north branch of the Llano River, about ten miles above the forks, and thenceforward had daily reports from a long line of observation. This active service, without any important action or discovery, continued until early in August, when the scouts reported a considerable and fresh Indian trail to the west of the encampment bearing from the lower country in a northerly direction.

Capt. McCulloch with a detail of twenty-one men started out in immediate pursuit. These men were Oliver H. P. Keese, Houston Tom, Archibald Gipson, Thomas Sappington, William W. Ashby, Alex Brown, Jeremiah Campbell, Henry Dillard, B. Harris, Montreville Howell, Edward Hall, William A. Keese, Christopher McCoy, William L. (Brack) Mitchell,

John L. McKean, Herman L. Raven, William G. Rector, John B. Slack, Abraham Vanderpool, Karl Walter and William Williams, in all twenty-one men.

Following the trail, rendered very plain by the number of stolen horses driven by the Indians, it became manifest that the robbers apprehended no danger and were traveling leisurely. On reaching the south branch of the San Saba, not far from its source, it became certain that the enemy was near by. Capt. McCulloch, halting the company, with Chris. McCoy, went forward, soon to discover the Indians encamped on a deep branch, evidently feeling secure, and their horses grazing at some distance from them. A plan of attack was at once adopted. A charge was so made as to cut the horses off and the Indians took position in the branch, but betrayed more of a desire to escape than to fight. The rangers, inspired by their captain, crowded upon them whenever and wherever it could be done without reckless exposure to their invisible shots. Some of the squaws with bow and arrow, fought as men and two would have been killed in the deadly melee but for the discovery of their sex, upon which they were overpowered and disarmed, this being the highest manifestation of chivalry possible under the circumstances, including of course the safe custody of the captured ladies. Herman L. Raven was wounded by one of the squaws. Jeremiah Campbell's horse was killed by a rifle ball. The Indians were closely pressed as they retreated down the branch until they found security in the thickets on its borders.

Seven or eight warriors were left dead on the ground. All the horses and other property of the Indians were captured. It became evident that the raiders had been robbing Mexicans on the Rio Grande. On reflection Capt. McCulloch furnished the two squaws horses and outfits, telling them to find their people and say to them that if they would come into Fort Martin Scott (two and a half miles east of Fredericksburg, and on the Piedernales), bring in any prisoners

they might have and pledge themselves to cease depredations on the frontier, their horses and effects would be restored to them. This offer was accepted and carried into effect. Ketemsi, chief of the defeated party, contended that he had been warring on Mexicans only, and it was not right for Texians to attack him — a position untenable while he passed over and occupied Texas soil in his hostile movements against people with whom we were at peace. But in truth he was ready to rob and slay Texians as well as Mexicans.

The company continued in active service till the expiration of their period of enlistment, when, on the 5th of November, 1851, they were mustered out at Fort Martin Scott. As previously stated, they were mustered in at Fort Merrill by Capt. Gordon Granger, afterwards a distinguished Union general in the civil war. They were mustered out by Captain James Longstreet, an equally distinguished general on the Confederate side in the same war.

#### ED. BURLESON'S FIGHT IN 1851.

In 1850-51, Edward Burleson, son of the distinguished general of that name, was a lieutenant of Texas rangers, stationed at Los Ojuelos, in the lower Rio Grande country. On the 27th of January, 1851, in charge of a small detachment of men, he was returning from San Antonio, to his camp, when on the Laredo road, not far from the Nueces, on the west side, three mounted Indians were discovered. Directing the remainder of his men to continue the march, Burleson selected eight men and pursued the enemy. After a chase of about three miles, the Indians suddenly halted and faced about, when eleven warriors appeared on foot, all prepared for a fight, which proved to be desperate. Burleson charged up almost among them, when, by some misapprehension, all of his men dismounted. The Indians then charged them; a desperate hand to hand combat ensued. They fought

around and under the horses, with guns, pistols, arrows and knives — nine white men, fourteen Indians. Each man became his own commander, fighting single-handed for life. As tersely expressed by the noble old veteran, Col. John S. Ford, to whom I am indebted for a large portion of the facts, "it was a trial of skill, strength and courage," and "a few moments decided it," though "victory trembled in the balance." Baker Barton, thrice mortally wounded, was the first to fall, but died standing and holding the pommel of his saddle. William Lackey received three wounds, one being mortal. James A. Carr, also thrice severely wounded, fought like a tiger, killed one warrior as he was in the act of lancing him, and as he fired at another an arrow gave him a fourth wound; but he survived them all. Burleson, in single combat, killed a warrior across his horse. Alfred Tom, severely wounded, fought gallantly. So of James Wilkinson — Leach fought with the heroism of his comrades. John Spencer was assaulted by three warriors at the same time, and though severely wounded, by using his horse as a breastwork, held them in check until relieved by others. Warren Lyons, who had been a prisoner among the Comanches from 1837 to 1847 (from his fourteenth to his twenty-fourth year), not only repeated to his comrades all the Indians said among themselves, but fought them in their own style of gyrating, dodging and bounding. He sang out to Burleson, "They are whipped, but do not know how to escape." Yet, the warriors took the chances and retreated, as best they could.

The result was, four Comanches dead upon the field and eight wounded. Of the rangers, two killed and seven wounded — showing that every man spilled his blood.

As the fight ceased Samuel Duncan reached the scene. It was soon ascertained that the Comanches were laying in wait to ambuscade an unarmed train of Mexican carts, and hence had not observed the approach of the rangers.

They were without water. Duncan was dispatched to a

water hole twenty miles ahead. The wounded were borne along till Duncan met them with water. Barton was buried on the way. Lackey died in Laredo eight days after the fight. The whole party, aided by a vehicle sent for the wounded, reached Laredo in a day or two, where medical attention was bestowed in Fort Bliss, by the authority of Capt. Sydney Burbank, U. S. A., commander of the post.<sup>1</sup>

#### ANOTHER INDIAN FIGHT.

In September, 1852, during Gov. Bell's second term, a company of State rangers under Capt. Owen Shaw, was stationed at Camp Bee, fifteen miles above Laredo, on the Rio Grande. On the 15th Capt. Shaw received an express from Hamilton P. Bee, then a merchant in Laredo, informing him that a band of Indians had crossed the Rio Grande for Mexico into Texas, twenty miles below the place, and had plundered the ranches below as far as Roma. Several days having intervened, Capt. Shaw immediately struck for the upper Nueces, where he hoped to intercept them. On the 16th, he struck a trail on the head of the *Raices*, leading up the country, on which he encamped for the night, satisfied from all the indications that the Indians believed themselves entirely safe and were moving without any precaution; and in this he was correct, as he overtook them the next morning at eight o'clock encamped on the Arroyo San Roque, thirty miles north west from Fort Ewell on the Nueces.

The action was commenced by the Indians themselves by coming out of the Arroyo in which they were encamped, forming in front of it, defiantly waving a red

<sup>1</sup> This was not the first achievement of young Burleson. He had seen much service before, and won many laurels afterwards. He was major in the first year of the war between the States in Henry E. McCulloch's regiment, stationed on the frontier, and filled numerous other positions. He served in the Constitutional convention of 1875, and died in 1877, greatly lamented. He died at his home near San Marcos.

blanket and opening a heavy fire with muskets, rifles, six-shooters and arrows. Shaw immediately formed in front of them, about seventy-five yards distant, with A. Gatliff and J. D. Scott a little in front on his extreme right, and ordered his long-range riflemen to open fire — slow but sure. Gatliff commenced the action by killing the chief; not a man moved or fired without an order from the captain, and, as the Indians had decidedly the advantage of position, being covered by the Arroyo, he ordered Scott, with a small party, to cut off the caballada (the horses) of the Indians; and Gatliff, with another party, to get to the rear of the enemy, so as to cut off his final retreat, while Capt. Shaw, with fifteen men on foot, leaving J. Bott, with a small detachment to guard the horses, charged the Arroyo about one hundred yards below the encampment. The dismounted men gallantly charged the enemy and a severe conflict ensued. The Indians were forced out of the Arroyo, when they were met by the mounted men, who continued a running fire upon them, while Shaw remounted his immediate followers and followed until stopped by a tremendous rainfall.

The Indians numbered nineteen men and two women. Of this number but one is certainly known to have escaped. Nine were left dead on the ground. Twenty-three horses and mules, with their accoutrements and many other articles, were captured. It seems almost incredible that Shaw's only loss was one wounded horse. In his report, Capt. Shaw says: "Sergeant E. Foster Calhoun was by my side while we were acting as infantry, and I bear cheerful testimony to his gallantry. Herman L. Raven, Mac Anderson and George H. Logan of Austin, are reported to me in the highest terms." [Herman L. Raven, one of the young soldiers thus complimented, was the same who was wounded in June, 1851, in Capt. Henry E. McCulloch's fight with Ketemsi's party of Indians, on the San Saba.]

## DEATH OF GOVERNOR HENRY SMITH.

Governor Henry Smith had accompanied two of his young sons to the gold mines in Los Angeles County, California, leaving home about the first of June, 1849. He died suddenly at their camp on the night of March 4th, 1851, where his remains lie buried beneath the trees, on one of which his sons engraved his name, age and country.

Governor Smith's father was Rev. James Smith of Virginia, his mother, Magdalene Woods, originally of Bottetort County, Va. In 1827, his veins full of pioneer blood, he came to Texas, at a period when the services which he soon after rendered could not be overestimated. Before the revolution he filled the office of Secretary of the District of Brazoria, Alcalde of the same jurisdiction, member of the conventions of 1832 and again of 1833; Political Chief (Vice Governor), of the department of the Brazos (the only American ever appointed); member of the Consultation in 1835, Provisional Governor in 1835-6, Secretary of the Treasury under President Houston, in his first term, and member of Congress from Brazoria County, after which he refused any public position.

Governor Smith was never connected actively with the army except at Velasco, where he was wounded; but at a period when Mexican misrule was too heavy to be borne, and the public sentiment of the country was in a state of ferment as to the remedies to be adopted, he declared himself in favor of independence from that country, and, as far as possible, so shaped his course as a statesman, that his every public act should be a step in that direction. His pen furnished for the press of that day much that strengthened the views of the wavering and gave coherency to the Independence party.

## GOVERNOR BELL.

In the autumn elections of 1853, Governor Bell, having served nearly two terms, was elected to the United States Congress, and in order to take his seat, resigned the office five or six weeks before the expiration of his term.<sup>1</sup>

During Gov. Bell's second term, (December 26th, 1851), Texas was called upon to mourn the death of Gen. Edward Burleson, one of her best loved citizens and trusted chieftains. Their sorrow was universal. He was born in North Carolina in 1789, lived for a time in Virginia, and thence, in 1824, removed to Tennessee. He visited Texas in 1830, and in 1831 settled on the Colorado River, twelve miles below Bastrop, when but few families lived in that part of the country and they were constantly exposed to the depredations of the hostile Indians. He at once became a leader of the people in defense against the savages. When the revolution began in 1835, he was promptly in the field, was made colonel of the troops at Gonzales, and in that capacity marched upon San Antonio, Austin being in the chief command; but he only so remained a few weeks, retiring on the 24th of November, to become one of the three commissioners to

<sup>1</sup> Peter Hansborough Bell was born and reared in Virginia, and descended from a prominent family of that State. He was a man of splendid physique, and, combined with true courage, was distinguished by kind and genial characteristics. It is believed he had not a personal enemy in Texas. He arrived in the country in March, 1836, when he had little more than attained man's estate. He proceeded on foot from Velasco to Gen. Houston's retreating army, then on the Brazos, and enlisted as a private soldier, in which capacity he bore himself with such gallantry as to win the admiration of his comrades at San Jacinto. Thence up to annexation he was almost constantly in some military position; for several years filling the office of inspector-general, afterwards captain of rangers in the southwest, then lieutenant-colonel of Hays' second regiment in the Mexican war, and continued in the frontier service after the war until a short time before his election as Governor in 1849. He was re-elected in 1851 — then served four years in Congress — 1853 to 1857 — then married and settled in North Carolina. He was a colonel in the Confederate army from that State and still resides there.

the United States. Burleson succeeded him in the chief command and so remained until after the capture of San Antonio, which occurred on the 10th of December. In March, 1836, he joined Gen. Houston at Gonzales and became colonel of the first regiment. On the 21st of April, at San Jacinto, he led his regiment in such a manner as to win imperishable renown. Under Gen. Rusk, a little later, he commanded the advance in following the retreating army of Filisola out of the country. At the second election under the Republic in 1837, he was elected to the Senate and served one session, when he was elected by the Congress as a brigadier-general of militia. During 1839 he fought the Indians in what is now Williamson County, defeated Cordova, a few miles from Seguin, and on July 16th and 17th, in command of volunteers and regulars, he won distinction in the victorious battles with the Cherokees in east Texas. From the beginning of 1839 to the autumn of 1840 he was colonel of the only regiment of regulars in the service, those troops being scattered at intervals along the frontier, so that he often commanded bodies of volunteers. On the 12th of August, 1840, he commanded the right wing in the victorious battle of Plum Creek, where one hundred and eighty-seven men, including thirteen Toncahuas, overwhelmingly defeated about one thousand Indians. In 1841 he was elected vice-president of the Republic and presided over the Senate for three years. He was in the field in 1842 to repel the Mexican invasions of March and September. In 1846 as a volunteer, serving on the staff of Governor Henderson, he maintained his well-earned reputation in the sanguinary battle of Monterey. He was elected to the first State Senate after annexation, and re-elected until his death at the close of 1851, all the time serving as president pro-tem of the Senate. He died during the session of that body, and received from the members of both houses of the legislature eulogies worthy of his fame as a citizen, soldier, statesman, patriot and as a Christian gentleman.

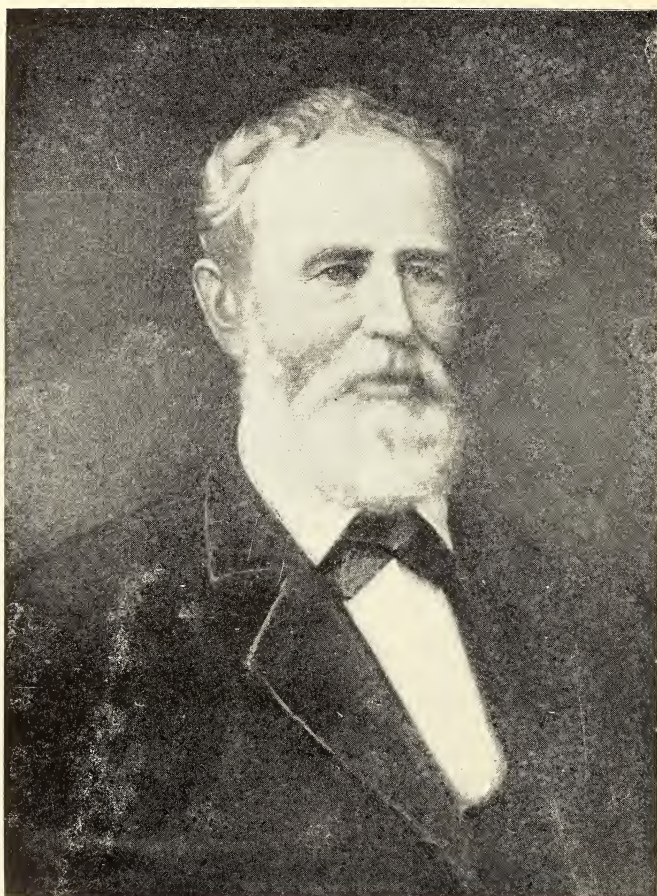
## CHAPTER XXXI.

More of the Governors and Chiefs of Texas.

Elisha Marshall Pease was born in 1812 and reared near Hartford, Conn. In the spring of 1835, when twenty-three years old, he came to Texas, locating in Mina, since known as Bastrop. In September of that year he was among the first volunteers to arrive at Gonzales under the leadership of Burleson. After the fall campaign he repaired to San Felipe and became assistant secretary to the General Council; and, at Washington, March 3 1836, he was assistant secretary to the convention which declared independence. In 1837 he was comptroller under President Houston. In 1838 he located as a lawyer at Brazoria, and for many years he enjoyed a large practice at the bar. He was elected to the first legislature in connection with annexation. In 1847 he was re-elected. In 1849 he was elected for four years to the State senate. In his legislative career of eight years he was justly regarded as one of the best lawmakers in the State, and was author in whole or in part of many of the elementary laws, enacted after annexation, the principles of which yet remain on the statute books. In 1853 he was elected as the successor of Governor Bell — and re-elected in 1855, Hardin R. Runnels, being elected Lieutenant-Governor. That he made a wise and conservative Governor was verified by public sentiment.

During his administration of four years much of our earliest railroad legislation was inaugurated. The matters in issue between the United States and Texas, in regard to the public debt of the late Republic, so far as the United States had retained the \$5,000,000 was concerned, was finally adjusted. The United States, by a special act, proposed to





GOV. ELISHA M. PEASE

Texas to pay off that portion of the debt to which the custom house revenues had been pledged and for which the creditors held the United States responsible, at a scale differing and somewhat higher than Texas had adopted with reference to the remainder of her revolutionary debt. It became known as the *public debt bill*, requiring the action of Texas, and was an issue in the elections of 1855. There was powerful opposition to its acceptance, led by some of the ablest men in the State. When the legislature met in November of that year, the friends and opponents of this measure were so equally divided that the result remained long in doubt, but the measure finally carried. Among the debaters pro and con, in the house, were Ben E. Tarver, John Sayles, Wm. B. Ochiltree, Ashbel Smith, Stephen S. Tompkins, James W. Throckmorton, Jacob Waelder, Charles S. West, Charles L. Cleveland, and other speakers of ability.

A portion of the money received from the United States was used in the erection of a new State capitol and other public buildings, including inexpensive buildings for the deaf and dumb, insane and the blind, some of which were completed during the next administration.

During Gov. Pease's first term, Thomas J. Jennings, and during his second term, James Willie, was attorney-general; and, during both terms, Edward Clark was Secretary of State, James B. Shaw, Comptroller, James H. Raymond, Treasurer, and Stephen Crosby, commissioner of the land office.

In the senate were Mark M. Potter, Isaiah A. Paschal, A. Superville, Edward A. Palmer, Wm. T. Scott, Malachi W. Allen, Wm. M. Taylor, M. D. K. Taylor, Robert H. Taylor, Elisha E. Lott, James Armstrong, Jesse Grimes, Matt G. Whitaker, Johnson Wrenn, S. Addison White, Rufus Doane, James McDade, Wm. S. Day, Isaac L. Hill and others, constituting as able a senate as has ever sat in Texas.

The proposition of the United States was finally accepted, passing the house by a majority of only one or two.

It also contained clauses adjusting the claims of Texas against the United States for frontier defense. For the four previous years Texas had relinquished the State taxes to the counties for the purpose of erecting court houses and jails, and had defrayed the expenses of the State government from the \$5,000,000 bonds previously received. In his message Gov. Pease said:

"The amount of these bonds now remaining in the treasury is \$1,575,000, and if we continue to rely upon them to meet the expenses of the government, they will, with the interest accruing on them, pay these expenses for about eight years, but these bonds, having been received as the consideration for our relinquishment of the right of soil and jurisdiction over a portion of our territory acquired by our revolution, ought not to be expended for temporary purposes; they ought rather to be husbanded, and used for objects of public utility, permanent in their character." \* \* \*

"I am opposed to any future relinquishment of the State tax to the counties, and think it (the State tax) should be relied on to meet the ordinary expenses of the government."

These wise suggestions of Governor Pease were followed by the legislature, the United States bonds both present and prospective being subsequently set apart as a part of the endowment of the permanent free school fund.

Thus there remained in the treasury of the State, at the close of 1855, \$1,575,000, while a plurality of the people, directly voting on the question, had voted against the proposition; but the public mind, relieved of all anxiety from this source, overwhelmingly concurred in the action taken.

In the year 1854, there was introduced into Texas a secret political organization which, in 1855, became known as the *Know-nothing or American Party*. It transacted its business in secret sessions and put forth a full ticket for State officers. Prior to this time there had never been in Texas, party organizations for such purpose. It was notorious, however,

that, as the result of annexation, about three-fourths of the people belonged to the Democratic party. The principles of the new party were designed to put restrictions on the rights of foreign emigrants, in acquiring the rights of American citizenship, and imposing restraints upon those professing the Catholic religion. For Governor, in 1855, the Democratic party re-elected Governor Pease by a vote of 26,336 to 17,968, cast for David C. Dickson, the candidate of the new party. On the ticket with Pease, Hardin R. Runnels was elected Lieut.-Governor. The Democratic majority in the two houses of the legislature was so great that the new party died in its infancy. The most intelligent and patriotic element composing it speedily became satisfied that its principles, though in some respects commendable, were as a whole proscriptive, un-American and dangerous to the cause of constitutional government. All such resumed their former political status as members of the Democratic party, while foreign emigrants continued to arrive and fill up the waste places of the land, and the State to prosper as never before.

The legislature set apart the United States bonds as a perpetual school fund, and, in another act, provided that the State would loan to railroad companies \$6,000 for each mile of road constructed, one result of which was, some years later, the State lost about \$150,000, an experiment not likely to be repeated.

In 1855 it was proposed for the State to undertake the construction of railways on its own account. It was urged through the press and in circulars by its advocates, but utterly failed to win popular approval.

A disturbing element had been gradually growing in the southwest which culminated in the so-called *cart war*. A number of Mexicans, withdrawing from the turmoils and burdensome exactions of their own country, had crossed into Texas and collected in a settlement near the San Antonio River. They were peaceable, but the settlement was supposed

to serve as a refuge for runaway slaves and other fugitives. With their carts and oxen they could afford cheaper transportation of freight from the coast to the interior than the Texians engaged in the same calling. In consequence, several Mexicans were killed and a general war upon them was threatened. Governor Pease ordered out a small armed force, the assailants dispersed and the war ended.

#### AN INDIAN RAID.

In October, 1855, a party of Lipan and Kickapoo Indians, as they had repeatedly done before, crossed the Rio Grande from their new homes in Mexico and committed robberies and murders in the country northwest of San Antonio. As senior officer of three small volunteer companies, Captain James H. Callahan pursued the retreating savages across the Rio Grande to their chief encampments near San Fernando, twenty-seven miles beyond the border, and there had a severe fight. He was soon confronted by overwhelming odds, including large numbers of Mexican outlaws, and was compelled to retreat, but in doing so displayed such admirable tact and courage as to not only preserve the utmost coolness among his followers, but to repulse the frequent attacks of his pursuers. His wounded (including little B. Eustace Benton, whose brains were oozing through a bullet hole in his eye,) were successfully borne away.<sup>1</sup>

The enemy expected to greatly cripple Callahan's force, while recrossing the Rio Grande at Eagle Pass, but in this they were disappointed by the timely action of Capt. Sidney

<sup>1</sup> This heroic youth was carried for that long distance by Capt. Wm. A. Pitts, who placed the unconscious boy in his saddle and rode behind him on the same horse, holding him in his arms. This scene, with bullets whizzing from a pursuing foe, and the agonized father (Capt. Nat Benton, with an arm broken), wrought almost into frenzy by what he considered the death wound of his only child, involuntary calls to mind the legend of Damon and Pythias.

Burbank, commander of Fort Duncan, on the Texas bank, who turned his guns so as to rake the western bank, and by this demonstration, said to the pursuers: "If you attack my countrymen while they are crossing the river, I shall pour shot and shell into your ranks." The admonition had the desired effect, and unquestionably saved many lives. It won the heart of Texas to that gallant officer, who hazarded his commission in the cause of humanity, and who was gallantly sustained by his second in command, Captain John G. Walker, subsequently a Confederate major-general. Willis, the youthful son of Hon. Wm. E. Jones, was the only one left dead on the field. Capt. Callahan was one of the saved among Fannin's men and about a year later was assassinated at his home in Hays County. In his honor Callahan County was named.

## CHAPTER XXXII.

### SECTIONAL AGITATION — AN INDIAN BATTLE.

Though not pertaining directly to the history of Texas it is proper to refer to certain sectional agitations in which the northern and southern States felt deeply interested. The Missouri compromise of 1820-21 prohibited slavery in the territories of the United States north of latitude thirty-six, thirty. This was commonly called Clay's compromise; but in 1850 Mr. Clay introduced another compromise in relation to the vast territory acquired from Mexico, under which California was admitted into the Union as a non-slave holding State, and that the remaining territory, embracing Utah and New Mexico — besides what now constitutes Nevada, Arizona, parts of Kansas and Colorado, should be given provisional or territorial governments without reference to slavery, virtually leaving to those people, when they should come to form State constitutions, to deal with the slavery question as they might prefer. Soon afterwards the settlement of Kansas attracted marked attention, leading to bitter factional contests, between northern and southern immigrants on the subject of slavery. It is sufficient to say that many wrongs were perpetrated resulting in armed contests and more or less bloodshed. To meet the emergency and give repose to the country, a bill was introduced by Senator Douglas, of Illinois, in December, 1854, known as the *Kansas and Nebraska bill* (which became a law), in which it was declared that the Missouri compromise —

“Being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as

recognized by the legislation of 1850, commonly called the *compromise measures*, is hereby declared inoperative and void, it being the true intent and meaning of this act, not to legislate slavery in to any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

Kansas and Nebraska, under the Missouri compromise, would have necessarily been free States, but this bill of Mr. Douglas carried with it the right of slaveholders to settle in those territories. The eastern portion of Kansas was regarded by many as a desirable region for slave labor, and many southern people located in it. This only served to intensify sectional antagonisms; and the north, being the most populous and powerful section, in the very nature of things, speedily won the prize. General Houston, senator from Texas, for reasons which he elaborated, voted against this measure under the firm conviction that the attempt to establish slavery in that section would prove futile and only serve still further to alienate the sections. As public sentiment then existed, General Houston lost much popularity in Texas by that vote. Such was the condition of things when on the 21st of December, 1857, a change of administration occurred in Texas and Hardin R. Runnels<sup>1</sup> became Governor, having received 32,552 votes to 23,628 cast for Gen. Houston.

<sup>1</sup> Hardin R. Runnels was a native of Mississippi and a planter. As such he located in Bowie County in 1841. From 1847 to 1855 he represented that county in the legislature, and in the session of 1853-4 he was speaker of the house. In 1855 he was re-elected to the legislature, and also Lieut.-Governor — the latter office being conferred on short notice as a result of complications brought about by the Know-nothing agitation. He thereupon declined his seat in the legislature and served as Lieut.-Governor. In 1859 in a second race for Governor, he received 27,500 votes while Gen. Houston reversed his majority and received 36,257 votes — Runnels' majority having been 8,824, and Houston's 8,757. Governor Runnels subsequently served in the secession convention of 1861, and in the constitutional convention of 1866. He died at his home in Bowie County.

Francis R. Lubbock at the same time became Lieut.-Governor; T. Scott Anderson was made Secretary of State; Clement R. Johns, Comptroller; Cyrus H. Randolph, Treasurer; Francis M. White, Commissioner of the Land Office and Malcolm D. Graham, Attorney-General.

Governor Runnels submitted his views on the Kansas question to the legislature — taking strong ground in favor of the equal rights of the south in the territory. The legislature passed a preamble, reciting that there was a determination, by force, to exclude the citizens of the slave-holding States from the enjoyment of equal rights in the common territory, and

*Resolved*, “That the Governor of the State is hereby authorized to order an election for seven delegates to meet delegates appointed by the other southern States, in convention, whenever the executives of a majority of the slave-holding States shall express the opinion that such convention is necessary to preserve the equal rights of such States in the Union, and advise the Governor of this State that measures have been taken to meet those of Texas.”

The Governor was also empowered, if he should find it necessary, to call an extra session of the legislature, to take action on this subject and, in its discretion, to provide for a convention of the people, representing the sovereignty of the State. Although nothing ever sprang from this action it served to intensify public opinion, and expose Texas to the charge of favoring ultimate secession.

Gov. Runnels, in his first message, called attention to the fact that notwithstanding the liberal land bonuses and the loan of \$6,000 per mile from the school fund, the building of railroads was by no means commensurate with the public demands. He urged, that all companies theretofore chartered should be held to strict accountability and opposed the indiscriminate granting of charters, well knowing that such grants

had been made theretofore to irresponsible parties whose objects were merely speculative.

During the session of 1857-8, Gov. Runnels called attention to the Indian depredations on the frontier, and urged measures for their repression. The result was, the passage of a bill, providing for raising a force of six months' rangers to operate against these Indians. Capt. John S. Ford, as senior officer, was placed in command of the expedition, and left Austin with one hundred men about the first of April, 1858, for the Panhandle region of Texas. At the Indian agency on the Brazos he was joined by Capt. S. P. Ross, resident agent of the Indians, with one hundred friendly Toncagua, Caddo, Waco and Anadarko Indians, each little tribe having its chief, as, Piacido of the Toncaguas, and Jim Pock-mark of the Anadarkoes. Among Ford's subordinate officers, were Allison Nelson (afterwards a Confederate general), Lieutenants Edw. Burleson, Wm. A. Pitts, Preston and Tankersley. On the 12th of May, 1858, on the Rio Negra, or False Washita, Capt. Ford attacked and successfully fought the town of the noted Comanche chief Pro-he-bits Quash-o, or "Iron-Jacket" so styled from his coat of scale mail. The conflict, fierce and close, was continued for a considerable time. The Comanches yielded in retreat, but stubbornly fought at every favorable locality, formed by trees, mounds or ravines. The Texians and their Indian allies pursued with vigor, the enemy spreading in fan-shaped lines of retreat and causing a corresponding separation of the pursuers. The battle began about sunrise and the pursuit was abandoned about noon. On arriving at the initial point, it was found that a large body of warriors from an encampment farther up the river were formed in battle array on a neighboring ridge. A charge was ordered and gallantly made on this fresh body of warriors. Lieut. Nelson, by a skillful movement, struck the enemy's left flank, which, simultaneous with a furious charge in front, broke the Comanche line. A

running fight followed for three or four miles, when Ford's party returned to the original point of attack. The results were, seventy-six dead Comanches, an unknown number wounded, four hundred horses and a large amount of Indian property captured, including several prisoners, among others, Noh-po, a little son of Iron-Jacket. Ford's loss was one ranger and one Waco killed and seven wounded.

It was known that Buffalo-Hump with his whole band was encamped on the Canadian not very far below, and, after two contests on the same day, with two distinct bands, it was deemed prudent to return at once to their camp on the False Washita, where their supplies had been left with a guard of but six men. This was done and virtually closed the campaign; and the command and all its portable booty leisurely returned to the settlements.<sup>1</sup>

<sup>1</sup> The son of Iron-Jacket was reared in the Ross family at Waco and accompanied Major L. S. Ross of Stone's regiment, when he joined Gen. Ben McCulloch's command in southwest Missouri, in the autumn of 1861.

## CHAPTER XXXIII.

### THE RESERVE INDIANS.

There were two Indian reservations in Texas — one located on the Brazos twelve miles below Fort Belknap, on which were located remnants of various Texas tribes, and one on the Clear Fork of the Brazos forty-five miles farther west, on which were located about five hundred Comanches — all of those tribes having herds of horses, and being fed by the United States government, the Comanches being located at Camp Cooper, a military post.

As early as 1857 the people on the frontier began to complain of depredations by these Indians through small parties stealing their horses and killing isolated persons. The complaints multiplied through 1858 and into the beginning of 1859, when several collisions took place between small bands of Indians and squads of frontier citizens. A strong demand had grown up for the government to remove the Indians from Texas and locate them with other tribes north of Red River, which course Gov. Runnels urged upon the government. Finally, a large body of citizens, from as far east as Collin and Denton counties, organized and, under the lead of Captain John R. Baylor, repaired to the vicinity of the Brazos reservation. In the meantime two companies of United States infantry were ordered to the agency to protect the Indians against unauthorized attacks. In passing along the road through the reservation they were fired upon by the Indians from the neighboring hills. There was a large element of the best citizens of the country in this party, and they were unwilling to provoke a collision with United States forces, and

therefore determined to return home, carrying with them, however, convictions that the Indians had been committing depredations, and greatly displeased with the course of the chief agent, Major Neighbors. In this condition of affairs Governor Runnels conceived it to be his duty to ascertain the real facts and adopt whatever course might be deemed necessary to protect the people. For that purpose, he appointed, as commissioners, Messrs. George B. Erath, Richard Coke, John Henry Brown, Joseph M. Smith and Dr. Josephus M. Steiner, with instructions to visit the agency and the surrounding country, and report the result of their investigations. About the same time, the fact was made public, that the government would, in a short time, remove the Indians to the vicinity of Fort Cobb, north of Red River. The commissioners reported to the Governor such facts as determined him to take steps to protect the people against depredations by the Indians, and especially during the period of their removal. To this end, John Henry Brown was appointed captain of two detachments aggregating one hundred men, and ordered to take position in such manner as to enable him to compel the Indians on both reservations, to remain within their limits until their final removal, unless accompanied by white men in order to collect their live stock. Major (afterwards General) George H. Thomas was in command of all the United States forces at the two reservations, with headquarters at Camp Cooper. Captain Brown exchanged notes and courtesies with him, which led to a friendly understanding, marred only by a single skirmish near that camp, where a large body of Comanches attacked a detachment of Brown's men, but were repulsed with the loss of eleven warriors, and only two rangers wounded.

In August Major Thomas, with an escort of three or four hundred cavalry and infantry, conducted the Indians to their future homes in the Indian Territory. Brown followed in their rear to guard against straggling, thieving parties, with the

effect of but one such leaving the main body, until the whole were at Fort Cobb, and thus ended this exciting and irritating episode in our Indian history, marred, however, by an act of violence that was lamented by all parties. On his return home from Fort Cobb, with a party of his subordinates and employes, all destined for their respective homes in Texas, Major Neighbors was murdered in Belknap, by a party concealed in the brush. Public opinion pointed with no small unanimity to a man named Cornett as the assassin, who, about a year later in the same section of country, was pursued and killed by two or three of the rangers then on the frontier.

## CHAPTER XXXIV.

### HOUSTON'S ADMINISTRATION.

General Houston's term of twelve years in the United States senate expired March 4, 1859, while Senator Rusk, who had served with him from annexation until 1857, in a fit of great mental depression, caused by the death of his wife, terminated his own career a few months before at his home in Nacogdoches, in 1857. Chief Justice John Hemphill of the Supreme Court and James P. Henderson were elected to fill these vacancies. Judge Hemphill served until the organization of the Confederate government. General Henderson died a few months after his election, having barely taken his seat in the senate. Governor Runnels appointed in his stead, until the meeting of the next legislature, Hon. Matthew Ward, of Marion County, and, when that body met at the close of 1859, it elected to the senate, Louis T. Wigfall, who also served until the organization of the Confederate government.

General Sam Houston was inaugurated as Governor on the 21st of December, 1859, but a little while before the great canvass of 1860, in which the country, north and south, east and west, was destined to be convulsed over the issues which culminated in secession a year later.

Governor Houston was soon confronted with the grave question of our frontier relations with the Indians; with the disturbed condition of the Lower Rio Grande frontier, when a renegade Mexican bandit, Nepomucino Cortina by name, at the head of an organized band of marauders, was terrorizing that border, often crossing from the Mexican to the Texas

side, robbing, murdering and harassing the people. Governor Houston appealed to the Government at Washington to stay these incursions. The government acted promptly, by directing Colonel Robert E. Lee, then in command of the department of Texas, to adopt the most energetic measures to destroy Cortina and his band of outlaws, authorizing him, if necessary, to cross into Mexico for that purpose. Colonel Lee, in addition to the regulars at his disposal, was effectively aided by a body of Texian volunteers, under the command of Colonel John S. Ford. Several contests took place in the region of Matamoros, and in a short time the bandits were dispersed, leaving the country comparatively quiet.

In his message — being his first in the regular course — on January 13th, 1860, Governor Houston said :

“ The first official information received by the Executive from the seat of these disorders, was a communication from Captain W. G. Tobin bearing date at Raminero, near Brownsville, December 16th, 1859. \* \* \*

“ I was gratified to learn from that dispatch that the Federal government had interposed to restore order in that region, and that Major Heintzleman, an officer of discretion and valor, had assumed the control of military operations. Whatever complaints may be made against the Federal government on account of the removal of the troops from that portion of our border, its promptitude in affording relief at this time is deserving of consideration. \* \* \*

“ On the 10th of January the report of Major John S. Ford (previously appointed by Governor Runnels) was received, dated at Ringgold Barracks, December, 29, 1859, giving an account of the engagement at Rio Grande City, in which the followers of Cortina were fully routed and dispersed.

“ The entire forces on this occasion were under the command of Major Hientzleman, to whom great credit is given for the disposition made of the troops.

“ In whatsoever light we may view these disorders on the

Rio Grande, they may be readily traced to the insecure condition of our border caused by the removal of the Federal troops. Mexico is in a continued state of anarchy. Her population feel none of the influences of a stable government. Lawless chieftains plunder them with impunity, and light the torch of civil war at pleasure. Riot, murder and revolution reign above law and order. Separated from Mexico as we are by a narrow river alone, and a continual intercourse going on between its people and ours, it is but natural that the unhappy influences of her condition should extend to our border.

“ To prevent these influences operating upon the turbulent portion of our own population, as well as to check any effort on the part of the citizens of Mexico to aid them in setting the laws at defiance, the presence of the Federal troops is absolutely necessary ; and in my opinion the disturbances may be attributed to the insecurity arising from their removal, which left no check upon the influences of the civil war in Mexico. I have full confidence that the Federal government will not only guard against any such exigences in the future, but will, as it should, recognize as valid the acts of its military officer on the Rio Grande in assuming the control of our State troops and reimburse Texas for the cost of pay and subsistence.”

On his induction into office, General Houston manifested equal anxiety regarding the northwestern frontier. For this purpose he successively commissioned Captains Wm. C. Dalrymple, Ed. Burleson, Jr., and John C. Conner to raise companies of rangers. A little later he called into service, three detachments, of twenty-five men each, under Lieutenants Robert M. White, Salmon and Walker. He further authorized the chief justice of every frontier county, on emergencies, to call out a company of fifteen men. Captain Peter Tumlison was placed at the head of forty-eight men to guard the southwestern frontier. In addition to these several forces he

authorized Colonel Middleton T. Johnson to raise a battalion, or regiment, for a campaign into the Indian country. At the head of a fine body of men that officer advanced far up the country on the waters of Pease and Red Rivers, but the Indians, realizing that this force was too strong to be met, fled before them and avoided any collision. Hence, after a short campaign, the expedition returned and was disbanded. It was on this trip and by some of these men that the assassin of Major Robert S. Neighbors was killed in the region of Belknap. Governor Houston, like his predecessors in numerous cases, felt compelled to adopt these extraordinary measures of frontier defense, because of the failure of the United States to keep on the frontier a sufficient mounted force to protect the lives and property of the people; it being an oft-demonstrated fact that infantry confined at frontier posts are wholly inadequate for such purposes.

In the fall of 1860, General Houston also placed on the northwestern frontier small companies under the command of Captains Thomas Harrison and Lawrence S. Ross, the latter of whom in December attacked and defeated a band of Indians on Pease River, in which he captured a woman and her child, who proved to be a white woman, named Cynthia Ann Parker, captured at the fall of Parker's Fort, when but nine years of age, May 19th, 1836, and for the intervening twenty-four years and seven months, had been held in captivity by the Comanches. (See Indian Wars of Texas, by the author of this work.)

#### POLITICAL CRISIS APPROACHING.

It is not the intention of the author to give a history of the sectional agitation or of the war between the States, but only succinctly and impartially to state facts as they transpired so far as they affected and controlled the action of Texas. It is deemed improper, at so early a period, to under-

take such a history by one who was a participant in it so far as Texas was concerned. That labor, to meet the demands of posterity, must be performed by an historian wholly freed from the excitement and prejudices of those times.

For the present it may be said that a president of the United States was to be elected in the autumn of 1860 to succeed Mr. Buchanan, the administration of the government for the preceding eight years having been successively in the hands of Presidents Pierce and Buchanan, both elected by the Democratic party. It was during this period that the sectional agitations connected with the question of slavery, and the territories, had assumed proportions, foreshadowing the separation of the sections. A division of opinion sprang up in the Democratic party, in regard to the rights of the people — comparatively the first settlers of a common territory, belonging to the Union — to permit or exclude slavery, a doctrine alleged to be sustained by the provisions of the Kansas-Nebraska bill, and commonly designated as *Squatter Sovereignty*. The contrary view, chiefly adopted by the Democrats of the south, was that only when the people of a territory, after their probationary experience as such, framed a State constitution under an enabling act of Congress, preparatory to their admission into the Union as a State, could take action for or against slavery. On this proposition, the party so divided that when they met in national convention at Charleston for the nomination of a presidential candidate, it was found impossible to make a nomination, the contest being for the nomination of Douglas on the part of the northern and of John C. Breckenridge on the part of the southern wing of the party. This resulted in an adjournment from Charleston to Baltimore, where a short time afterwards a separation took place and both of the gentlemen named were nominated. A third ticket was put forward by those claiming to be more exclusively Union men, headed by John Bell of Tennessee, and Edward Everett of Massachusetts. The most

powerful party in the country, excepting the united Democracy, had come to be known as the Republican party, which was considered by the southern States as strictly sectional in all that pertained to slavery and the territories. This party nominated for President Abraham Lincoln of Illinois (a Kentuckian by birth), and for Vice-President Hannibal Hamlin of Maine. Hence in this singular issue was conducted the most exciting contest ever known in the Union. In Texas but two tickets were run, those representing Breckenridge and Bell. In this State during the summer, excitement and sectional antipathy were greatly stimulated by what was regarded as incendiary acts in the almost simultaneous burning of several small towns, cotton gins, mills, etc. The most conspicuous of these fires occurred in Dallas, Texas, causing the people to organize for mutual protection and the detection, if possible, of the emissaries. It was charged and believed that the crimes were incited by emissaries, chiefly professed ministers of the gospel from the northern and western States, by whom the negro population, in some localities, were excited to evil deeds, for which a few of them (notably three in Dallas) were executed. Such was the condition of the public mind in this State when Mr. Lincoln was elected president. Up to that time he was little known out of his own State, and necessarily had to bear whatever of opprobrium was brought upon his party by its extreme or abolition wing—a judgment which time, freedom from excitement, and Mr. Lincoln's character as illustrated by his official acts, would reverse.

Popular excitement became intense, public meetings were rapidly held throughout the country, in which it was substantially held, by a great majority of the people, notwithstanding the fact that Mr. Lincoln had been elected by a decided minority of the Union, that Texas had but the alternative of withdrawing from the Union or awaiting the destruction of her domestic institutions by direct and indirect assaults upon them. This was the popular impression at the time. Gov-

ernor Houston sought by every legitimate means within his power to stay this tide and preserve the Union.

In his message of January 13, 1860, already quoted, he said :

“ I cannot refrain from congratulating the legislature upon the triumph of conservatism as seen in the many evidences of the determination of the masses of the people of the north to abide by the constitution and the Union, and to put down the fanatical efforts of misguided abolitionists, who would endanger the safety of the Union to advance their vapid schemes. That their efforts will so operate upon the impending struggle as to stay the hand of slavery agitators, is to be hoped. This outspokening of the people should be received in our midst as the evidence, that, notwithstanding the ravages of deluded zealots, or the impious threats of fanatical disunionists, the love of our common country still burns with the fire of the olden times in the hearts of the American people. Nowhere does that fire burn with more fervor than in the hearts of the conservative people of Texas. Satisfied that the men whom they elected at the ballot box to represent them in Congress will bear their rights safely through the present crisis, they feel no uneasiness as to the result. Texas will maintain the constitution and stand by the Union. It is all that can save us as a nation. Destroy it and anarchy awaits us.”

So wrote Governor Houston January 13th, 1860, but this was ten months before the election of Mr. Lincoln as President.

## CHAPTER XXXV.

### SECESSION ACCOMPLISHED.

In a number of the southern States conventions were held by order of the constituted authorities, and during December, 1860, and January, 1861, six of the southern States formally seceded from the Union and provided for an assemblage of delegates at Montgomery, Alabama, for the formation of a new Confederate Union. Governor Houston declined to join in a call for such a convention in Texas, but issued a proclamation convening the legislature on the 21st of January, 1861. A call was then issued, signed by the lieutenant-governor, numerous judicial officers, other public functionaries, and many distinguished citizens, requesting the people in all the legislative counties and districts to assemble on the 5th of January to elect delegates to a plenary convention, to assemble in Austin on the 28th of January (the basis of representation being two delegates for every member of the House of Representatives), clothed with authority to determine the future course of Texas on the grave question then before the country.

When the legislature met, in called session on the 21st of January, Governor Houston transmitted a message, detailing the condition of the State, in regard to its frontier, financial, and Federal relations, reciting, as has been already shown, the calling into service of Captain Dalrymple and the command of five companies under Col. M. T. Johnson; also other companies under Captains A. B. Burleson and E. W. Rogers, which, on reaching the frontier, were placed under command of Col. W. C. Dalrymple, aide-de-camp of the

Governor. Johnson's men, as has been stated, were disbanded after a short campaign, but those last mentioned were in service until the frontier posts of the United States were surrendered to the troops of Texas.

In this message Governor Houston said: "The Executive feels as deeply as any of your Honorable Body the necessity of such action on the part of the slave-holding States as to secure to the fullest extent every right they possess. Self-preservation, if not a manly love of liberty, inspired by our past history, prompts this determination.

"But he cannot feel that these dictate hasty and unconcerted action, nor can he reconcile to his mind the idea that our safety demands an immediate separation from the government, ere we have stated our grievances or demanded redress. A high resolve to maintain our constitutional rights, and, failing to obtain them, to risk the perils of revolution, even as our fathers risked it, should, in my opinion, actuate every citizen of Texas; but we should remember that we owe duties and obligations to States having rights in common with us; and whose institutions are the same as ours.

"No aggression can come upon us which will not be visited upon them; and, whatever our action may be, it should be of that character which will bear us blameless to posterity, should the step be fatal to the interests of those States.

"While deploring the election of Messrs. Lincoln and Hamlin, the Executive yet has seen in it no cause for the immediate and separate secession of Texas. Believing, however, that the time had come when the southern States should co-operate and counsel together to devise means for the maintenance of their constitutional rights and, to demand redress for the grievances they have been suffering at the hands of many of the northern States, he has directed his efforts to that end. Believing that a convention of the character contemplated by the joint resolution of February 16th, 1858, should be held, and desiring that the people of

Texas should be represented in the same, and have full opportunity to elect delegates reflecting their will, he ordered an election to be held for that purpose on the first Monday in February next. Although since that time four of the southern States have declared themselves no longer members of the Union, yet he confidently looks forward to the assemblage of such a body.

“A majority of the southern States have as yet taken no action, and the efforts of our brethren of the border are now directed towards securing unity of the entire south.

“The interests of Texas are closely identified with the remaining States; and if, by joining her counsels with theirs, such assurances can be obtained of a determination on the part of the northern States to regard our constitutional rights as will induce the States which have declared themselves out of the Union, to rescind their action, the end attained will silence whatever reproaches the rash and inconsiderate may heap upon us. Texas, although identified by her institutions with the States which have declared themselves out of the Union, cannot forget her relation to the border States. Pressed for years by the whole weight of abolition influence, these States have stood as barriers against its approach. Those who ask Texas to desert them now should remember that in our days of gloom, when doubt hung over the fortunes of our little army, and the cry for help went out, while some who seek to induce us to follow their precipitous lead looked coldly on us, these men sent men and money to our aid. Their best blood was shed here in our defense and, if we are to be influenced by considerations other than our own safety, the fact that these States still seem determined to maintain their ground and fight the battle of the Constitution within the Union, should have equal weight with us as those States which have no higher claim upon us, and, without cause on our part, have sundered the ties which made us one.

“Whatever may be the course of Texas the ambition of her

people should be that she should take no step except after calm deliberation. A past history in which wisdom and courage and patriotism, united to found a Republic and a State, is in our keeping. Let the record of no rash action blur its pages.

“If, after passing through two revolutions, another is upon us, let the same prudence mark its course as when we merged from an independent nation into one of the States of the Union. Holding ourselves above the influences which appeal to our passions and our prejudices, if we must be masters of our own destiny, let us act like men, who feel all the responsibilities of the position they assume, and are ready to answer to the civilized world, to God, and to posterity. The time has come when, in my opinion, it is necessary to invoke the sovereign will for the solution of this question affecting our relations with the Federal government. The people, as the source of all power, can alone declare the course that Texas shall pursue, and, in the opinion of the Executive, they demand that the legislature shall provide a legal means by which they shall express their will, as free men at the ballot-box. They have stood aloof from revolutionary schemes, and now await the action of your honorable body, that they may, in a legitimate manner, speak through the ballot-box. As one of the special objects for which you were convened, the Executive would press this upon your attention, and would urge that such action be as prompt as possible.

\* \* \* \* \*

“Be their voice as it may, we shall be united; and whether our future be prosperous or gloomy, a common faith and hope will actuate us.

\* \* \* \* \*

“We have gone through one revolution in Texas a united people. We can be united again, and will be, if the people are intrusted with the control of their destinies.”

The Secession Convention assembled at Austin, on the 28th of January, 1861, and found the legislature in session.

Oran M. Roberts, one of the judges of the Supreme Court, was elected its president. The necessary committees were appointed and the convention proceeded with all due solemnity to the consideration of the grave question whose consideration had brought them together. The legislature promptly passed an act, recognizing it as a plenary body, representing the sovereignty of the people of Texas. On February 1st it passed an ordinance dissolving the relations of the State of Texas to the Federal government, and declaring that Texas resumed her position as an independent government. Following this step, — feeling that the ordinance did not fully express the grounds for this action, on motion duly adopted a committee of five was appointed to prepare a declaration of causes which impelled the action of Texas. That committee consisted of John Henry Brown of Bell, as chairman, Pryor Lea of Goliad, Malcolm D. Graham of Rusk, George Flournoy of Travis, and A. P. Wiley of Walker. The committee on the 2d day of February reported and the convention enthusiastically adopted the following:

A DECLARATION OF THE CAUSES WHICH IMPEL THE  
STATE OF TEXAS TO SECEDE FROM THE FEDERAL  
UNION.

The Government of the United States, by certain Joint Resolutions, bearing date on the first day of March, in the year A. D. 1845, proposed to the Republic of Texas, then a FREE, SOVEREIGN and INDEPENDENT NATION, the annexation of the latter to the former as one of the co-equal States thereof.

The people of Texas, by deputies in convention assembled, on the fourth day of July of the same year, assented to and accepted said proposals, and formed a constitution for the proposed State, upon which, on the twenty-ninth day of De-

cember, of the same year, said State was formally received into the confederated Union.

Texas abandoned her separate national existence and consented to become one of the confederated States, to promote her welfare, insure domestic tranquility and secure more substantially the blessings of liberty and peace to her people. She was received into the confederacy, with her own constitution, under the guarantees of the Federal constitution and the compact of annexation, that she should enjoy these blessings. She was received as a commonwealth, holding, maintaining and protecting the institution known as negro slavery — the servitude of the African to the white race within her limits — a relation that had existed from the first settlement of her wilderness by the white race, and which her people intended should continue to exist in all future time. Her institutions and geographical position established the strongest ties between her and the other slaveholding States of the Confederacy. These ties have been strengthened by the association. But what has been the course of the government of the United States, and of the people and authorities of the non-slaveholding States, since our connection with them?

The controlling majority of the Federal Government, under various pretenses and disguises, has so administered the same as to exclude the citizens of the southern States, unless under odious and unconstitutional restrictions, from all the immense territory owned in common by all the States, on the Pacific ocean, for the avowed purpose of acquiring sufficient power in the common government, to use it as a means of destroying the institutions of Texas and her sister slaveholding States.

By the disloyalty of the northern States and their citizens, and the imbecility of the Federal Government, infamous combinations of incendiaries and outlaws have been permitted in those States and the common territory of Kansas, to trample

upon the Federal laws, to war upon the lives and property of southern citizens in that territory, and, finally, by violence and mob law, to usurp the possession of the same, as exclusively the property of the northern States.

The Federal Government, while but partially under the control of these our unnatural and sectional enemies, has, for years, almost entirely failed to protect the lives and property of the people of Texas against the Indian savages on our borders; and, more recently, against the murderous forays of banditti from the neighboring territory of Mexico, and when our State Government has expended large amounts for such purposes, the Federal Government has refused re-imbursement therefor — thus rendering our condition more insecure and harassing than it was during the existence of the Republic of Texas.

These and other wrongs we have patiently borne, in the vain hope that a returning sense of justice and humanity would induce a different course of administration.

When we advert to the course of individual non-slaveholding States and that of a majority of their citizens, our grievances assume far greater magnitude.

The States of Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Ohio, Wisconsin, Michigan and Iowa, by solemn legislative enactments, have deliberately, directly, or indirectly, violated the third clause of the second section of the fourth article of the Federal constitution, and laws passed in pursuance thereof; thereby annulling a material provision of the compact, designed by its framers to perpetuate amity between the members of the Confederacy, and to secure the rights of the slaveholding States in their domestic institutions — a provision founded in justice and wisdom, and without the enforcement of which the compact fails to accomplish the object of its creation. Some of those States have imposed high fines and degrading penalties upon any of their citizens or

officers who may carry out in good faith that provision of the compact, or the Federal laws enacted in accordance therewith.

In all of the non-slaveholding States, in violation of that good faith and comity which should exist even between entirely distinct nations, the people have formed themselves into a great sectional party, now strong enough in numbers to control the affairs of each of those States, based upon the unnatural feeling of hostility to these southern States and their beneficent and patriarchal system of African slavery — proclaiming the debasing doctrine of the equality of men, irrespective of race or color — a doctrine at war with nature, in opposition to the experience of mankind, and in violation of the plainest revelations of the divine law. They demand the abolition of negro slavery throughout the confederacy — the recognition of political equality between the white and negro races — and avow their determination to press on their crusade against us, so long as a negro slave remains in these States.

For years past this abolition organization has been actively sowing the seeds of discord through the Union, and has rendered the Federal Congress the arena for spreading firebrands and hatred between the slaveholding and non-slaveholding States.

By consolidating their strength, they have placed the slaveholding States in a hopeless minority in the Federal Congress and rendered representation of no avail in protecting southern rights against their exactions and encroachments.

They have proclaimed, and at the ballot box sustained, the revolutionary doctrine that there is a "higher law" than the constitution and laws of our Federal Union, and virtually, that they will disregard their oaths and trample upon our rights.

They have, for years past, encouraged and sustained lawless organizations to steal our slaves and prevent their recap-

ture, and have repeatedly murdered southern citizens while lawfully seeking their rendition.

They have invaded southern soil and murdered unoffending citizens, and through the press, their leading men and a fanatical pulpit, have bestowed praise upon the actors and assassins in these crimes — while the Governors of several of their States have refused to deliver parties implicated and indicted for participation in such offenses, upon the legal demands of the States aggrieved.

They have, through the mails and hired emissaries, sent seditious pamphlets and papers among us to stir up servile insurrection and bring blood and carnage to our firesides.

They have sent hired emissaries among us to burn our towns and distribute arms and poison to our slaves, for the same purpose.

They have impoverished the slaveholding States by unequal and partial legislation, thereby enriching themselves by draining our substance.

They have refused to vote appropriations for protecting Texas against ruthless savages, for the sole reason that she is a slaveholding State.

And, finally, by the combined sectional vote of the seventeen non-slaveholding States, they have elected as President and Vice-President of the whole Confederacy, two men whose chief claims to such high positions, are their approval of these long continued wrongs, and their pledge to continue them to the final consummation of these schemes for the ruin of the slaveholding States.

In view of these and many other facts, it is meet that our views should be distinctly proclaimed.

We hold, as undeniable truths, that the governments of the various States, and of the Confederacy itself, were established exclusively by the white race, for themselves and their posterity; that the African race had no agency in their establish-

ment; that they were rightfully held and regarded as an inferior and dependent race, and in that condition only could their existence in this country be rendered beneficial or tolerable:

That, in this free government, ALL WHITE MEN ARE, AND OF RIGHT OUGHT TO BE, ENTITLED TO EQUAL CIVIL AND POLITICAL RIGHTS; that the servitude of the African race, as existing in these States, is mutually beneficial to both bond and free, and is abundantly authorized and justified by the experience of mankind, and the revealed will of the Almighty Creator, as recognized by all Christian nations; while the destruction of the existing relations between the two races, as advanced by our sectional enemies, would bring inevitable calamities upon both, and desolation upon the fifteen slaveholding States:

By the secession of six of the slaveholding States, and the certainty that others will speedily do likewise, Texas has no alternative but to remain in isolated connection with the north, or unite her destinies with the south.

For these and other reasons — solemnly asserting that the Federal constitution has been violated and virtually abrogated by the several States named; seeing that the Federal government is now passing under the control of our sectional enemies, to be diverted from the exalted objects of its creation, to those of oppression and wrong; and realizing that our State can no longer look for protection, but to God and her own sons: We, the delegates of the people of Texas, in convention assembled, have passed an ordinance dissolving all political connection with the government of the United States of America, and the people thereof — and confidently appeal to the intelligence and patriotism of the freemen of Texas to ratify the same at the ballot-box, on the 23rd day of the present month.

Adopted in convention, on the second day of February, in

the year of our Lord one thousand eight hundred and sixty-one, and of the independence of Texas the twenty-fifth.

O. M. ROBERTS, *President*,

Edwin Waller,  
L. A. Abercrombie,  
W. A. Allen,  
Jas. M. Anderson,  
T. S. Anderson,  
Jas. R. Armstrong,  
Richard L. Askew,  
W. S. J. Adams,  
Wm. C. Batte,  
S. W. Beasley,  
John Box,  
H. Newton Durditt,  
Jas. M. Burroughs,  
John I. Burton,  
S. E. Black,  
W. T. Blythe,  
Amzi Bradshaw,  
R. Weakley Braham,  
A. S. Broadbush,  
John Henry Brown,  
Robert C. Campbell,  
Lewis F. Casey,  
Wm. Chambers,  
T. J. Chambers,  
John Green Chambers,  
John Littleton,  
M. F. Locke,  
Oliver Lofton,  
Thos. S. Lubbock,  
P. N. Luckett,  
Henry A. Maltby,  
Jesse Marshall,

James M. Maxey,  
Lewis W. Moore,  
Wm. McCraven,  
Wm. McIntosh,  
Gilchrist McKay,  
Thos. M. McCraw,  
Wm. Goodloe Miller,  
Albert N. Mills,  
Thos. Moore,  
Thos. C. Moore,  
Charles de Montel,  
B. F. Moss,  
John Muller,  
Thos. J. Nash,  
A. Nauendorf,  
T. C. Neel,  
Allison Nelson,  
James F. Newsom,  
N. B. Charlton,  
Geo. W. Chilton,  
Isham Chisum,  
Wm. Clark, Jr.,  
J. A. Clayton,  
Chas. L. Cleveland,  
A. G. Clopton,  
Richard Coke,  
James E. Cook,  
Jno. W. Dancy,  
A. H. Davidson,  
C. Deen,  
Thos. J. Devine,  
Thos. G. Davenport,

Jas. J. Diamond,	Malcom D. Graham,
William Diamond,	Peter W. Gray,
Jno. Donelson,	Jno. A. Green,
Jos. H. Durham,	Jno. Gregg,
Edward Dougherty,	Wm. P. Hardeman,
H. H. Edwards,	Jno. R. Hayes,
Elbert Early,	Philemon T. Herbert,
Jno. N. Fall,	A. W. O. Hicks,
Drury Field,	Thos. B. J. Hill,
Jno. H. Feeney,	Alfred M. Hobby,
Geo. Flournoy,	Joseph L. Hogg,
Spencer Ford,	J. J. Holt,
Jno. S. Ford,	W. M. Neyland,
Thos. C. Frost,	E. B. Nichols,
Amos. P. Galloway.	A. J. Nicholson,
Chas. Ganahl,	E. P. Nicholson,
Charles Stewart,	James M. Norris,
F. S. Stockdale,	Alfred T. Obenchain,
Wm. H. Stewart,	W. B. Ochiltree,
Pleasant Taylor,	W. S. Oldham,
B. F. Terry,	R. J. Palmer,
Nathaniel Terry,	W. M. Payne,
James Hooker,	W. K. Payne,
Edward R. Hord,	William M. Peck,
Russell Howard,	W. R. Poag,
A. Clark Hoyl.	Alexandria Pope,
Thos. P. Hughes,	David Y. Portis,
J. W. Hutcheson,	D. M. Prendergast,
Jno. Ireland,	Walter F. Preston,
Thos. J. Jennings,	F. P. Price,
F. Jones,	A. T. Rainey,
W. C. Kelly,	John H. Reagan,
T. Koester,	C. Rector,
C. M. Lesueur,	P. G. Rhome,
Robt. Graham,	E. S. C. Robertson,

J. C. Robertson,	Pryor Lea,
J. B. Robertson,	James S. Lester,
William P. Rogers,	E. Thomason,
James H. Rogers,	James P. Thomson,
Edward M. Ross,	W. S. Todd,
Jno. Rugeley,	James Walworth,
H. R. Runnels,	R. H. Ward,
E. B. Scarborough,	Wm. Warren,
Wm. T. Scott,	Jas. C. Watkins,
William Reid Scurry,	Jno. A. Wharton,
James E. Shepard,	Joseph P. Wier,
Sam S. Smith,	Jno. A. Wilcox,
Gideon Smith,	A. P. Wiley,
John D. Stell,	Ben. Williams.
John G. Stewart,	Jason Wilson,
Robt. S. Gould,	Phillip A. Work,
F. W. Latham,	
R. T. Brownrigg, <i>Secretary,</i>	
Wm. Dunn Schoolfield, <i>Assistant Secretary,</i>	
R. W. Lunday, <i>Assistant Secretary.</i>	

One hundred and sixty-five names were appended to this Declaration. - Seven members voted against the ordinance of secession and the Declaration, but all of them stood by the south during the war. Of the whole number of one hundred and seventy-two about one hundred and forty-five served in the Confederate army, the exceptions being men too advanced in years for military service, or those who labored under physical disabilities; seven of them became generals in the army, viz.: Allison Nelson, John Gregg, Wm. P. Harde-  
man, Jerome B. Robertson, Wm. Reed Scurry, John A. Wharton, and Joseph L. Hogg. Thirty rose to the rank of colonel, and it is believed that thirty were killed in battle or died in the service.

## CHAPTER XXXVI.

The vote on Secession by the people — Members to the Confederate Congress, etc., etc.

Twenty thousand copies of the Declaration were printed in pamphlet form and scattered broadcast over the country. The convention took all necessary steps to secure the posts and arms belonging to the United States, from Brownsville to Red River. Colonel John S. Ford, accompanied by E. B. Nichols, was dispatched to Brownsville, to secure possession of the posts and arms on the Lower Rio Grande. Colonel Ben McCulloch, with several hundred men, accompanied by commissioners, was sent to San Antonio, the headquarters of the department of Texas, General David E. Twiggs commanding. Colonel Henry E. McCulloch, with a hastily collected force, covered the central line of the frontier including Fort Mason and Fort Chadbourne, while Colonel Wm. C. Dalrymple, with several companies, including those of Captains Harrison and Ross, covered the line from Camp Cooper to Red River. After peaceful negotiations, the Federal commanders, seeing the hopelessness of resistance, and to avoid bloodshed, one by one surrendered the whole line, not a drop of blood being shed. Immediately thereupon these posts were occupied by Texas troops until other arrangements could be made.

On the 4th of February the convention adjourned to re-assemble on the 2d day of March, the twenty-fifth anniversary of Texas independence, the day on which the ordinance of secession was to take effect, if ratified by the people at the election to be held on the 23d of February. Pending that period of nineteen days the country was ablaze with public

meetings, and prominent speakers addressed the people in almost every county in the State.

On re-assembling on the 2d of March the convention found by the returns that a little under forty-six thousand votes had been cast for the ordinance and a little over thirteen thousand against it, in the ratio of about three and one-half to one; whereupon, the president of the convention proclaimed the result and declared Texas out of the Union.

At its first session the convention elected as its provisional representatives, Messrs. John Hemphill, Louis T. Wigfall, John Gregg, Wm. B. Ochiltree, Williamson S. Oldham, John A. Wilcox and Franklin B. Sexton to represent Texas in the Congress of the southern States at Montgomery, Alabama, with authority, provisionally to associate Texas with them in the formation of a new government, but declaring that no permanent constitution should be binding on Texas unless previously ratified by the respective States, forming the new government.

On the re-assembling on the 2d of March, as already stated, the Convention, on the 4th of that month, adopted the following:

ORDINANCE IN RELATION TO A UNION OF THE STATE  
OF TEXAS WITH THE CONFEDERATE STATES OF  
AMERICA.

“WHEREAS, the convention of this State has received information that the Confederate States of America, now in session at Montgomery in the State of Alabama, has adopted a constitution for a provisional government, which constitution is modeled on that of the United States of America; and

WHEREAS, as a seceding State, it becomes expedient and proper that Texas should join said confederacy, and share its destinies; and

WHEREAS, A delegation consisting of seven members has

already been elected by the convention to the Congress of the Confederacy aforesaid,

*Therefore,* The people of Texas, in convention assembled, have ordained and declared and do hereby ordain and declare, that the delegation aforesaid to the Congress aforesaid, be, and are hereby instructed, and we do accordingly instruct them in behalf of the State, and, as representing its sovereign authority, to apply for the admission of this State into the said Confederacy, and to that end and for that purpose, to give in the adhesion of Texas to the provisional constitution of said Confederate States, which said constitution, this convention hereby approves, ratifies and accepts.

Section 2. *Be it further ordained,* That the delegation appointed by this convention to the Congress of the confederate States, be and are hereby authorized to act in said Congress as the duly accredited representatives of the State of Texas. Provided, however, that any permanent constitution which may be formed by said Congress shall not become obligatory on this State, until approved in such way as shall be determined upon.

Section 3. *Be it further ordained,* That the president of the convention immediately transmit, through such channel as he may select, a copy or copies of this ordinance to the Congress at Montgomery, and the members of Congress from this State.

Adopted March 4th, 1861.

ORAN M. ROBERTS, *President.*

R. T. BROWNRIGG, *Secretary.*”

On the 18th of February, 1861, a formal agreement was signed at San Antonio by Gen. David E. Twiggs, U. S. A., commanding the Department of Texas, and Messrs. Thomas J. Devine, P. N. Lockett, and S. A. Maverick, commissioners on the part of Texas, providing for the peaceful evacuation of the posts of Texas by the troops of the United States, all of which was effected peacefully.

A committee of thirteen was appointed by the convention to confer with Governor Houston and inform him that by the action of the convention and the vote of the people Texas was again "a free, sovereign and independent State." Governor Houston remonstrated against any further action by the convention, holding, that their functions ceased, by the adoption of the ordinances at their first session, and advocated a convention of all the southern States, as conditionally provided for in the act of 1858. The convention proceeded on the hypothesis that secession was an accomplished fact and that Texas had become one of the Confederate States. It logically followed, from this point of view, that all State, district and county officers, having taken an oath to support the constitution of the United States, and of this State, the sovereignty of the people in convention assembled was the only power which could relieve them of this obligation or any of its parts. The constitution of the State, therefore, was so amended as to substitute "Confederate States" for "United States" wherever they occurred in the constitution. An ordinance was passed, in order to give force and effect to these changes requiring all officers, State, district and county, to take a new oath in accordance with these changes. In other words to support the constitution of the Confederate States.

The hour of noon, on the 16th of March, was fixed as the time and the Convention hall as the place at which all State officers then in Austin should take the oath, the result of refusal necessarily leading to the vacation of their positions. This placed Governor Houston in a very trying position. So far as known or believed, with not exceeding two or three individual exceptions, every secessionist in that convention earnestly desired that Governor Houston should assume the new obligations, and continue to be the Governor of the State. When the appointed hour arrived, the hall being crowded with spectators, the great majority believed and all seemed to

hope that he would appear; but he did not, nor did Hon. E. W. Cave, his Secretary of State, nor Hon. A. B. Norton, Adjutant-General. Lieut. Gov. Ed. Clark, Comptroller, C. R. Johns, Treasurer, Cyrus H. Randolph, Land Commissioner, Francis M. White, and every other State officer in Austin, including supreme and district judges and chiefs of bureaus, appeared and took the oath.<sup>1</sup>

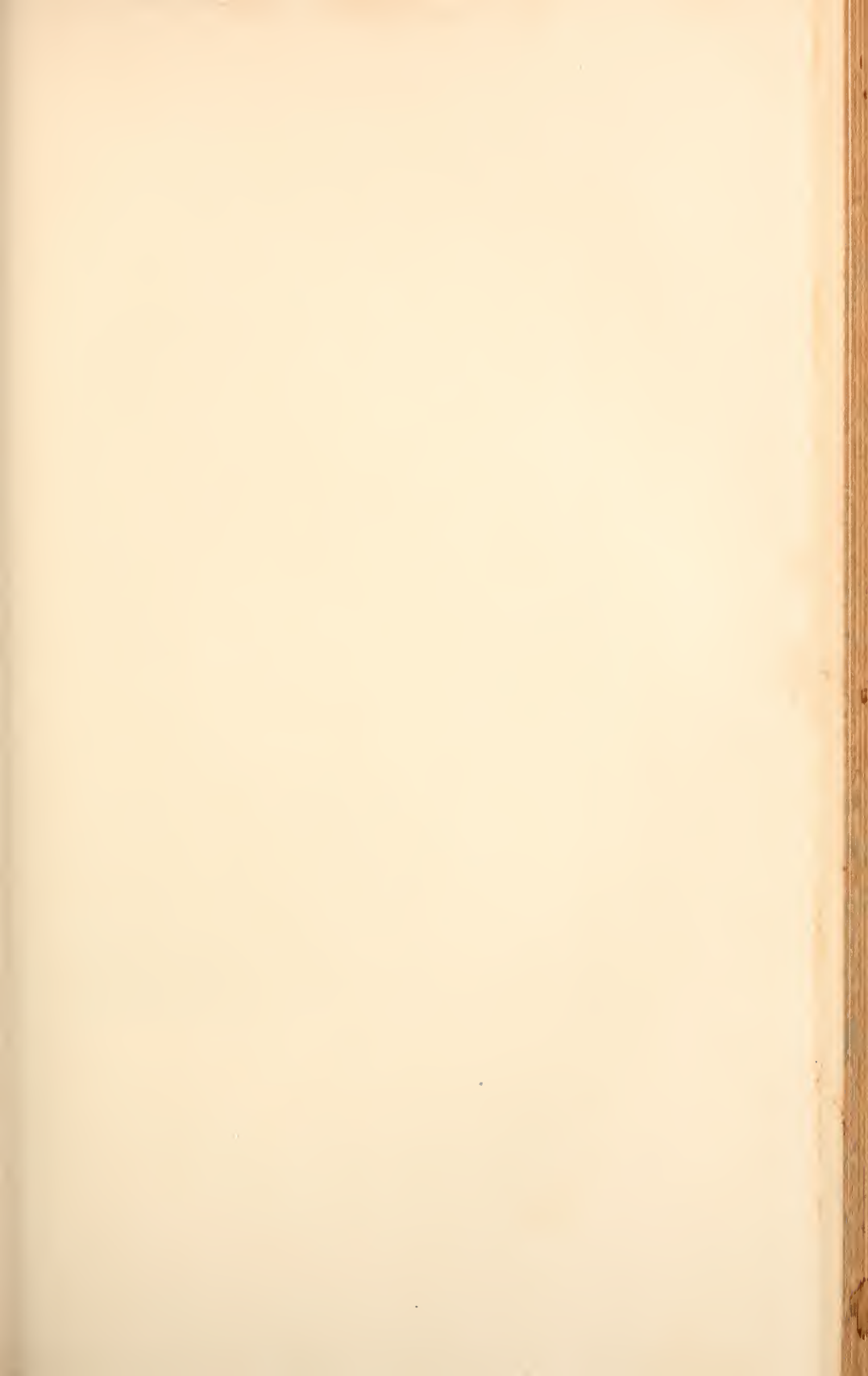
On the second morning following, Governor Houston, though the executive office was opened, failed to make his appearance, as had been his uniform custom, and Lieutenant-Governor Clark entered upon his duties as acting Governor. The whole was accomplished without the least apparent friction, and a few days later Governor Houston retired with his family to his home in Independence and subsequently to Huntsville, his last home. It was a solemn occasion, witnessed with painful interest by many who favored the course taken, but most sincerely regretted that the Governor could not acquiesce in the public voice.

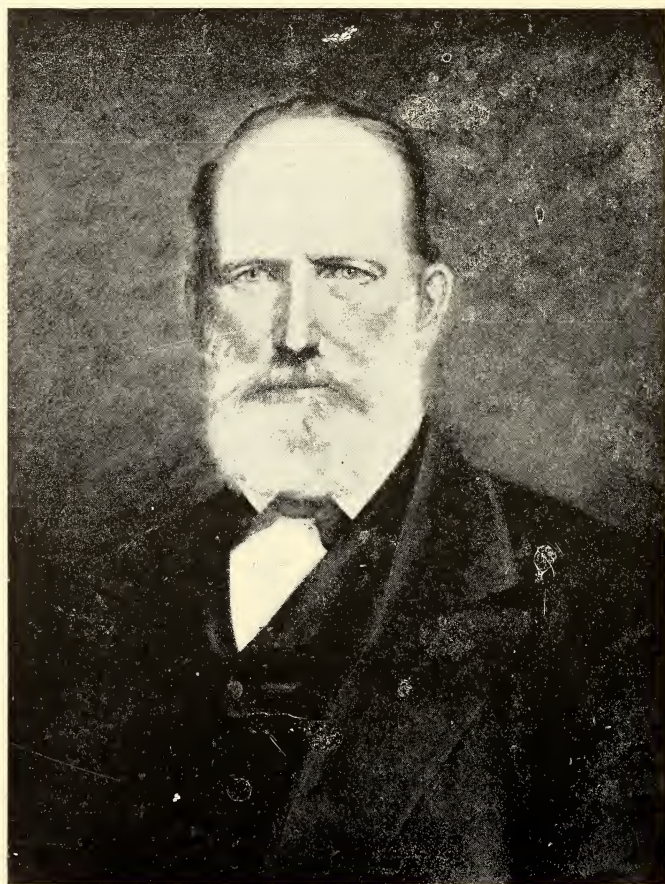
During these exciting times fraternal commissioners from the States already seceded arrived in Austin and were accorded courteous receptions by Governor Houston and the convention.

Among those who approved of Governor Houston's course and were his special friends through this emergency, were a number of distinguished men of long-trying fidelity to the interests of Texas, the more prominent of whom were: Ex-Governor E. M. Pease, Congressman A. J. Hamilton, Judge John Hancock, George W. Paschal, all of Austin, and a number from other portions of the State; while among the secessionists were a large number of his oldest and most steadfast friends.

Of the one hundred and seventy-four delegates, one hun-

<sup>1</sup> The first person in the State to take this oath, administered to him in the Convention Hall by District Judge Thomas J. Devine, was Edward Linn of Victoria, Spanish translator in the Land Office, who was born and reared in the State of New York and had lived in Texas since 1831.





EX.-GOV. EDWARD CLARK

dred and sixty-seven voted for the ordinance of secession, and only seven against it, viz. : Thomas P. Hughes of Williamson; William H. Johnson of Lamar; Joshua Johnson of Titus; A. P. Shuford of Wood; James W. Throckmorton of Collin; —Williams of Lamar, and George W. Wright of Lamar; but Judge Hughes signed the ordinance of secession. Each of these gentlemen, however, stood by the south throughout the war, and most of them gained distinction as soldiers. It is also proper to state that Maj. E. W. Cave, Secretary of State, who, as a member of Governor Houston's official family, declined taking the oath, sustained the south during the war, and won admiration by his gallantry in the battle of Galveston, January 1st, 1863.

The convention appointed Messrs. Pryor Lea of Goliad, John D. Stell of Leon, and John Henry Brown of Bell, to prepare an address to the people explaining and defending the action of the convention. An able and conservative address, prepared by Judge Lea, was widely scattered over the State.

During the recess of the convention a large committee of well-known members of the convention, and styled the *Committee of Public Safety*, remained on duty, directing the course of events. Of this committee John C. Robertson, then and still of Tyler, was the wise and discreet chairman.

A state of war having been proclaimed by the Governor on the 8th of June, the most energetic measures were successively adopted for raising and drilling troops, and the militia, under officers previously commissioned by Gov. Houston, was partially organized. The government of the United States dispatched the steamer *Star of the West* for Matagorda Bay, afterwards understood to have been sent to transport the retiring Federal troops to the north; but Colonel Earl Van Dorn, having resigned his position in the United States Army, at the head of a body of volunteers, sailed from Galveston to that bay and captured the *Star of the West*. The troops from the frontier, on arriving at Matagorda Bay,

Major J. J. Sibley — their commander; placed them on board of sail vessels, when Colonel Van Dorn, joined by volunteers from the interior, again appeared, on the steamer *Gen. Rusk*, and captured them. They were, however, paroled and allowed to leave the State. A little later the troops from the posts on the Upper Rio Grande were en route to the coast, fully armed, when on the 9th of May, at the head of several hundred volunteers, Col. Van Dorn met them twelve miles west of San Antonio, and demanded their surrender, with which they complied, being without orders from their own government; the officers of the command were at once paroled; the private soldiers allowed to do as they thought proper — disperse, leave the State or remain citizens. A portion of them formed a company of regulars and joined the Confederate service. Early in May Colonel Wm. C. Young, of Cooke County, at the head of a regiment of newly-raised volunteers, crossed Red River and captured Forts Arbuckle, Washita, and Cobb, the Federal forces under Major Wm. H. Emory retiring into Kansas. In this expedition James W. Throckmorton, one of the seven who voted against the ordinance of secession, gallantly commanded a large company of volunteers — the same who served under him later in the 6th Texas cavalry.

On the 2d of July, Galveston was blockaded by a Federal fleet and soon afterwards all the ports on the Texas coast shared a like fate, leaving the Texas ports shut in from the outside world, unless through the hazards of blockade-running, which was conducted more or less extensively during the ensuing war. Governor Clark formed several camps of instruction and made every effort to prepare for the impending crisis. Under his administration, Bird Holland and Charles S. West respectively succeeded Major E. W. Cave as Secretary of State, the other State officers continuing, as heretofore stated, in their respective positions.

At the election in September, 1861, Francis R. Lubbock of Houston was chosen Governor by a vote of 21,854 to 21,730 cast for Edward Clark, besides 13,759 for T. J.

Chambers. John M. Crockett of Dallas was elected Lieut.-Governor. Mr. Lubbock was inaugurated on the 7th of November, 1861, and served for two years.

The convention organized a twelve months' regiment and elected as its officers: John S. Ford, Colonel; John R. Baylor, Lieut.-Col. and H. A. Hamner, Major. It was divided; Ford, with one battalion, covered the lower Rio Grande: Baylor, with the other, marched to El Paso and the Mesilla Valley above, where he rendered brilliant and important service; Hamner with a detachment occupied the posts on the El Paso route.

In the autumn of 1861, a brigade of three regiments and one or two batteries, afterwards known as the Sibley brigade, commanded by Gen. H. H. Sibley, the colonels being Wm. Steele, James Reiley and Tom Green, was organized near San Antonio. It marched at once for El Paso and New Mexico and arrived at El Paso on the 16th of December. On the 20th of February, 1862, it reached the vicinity of Fort Craig in New Mexico. On the 21st a severe battle was fought at Val Verde, the Texians being attacked in their position by the troops in the fort, but they remained masters of the field after capturing six pieces of artillery and numerous prisoners. The Federals retired to the fort and continued their retreat in the direction of Santa Fe. The Texians pursued, and, on the 23d of March, arrived at Santa Fe. On the 27th, at Glorietta, twenty miles north of that place, a large detachment of the command had a severe engagement with the Federals, and lost heavily in killed and prisoners. It became evident that the brigade could not maintain its position, and it was determined to return to Texas. Being pursued, several minor engagements took place, the last being at Peralta, on the 23rd of April. The Texian aggregate loss in killed, wounded and prisoners in the campaign, approximated five hundred men, including Lieut.-Col. Lockridge. The command, without other serious adventure, reached San Antonio, and soon proceeded to Louisiana

## CHAPTER XXXVII.

Organization of regiments in Texas — General Hebert in command — He declared martial law and aroused opposition.

On the 26th of February, 1862, Governor Lubbock called for fourteen regiments, and they were speedily in camps of instruction. General P. O. Hebert was first placed in command of Texas by the Confederate government.

On the 30th of May, 1862, Gen. Hebert issued an order proclaiming martial law and, in various other ways, excited strong opposition to himself as a commander. This order contained the essence of one man power and was repugnant to the principles almost universally held by the people of Texas. It clothed provost-marshals of his own appointment with despotic power, and in fact tended to weaken the cause for which Texas was contending. Among other things he said: "All orders issued by the provost-marshals in the execution of their duties shall be promptly obeyed. Any disobedience of summons emanating from them, shall be dealt with summarily. All officers commanding troops will promptly comply with any requisitions made upon them by provost-marshals for aid or assistance."

On the 21st of November, 1862, Gen. Hebert issued an order prohibiting the exportation of cotton except by authorized agents of the government. In February, 1863, Gen. Magruder, his successor, imposed additional conditions relative to the exportation of cotton across the Rio Grande; but in April, he superseded these orders by others much more satisfactory to the country. On the 29th of November, 1862, Hebert was succeeded by Gen. J. Bankhead Magruder, who

at once called for 10,000 additional troops, which were soon mustered into service. At the close of 1862 there were in the Confederate service at least 75,000 soldiers from Texas, including those in Missouri, Arkansas, Louisiana, Tennessee, Mississippi, Hood's brigade in Virginia, and on the coast and frontier of Texas. This number exceeded by over 10,000 the highest number of votes ever cast in the State.

Commodore Eagle of the blockading squadron, in the month of May, 1862, made demand for the surrender of Galveston, but knowing that he had no land force to occupy the city or mainland, the demand was refused. It was repeated, however, on the 4th of October, with the assurance that he had a force to hold the island. He allowed four days for the removal of non-combatants. The Texas troops and large numbers of people retired to Virginia Point on the mainland. The Commodore sent 260 of the forty-second Massachusetts regiment, with several war vessels, into the harbor. The troops were landed, took possession of one of the wharves and raised the Federal flag on the custom house. Four weeks later, Gen. Magruder assumed command in Texas and at once determined to recover the Island. The return of Sibley's brigade from New Mexico placed at his command a large force of tried soldiers, which was supplemented by four or five thousand State troops, called into service for the time being. Magruder made his preparations with skill and secrecy, and, on the 29th of December, arrived at Virginia Point. Two steamboats, the Neptune and Bayou City, lying in Buffalo Bayou, fitted up as gunboats, using cotton bales as breast-works, and accompanied by the Lucy Gwinn and John F. Carr as tenders, and manned by the troops of Sibley, were dispatched to the head of Galveston Bay. They were ordered to enter Galveston harbor on the night of December 31st. Early in that night, Magruder, with the land forces passed from Virginia Point to the island and took position in the city, preparatory to an attack in the

morning. The steamer *Harriet Lane* was at the wharf. The brig *Westfield*, the gunboat *Owassee*, and the transport *Clifton* were lying in the harbor. The battle was opened by *Magruder* in the city. Upon the signal being given the Confederate boats attacked the *Harriet Lane*. The *Neptune* was sunk in shallow water. The *Bayou City* became entangled in the rigging of the *Harriet Lane*. The *Texians* leaped on board, and the vessel, having lost its principal officers, surrendered. The *Massachusetts* troops on the wharf, (from the land end of which the planks had been removed), after a stubborn resistance, surrendered, as did also several Federal vessels, among which were a bark and some smaller craft.

The *Westfield*, in an endeavor to leave the harbor, ran aground. To prevent her capture by the Confederates a train was laid, by her retreating crew, to blow her up. The explosion, failing to occur as was expected, fifteen men under *Commodore Renshaw* returned on board to correct the defect, when the explosion occurred, and every man on board was killed. All the escaping vessels crossed the bar and joined the fleet outside.

Captain *Wainwright* and Lieutenant *Lea* of the *Harriet Lane* were both killed, the former being known to the Confederates as a gallant officer and honorable gentleman, and the latter as the son of Major *Alfred M. Lea* of Texas, — a noted engineer who was in the attacking party. They were buried with distinguished military honors.

Thus the island of *Galveston* was captured to remain in possession of the Confederates until the conclusion of the war. It was considered one of the most remarkable achievements of the war, and Texas felt justly proud of the success of her officers and men. *Gen. Magruder* was profuse in his praises of Colonels *Tom Green*, *Steele*, *Lieut-Col. Scurry*, Colonel *Wm. P. Hardeman* and Colonel *H. M. Elmore*.

The Confederate troops engaged in this action afterwards figured with distinction in the campaigns of *Louisiana*.

In the spring of 1861, Col. Ben McCulloch of Texas was appointed by President Davis a brigadier-general, and assigned to the command of the Indian territory west of Missouri and Arkansas. He assumed command without men, money, or munitions of war. In providing these he acted with energy and success. He was soon joined by several regiments from Arkansas, five of which under Gen. N. B. Pearce were State troops, called out for three months; one regiment from Louisiana, and Greer's 3rd regiment of Texas cavalry. Gen. Price, at the head of the Missouri militia, was driven into the southwest corner of Missouri and there met by the forces under Mc. Culloch who, soon after, was placed temporarily at the head of the combined forces. On the 10th of August, 1861, they were attacked by Gen Lyon of the Federal army at Oak Hills on Wilson's Creek, — 10 miles south of Springfield, and a bloody battle, lasting for six or seven hours, ensued, in which Gen. Lyon was killed and his army routed. Soon afterwards, the Arkansas State troops were discharged, leaving McCulloch a force too small for offensive action and scarcely sufficient to guard the frontier of southwest Missouri and northwest Arkansas, against invasions from Kansas. Gen. Price moved against Lexington on the Missouri river which was fortified and held by a garrison of Federal troops. Thousands of Missourians flocked to the standard of Price, and Lexington, after a stubborn resistance, was captured, together with its entire garrison. The great body of Price's troops were undisciplined men. The Federals promptly dispatched an overwhelming force from St. Louis, by river and rail, to cut off Price's retreat, but he succeeded, by a rapid movement south, in evading them, and was met at Neosho by McCulloch with all the force at his command. Gen. Fremont, the Federal commander, retired and was succeeded by Gen. Hunter who, for a short time, held Springfield, Mo. Price took position near Pineville, McCulloch near Cassville, and, about this time, was re-inforced by the mounted regi-

ments of Stone, Wm. C. Young, Simms, and some others from Texas, together with a number of regiments from Arkansas. The Arkansas regiments of Churchill, McIntosh, McNair and the battalions of McRea were still with him. He made a move on Springfield simultaneously with the retreat of Gen. Hunter from that place, but found it already evacuated. The troops under Price went into winter quarters at and near Springfield, greatly reduced in numbers by the return of unorganized men to their homes. McCulloch placed his troops in winter quarters in northwestern Arkansas, from the State line to the Arkansas river, on which the cavalry on account of forage, were chiefly encamped. Gen. McCulloch proceeded to Richmond and returned in February, barely in time to join in the renewed hostilities. Gen. Price retreated from Springfield pursued by Gen. Curtis at the head of a large force, having numerous skirmishes. Curtis halted near the State line. He was met on that line by most of McCulloch's infantry and, a day or two later, by his cavalry. It was there that McCulloch rejoined his command. The combined forces fell back through Fayetteville, the supplies in which were destroyed, and took position in the Boston mountains. In two or three days, Maj.-Gen. Earl Van Dorn arrived and assumed command of the entire forces under Price and McCulloch. About the 4th of March, the united forces moved north, via Fayetteville and Bentonville, for the purpose of attacking Gen. Curtis in his strong hill-protected position in the vicinity of the Elkhorn Tavern and on the State line. On the afternoon of the 6th, heavy skirmishing took place. On the morning of the 7th, Van Dorn, with Price's Division, passed up the road to the north of Curtis' position, while McCulloch diverged to the right and attacked the lower portion of the army. The battle of Elkhorn ensued. Price gallantly attacked, and gallantly, throughout the day, fought the northern portion of the Federal encampment. McCulloch

engaged the forces below, first by a charge of three regiments and a battalion of cavalry, by the capture of a battery and the repulse of its infantry support, which fell back under a wooded hill, where neither party could see the position of the other. Then placing his infantry regiments and artillery in position for an advance movement, he moved forward, alone, through dense woods and underbrush. Riding forward to discover the position of the enemy, he was fired upon by a company of sharpshooters and shot through the heart and instantly killed. So dense was the brush that he was seen to fall by but two persons, Gen. James McIntosh, the next in command, and Lieutenant Samuel Hyams of Louisiana. Gen. McIntosh at once assumed command and while gallantly leading the charge, not more than fifteen minutes after the fall of McCulloch, was also shot through the heart. Almost at the same time, Col. Louis Hebert of the Third Louisiana regiment, the next officer in rank, was captured by the enemy. No one knew who the next ranking officer was—the forward movement was checked and, while every one was confident of victory, the absence of a commanding officer soon caused confusion, and so the day passed away. During the night Gen. Van Dorn ordered the troops to move around the mountain to Price's position. It is enough to say—omitting further details, the army retired southeasterly towards the Arkansas River, leaving in a house in the field, mortally wounded, the heroic General Wm. Y. Slack of Missouri, besides others, killed, wounded or prisoners. The retreating forces, without further engagements, reached the Arkansas River. The wagon trains, separated from the army by the Federals, under the leadership of Gen. Martin Green of Missouri and Col. B. Warren Stone of Texas, successfully retreated on a more westerly road. The Texas troops participating in the battle of Elkhorn, were the regiments of Col. Elkanah Greer, Lieut-Col. Walter P. Lane, Col. B. Warren Stone, Lieut-Col. John S. Griffith and Major L. S. Ross, Col. Wm. C.

Young, (sick and Lieut.-Col. J. J. Diamond commanding). Col. Simms (arm broken), Whitfield's battalion and the battery of Capt. John J. Good of Dallas.<sup>1</sup>

<sup>1</sup> There are so many Missourians in Texas; the position of that State in the war was so peculiar and the author of this work, which is devoted to Texian history, having come into being on its soil, the following explanatory points are stated, viz.: Claiborne F. Jackson, as a "Douglas Democrat," was elected governor in 1860. He became a secessionist after the election of Mr. Lincoln. A State convention was called of which Gen. Sterling Price was president. That body, with certain provisos, refused to secede, but by a small majority. Gov. Jackson bluntly refused to furnish a man or a gun, in obedience to President Lincoln's call, to coerce the States. The United States military power was invoked and troops started to capture the capitol and the Governor of Missouri. The Governor appointed, under a new law of the State, Sterling Price major-general of the militia and a brigadier-general for each of the eight districts into which the State was divided. On the approach of the Federals the Governor retired from the capitol and joined Gen. Price. A small battle was fought near Boonville, the Missourians retiring. Trouble also arose in St. Louis and elsewhere. Gov. Jackson and Gen. Price, with a few followers, retired to southwest Missouri and were soon joined by many others. Governor Jackson, by proclamation, called the legislature to meet in extraordinary session at Neosho, which it did on the return of Price from Lexington, but it lacked two of a quorum. It then adjourned to meet at Cassville a few days later, when a quorum appeared and it passed an act seceding from the Union, and elected senators and representatives to the Confederate Congress. Gov. Jackson died in Arkansas a year later and Lieutenant-Governor Thomas C. Reynolds, who was in the army in that State, assumed the functions until the war closed. The Federal authorities commissioned Hamilton R. Gamble of St. Louis, a man of southern birth and high character, adhering to the Union, as Governor, declaring the office vacated by Jackson. Thus Missouri had a resident and a non-resident Governor. The State was divided in sentiment and furnished 109,111 troops to the Union cause, while her thousands of Confederate troops won renown on scores of battlefields on both sides of the Mississippi. Her valiant leaders: Weightman at Oak Hills, Slack at Elk Horn, Green at Vicksburg, Little at Iuka, Col. A. E. Steen, Chappell, Emmett McDonald, Wm. Riley, Joseph Porter, Frizbie McCullough, John Wyman, — Senteny, and scores of others gave up their lives for the cause they believed to be the cause of liberty.

## CHAPTER XXXVIII.

Texas troops — Battle of Shiloh — Surrender of Arkansas Post — Gens. Homes, Kirby Smith, Texian Officers — Death of Gen. Houston.

A month after the battle of Elkhorn, that of Shiloh in Tennessee was fought on the 5th and 6th of April, where the Confederate cause met with an irreparable loss in the death of Gen. Albert Sidney Johnston, and, while the Confederates held the ground, it soon became evident that, by successive re-inforcements, the Federals would soon be in a position to reverse this state of affairs. To meet the anticipated emergency, Gen. Van Dorn was ordered to transfer the army of Elkhorn, through Memphis, to Corinth. The Texas regiments under him were embraced in this movement, and thereafter nearly all of them until the close of the struggle, served on the east side of the Mississippi, as did also the exchanged Texians who some months later were captured at Arkansas Post. At Corinth some of the Texas regiments were reorganized. Thus Lieut.-Col. Walter P. Lane for a time succeeded Col. Greer and Major L. S. Ross succeeded Col. Stone and afterwards became brigadier and was succeeded by his brother, Peter Ross, as colonel. Major Whitfield became colonel and soon afterwards brigadier-general, and a number of other changes of like character took place.

In 1861 three regiments of Texians repaired to Virginia and remained in that army until the close of the war. They were the 1st, 4th and 5th Texas Infantry, and won imperishable fame as Hood's Texas brigade. The first colonels were Archer (afterwards killed as a brigadier), John B. Hood, who became a lieutenant-general and Louis T. Wizfall, who became a brigadier and resigned to serve in the senate.

In the successive changes and promotions, John Marshall of Austin, became colonel of the 4th and was killed at Gaines Mill; Jerome B. Robertson became colonel, then brigadier-general and was wounded so as to compel his retirement; Ben F. Carter became a colonel and was mortally wounded at Gettysburg; John Gregg became a brigadier-general, and was killed around Richmond; Hugh McLeod died a colonel, at Dumfries, Virginia; John P. Bayne of Seguin, became a colonel, as did R. M. Powell of Montgomery; Clinton M. Winkler of Corsicana also became a colonel.

One of the most distinguished of Texian regiments was the 8th Texas, better known as Terry's Texas Rangers. Its first colonel, Benjamin F. Terry, was killed at Woodsonville, near Bowling Green, Kentucky, in the fall of 1861. Its second colonel, Thomas S. Lubbock, died in Tennessee, in the following winter. (These two men won the highest praise for chivalric daring as volunteer staff officers and are believed to have been the only Texians in the first battle of Manassas — July 21st, 1861. They hurried home and raised the regiment now spoken of, and repaired to the seat of war east of the Mississippi.) The succeeding colonels of the regiment were John A. Wharton, who became a major-general; Thomas Harrison, who became a brigadier-general. The regiment was subsequently commanded by two or more different colonels.

In the battle of Shiloh, Texas was represented by the 2d Regiment of Infantry, commanded by Colonel John C. Moore and Lieut.-Col. Ashbel Smith, who was severely wounded; Captain Clark L. Owen, of Texana, was among the killed, and Sam Houston Jr., was captured by the Federals. There soon arrived a regiment, commanded by Colonel Samuel B. Maxey, who became a major-general, succeeded by Col. Camp. There was also a Texas regiment at Fort Donnelson, in the winter of 1861-2, commanded by Col. G. H. Granbury of Waco, who became a brigadier-general and was killed at Franklin,

Tennessee. Capt. John W. Nowlin of Waco, and other Texians fell at Fort Donnelson.

In the summer of 1862, Henry E. McCulloch, recently appointed brigadier-general, with temporary headquarters at Tyler, assumed command of the northeastern district of Texas, and until September, superintended the forwarding of troops, organized and being organized, to Little Rock and North Arkansas. Included in this number were the regiments commanded by Colonels O. M. Roberts and R. B. Hubbard, of Tyler, Garland from Victoria, Overton Young of Brazoria, J. W. Speight of Waco, T. C. Bass of Navarro, Edward Clark, Wm. B. Ochiltree and Horace Randall of Marshall, George Flournoy of Austin, J. R. Burnet of Crockett, those of Burnet and Bass being the only mounted regiments.

Independent of these the regiment of Colonel Matthew F. Locke, was already on the march direct for Memphis; besides two or three regiments under command of Col. M. T. Johnson, some of which had done service in northeast Arkansas. The mounted regiment of Col. Wm. Fitzbugh, of Collin County, was already in northeast Arkansas, and that officer had been severely wounded in the battle of Cotton Plant. The spy company of Capt. Alfred Johnson, of Collin, was also in that part of Arkansas. The mounted regiment of Col. Wm. H. Parsons was also already in that section, and those of Col. Geo. W. Carter, C. C. Gillespie and F. C. Wilkes, under Carter as senior officer, moved in a body for the same destination; and, with Parsons, occupied the country between the Mississippi and White River. The infantry regiment of Col. Allison Nelson had already arrived and taken position at Austin, twenty-five miles from Little Rock, where, in November, almost simultaneously with his promotion as brigadier-general, Colonel Nelson died<sup>1</sup> and was succeeded by Lieutenant-Colonel Roger Q. Mills. The mounted regiments of Col.

<sup>1</sup> Hence this position became known as Camp Nelson.

Nicholas H. Darnell, of Dallas, and Col. George H. Sweet, of San Antonio, had also arrived in that section. In September General McCulloch arrived at Camp Nelson, and in a short time all the regiments first named, including the batteries of Captains Edgar, Horace Halderman and others reached the same destination, including five Arkansas regiments under Colonel Dandridge McRea as senior officer. There were about 20,000 men in and around this encampment, under the temporary command of General McCulloch, while Gen. Theophilus H. Holmes, with headquarters at Little Rock, was commander of the entire trans-Mississippi department. On the arrival of Major-General John G. Walker, he took command of the entire Texas division, and General McCulloch of a brigade. Three or four regiments, under Colonels Churchhill, Mills and others, occupied the old abandoned place on the Arkansas River, known as Arkansas Post, considered by those most competent to judge as a trap from which escape, if overpowered, was next to impossible. Gen. Wm. T. Sherman of the United States army, with a large fleet of gun-boats, artillery and an overwhelming force of infantry, sailed up the river, attacked the place and after a severe battle, in which many heroic acts were performed, captured it with most of its defenders, who were imprisoned in Illinois for several months.

Briefly it may be said that, in 1863, Gen. E. Kirby Smith succeeded Gen. Holmes as commander of the department; that on the approach of the Federals under Gen. Steele the Confederates abandoned Little Rock, and fell back to southern Arkansas, in which region a series of engagements took place. Maj.-Gen. Price, with a portion of the Missourians, having recrossed the Mississippi, was in this movement. Col. Maxey, having become a major-general, was also there. Brigadier-General Richard M. Gano, with a new brigade from Texas, also arrived. At a place called Poisoned Springs, Gen. Maxey in command, the Confederates gained a signal

victory, capturing an immense wagon train, many prisoners, and killing about four hundred men; a majority of whom were negro troops. Gen. Gano was wounded and disabled. Gen. Cabell of Arkansas was a prominent actor in this engagement; Walker's division had been sent into Louisiana. Gen. McCulloch commanding one of his brigades, had an engagement with Federal gunboats at Perkins' Landing on the Mississippi, without decisive results and a severe one at Milliken's Bend, in which the regiments of Flournoy, Allen and Waterhouse took part. The troops gallantly charged up to, and over the levee, but they were powerless against the gunboats, and, after some loss, retired in good order.

Gen. Smith, on the abandonment of Little Rock, established his headquarters at Shreveport, where they remained until the surrender in 1865.

Galveston, having been recaptured in the previous January, from this time onward the chief military operations in the trans-Mississippi department were confined to Louisiana, Southern Arkansas and the Indian Territory. Price's famous march into Missouri supported by Generals Marmaduke, Cabell, Shelby and others, closing with their retreat through Southwest Missouri into Texas.

#### THE INDIAN TERRITORY.

The operations in the Indian Territory were numerous and deeply interesting, in which Texas was represented first by the regiments of Colonels Peter Hardeman and N. W. Battle. Lee's battery (Colonel Roswell W. Lee), Col. T. C. Bass and others; and later, by Gen. R. M. Gano, Cols. James Duff, Charles De Morse, Daniel Showalter, James Bourland, and Major Joseph A. Carroll; and many Texians under General Cooper of the Indian department and others.

In addition to these the Federal navy, with transports, bearing troops, made such demonstrations on the coast of

Texas as to cause several thousand troops to be stationed in the counties of Brazoria and Matagorda. They disembarked a sufficient force in Matagorda Bay to capture and for two weeks hold, Saluria, Indianola and La Vaca; but they abandoned those places and re-embarked. The operations at the mouth of the Rio Grande against Brownsville were too numerous to mention in detail.

The fort at Sabine Pass had a garrison of about forty men under command of Captain Richard Dowling from Houston and Patrick Hennessy as lieutenant. On the 6th of September, 1863, a Federal fleet of 23 vessels and several gunboats anchored off the coast. A number of vessels with two gunboats entered the harbor and opened fire upon the fort. The garrison withheld their fire until the vessels were in good range of their guns, when they opened upon them. They soon disabled the two gunboats, which they captured with all on board. The other vessels left the harbor. It was a skillfully planned and bravely executed achievement. There was but little time for planning and but few minutes for executing it, yet no achievement was of better service to Texas. This company of forty-two men defeated the entrance of 23,000 Federal soldiers, through a vulnerable point into Texas. The Federal fleet returned to New Orleans and Texas. From mountain to sea-board saluted Dick Dowling as one of the grandest heroes of modern times.

In July, 1863, General E. Kirby Smith placed General Henry E. McCulloch in command of the northern district of Texas, with headquarters at Bonham, where he remained until the close of the war, performing varied and important services, involving an oversight over the supply department of the army; including the erection of workshops, the forwarding of troops and supplies to the Indian Territory, Arkansas and Louisiana, besides the dispatch of State troops to the coast at Velasco. He also had oversight of the Indian frontier along which the regiment of Colonel James Bour-

land was stationed in various camps; the Indians being at that time restless and audacious, making frequent raids, the most important of which was into Cooke County in the winter of 1863-64, in which a considerable number of inhabitants — men, women and children — were murdered. McCulloch dispatched Col. Showalter, with several companies, to the scene of carnage, but the Indians had already rapidly retreated and, though pursued by Colonel Bourland as soon as he could collect a sufficient force, including the command of Major Diamond, they succeeded in making their escape.

It was one of the coldest periods known in that country, and the men, poorly clad, suffered greatly.

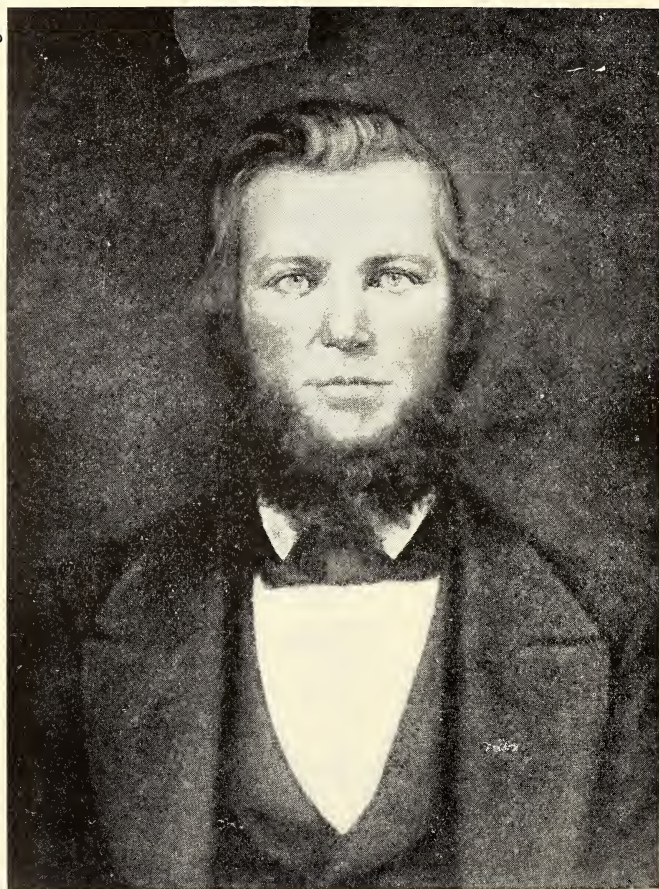
Gen. McCulloch was also confronted with the collection in Journegan thicket, of five or six hundred men, composed of deserters from several regiments and a much larger number of those who refused to enter the service. Being without an adequate force to compel their submission, the General resorted to diplomacy, and finally induced the great mass of them to enter the service, while a small number escaped across Red River and reached the Federal lines on the Arkansas. The position of Gen. McCulloch was an unenviable one, involving grave responsibilities, in which the public mind was greatly agitated and great apprehensions were felt, a portion of the time, of incendiarism making its appearance; but he so managed affairs as to avoid that and other apprehended calamities.

#### DEATH OF GEN. HOUSTON.

The year 1863 is also memorable by an event that spread sorrow over the country. On the 26th of July, at his home in Huntsville, Gen. Sam Houston peacefully closed his eventful life. Born in Rockbridge County, Virginia, March 2d, 1793, he was seventy years, four months and twenty-four days old. On his forty-third birthday he signed the Declaration of Texian Independence at Washington, on the Brazos.

Nine days later he assumed command of the undisciplined volunteers collecting at Gonzales,— forty-one days later he fought and won the battle of San Jacinto. On the 22nd of October following, he was inaugurated the first constitutional President of the Republic, serving two years. He next served two terms in the Congress of Texas, and in 1841 again became President for a term of three years. By the first legislature in February, 1846, he was elected to the senate of the United States and re-elected till the close of his term in 1859. In 1859 he was elected Governor of the State and served until March, 1861, when, as has been stated, he retired from that position. Without referring to his prior career, as a youthful soldier under Jackson in the Creek war,— his four years' service in Congress from Tennessee, succeeded by two elections as Governor of the State, and his first service in Texas as a member of the convention of 1833 and the Consultation in 1835 with his dual election, first by that body, and secondly, by the Convention of Independence, as Major-General and Commander-in-Chief of the armies in Texas, the verdict of history is, and must ever be, that he was her most illustrious citizen.





EX.-GOV. PENDLETON MURRAH

## CHAPTER XXXIX.

Murrah elected Governor in 1863 — Capture of Brownsville, Corpus Christi, Indianola and Lavaca — Banks' march up Red River — His defeat at Mansfield and Pleasant Hill — Death of Col. Buchel, Gen. Tom Green and others — Battle of Yellow Bayou — Pursuit of Gen. Steele — Death of Gens. Scurry and Randall — Price's unsuccessful raid into Missouri.

At the election in September, 1863, Pendleton Murrah of Harrison County was elected Governor and Fletcher S. Stockdale of Calhoun, Lieutenant-Governor, who were inaugurated in November. Governor Lubbock after two years faithful and satisfactory service, repaired to Richmond, Virginia, to join the army. He was placed on the staff of President Jefferson Davis, with the rank of colonel, and so remained, as a member of his military family, until they, together with Postmaster-General John H. Reagan of Texas, were captured together, after the fall of the Confederacy. After quite a lengthy imprisonment in Federal prisons both Reagan and Lubbock were released and returned home and have lived to receive repeated marks of public confidence.

Governor Murrah's administration covered the last sixteen months of the Confederacy, when the clouds of disaster were lowering over the country. Suffering from consumption (of which he died in Monterey, in 1865), and impoverished as the country was, it was not in his power or that of any human agency, to meet and fulfill the desires of the public mind.

The declaration of martial law by Hebert in 1862 produced loud complaints throughout the country and called forth expressions from Gen. Houston, in his retirement, to Governor Lubbock, characterizing the order as "the most extraordinary document I have ever seen; and, I venture to say, ever seen in

any country unless it was where despotic sway was the only rule of law." In thus stating the case Gen. Houston only gave expression to the general feeling.

On the 8th of November, 1863, Gen. Banks, in command of a land and naval force, took possession of Brownsville, Gen. Bee, as heretofore stated, retiring successfully with the military supplies at that place. In rapid succession Gen. Banks took possession of Corpus Christi, Aransas and Matagorda Pass, Indianola and, on the 26th of December, of Lavaca. It was supposed that his intention was to move up the coast and capture Galveston; but he evacuated the coast on the 13th of March, 1864, sailed for New Orleans and thence, at the head of an immense army, up the Mississippi and Red River, seizing Alexandria, on the latter stream, on the 23d. Just prior to this Gens. Mouton of Louisiana, and Tom Green of Texas, headed an expedition aimed at Donaldsonville on the Mississippi River, a strongly fortified point. The attack proved unsuccessful. Then followed a march down the Atchafalaya Bayou, on its east side, under General Majors in command of three regiments, while Green and Mouton moved down on the west side, their ultimate destination being Berwick, where there was a large Federal force. They captured a considerable force at Thibodeauxville. At Bayou Bœuf they captured a fort and considerable garrison, where they were joined by Green and Mouton, who had captured Berwick. They next made a night attack on the fort at Donaldsonville, which, aided by a gunboat fleet, caused them to retire. On the bayou, six miles distant, they were attacked by the enemy, who, after an hour's severe fighting, were driven back under protection of their gunboats. In this Texas lost a gallant officer in the person of Major A. D. Burns, of Lane's regiment. These troops were soon called upon by Gen. Smith to repair to the region of Mansfield, West Louisiana, as were the troops from the coast of Texas. At this time General Richard Taylor commanded the troops between Al-

exandria and Shrevesport, and Major-Gen. John G. Walker was in command of a Texas division.

Banks began his advance up Red River, Gen. Taylor retiring before him. By the 7th of April a fine army had concentrated in that locality, to co-operate with Taylor. Among the Texian generals were: Generals H. P. Bee, Wm. P. Hardeman, De Bray, Maj. Generals Tom Green, and John A. Wharton, and Colonels Walter P. Lane and P. N. Luckett, with an array of regimental officers of tried experience and acknowledged courage, some of whom speedily yielded up their lives for their country. At Mansfield on the 8th of April, and at Pleasant Hill on the 9th, bloody battles were fought, in which fell the lamented Colonel August Buchel, Cpts. Aleck. H. Chalmers, Chauncey B. Shepard, Bird Holland, Col. Gilbert McKay, Col. Giles S. Boggess, Maj. Clinton, Locke and a number of the most valiant sons of Texas. The result of the two days' fighting was a signal defeat of Gen. Banks' army, which retreated down Red River seeking, wherever practicable, the protection of their gunboats. On the 14th of April, a severe battle was fought at Blair's Landing, strongly defended by gunboats. In the attack made upon the Federals, led by Major-General Tom Green that grand soldier (who won his first laurels at San Jacinto twenty-eight years before, in the same month, and had added to their brilliancy on the Texas frontier, in the Mexican war, and in this war of the Confederacy) was killed by a cannon ball from one of the boats.

In all the contests connected with this invasion, Generals Walker, Wharton, Bee, DeBray and the various general officers already mentioned, won distinction. Among the colonels were Roberts, Hubbard, Allen, Flournoy, Burford, Terrell, Burnett and others.

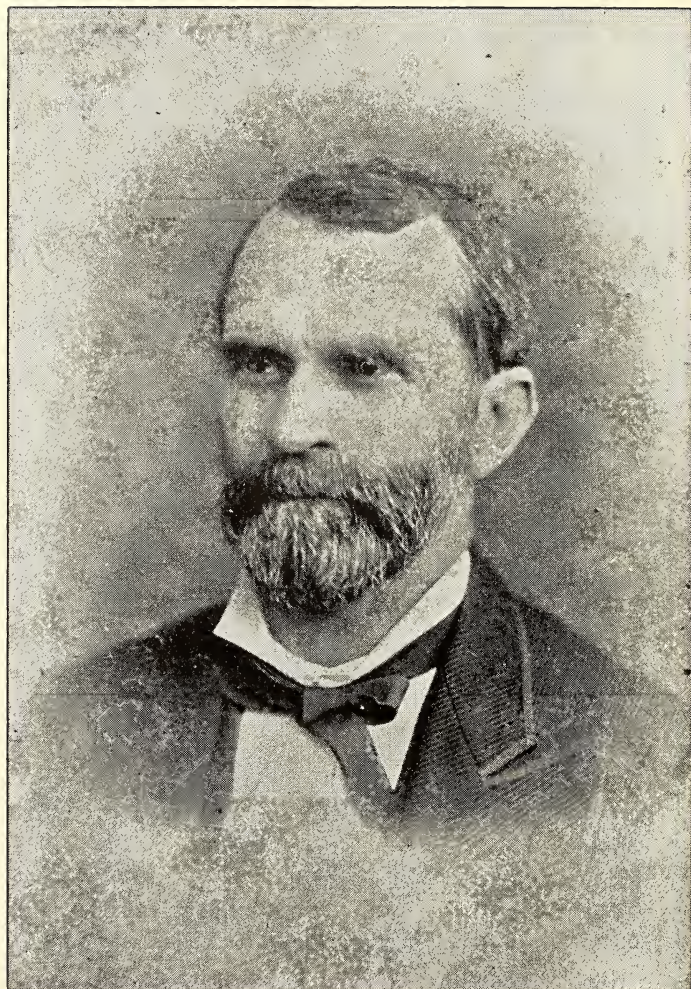
The Federals having retreated to Alexandria and Atchafalaya, at a place called Yellow Bayou, another severe battle

was fought, General Wharton commanding the Texians and losing heavily.

While these movements were being made by Gen. Banks, with a view of uniting with him in Northwest Louisiana the Federal General Steele from Little Rock, the latter moved south, Gen. Price abandoning Camden, on the Wachita, on his approach. Then followed, as already stated, the battle at Poisoned Springs. Gen. Magruder had been placed in command of the troops north of Red River, and they were concentrated, as the Federals retreated down Red River. Those on the north, consisting of troops from Texas, Arkansas and Louisiana, were put in motion against Steele, who retreated in the direction of Little Rock, hotly pursued, and with more or less fighting daily. The Saline River being very high and overflowed, with wide timbered bottoms, gave Gen. Steele such an advantage as proved disastrous to the Confederates, whose loss was very heavy. Texas mourned the loss there of two of her most prominent generals, Wm. R. Scurry and Horace Randall, besides many other brave officers and men. Generals Fagan, Churchill and Cabell of Arkansas, Price, Marmaduke, Shelby, and others of Missouri, fully sustained their well-earned reputations. This ended the pursuit.

Late in 1864, Gen. Price conducted a large expedition into Missouri. They had an engagement near Cape Girardeau and numerous others on their march to central Missouri on the southwest side of the Missouri River. Here they encountered a large Federal force, and were compelled to retreat into Texas. Price's rear had several engagements with the advance of the Federals, who, in southeast Kansas, captured Gens. Marmaduke of Missouri and Cabell of Arkansas. The winter was passed without any other important event to Texas. In Southern Louisiana several engagements took place in which Texas troops participated.





FLETCHER S. STOCKDALE.

## CHAPTER XL.

Recapture of Brownsville — Surrender of Lee and Johnston — Capture of Davis and his Cabinet — Gov. Murrah surrendered his Position — Texians in the Confederate Army — Also in the Federal Army.

Prior to this, Col. John S. Ford had retaken Brownsville on the Rio Grande, and yet held it, Gen. James Slaughter afterwards becoming the ranking officer.

It is sufficient for our purpose to state, that Gen. Lee abandoned, first Petersburg and then Richmond, early in April, 1865, and that he surrendered to Gen. Grant at Appomatox Court House (Virginia) on the 9th, his men being paroled and allowed to return to their homes. Among them were the survivors of the Texas brigades, who had won distinction, on many bloody fields, from Gettysburg south. A few days later, in North Carolina, Gen. Joseph E. Johnston, commanding the southern department, surrendered to General Sherman, followed by various divisions and army corps, commanded by Hood, Wheeler and others and a few isolated commands under their officers, all of whom received their paroles, and some of them transportation to return to their homes.

When Richmond was abandoned, President Davis and his cabinet, with the Confederate archives, attempted to move south, but they were pursued by so many bodies of troops and with such vigor, that they were captured in camp by the 4th Michigan cavalry at Irwinsville, Southern Georgia, May 10th, 1865.

The President, it need scarcely be stated, was long confined a prisoner at Fortress Monroe, a portion of the time in irons. The postmaster-general, John H. Reagan, of Texas, captured

with him, was imprisoned at Fort Warren in Boston Harbor. Col. Francis R. Lubbock, also of Texas, and of the President's staff, was captured with him, and imprisoned at Fort Delaware.

In due time the paroled troops from Texas, also the Texas members of Congress, returned home; thus closed the war east of the Mississippi River.

When the news of the surrender came from the east, many believed and hoped that the war would be continued west of the Mississippi; but fortunately for humanity, wiser councils prevailed. It was evident that Texas, Louisiana and Arkansas, with the Confederate element of Missouri, had fought the good fight; but compared with the power of the United States and its victorious legions, it was wholly impracticable to continue the contest, with the hope of success. The means of communication being slow, it required some time to secure concert of action. When secured, diplomacy accomplished the remainder. General E. Kirby Smith, commander of the department, with headquarters at Shreveport, sent a commission by steamboat to New Orleans, composed of General Sterling Price of Missouri, and one or two others, to agree upon terms and make surrender of the troops under his command. This was followed on the part of General Magruder, with headquarters at Houston, by a similar commission from Texas, composed of Colonel Ashbel Smith, Hon. Wm. P. Ballinger, and others who proceeded by the Gulf to New Orleans, and there effected negotiations with Gen. E. N. R. Canby, the Federal commander (the same honorable and courageous commander who, with his noble wife, had been so kind to the Texian prisoners in New Mexico in 1861-2, and who a few years later fell a victim to the treachery of the Modoc Indians in the lava-beds of Oregon). In New Orleans, these commissioners were joyfully met, by the Hon. John Hancock of Austin,—a Union man who had left Texas during the war and who, unwilling to

take up arms against the Union, or against the people of his own State, had avoided the dilemma, by quietly retiring to the United States. Guided by such feelings he was then returning to his home with the determination to do all in his power to shield the people of his State from needless humiliation and burdens, and as far as possible, to restore harmonious relations between the two sections of the country.

Terms were soon agreed upon, resulting in the surrender and return to their homes of the thousands of troops scattered over different portions of Texas. A small number, together with several hundred Missourians, without surrender, retired into Mexico.

Texas was again in a state of chaos. Governor Murrah called in vain upon the State officials to protect public property, and, on the same day, he performed the ceremony of ordering, by proclamation, a re-assembling of the legislature, and, again, of calling a convention of the people to meet in their *sovereign capacity*.

When all was lost, the Governor, broken down in health and spirits, disappeared from the scene, and died in Monterey, Mexico, in August, 1865.

At the time of the surrender at Appomatox, Major John Henry Brown, who served in Arkansas, Missouri and Northeast Texas the first three years of the war, in command of about two hundred State troops, was on an expedition in the San Saba and Concho country, and knew nothing of the surrender of Lee and Johnston until his arrival in Fredericksburg in May. He then immediately disbanded all troops, from that point to Live Oak County, but retained in service a detachment from Burnet and Llano, until his arrival in Austin. These men were guarding about thirty State prisoners in his charge, who had been arrested under various requisitions, as bushwhackers, deserters, and some as cattle thieves. Gov. Murrah had then left Austin. Confusion reigned supreme; the troops referred to were therefore disbanded, and

the prisoners released, under a pledge that they would peaceably return to their respective homes. The officers serving under Major Brown were Captain John F. Tom of Atascosa, Lieutenants Herring of Live Oak, Smith of Frio, Lacy of Gillespie, James P. Magill of Burnet, Holden of Llano, and others. Thus ended the last manifestation of Confederate authority in Texas, excepting at and near Brownsville, on the lower Rio Grande. Major Brown, however, exercised authority in the frontier district until about the 30th of May, a little later than the last battle of the war, yet to be described.

## CHAPTER XLI.

### THE LAST BATTLE OF THE WAR, MAY 13TH, 1865.

The account of the last engagement in the war between the States, as written by Capt. W. H. D. Carrington of Austin, a participant, and published August 12th, 1883, and pronounced as substantially correct by Col. Ford, is adopted.

### THE LAST BATTLE — THE LAST CHARGE, AND THE LAST GUN FIRED IN THE WAR.

On the 1st of May, 1865, the Confederate troops on the Rio Grande, numbered about five hundred men of all arms. A few days after that time, a passenger, on a steamer from Boca Del Rio to Brownsville, threw some copies of the New Orleans *Times* to some Confederates posted near the Palmetto ranch. These papers stated that Gen. Lee had surrendered. The news was soon known to all the troops, and caused them to desert, by the score, and to return home; so that on the morning of the 12th of May, 1865, there were not more than three hundred effective men at and below Brownsville.

The United States forces under Col. (or Brevet Brig.-Gen.) Barret consisting of the 32d Indiana, better known as the Morton Rifles, a regiment of negro troops, officered by Lieut.-Col. Branson, a part of a New York regiment, and a company of the Second (Federal) Texas, under command of Lieut. or Capt. James Hancock, numbering about sixteen or seventeen hundred men, advanced from Brazos Island upon Brownsville. They were held in check by Capt. Robinson commanding Giddings' regiment on the evening of the 12th.

On the night of the twelfth, the scattered and depleted Confederate force was concentrated. On the morning of the 13th a very small force was present in Brownsville. Col. John S. Ford assuming command, moved down the river to the San Martin ranch. Arriving at two or three o'clock p. m. he found Capt. Robinson of Giddings' regiment in a heavy skirmish with Hancock's company, of the Second Texas, and a company of the Morton Rifles. A regiment of negro troops were also moving forward, perhaps to sustain skirmishers. Ford immediately made his dispositions. His right wing under command of Capt. Robinson; two companies (Cocke's and Wilson's), were directed to attack the enemy's right flank; the artillery was directed to open fire at once, which was done with good effect. He supported the movement in person with two companies and two pieces of artillery. Branson's negro regiment was quickly demoralized and fled in dismay. Capt. Robinson immediately charged and ran over the skirmish line of the Morton Rifles and Hancock's company. The Indiana troops threw down their arms and surrendered; most of Hancock's company escaped; retreating through the dense chaparral. The entire force of the Federals commenced to retreat; Ford's fierce cavalry charges harassed them exceedingly. The artillery moved at a gallop. Three times, lines of skirmishers were thrown out to check the pursuit; these lines were roughly handled and many prisoners captured.

The Federals were thus pursued for about eight miles, making repeated efforts to check the pursuit, but without success. They were finally driven into a ranch (Cobb's), a mile and a half or two miles from the fort at Boca Chico, the nearest point on Brazos Island.

If Ford had had more troops he would doubtless have placed himself between the enemy and Brazos Island, but with his small force of less than three hundred men, he said "the undertaking would be too hazardous." He thought the Federals would be re-inforced from Brazos Island, as they

knew from the sound of approaching artillery, and from cowriers that Barret was defeated, and Ford's force would have been between two bodies of enemies, each numbering as many as five to one. He said to his staff officers, "It is better to let well enough alone; we will stop the pursuit." His men began preparations to draw off; some had started with captured arms and prisoners. The sun was not much more than half or three-fourths of an hour high. Ford was sitting on his horse scanning the enemy, when Brig.-Gen. J. E. Slaughter galloped upon the battle-field, accompanied by Capt. Carrington, commanding Cater's battalion. The enemy had commenced to double quick by the left flank across a slough through which a levee had been thrown up about three hundred yards long. The slough was an impassable quagmire for any character of troops except upon the narrow levee. Gen. Slaughter saw the movement and scarcely pausing for a moment, ordered the pursuit to be resumed; ordering Carrington to press the rear guard of the enemy. His idea was to strike the rear guard so as to cut it off before reaching the levee; but the rear guard was in a hurry, and passed in a hurry. Although Carrington's troopers were comparatively fresh and spurred their horses up nearly to their best running capacity, the enemy gained the levee when they were about two hundred yards from the main body of the enemy who had formed a line of battle at the farther end of the levee among the sand hills. Carrington immediately formed the Confederate troopers into line on the edge of the slough then covered with tide water. While doing this he saw Gen. Slaughter dash forward into the water in front, and emptied his six-shooter at the retreating foe. The Federal line formed on the other side of the slough was three hundred yards off from the Confederate troopers. A heavy skirmish fire was kept up for nearly an hour across the slough. The enemy though in full view shot too high. They were, as we thought, five or six times as numerous as the Confederates. They were composed of

veteran troops and commanded by experienced officers. As the sun went down and night extended her gloomy pinions over the scene the Federal fire slackened. As they began to move off towards the Boca Chico, a shell from Boca Chico or perhaps from the United States ship of war Isabella (we could not tell which), exploded between us and the retreating force. A seventeen-year-old trooper blazed away in the direction of the exploded shell with his Enfield rifle, using a very profane expletive for so small a boy, causing a hearty laugh from a half score of his comrades. The firing ceased. The last gun had been fired.

The resumption of the pursuit by Gen. Slaughter deterred many of the enemy, who had found safety in the dense chaparral in the bends of the Rio Grande, from joining their commands as they moved off to Brazos Island. The writer of this article was ordered by Col. Ford to occupy the battle field, gather up arms, and bury the dead. While engaged in this, one of his subalterns reported that a body of Federals was in a bend of the river near the old Palmetto Rancho. He immediately ordered Sergeant R. S. Caperton to deploy a squad of dismounted men, and drive out the enemy. In obeying this order, the sergeant and his men captured about a score of Hancock's company. Lieut. Hancock, Lieut. James and Hancock's brother were numbered among the prisoners thus captured. It is greatly to be regretted that several who attempted to swim the river to escape capture were drowned. Several swam across and were immediately slain and stripped by Mexican bandits, and thrown into the river.

The writer of this understood that there was a diversity of sentiment between Ford and Slaughter as to the place of encampment after the battle. Gen. Slaughter suggested the Palmetto ranch; Ford insisted that in all probability the Yankees had a force of three or four thousand men on the island and might come out at night, and that our meager force

of less than three hundred men could make no adequate resistance in such an exposed position, and suggested Lake Horn as the strongest strategic point for defense on the Rio Grande—eight miles below Brownsville, at which place the encampment for the night was made.

The diversity of opinion between Slaughter and Ford as to the resumption of the pursuit, resulted from the fact that Ford knew that the artillery horses were broken down, many of them had to be loosed from the pieces and they could not be replaced by others at the time.

The artillery for the time was, by reason of broken-down horses, comparatively useless. Many of the horses of the troopers were also broken down. Gen. Slaughter knew nothing of the condition of our men, except as hastily gathered as he galloped across the battle field. The difference of opinion between these brave men resulted in no hard feelings and in no alienation.

Gen. Slaughter was detained in Brownsville until late in the day. The battle was precipitated upon Ford and won by him; and whatever of honor resulted from winning the last battle of the war and inflicting a heavy loss upon the enemy, who outnumbered his troops more than five to one, without the loss of a man, properly belongs to Ford and his poorly armed troopers.

Ford was idolized by his men. Many of them had served under him in his Indian campaigns. They knew his bravery and his unsleeping vigilance. They knew his great prudence and his unyielding perseverance in accomplishing his purposes. He had fought more than a score of battles and never failed to achieve a decided victory. On a more extended sphere of action he would have been the Murat of the Confederacy. His tactics were peculiar. He knew nearly every man in his command; he studied the character and the ability of every officer. He believed that his cavalry in a fierce charge was invincible. Hence, whenever the right time arrived, he hurled

squadron after squadron of his troopers upon the foe with irresistible force.

His eloquence has been sometimes criticised, but he always spoke with effect. On the morning of the thirteenth, he addressed his small force, while Springfield rifle balls were whistling around him, about as follows: "Men, we have whipped the enemy in all our previous fights! We can do it again." The men shouted hurrah for Old Rip. As the hurrahs ceased, he cried with a fierce stentorian voice, *forward! charge!* The response was a Texian yell, and a charge which no infantry line ever formed on the Rio Grande could withstand.

• I have often been asked why no negroes were captured in the last fight of the war. In response, I have generally said, "they outran our cavalry horses." Hancock's company, and other veterans from the New York and Indiana troops several times saved the negroes. They attempted to withstand the charges that Ford hurled against them, while Branson's negro troops ran. At all events this is the way it appeared to Ford and his captains (Robinson,<sup>1</sup> Wilson, Cook, etc.), and indeed to all the Confederates who participated in the fight.

Recently I have been asked if Capt. V. G. Jones had any thing to do in directing the movement of the troops during the last battle of the war. To this I have replied that Capt. Jones was regarded as a very good captain of artillery, and in obedience to Ford's orders he managed his artillery well; he did good service. No one, however, regarded him in any other light than as a captain of artillery, and no captain on the field of battle would have received an order from him, because every captain on the battlefield, without an exception, ranked him, and if he had assumed to command them, it is believed he would have been shot or immediately arrested.

<sup>1</sup> Capt. Wm. Robinson, of San Diego, California, son of the first lieutenant-governor of Texas in 1835-6. Capt. Robinson afterwards died in San Diego.

## TEXAS IN THE CONFEDERACY.

The higher grades in the Confederate army, unlike those in the United States service, were divided into four classes. First, Generals; second, Lieutenant-Generals; third, Major-Generals; and fourth, Brigadier-Generals. As far as has been found possible to determine, the following list approximates a classification of those in the service from Texas.

## GENERAL.

Albert Sidney Johnston, who fell at Shiloh, April 6th, 1862.

## LIEUTENANT-GENERAL.

John B. Hood, who died in New Orleans after the war.

## MAJOR-GENERALS.

Samuel B. Maxey of Paris, began as a colonel. John A. Wharton of Brazoria, began as a captain, died at the close of the war. Tom Green of Austin, began as colonel, killed at Blair's Landing, on Red River, in April, 1864.

## BRIGADIER-GENERALS.

1. Ben McCulloch of Seguin, killed at Elkhorn, Arkansas, March 7th, 1862. 2. Louis T. Wigfall of Marshall, began as colonel, died in Galveston after the war. 3. Allison Nelson, began as colonel, died in Arkansas in the autumn of 1862. 4. Henry E. McCulloch of Seguin. 5. Joseph L. Hogg of Cherokee, died at Corinth in the spring of 1862. 6. G. H. Granbury of Waco, began as captain, killed at Franklin, Tennessee, in Hood's defeat. 7. Walter P. Lane of Marshall, began as lieutenant-colonel, died in Marshall in 1892. 8. Thomas Harrison of Waco, began as captain, died in Waco after the war. 9. James E. Harrison of Waco, began as lieutenant-colonel, died in Waco after the war. 10. John Gregg

of Freestone, began as colonel, killed in the later battles around Richmond, Virginia. 11. Richard Waterhouse of San Augustine, began as colonel, died in Jefferson after the war. 12. Jerome B. Robertson of Washington, began as captain, died in Goliad, 1889. 13. Felix H. Robertson of Washington (son of Jerome B.), began as lieutenant of artillery. 14. Frank C. Armstrong of Corpus Christi, began as a lieutenant and aide-de-camp to Gen. Ben McCulloch. 15. Elkanah Greer of Marshall, began as colonel, died in Marshall. 16. Arthur P. Bagby, began as colonel, now lives in Hallettsville. 17. Hilary P. Mabry of Jefferson, began as captain, died in Jefferson. 18. Hamilton P. Bee of Goliad, original appointment, lives in San Antonio. 19. Xavier B. De Bray of Austin, began as colonel, resides in Austin. 20. Richard M. Gano of Tarrant County, began as captain, resides in Dallas. 21. Wm. P. Hardeman of Caldwell County, began as captain, resides in Austin. 22. Adam R. Johnson of Burnet, began as captain, lost both eyes. 23 Wm. Henry Parsons, began as colonel. 24. Lawrence Sullivan Ross, began as major. 25. Thomas N. Waul of Gonzales, original appointment. 26. Wm. H. King of Sulphur Springs, began as major. 27. Wm. Steele of Austin, began as colonel, died some years after the war. 28. Wm. Reid Scurry of Victoria, began as lieutenant-colonel, killed in the battle of Saline or "Jenkins Ferry," Arkansas, in 1864. 29. Horace Randall, U. S. A., of Marshall, began as colonel, killed in the battle of Saline, or "Jenkins Ferry," 1864. 30. John W. Whitfield of Lavaca, began as captain, died in 1876-7. 31. P. C. Archer, of U. S. Army, killed in battle. 32. Matthew D. Ector of Henderson, began as Adjutant, lost a leg at Chicamauga, died as judge of appellate court.

#### COLONELS.

1. John S. Ford. 2. James M. Norris. 3. James E. McCord of San Marcos. 4. Wm. C. Young, killed in 1862. 5.

B. Warren Stone of Dallas, colonel of two different regiments. 6. Wm. B. Sims. 7. Nathaniel Macon Burford of Dallas. 8. Trezevant C. Hawpe of Dallas, killed during the war. 9. Nicholas H. Darnell of Dallas, died in 1885. 10. Benj. F. Terry of Fort Bend, killed at Woodsonville, Ky., in the fall of 1861. 11. Joseph W. Speight of Waco. 12. Richard B. Hubbard. 13. Oran M. Roberts. 14. Wm. B. Ochiltree of Marshall, died after the war. 15. David B. Culbertson of Jefferson. 16. Roger Q. Mills of Corsicana. 17. Edward Clark of Marshall, died in Marshall some years after the war. 18. Augustus Buchel of Indianola, a noble Prussian, killed in the battle of Pleasant Hill, La., in 1864. 19. Nicholas P. Luckett of Corpus Christi, died soon after the war. 20. Charles L. Pyron of San Antonio, died after the war. 21. Alexander W. Terrell of Austin. 22. George W. Baylor of El Paso. 23. Thomas S. Lubbock of Houston, died during the war. 24. David S. Terry, died in California. 25. Daniel Showalter, killed soon after the war in Mazatlan, Mexico. 26. John C. Moore. 27. Ashbel Smith of Houston, since died. 28. George R. Reeves of Grayson, since died. 29. R. T. P. Allen of Bastrop. 30. — Garland of Victoria. 31. Carillaus ("Crill") Miller of Dallas, died in 1892. 32. Peter Hardeman. 33. George Flournoy of Austin, died in California. 34. A. W. Spaight of southeast Texas. 35. Philip Crump of Jefferson. 36. Matthew F. Locke of Gilmer. 37. John H. Burnett of Crockett. 38. T. C. Bass of Sherman, died in 1873 in Memphis. 39. George H. Sweet of San Antonio, died in Houston. 40. John T. Coit of Dallas, died in 1872. 41. Wm. Fitzhugh of Collin, killed by a runaway team Oct. 23rd, 1883. 42. Middleton T. Johnson of Tarrant County, died soon after the war. 42. J. L. Camp. 43. John Huffman of Collin County, 44. Frank Taylor of Cherokee, died in the army in 1861. 45. James R. Taylor (brother of Frank), killed at Mansfield, La., in 1864. 46. Peter Ross of Waco. 47. James

M. Norris of Gatesville, died during the war. 48. Enos W. Taylor of Jefferson. 49. Charles De Morse of Clarksville, died in 1889. 50. Wm. P. Rogers of Brenham, fell in mounting the breastworks at Corinth, in 1862. 51. James Duff of San Antonio. 52. Nicholas W. Battle of Waco. 53. Robert B. Young of Bosque, killed at Chicamauga. 54. John C. Burks of Clarksville. 55. Almarine M. Alexander of Sherman, died after the war. 56. Robert H. Taylor of Bonham, died since the war. 57. James G. Stevens of Greenville, died in Dallas, in 1888. 58. Hugh McLeod of Galveston, died in camp at Dumfries, Va., in 1862. 59. Gustave Hoffman of New Braunsfels, died in Austin. 60. James Reiley of Houston, fell at Franklin, La., 1864. 61. John H. Broocks of San Augustine. 62. John R. Baylor of Weatherford. 63. John Marshall of Austin, killed at Gaines' Mill, Va., in 1862. 64. Isom Chisholm of Kaufman. 65. Joseph Bates of Brazoria died after the war. 66. Reuben R. Brown of Velasco. 67. George W. Carter of Houston, died after the war. 68. Clayton C. Gillespie of Galveston, died since the war. 69. F. C. Wilkes of Waco, died since the war. 70. Alfred M. Hobby of Goliad, died in New Mexico. 71. — Woods of San Marcos. 72. Lee M. Martin of Collin. 73. John P. Bayne of Seguin. 74. John P. Bass of Jefferson. 75. R. M. Powell of Montgomery. 76. John W. Daniel of Tyler. 77. Harry McNeill of the U. S. Army, died since the war. 78. Clinton M. Winkler of Corsicana, died as judge of the appellate court. 79. Benjamin F. Carter of Austin mortally wounded at Gettysburg and died in Baltimore. 80. James H. Jones of Rusk County. 81. George W. Guess of Dallas, died after the war, in Memphis. 82. H. M. Elmore of Walker County. 83. Overton Young, Brazoria County, where he afterwards died. 84. W. H. Griffin, died since the war. 85. Benjamin W. Watson of Ellis County. 86. Giles S. Bogges of Rusk County, killed in 1864, at Mansfield. 87. James E.

McCord of Hays County. 88. Nat Benton of Guadalupe County. 89. Robert H. Watson of Jefferson, killed at Jenkins' Ferry, Arkansas, in 1864. 90. — Madison. 91. Robert H. Cumby of Rusk, died since the war at Sulphur Springs, Texas. 92. Philip A. Work of Woodville, Tyler County. 93. F. I. Malone of Bee County, died in 1891. 94. — Stone (successor to J. G. Stephens), killed at Yellow Bayou in 1864. 95. D. C. Giddings of Brenham. 96. Robert S. Gould of Leon. 97. James E. Shepard of Brenham.

COMMANDERS OF BATTALIONS, AS MAJORS OR LIEUTENANT-COLONELS.

Edwin Waller, John Ireland of Seguin, Thomas J. Breckenridge of Texana, Lee Willis of Gonzales, George H. Giddings of San Antonio, — Morgan of Bastrop, Stephen H. Darden, of Austin, — Yeager, — Taylor (blended into Buchel's regiment), Fulcrod of Goliad, Wallace W. Peake, was major of Hawpe's regiment and died in Dallas. Z. E. Coombes and Thomas Flinn of Dallas, and J. P. Gregg of Travis, are the only surviving captains of Hawpe's.

TEXIANS IN THE FEDERAL ARMY.

The official records, as published some years since, show that there were nineteen hundred and twenty, claiming to be from Texas, enrolled in the Federal army during the war. They seem to have constituted two regiments, whose service was confined chiefly to Louisiana. Of one, Edmund J. Davis, of Laredo, was colonel. Of the other, John L. Haynes, of Brownsville, was colonel. They were organized at or near Matamoros, in Mexico, proceeded by water to New Orleans, and thence to the army of Louisiana. On several occasions they met the Texas Confederates in battle, and there is abun-

dant evidence that they were good soldiers. Col. Davis was promoted to brigadier-general. The name of his successor as colonel cannot be given.<sup>1</sup>

### STATE TROOPS.

In 1861 two State regiments were organized, as has been already stated. Of the first, Colonel John S. Ford, with one battalion, occupied the Nueces and lower Rio Grande country. Lieut.-Col. John R. Baylor, in command of the other battalion, proceeded to the Mesilla valley above El Paso and held that country. This regiment passed into the Confederate service. A second regiment, under Henry E. McCulloch as colonel, occupied the various posts along the Indian frontier and served one year. He became a brigadier-general in April, 1862, and was succeeded as colonel, by first, James M. Norris, and, later, by James E. McCord.

Among the State brigadier-generals, serving in the latter part of the war as such, were, James W. Throckmorton of Collin, John D. McAdoo of Washington, Wm. Hudson of Cooke (these three serving principally on the frontier), Nathaniel W. Towns of Lamar, James G. McDonald and James W. Barnes of Grimes, and Tignal W. Jones of Tyler.

Among the colonels were Thomas J. M. Richardson of Brazoria, Brice Welmeth, and Ed. Chambers of Collin, Wm. S. Herndon of Tyler and Gideon Smith of Fannin.<sup>2</sup>

<sup>1</sup> NOTE. Edmund J. Davis was born in Florida, and came with his widowed mother, brothers and sisters to Galveston, about 1848. Later he settled as a lawyer on the Rio Grande and became successively district attorney and district judge. When the question of secession arose, he became a candidate as a delegate to the secession convention, but was defeated. To this defeat his old friends attribute his alienation from the southern cause.

<sup>2</sup> Note. The service was periodic and irregular, hence the names of commanders cannot be given, without a thorough inspection of records. Doubtless in both this and the Confederate lists minor errors occur, chiefly by omission, as, by deaths, promotion and resignation. Some regiments had from two to four different colonels.

Of the thirty-eight Confederate generals, whose names are given, thirty-three were colonels before attaining a higher rank. In 1864 the frontier was divided into three districts, northern, central and southern, the direct commanders of which were—of the northern district (Red River to Palo Pinto), Major Wm. Quails of Tarrant. Of the central district (Palo Pinto to Lampasas), Major George B. Erath of McLennan. Of the southern district (from Lampasas to the lower Nueces and west to the Rio Grande), Major John Henry Brown.

## CHAPTER XLII.

### RECONSTRUCTION OF TEXAS.

Immediately following the general surrender, a large division of the Federal army was landed on the coast of Texas, under command of Gen. Gordon Granger, at Sabine, Galveston, Indianola, Corpus Christi, and the Rio Grande. A portion were hurried to Austin, San Antonio, and, as rapidly as possible, detachments were scattered widely over the country and the posts on the frontier were garrisoned. Immediately on arriving Gen. Granger, a high-toned and honorable officer, previously well known on the frontier of Texas, by proclamation, announced the freedom of the slaves, and the suspension of all State and existing military authority in Texas as a State of the southern Confederacy (under instructions from Washington). This announcement of the freedom of the slaves was, in most instances, communicated to them by their former owners. The idea was not new to them, and they received the news with very little outward demonstration, many of them remaining for a while at their old homes, and, in adopting surnames, many kept the names of their former masters. There were at the time no scenes of violence as had been apprehended by those ignorant of the true status.

Andrew Johnson, who succeeded Mr. Lincoln in the presidency, issued an amnesty proclamation, restricted in its terms and prescribing an oath to be taken by the people, before they should be allowed to vote. He also appointed as Provisional Governor of Texas, Andrew J. Hamilton of Austin, who, being a Union man, had left Texas in 1862, and been commissioned by President Lincoln as a brigadier-general,

but had never exercised the functions of that office. He returned to Texas with the Federal troops, and on the 25th of July, 1865, assumed the duties of Provisional Governor. It devolved upon him to appoint provisional officers throughout the State, and, in doing so, agreeably surprised the people, by selecting in a large sense, men enjoying their confidence. He appointed James H. Bell, Secretary of State; Wm. Alexander, Attorney-General; Albert H. Latimer, Comptroller, Sam Harris, Treasurer; Robert M. Elgin and Joseph Spencer, successively Commissioners of the Land Office. Governor Hamilton sought the enforcement of the existing laws of the State, excepting those connected with the changed condition. He ordered an election to be held on the 8th of January, 1866, to elect members to a convention to form a new constitution for Texas.

Those only were allowed to vote who, on registering their names, could take the oath prescribed by President Johnson's amnesty proclamation. The vote was exceedingly small, a fact which Governor Hamilton, in his message, said, "*filled him with deep concern.*"

The convention met on the 10th of February, and elected James W. Throckmorton, president, and Lee Chalmers, secretary.

They sat until the 2d day of April, and formed a constitution for the State, which, if ratified by the people, was intended to restore Texas as a State of the Union, under her own constitution and laws. They provided for an election to be held on the 4th of June on the adoption or rejection of the constitution, and the election of State, district and county officers. At that election there were 48,519 votes, for the constitution, and 7,719 against it. James W. Throckmorton received 48,631 votes for Governor, and Elisha M. Pease 12,051; George W. Jones of Bastrop, received 48,392 votes for Lieutenant-Governor, and L. Lindsay, of Fayette, 8,714.

On the 13th of August, 1866, the legislature having assem-

bled, Governor Throckmorton was duly inaugurated. Lieut.-Governor Jones became President of the Senate and Nat. M. Burford, of Dallas, Speaker of the House of Representatives.

The legislature enacted such laws as were deemed necessary to place Texas in entire harmony with the Union and the new constitution. Gov. Throckmorton, who possessed the unbounded confidence of the people, devoted his eminent powers to the restoration of confidence and harmony, and to so administering the government as to avoid any further interference, civil or military, by the government of the United States, and it was vainly believed by the people that his efforts would be successful, and that the future would verify this fact.

The Governor and the people were in a few months made to realize the fallacy of these hopes. A disagreement between the methods of President Johnson and Congress grew up, chiefly on the bill granting the right of suffrage to negroes. This caused a new ordering of affairs in several of the southern States, including Texas.

In February, 1867, Congress declared "the present *pretended*" State governments of these States to be "*null and void* as," it was declared, "they are under the control of *unrepentant leaders of the Rebellion*;" and, further, that it was necessary that peace and good order should be enforced by the military, in the so-called States until loyal and Republican State governments should be legally formed.

Texas, with Louisiana, was created Military District No. 5, under command of General Sheridan, with headquarters at New Orleans, and, locally, Texas was placed under command of Gen. Griffin, with headquarters at Galveston.

The Congress declared that as a sufficient number of States (two-thirds) had voted favorably on the constitutional amendment granting to the negroes equal political rights with white male citizens, it was thereby ratified, and thenceforth, became a part of the constitution of the United States.

\* In order to secure representation in Congress, Texas was required to ratify the amendment, as a part of her constitution and submit it to the acceptance or rejection of Congress.

The government of Texas was again declared provisional, by order of General Sheridan. It was his wish, he said, to make as few changes as possible in the incumbents in office, only requiring that they "exert all their influences in the aid of military authorities in executing the acts of Congress with promptness and fairness."

A new registration law became necessary. Texas was divided into fifteen registration districts, and the new law was to accommodate itself to the new class of voters. The new law was incumbered with restrictions, secretly imposed, which excluded many thousands who had previously voted.

Governor Throckmorton exerted himself to co-operate with the military authorities in the execution of the laws and urged upon all legal voters to register and vote, and in no wise to place an obstacle in the way of the *newly enfranchised* in the exercise of their new privileges. He said, "Hereafter they (the negroes) are to be to the people of the south an element of political power and strength, if wisely and properly treated." The slave population in Texas had been greatly increased by refugee slaveholders from other southern States pending the uncertain struggle as the Federal army advanced.

On the 30th of July, 1867, General Sheridan issued a special order removing Governor Throckmorton from office under charges in the report of Gen. Griffin, of being "an impediment to the reconstruction of Texas under the law," and appointing E. M. Pease in his place, who immediately commenced his official duties.

President Johnson wished for the reconstruction of the seceded States as soon as their State governments were established in conformity to the United States Constitutional amendments. Congress, however, determined to continue

military rule until the new State governments should be created as nearly as possible by the votes of *Union men*, including the newly enfranchised negroes.

Gen. W. S. Hancock succeeded General Sheridan, and, with regard to the *secret instructions* to boards of registration, declared it to be his belief that by them, the names of many voters, properly registered, would be displaced and the persons denied their rights at the polls. He pronounced these instructions "null and void," and ordered registrars to be guided directly by the laws of Congress on this subject. He instructed registrars to hear complaints and report them for a hearing and a remedy. He was soon removed from his position and General Reynolds, commanding in Texas with headquarters at Austin, succeeded him.

A convention was called June 1st, 1868, to frame a new constitution conformable to the new conditions, by election by the registered voters. Such were the restrictions by boards of registration it was believed that between 25,000 and 30,000 names of those entitled to vote were denied registration or erased after having been registered; 56,678 whites registered and 47,581 negroes. The convention met June 1st and elected Edmund J. Davis, president, and W. V. Tunstall, secretary. They were officially recognized by Governor Pease, who coincided with the acts of Congress against President Andrew Johnson. In his address he recommended: "*You will temporarily disfranchise a number of those who participated in the rebellion sufficient to place the political power of the State in the hands of those who are loyal to the United States Government.*"

In his address to the convention Governor Pease drew public attention to the want of co-operation between the civil and military powers, by which the execution of the laws and the preservation of the public peace had been hindered; a fact which he averred, had emboldened and encouraged the vicious so that, in many instances, sheriffs had found it im-

possible to obtain the aid of citizens in making arrests — because they feared retaliation from the accused or some of their friends. This state of things he declared led to scenes of violence and mob law.<sup>1</sup>

The members of the convention were not in harmony among themselves with regard to the constitution. A considerable party were in favor of the existing constitution of 1866, with some exceptions which they proposed to amend, and of restoring all citizens to their rights of franchise with the exceptions made in 1866. A strong party were for declaring every enactment by the State since secession, null and void, and making all of new material, — disfranchising all original secessionists, and those who had borne arms for the Confederacy. The convention continued in session three months at an expense to the State of \$100,000, and adjourned to meet again on the 7th of December, having exhausted their appropriation, without forming a constitution. At the adjourned session the convention proceeded with its work. Ex-Governor Hamilton succeeded in defeating the schemes of the extremists by securing the adoption of a clause as a substitute for a report of a committee, providing for the enfran-

<sup>1</sup> The author of this work, who knew Gov. Pease well for fifty years as an honest and upright man, feels impelled to say that, while he was originally a Union man, he was a non-combatant and so continued throughout the struggle, remaining quietly at his home in Austin. That in the times now under consideration he was gravely misled and deceived by designing men is abundantly proven by the fact that he resigned the office of Governor, and that, two years later, in 1871, he sat in a convention of the tax-payers of the State, assembled at Austin, and was the author of the protest fulminated by that body, against the wild and oppressive measures of the Davis administration, so rapidly tending to the bankruptcy of the State, and the impoverishment of the people. A further convincing fact is that, from 1873 to his death, in 1885, he was an honored and leading member of the Texas Veteran association, composed almost exclusively of men who had sustained the southern cause, by whom, together with nearly the entire older citizenship of the State, his death was lamented. It may be further stated that the Republican United States Senator Morgan C. Hamilton, sat in that tax-payers' convention and joined in the "protest."

chisement of so large a number of white men as to provoke a "protest" by the minority, in which E. J. Davis, the president, joined. The convention ceased to have a quorum, and, on the 6th of February, 1870, adjourned without formally completing, dating, or signing the constitution. President Davis read to the remnant of the convention an order from General Canby, successor of General Griffin, requiring that the new constitution and archives should be given up to the Military Department at Austin, General Reynolds being in command. That officer took the incompletd, undated and unsigned constitution, and submitted it to the people for ratification or rejection. An election was ordered on the ratification or rejection of the constitution, and the election of State and county officers under it, to be held in July, 1869, but President Grant, in order to gain time for calm consideration, issued a proclamation postponing the election until the 30th of November and the first three days of December. After the resignation of Governor Pease, Texas remained under direct military control.

The election was held on the 30th of November, 1869, and continued four days. There were 47,000 colored voters and the constitution was adopted by a majority of 49,822. Edmund J. Davis was elected Governor, having received 39,901 votes while A. J. Hamilton received 39,092. The late Confederates declined to place a candidate in the field. J. W. Flanagan was elected Lieutenant-Governor, A. Bledsoe, Comptroller, G. W. Hoeny, Treasurer, and Jacob Kuechler, Commissioner of the General Land Office. Members of the legislature were likewise duly elected. A special order from General Reynolds of January 8th, 1870, declared these elections provisional and ordered the legislature to meet on the 5th of February. After the election of Davis as Governor, General Reynolds appointed him Provisional Governor, to serve until the time should arrive for permanent organization. This provisional session of the legislature ratified the

amendments to the constitution of the United States, elected James W. Flanagan and Morgan C. Hamilton, United States senators, and adjourned to await the action of Congress. Congress accepted the new constitution on the 30th of March, 1870, and the senators and representatives from Texas took their seats. Texas then had four representatives in Congress.

The new, or twelfth legislature, after its provisional session in February, was called to meet in regular session on the 26th of April, 1870. The Governor was inaugurated two days later. Lieutenant-Governor James W. Flanagan, having been sent to the United States senate by the provisional session, Senator Don A. Campbell of Marion was elected president pro tem of the senate and served during that session. He died soon after, however, and at the next session, in January, 1871, Webster Flanagan, of Rusk, succeeded him as presiding officer. The inauguration of the new government being effected, Gen. Reynolds surrendered all authority over civil affairs, and thus Texas apparently was restored to her place in the American Union.

This new legislature thereupon entered upon its duties with power to give repose to the country. But how did it exercise the sacred trust? Its acts must serve as the response.

It passed acts to create a State police, a State guard, a reserved militia, to regulate the registration of voters, to regulate elections, to establish free public schools, to regulate public printing, to protect the frontier, to build public school houses, to levy and collect taxes, to disarm the people, to enable the Governor to appoint officers, etc., and to establish thirty-five official newspapers.

The police was to consist of forty-eight officers and two hundred and forty-six privates, all to be appointed by the Governor. The State guard was, in fact, the State army, officered by the Governor and ready at any moment, at his

discretion, to be placed in any service he might require. The registration and election laws required all voting to be done at county seats, under such restrictions as to be odious to the principles of all American and Anglo-Saxon freemen. As an illustration, on the 9th of August, 1871, in view of the November election, Governor Davis issued a military order attested by the adjutant-general declaring —

1. That all persons coming to vote, shall deposit their ballots with the least possible delay, and after this is done, they are forbidden under any pretext to remain about the polls or at the county seat (unless it is their residence), during the time (four days) of election; but shall return to their homes and usual employments; and peace-officers, State guards, or militia on duty at the polls, shall see that this regulation is complied with.

2. All persons are forbidden to shout, jeer at, or in any way insult or annoy voters, or candidates for office, during the registration and election, and peace officers, State guards and militia on duty in any county where such disturbance may be attempted, are directed at once to arrest such persons, and to hold them to be dealt with according to the provisions of Section 11th of the Act, entitled: "An act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box." Approved Aug. 15th, 1870.

\* \* \* \* \*

Section 6. The Governor, as provided by said act, hereby assumes command for and during the election of all peace officers in the State, including sheriffs and their deputies, and city or town police, or marshals and their deputies, and those officers are hereby directed to place themselves under direction of the officer, designated by the Governor, in circular orders from those headquarters, and to aid him in enforcing

these regulations, and the laws of this State and the United States governing elections.

(Signed) EDMUND J. DAVIS, *Governor*.

JAMES DAVIDSON,

*Adjutant-General and Chief of Police of Texas.*

Under laws enacted by this legislature, the Governor appointed, directly, three supreme judges, one attorney-general, thirty-five district judges, thirty-five district attorneys, one adjutant-general, one superintendent of education, two hundred generals, colonels, majors and staff officers; thirty-five district-school supervisors; two hundred and ninety-four regular State police; two thousand six hundred and twenty special police, each time called out for an election; State geologists; five officers of asylums; two of the penitentiary; one hundred and twenty-three county registrars; three hundred county election managers, a secretary of State and three clerks; three hundred county surveyors, measurers and inspectors; forty-nine pilot commissioners; sixty-six ocean and bay pilots; about three hundred county officers to fill so-called vacancies; at least three hundred officers of towns and cities; and thirty-five official newspapers, being one in each judicial district and enjoying a forced monopoly of all legal, judicial and county advertising in the district. He also indirectly appointed, through special appointees of his own, three hundred and ninety-three county school examiners; about three thousand two hundred and seventy-five local school directors, and one thousand two hundred school teachers. This is by no means all of the Governor's power and patronage, but here are nine thousand five hundred and twenty-eight persons appointed, directly or indirectly, by him to places of trust, honor or profit, or all combined. There was payable to such of them as received fixed salaries, an enormous sum, while one thousand three hundred and eighty of them were paid in fees. This is but a partial compilation of

the power and patronage lodged in the hands of Gov. Davis, by the newly elected legislature, composed largely, for the first time in the history of Texas, of men hitherto unknown to the people, with a considerable number of recently enfranchised negroes, and perhaps one-third of honest and substantial citizens.

The Governor was also authorized to declare martial law, at his discretion, to appoint military commissions to try accused persons, and to enforce this power through the military subject to his command. He exercised this power in a number of counties in the State — Marion, Hill, Lime-stone, Walker and others, ordering to Groesbeck, in Lime-stone County, a body of negro troops from Marion county, to enforce his mandates, and white troops to the other counties. He ordered men to be tried by military commission, several of whom were sent to the penitentiary. In Hill a tribute of \$3,000.00 was levied on a farmer by the adjutant-general, Davidson, who afterward fled the State with \$40,000 of State funds. The State police, with some honorable exceptions, became a terror wherever they were located, murdering numerous citizens at their will, and, deterring some of the best citizens of the country from sleeping in their own homes, for fear of assassination at night. This condition of affairs speedily united the great mass of the people, in a bond of union, and caused newly arrived immigrants from the north and the west to assimilate with the people of Texas.

It is but another illustration of the evils and extremes growing out of civil wars. Every intelligent person surviving that period, realizes the fact that the unholy assassination of President Lincoln so inflamed the northern mind that, for a time, the south could get no voice in that quarter. Yet, in truth, no southern man of ordinary intelligence failed to comprehend the fact that the murder of President Lincoln was an overwhelming calamity to the south, for it was universally believed that with their surrender and return home, he would

so shape the policy of the government as to shield them from proscription, persecution and wrong. In regard to Gov. Davis and his acts it may be said, that while he was a man of strong personal predilections and animosities, he was unflinching in the prosecution of measures deemed by him to be necessary to enforce the authority of the United States, and that he believed (or so claimed) severe measures were necessary to protect the enfranchised negroes, in their newly acquired political rights. He was never believed to be guilty of personal dishonesty, and that he was a man of good private character, and gentlemanly deportment as a citizen has never been denied by those who knew him. But most of his advisors were men wholly unworthy of being such in such a crisis. He forfeited the friendship of some of the most able and honest men of his party.

## CHAPTER XLIII.

### TAX-PAYERS' CONVENTION IN 1871.

Some persons may incline to the belief that the preceding arraignment of the Davis administration may have been induced by prejudice, but it is strictly based on published official acts and laws. The evidence otherwise is conclusive on that point. The *Tax-payers' Convention* was held at Austin, on the 22d, 23d and 25th of September, 1871, in response to a call issued August 5th, signed by ex-Governor Pease, George Hancock, J. H. Robinson, Senator Morgan C. Hamilton, Dr. R. N. Lane, all well-known Union men, and many others without distinction of party. Ninety-four counties of the State were represented. Governor Pease was unanimously elected president. Among the delegates were ex-Governors A. J. Hamilton (Union man) and James W. Throckmorton and John Ireland. It was emphatically a non-partisan convention. Governor Throckmorton offered the following resolution, which was adopted:

*Resolved*, That a committee of seven be appointed to confer with his Excellency, E. J. Davis, upon the subject of the reduction of the expenditures of the State government, and to invite his co-operation in securing that object; and that the same committee be authorized to confer also with any committee which the Honorable Legislature [then in session] may appoint for a like purpose, and that such action on the part of the legislature be most respectfully invited.

A committee of twenty-one, with Governor Hamilton as chairman, was appointed to consider and report business for the convention; also a committee of six on statistics, of which

Columbus Upton of Bexar was chairman, and Senator M. C. Hamilton of Travis, Clement R. Johns of Travis, George B. Erath of McLennan, M. C. McLemore of Galveston, and D. M. Prendergast of Limestone, were members.

On the 25th (Sunday having intervened) the committees made two reports to the convention, which were adopted by that body, and from those reports the following extracts are made:

“The committee appointed to take into consideration and report the several violations of the State and Federal constitutions, and other flagrant violations of law by the present administration of the State government, beg leave to submit the following report:

The violations of constitutions and disregard of law have been very frequent and are very numerous; but, frequent as they have been and numerous as they are, we have been unable to find a single one, of either class, based on an honest desire to accomplish good to the people of the State, or to secure prosperity to the country. On the contrary, their apparent cause seems uniformly to spring from one grand purpose, viz.: to concentrate power in the hands of one man, and to emasculate the strength of the citizens of Texas as a free people.

However hopeless such a design might have appeared, and however little feared by the reasoning and intelligent mind eighteen months ago, yet at this day, we must confess, the scheme has far progressed toward consummation, and the people stand stripped of many of the inalienable rights of freemen, while he who is now clothed with these lost rights of the people, gloats on their humiliation and congratulates himself on the possession of kingly power.

We may safely state that the practical effect of each of the acts we shall name has been, and is now, to abridge the rights of the citizen, and to enlarge, solidify and confirm the power of the Executive.

And, 1. Duly elected and qualified members of the legislature, in both houses, have been expelled or denied seats, to give place to persons who were not elected by a majority of voters, and who were not in law entitled to seats. (Case of Alford in the Senate. Case of Plato in the House, *et al.*)

2. At a time when measures of grave importance of themselves, and of vital interest to all the people were under discussion in the Senate and not matured, the majority in the State Senate, arbitrarily and without authority of law, placed nearly all the minority under arrest and deprived them of a voice in behalf of the people, and so held them in arrest and silent until the militia law, the police bill, the enabling act, the registration act, and the election law were passed, and until nominations for judicial and other important officers were approved of; all of which measures go to the oppression of the people; and many of the officers confirmed were unqualified as to capacity, corrupt as to morals, and entirely unfit for high position in any State.

3. A multitude of new offices have been created, and officers appointed to fill them, without the consent and against the will of the people.

4. Important and useful legislation to the country has been postponed and delayed at great expense, until odious and oppressive laws were fastened upon the people.

5. Without authority of law, and in violation of the constitution, the term of office of the present members of the legislature has been extended one year. They were elected on the 30th day of November and 1st, 2d and 3d days of December, 1869; and now, under an act passed and construed by themselves, claim to hold until a general election in the year 1872, notwithstanding Sec. 4, Art. 3 of the constitution [*i. e.*, for two years].

6. The Executive has omitted and failed to order elections to fill vacancies in the legislature, caused by death or otherwise, within the time prescribed by law, and has thus, for

many months; denied representation to large bodies of the people, although they were taxed, and have been forced to perform militia duty. (Sec. 19, Art. 3, Constitution; Sec. 11, p. 130, Laws of 1870.)

7. The present State administration bases its authority on the claimed results of the general election held on the 30th of November and 1st, 2d and 3d days of December, 1869, and yet has omitted and refused to order and provide for a general election until the first Tuesday after the first Monday in November, 1872; thus throwing the second general election nearly three years from the first. (Sec. 4, Art. 3, Constitution; Laws of 1870, p. 129, Sec. 7.)

8. The State of Texas is practically left without a legislature from December, 1871, until November, 1872, and that, too, while the Executive is clothed with despotic power.

9. Newspapers have been established in the several judicial districts of the State to bolster up the present despotism, and to familiarize the people with Executive usurpation, and, through forced patronage, to gain great profit, and thereby help to impoverish the citizens. (Laws of 1870, p. 74.)

10. The courts of the State are effectually closed against the approach of the citizen, and prohibited from extending relief for an existing wrong—in this, that though the judges of election may willfully and corruptly refuse to permit a qualified elector to vote, yet the courts are forbidden to compel such officers to do their duty, or refrain from the commission of a wrong by injunction, mandamus, or otherwise. (Laws of 1870, p. 132, Sec. 22; Constitution, Sec. 11, Art. 1.)

11. An election law has been passed, and is now enforced, which breaks down in practical effect all the safeguards of the ballot, and places in the hands of those who receive and count the votes, the unrestrained power to defeat the will of the electors, and to substitute their own instead; it authorizes those who have the handling of the votes, on one pretext and

another, to cast out large proportions of the votes and to announce partial and untrue results ; it, by the non-identification of tickets voted, prevents fair and full investigation in cases of contested elections ; it requires electors to travel long distances, to undergo heavy expenses, and to consume much time needlessly to exercise the right of suffrage, thus compelling the citizen to forego the exercise of the elective franchise, or else to submit to exactions, oppressions and wrongs to person and property. (Laws of 1870, p. 130, *et seq.*)

12. The enabling act places great power in the hands of the Executive, in palpable violation of the Constitution, in that it authorizes him to appoint various important officers who are charged with responsible duties, who under the Constitution are elective by the people, and to remove others, who are alone removable by due course of law. (Laws of 1870, pp. 17, 18 ; Constitution, Sec. 12, Art 5.)

13. The terms of the Police Bill constitute of themselves an authorized violation of nearly every private right of the citizen. The police force is chosen by the Executive, and placed under his command without restriction or responsibility ; it is always ready for action, with arms in hand, having for its duties the part of spies, informers and detectives, circulating through the whole community. The very vocation of such a force renders them odious to the people, and unprincipled of themselves ; they are dangerous as hirelings to the reputation and lives of the people. The practical workings of this force, raised under the pretense of securing peace and quiet, and to arrest violators of the law, has demonstrated, beyond doubt, that it is a body of armed men, massed to overawe the citizen and to give an active arm to the Executive, to uphold and sustain him in his usurpations and exercise of the unlawful power concentrated in him. Its work has been a succession of wrongs, mingled with blood ; its continuance is death to every private right, and in innumerable instances, to life itself. (Laws of 1870, p. 19.)

14. Large amounts of money have been subjected and appropriated to the use of the Executive, obtainable on requisition, and, on the sale of State bonds, to be held and used by him without any of the restrictions and safeguards which the laws require of all others who handle public moneys. (Laws 1870.)

15. Under the authority of the Militia Law, now in force, and being daily executed, the Executive is vested with unlimited power. He may organize a standing army in a time of profound peace; in the face of heavy pains and penalties, the citizen is required to perform military duty, and to form part of such standing army. A State Guard is provided for, the men and officers of which are chosen and selected by the Executive, thus creating a special organization of great strength, composed of the pets, favorites and tools of the Governor, whose interest is to maintain him in his usurpations, and to enforce his orders, whatever they may be. This is an armed body of men, who may be thrown into any city or county of the State, and there with rapidity and unscrupulousness, execute any order the Executive may give. He is clothed with the power to declare martial law on the most paltry pretexts. He may, to all intents and purposes, suspend the writ of *habeas corpus* when there is no rebellion, no invasion, and when the public safety does not require it. With martial law declared, and the writ of *habeas corpus* practically suspended, the Executive becomes Dictator in Texas, and his will the sole guide to his action, he may take property or life, and be responsible to no tribunal of justice in the State, so long as he remains Governor under existing laws. (Laws 1870, p. 11; Constitution, Sec. X, XVII, Art. 1.)

It might possibly be said, that though such unlimited power is with the Executive, yet that all the probabilities are that he will not call it into exercise; but already, under the arbitrary power conferred, he declared martial law in the county of Hill, and through machinery rapidly extemporized, gathered by the hands of his adjutant-general, large sums of money

from citizens, while under duress, and without a judgment of any court of competent jurisdiction; and under the same arbitrary power, martial law was declared in Walker County, and then, under like machinery, gathered large sums of money from the people, and, in addition thereto, incarcerated a freeman of the State of Texas in the penitentiary; and all this in a time of profound peace, when there was no rebellion, no invasion, when the public safety was not threatened, and when the civil officers in the respective counties were fully able to execute all process, and to arrest all violators of the law. And again in the county of Bastrop, martial law was time and again threatened, and held in terrorum over the people thereof, with intent to force the grand jury of said county to indict, by false indictments, the good people thereof, and thus forge a reputation for that people, of being a lawless and criminal people.

These things have grown into history, and are now recognized as authentic occurrences of the times.

16. The Executive is now enforcing the execution of a repealed law, and thereby greatly increasing the taxes demanded of the people, and gaining the possession and control of enormous sums of money, the distribution whereof is subject to his will, in connection with those about him, who hold position by his appointment, and whose terms of office depend on his pleasure.

I. — 1. The act entitled “ An act to organize and maintain a system of public free schools in the State of Texas,” (laws of 1871, p. 59,) was presented to the Governor for his approval 12th April, 1871. (Senate Journal, p. 748.)

2. In absence of approval the bill so presented would become a law in five days, if not returned. (Constitution, Sec. 25, general provisions.)

3. The bill so presented was not approved, nor was it vetoed; so on the 17th April, 1871, it became a law.

4. The fifth section of said act provides that “ The direct-

ors of each school district shall have the authority to levy a tax not exceeding one per cent, for the purpose of building school-houses and maintaining schools in their respective districts.”

II. — 1. The act entitled “An act to give effect to the several provisions of the Constitution concerning taxes,” (laws 1871, p. 51,) was presented to the Governor for his approval on the 20th day of April, 1871. (Senate journal, p. 847.)

2. Said bill was approved on the 22d April, and from that day became a law, five days after the act first named became a law under section 25 of the Constitution, before cited.

3. The 8th section of the last act named provides that “A direct *ad valorem* tax, for the year 1871, of one-fourth the amount of the direct *ad valorem* State tax, on all real property situate, and all personal property owned in each school district in this State. \* \* \* shall be levied and collected “to provide the necessary school-houses in each district, and insure the education of all the scholastic inhabitants of the several districts.”

4. The 22d section of the act repeals all laws and parts of laws in conflict therewith, “except such as authorize special county taxes and other special taxes.”

5. Section 5 of the first law and section 8 of the last law are in conflict, or, at least, the one supplies the other, both being intended to raise a fund by taxation for one and the same indential purpose.

6. The repealing clause repeals section 5 of the act first named, and thereby reduced taxation for school-house purposes from one per cent, to one-eighth of one per cent.

But, notwithstanding the record shows the foregoing facts, yet the Governor appended his approval to the law first named on the 24th day of April, 1871 — seven days after it had become a law — and thus, of his own will, sought to change the dates of laws, and to give them force and effect, in a reversed

manner, and by his signature to revive a law which had been repealed.

This repealed law is now being enforced, and under its provisions a tax of seven-eighths of one per cent. on all the property in the State of Texas, real and personal, sought to be collected.

17. The people have been disarmed<sup>\*</sup> throughout the State, notwithstanding their constitutional right "to keep and bear arms." (Constitution, Sec. 13, Art. 1. Laws 1871, p. 25.)

The police and State Guards are armed, and lord it over the land, while the citizen dare not, under heavy pains and penalties, bear arms to defend himself, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such grounds of attack shall be immediate and pressing. The citizen is at the mercy of the policeman and the men of the State Guard, and that too when these bodies of men embrace in them the most lawless and abandoned men in the State, many of whom are adventurers — strangers to the soil — discharged or pardoned criminals, forgetful of law — unrestrained by the customs of society, and without interest in or ties to the State.

18. The Election Order, under the operation of which the near approaching election will beholden, is a monstrosity, and could only emanate from a mind deliberately determined to insult and humiliate the people to the last extreme, on the one hand, while on the other, it willfully orders the violation of the constitution, by the agents who are to carry said order into execution. It forbids the assembling of the people on the days of election; it prohibits free speech; it forbids the free and lawful movement of the citizen in person; it forbids the citizen the right to advocate the election of the candidate of his choice; it authorizes the judges of election to close the polls on the merest pretexts; it subjects the citizen's motives and purposes to the judgment of policemen; it authorizes policemen to disperse bodies of citizens without warrant of

law, and when they have been guilty of no violation of law; it subjects the citizen to arrest and detention while in attendance at an election, when he has not been guilty of treason, felony, or breach of the peace; it is ordered to be executed as a criminal law of the State when it has not a single feature of a law; it is the unlawful will of the Executive, enforced by him through the power of an armed police upon an unarmed people; it is the will of a despot and the act of a tyrant overriding the supreme law of the land. (Sec. 2, Art. 3, Constitution.)

19. By orders executed through his armed bodies of police, the Executive has taken control of peaceable assemblies of the people, called together for peaceful and lawful purposes, and there suppressed free speech, under threats of arrest, and subjection to punishment as criminals. (Galveston case.)

20. The Executive has deliberately disregarded the solemn judgment of the District Court, and ordered his policemen to condemn the court, and by force, with arms in their hands, to defy the court, and to execute his will in a question of law where the court had decided the case and entered its judgment of record. (Brownville case.)

21. For the purpose and with the intent to retain the power they now hold, and to avoid having the free will of the people expressed in the enactment of laws, the Executive and others in authority contemplate (and are now actively engaged to accomplish their object) so apportioning representation in the legislature as that only the voice of a small proportion of the people shall be heard. It is proposed to give some localities much larger representation than the population thereof lawfully authorizes, and to take from other localities representation to which their population entitles them. It is purposed to ignore local representation and to make large areas of territory representative districts, to the end that the sentiment of the population of a few localities may control the voice of the State in the enactment of laws. (Bill in both Houses.)

While, sir, we have not specified all the acts of the present administration enfracting the Constitution, in violation of law, and in willful disregard of the rights of the people, nor entered minutely into the features of those named, yet we think we have shown enough to call upon all men for the most serious reflection, and to show the tendencies of the present administration of the State Government.

Without enlarging, we may say that the power which in Republican government is supposed to rest in the people, is fast departing from the people of Texas and concentrating itself in the hands of one man—the Executive. That the people of this State no longer govern themselves, but are governed by E. J. Davis, as completely as if there were no Constitutions, State or Federal. While in form we have a Republican government, in substance and in fact we have a despotism, which constantly becomes more and more absolute, and will certainly end in unqualified enslavement of the people, unless some check is interposed.

We find that the appropriations made by the legislature of 1870 for the ordinary expenses of the State government for the fiscal year, from the 1st of September, 1870, to the 1st of September, 1871, was \$756,383.

The entire appropriations of that legislature, for all purposes except the subsidy to the International Railroad, amounted to the sum of \$1,632,270.50. The appropriations of the legislature that met in the early part of this year (1871), for the ordinary expenses of the government for the fiscal year, beginning on the 1st of September, 1871, and ending on the 31st of August, 1872, were \$1,072,662; for schools for same years \$504,500; for deficiencies for fiscal year, ending 31st August, 1871, \$364,743.45; for all other purposes, except subsidies to railroads, \$178,699.83, making the entire appropriations by that legislature, exclusive of subsidies to railroads, \$2,120,605.28.

It will be recollected that the legislature of 1870 also voted

a subsidy of \$10,000 a mile to the International Railroad, which will impose upon our people a debt of at least \$8,000,000, if the company complies with the terms of the law; and the legislature of 1871 granted an additional subsidy of \$6,000,000 to the Trans-Continental and Southern Pacific Railroads.

We find that the cost of the legislature of 1857 was \$159,760; that of 1866 was \$167,000; that of 1870, \$307,000, and that of 1871, \$285,000, exclusive of the expenses of the adjourned session, which will probably be several hundred thousand dollars more, while the number of members, the per diem and mileage were the same for that of 1866, as for the legislature of 1870 and 1871.

We find that the *ad valorem* tax upon property in the years 1858 and 1859 was for the State one-eighth of one per cent; for the county one-half of that rate.

In 1866, the rate of taxation was increased, for the State, to fifteen cents on each hundred dollars, and for county purposes, not exceeding one-half of that rate. The legislature of 1871 increased the taxes as follows, viz:

*Ad valorem* State tax upon property, one-fourth of which is for schools, one-half of one per cent; *ad valorem* county tax, one-quarter of one per cent; *ad valorem* road and bridge tax, one-quarter of one per cent; *ad valorem* tax for school-houses, one-eighth of one per cent; tax for building school-houses and maintaining schools, one per cent; a poll-tax of one dollar for schools; a poll-tax of one dollar for roads and bridges; besides the occupation and license taxes, and the tax for the frontier bonds which is understood to have been fixed by the Comptroller at five cents on each hundred dollars, from which it will be seen that our present rate of taxation for State and county purposes is about two dollars and seventeen and a half cents ( $\$2.17\frac{1}{2}$ ) on each hundred dollars, besides the poll-tax and occupation and license taxes.

The following is an estimate of the taxes levied from the

polls the present year. The estimated value of the property subject to taxation is \$212,000,000:

One-half of one per cent on above, as <i>ad valorem</i> State tax will produce.....	\$1,060,000
One-quarter of one per cent <i>ad valorem</i> county tax.....	530,000
“ “ “ “ “ bridge tax.....	530,000
One-eighth of one per cent, as one-quarter of State tax for school purposes.....	265,000
One-half of one per cent, as tax to pay frontier bonds.....	106,000
One per cent tax for school-house purposes, etc.....	120,000
Poll-tax for roads and bridges, estimated.....	150,000
Poll-tax for schools, estimated.....	150,000
License and occupation for State, estimated.....	300,000
“ “ “ county “ .....	150,000
	<hr/>
	\$3,355,000

In addition to the above, each tax-payer has to pay for the commission for assessing his *ad valorem* tax, which it is supposed will amount to about three per cent on his *ad valorem* tax.

Your committee believe, from the best examination they have been able to give the subject, that the expenses of the government and the present rate of taxation are excessive. They think the ordinary annual expenses of the government should not exceed \$695,000. They believe that an *ad valorem* tax of one-third of one per cent for the State, and one-sixth of one per cent for the counties, with the present poll-taxes and license and occupation taxes, will produce an amount of revenue ample to meet all necessary expenses, besides affording a liberal amount for public schools, and still leave a surplus in the treasury.

An <i>ad valorem</i> tax of one-third of one per cent upon \$212,000,-000, the estimated value of property in the State, will produce .....	\$706,666 66
Estimate of license and occupation tax.....	300,000 00
	<hr/>
	\$1,006,666 66
Deduct one-quarter, set apart by Constitution for schools....	251,666 66
	<hr/>
Leaves for ordinary expenses.....	\$755,000 00

There will then be applicable for public schools, the above one-quarter.....	\$251,666 66
Poll-tax of one-dollar, estimate.....	150,000 00
Annual interest on railroad bonds.....	} 136,431 00
In Treasury belonging to school fund.....	
<hr/>	
This gives annually for public schools.....	\$538,097 66
A county tax of one sixth of one per cent on \$212,000,000 will produce.....	\$353,333 33
License and occupation tax, one-half that for State.....	150,000 00
Poll tax for roads and bridges, estimated.....	150,000 00
<hr/>	
This gives for county purposes.....	\$653,333 33

The expenses for the building of school houses should be levied by the citizens of each school district, on the property situated in the district.

1. *Resolved*, That the present rates of taxation are greatly in excess of the legitimate and necessary wants of the Government.

2. *Resolved, further*, That the Legislature now in session be, and they are hereby requested by this Convention, as the representatives of the tax-payers and citizens of the State, to revise and remodel the tax laws, so as to levy in lieu of all other direct *ad valorem* taxes, only one-third of one per cent on all real and personal property, not exempt from taxation, for State purposes, and not exceeding one-half that rate for county purposes. The constitutional rate for school purposes to be taken from the amount thus levied for State purposes.

In view of the foregoing facts, showing the infractions of the Constitution and laws of the State, and in view of the extraordinary expenditures proposed by the authorities and legislature of the State, and consequent burden of taxation levied upon the people to meet such expenditures, and in consequence of the violations of the rights and interests of the people, as are clearly shown to exist in the enactments of the legislature, and in the exercise of unlawful and august

powers assumed by the Governor of the State, therefore, be it

*Resolved*, by the representatives of the people of Texas, in convention assembled :

1. That a committee of seven be appointed by the President of this Convention, whose duty it shall be to embody the action of this Convention and confer with the legislature and ask from that body, a redress of the grievances of which the people of the State complain.

2. That this Convention declare to the people of the State (having taken competent legal advice thereon) that the order of the superintendent of schools for the collection of one per cent for the building of school-houses, etc., is illegal and void, and we advise the people not to pay the same but only to pay the one-eighth of one per cent as levied by the legislature

3. That the committee to be appointed, as before directed, shall at once prepare an address to the people of the State, advising them in what particular manner to resist through the courts of the country the payment of the school-house and such other taxes as are deemed illegal.

4. That in the event the recommendations of this Convention should be disregarded by the Governor and legislature, and no measures of relief to the people be adopted, and no early day be fixed for an election and assemblage of the legislature, the committee appointed by the president of the Convention shall prepare a memorial, which shall be presented from the committee through our delegate in Congress, to the authorities of the General Government, praying that the people of Texas may be protected in the right guaranteed by the Constitution of the State in the election of members of the legislature, under a just apportionment, as well as an election of State and county officers ; and that said committee shall be fully authorized to present such facts and evidence as will tend to secure the great object in view.

5. *Resolved*, That while we are assembled here from every part of this great State, to protest to mankind against the grievous wrong under which the people are now laboring, we do at the same time solemnly and earnestly deprecate all violations of law and order, whether committed by bodies of men calling themselves by one name or another, or called by others by any name whatever.

6. That we recognize the right of every person in the State without regard to race or previous condition, to equal civil and political rights under the law and to have protection for his life, liberty and property. That we are in favor of paying all lawful and reasonable taxes for the establishment of public free schools, and to carry on the government; but, at the same time, we recommend to the people that they do not pay such portions of the tax now demanded as we here show to be illegal.

7. That we solemnly appeal to the deliberate judgment of the civilized world, and especially to that portion believing in the principles of Republican government, for their support and aid in our interest.

All of which is respectfully submitted.

A. J. HAMILTON, *Chairman*.

R. M. HENDERSON, *Secretary*.

Jno. Ireland,	A. W. Moore,
Jno. M. Crockett,	N. O. Green,
James Shaw,	A. S. Lathrop,
Geo. Quinan,	Wm. M. Walton,
Francis M. White,	S. P. Hollingsworth,
Jno. W. Robertson,	M. A. Gaston,
D. A. Nunn,	T. J. Chambers,
J. W. Throckmorton,	E. L. Dahoney.
Rufus Price,	

On motion, the report of the committee was adopted, when the resolutions, thereto attached, were taken up *seriatim*, and adopted by the convention.

The president announced the committee of seven to memorialize the legislature, as follows:

W. M. Walton, John Ireland, J. W. Throckmorton, J. T. Harcourt,, M. C. Hamilton, A. J. Hamilton, C. S. West.

On motion of Governor Throckmorton, E. M. Pease, the president of the convention, was added to the committee.

E. M. PEASE, *President of the Convention.*

WM. M. RUSK, *Secretary.*

Notwithstanding large amounts were collected for that purpose, not a single school house was erected in the State with the money. Many, before realizing the facts, paid the tax; while many, being better informed, did not.

#### ADJOURNED SESSION OF THE TWELFTH LEGISLATURE.

As has been seen, the first *provisional* session of the legislature, after ratifying the amendments to the constitution, adjourned February 24, 1870, to await the action of Congress, which accepted the new constitution on the 30th of March, and the legislature re-assembled in regular session on the 26th of April, and adjourned on the 15th of August, to re-assemble on the 10th of January, 1871, on which day it re-assembled and continued in session till the 31st of May; in doing so, it resolved to hold a fourth session, thereby prolonging the term of its members beyond its constitutional limits; but that fourth session was never held. There ought to have been an election for members of the legislature, in November, 1871, but none was held. This would have been the thirteenth legislature; but, the election not being held until November, 1872, in the middle of the constitutional term, the thirteenth legislature assembled on the 14th day of January, 1873, with Edwin B. Picket as president pro tem of the senate,

and M. D. K. Taylor of Marion speaker of the house. Among its acts was a joint resolution affirming the fact that they ought to have been elected a year earlier and providing that the next, or fourteenth legislature, should be elected in November, 1873. This wise and unselfish measure restored the constitutional order of events for the future.

## CHAPTER XLIV.

The Thirteenth Legislature—Its good work—Changes in the Judiciary—  
Richard Coke elected Governor.

In the senate of the thirteenth legislature, one-half of the members holding over, there was a majority of three opposed to the policy of Gov. Davis. The house, all being elected in November, 1872, was overwhelmingly so.

This legislature accomplished great good for the State by remodeling or repealing several of the laws heretofore referred to as so obnoxious to the people. It also enacted a law by which the State escaped the issuance of the \$6,000,000 of bonds to the Texas and Pacific R. R. Company, substituting therefor land grants in accordance with the previous legislation of the State; the wisdom of which was demonstrated by the final completion of that great thoroughfare from Shreveport to El Paso, with its connecting branches, from Marshall to Texarkana, and from that point via Clarksville, Paris, Bonham, Sherman, Pilot Point and Denton to Fort Worth; the final result of all which was to connect Texas with New Orleans, Vicksburg, Memphis, Cairo, St. Louis, Chicago, Kansas City and the entire system of railroads east and west of the Mississippi; and, not only with El Paso, but San Diego and San Francisco in California. In all the legislation affecting the material interests and development of Texas, no wiser act was ever passed by its legislature. To it and its various connections afterwards, we are indebted for connections with the city of Mexico, the cities of the Rocky Mountains, the Indian Territory, Western Kansas, etc. Under its enactment, as before stated, the election for

governor, State and county officers, and members of the fourteenth legislature, came off in November, 1873, the proper constitutional period, and a year sooner than would have taken place, under the action of the twelfth legislature. The election, however, was held, under the previous legislation, only at the county seats and under the surveillance of the special and regular police of the State. The contest was between Richard Coke, of Waco, the Democratic candidate, and Governor Davis. Coke received 103,038 votes, Davis 51,220; Coke's majority being 51,818, or two to one.

As soon as the result of the election became known it was proclaimed that Governor Davis would not yield up the office at the assembling of the legislature in January, 1874, but claimed the right to continue for the full term of four years ending April 28th, 1874, from the date of his inauguration. This was palpably in violation of a special provision of the constitution in relation to the term of the first governor, elected under its provisions. Excitement ran high over the country. A quasi case was made up to obtain a decision on the subject by the Supreme Court. That body, composed of three appointees of Governor Davis, indirectly made a decision in his favor. The time for the meeting of the legislature arrived and large numbers of people from different parts of the country assembled in Austin to witness what they regarded as the crowning act in the redemption of Texas from oppressive laws. Governor Davis occupied the lower rooms of the capitol building, with a body of armed men; the majority of whom were said to be negroes. Governor-elect Coke temporarily placed a small force in charge of Gen. Henry E. McCulloch, then a private citizen.

The Hall of Representatives and Senate chamber being unoccupied by Davis' force, were entered by the senators and representatives, and the house duly organized by electing Hon. Guy M. Bryan, of Galveston, speaker. Everything indicated a hostile collision. Mr. Bryan called to his aid Gen.

Wm. P. Hardeman, Col. John S. Ford and Mr. Wm. N. Hardeman, and after appropriate remarks on the gravity of the occasion, appointed them temporary sergeants-at-arms, with authority to organize a special police to protect the hall against armed violence and to enforce the authority of the house in all its rights.

Pending this condition of things, Gen. Hardeman, in person, visited Governor Davis, represented the hazards of the situation and warned him that if a drop of blood was shed he (Davis) would be held responsible for the consequences. Governor Davis received him kindly, and, impressed by the admonition, dismissed his armed force.

In the meantime Governor Davis telegraphed to President Grant, asking that the aid of the Federal troops might be invoked for the maintenance of his assumed rights. President Grant promptly replied that, as the election seemed to have been free, peaceable and fair, and the majority against Governor Davis so great, he declined taking any action in the matter and advised yielding to the voice of the people. Thus admonished, Governor Davis retired from office. President Grant, already held in high esteem from his conduct towards General Lee and our soldiers when they surrendered, and, in their protection afterwards, nobly added to that sentiment, which continued until his death, as was shown by public meetings and memorial services throughout Texas on the day of his obsequies in the city of New York.

Governor Coke and Lieut.-Governor Richard B. Hubbard were then peacefully sworn into office, the legislature fully organized and the people of Texas, after the lapse of nearly nine years, once more breathed the air of freedom. This auspicious event was consummated on the night of January 13-14, 1874.

To avoid confusion in dates and events, the following facts are summarized :

From the admission of the State by Congress in 1870,

Morgan C. Hamilton was United States senator, for a fractional term of one year, and a full term of six years—ending March 4th, 1877.

James W. Flanagan, of Henderson, from March, 1870, to March, 1875.

Richard Coke, of Waco, March, 1877, to March, 1895.

Samuel Bell Maxey of Lamar, from March 4th, 1875, to March 4th, 1887.

John H. Reagan, of Palestine, from March 4th, 1887, to 1891.

Horace Chilton of Tyler (by executive appointment), succeeded Reagan and served from December, 1891, to March, 1892.

Roger Q. Mills of Corsicana, was elected by the legislature in March, 1892, to fill the remainder of Reagan's term, which will expire March 4th, 1893.

#### REPRESENTATIVES IN CONGRESS.

Under the apportionment of 1860, Texas was entitled to four representatives in Congress. Under that of 1870, to six members, which went into effect in March, 1873. Under that of 1880, which took effect in March, 1883, to eleven members,—and under that of 1890, which will take effect in March, 1893, to thirteen members.

The following list shows the names of all the members covering this period, and the time served by each one.

George W. Whitmore, of Tyler, from 1869 to 1873.

John C. Conner, of Jefferson, from 1869 to 1873.

Wm. T. Clark (said to be of Bridgeport, Conn.), from 1869 to 1871.

Edward Degner, of San Antonio, 1869 to 1871.

Wm. S. Herndon, of Tyler, 1871 to 1873.

DeWitt C. Giddings, of Brenham, from 1871 to 1875 and from 1877 to 1879.

Wm. P. McLean, of Titus, from 1873 to 1875.

Roger Q. Mills, of Navarro, from 1873 to his resignation in order to enter the Senate in April, 1892.

Asa H. Willie, of Galveston, from 1873 to 1875.

John Hancock, of Austin, from 1871 to 1877.

David D. Culberson, of Jefferson, from 1875 to 1893.

James W. Throckmorton, of Collin, from 1875 to 1879 and from 1881 to 1883.

Gustave Schleicher, of DeWitt, from 1875 to his death in 1879.

Wm. H. Martin, of Athens, from 1887 to 1891.

John B. Long, of Cherokee, from 1891 to 1893.

George W. Jones, of Bastrop, from 1879 to 1881.

Joseph B. Sayers, of Bastrop, from 1881 to 1893.

Wm. H. Crain, of DeWitt, from 1879 to 1893.

Charles Stewart, of Houston, from 1879 to 1893.

Olin Welborn, of Dallas, from 1879 to 1887.

Joe A. Abbott, of Hillsboro, from 1887 to 1893.

S. W. T. Lanham, of Weatherford, from 1883 to 1893.

James F. Miller, of Gonzales, from 1875 to 1877.

Littleton W. Moore, of Fayette, from 1877 to 1893.

J. W. Bailey, of Cooke, from 1891 to 1893.

Silas Hare, of Sherman, from 1883 to 1889.

Constantine B. Kilgore, of Wills Point, from 1887 to 1893.

Columbus Upon, of San Antonio, from 1881 to 1883.

Thomas P. Ochiltree, of Galveston, from 1877 to 1879.

#### SUPREME COURT JUDGES.

During Gov. Pease's military term, 1867, to the organization under Gov. Davis in April, 1870, the Supreme Court consisted of Amos Morrill, chief justice, C. Colwell, A. J. Hamilton (resigned during the term), Albert H. Latimer (resigned, and Gen. Moses B. Walker, late of Ohio and a Union soldier, appointed,) and L. Lindsay, associates. Their immediate pre-

decessors, in 1866-7, were George F. Moore, chief justice — associates, Richard Coke, S. P. Donley, Asa H. Willie and George W. Smith.

(In 1866 the legislature elected the venerable first president of Texas, David Gouverneur Burnet, and ex-chief justice Oran Roberts as United States senators, while the people elected as the four representatives to Congress, Benj. H. Epperson, of Red River, Anthony M. Branch, of Huntsville, Claiborne C. Herbert of Colorado, and George W. Chilton, of Tyler, but owing to the congressional determination to reject President Johnson's plan of reconstruction, these gentlemen were denied seats.)

On the accession of Gov. Davis to power he nominated and the senate confirmed Lemuel D. Evans as chief justice and Messrs. Moses B. Walker and Wesley Ogden as associate justices of the Supreme Court. Failing health caused Judge Evans to resign and the Governor appointed John D. McAdo to fill the vacancy, the court thereafter consisting of McAdo, Ogden and Walker, each of whom had served for a time on the district bench; their subsequent ruling, declaring the election of 1873 unconstitutional, caused much reproach, but, with this exception they were accredited with judicial fairness, and, though Walker was a comparative stranger, all were regarded as honorable men, Messrs. McAdo and Ogden wherever known, having long enjoyed public respect and esteem.

On the inauguration of Coke's administration, in January, 1874, under an amendment of the constitution, the Supreme Court was reorganized with five members, with Oran M. Roberts as chief justice, the four associates being William P. Ballinger, George F. Moore, Thomas J. Devine and Reuben A. Reaves. Messrs. Ballinger and Devine subsequently resigned and Messrs. Peter W. Gray and John Ireland were appointed. Charles S. West also filled a vacancy caused by Ireland's resignation; Judge Gray resigned in 1874 and was succeeded by Robert S. Gould.

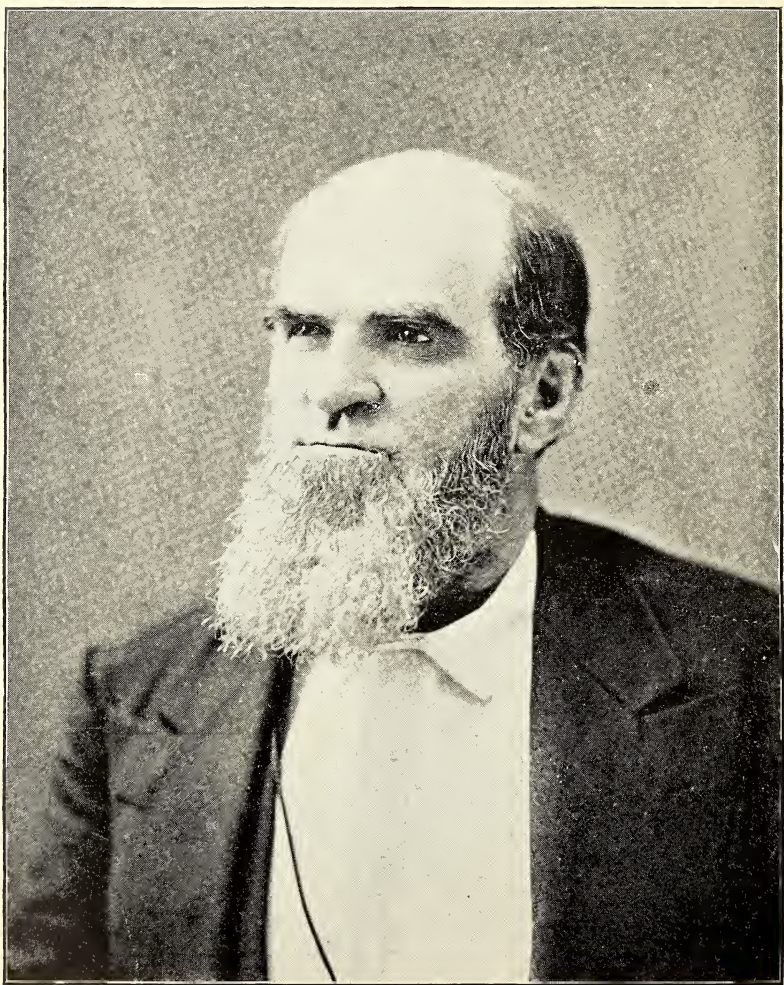
Under the constitution of 1876, another change occurred. The Supreme Court was reduced to three members, and a Court of Appeals of three members, with criminal and a restricted civil jurisdiction, was created. The Supreme Court consisted of Oran M. Roberts, chief justice, with George F. Moore and Robert S. Gould associates. Of the Court of Appeals, John P. White (as presiding judge), Clinton M. Winkler and Matthew D. Ector were made the judges.

No change was made in the higher judiciary until the adoption of certain constitutional amendments in 1891, which remains ineffective till the election to take place in November, 1892. These amendments, containing our present judicial system, will be found in the State constitution.

In 1878 chief justice Roberts was elected Governor, and George F. Moore succeeded him and served till his resignation in 1881. He was succeeded by Robert S. Gould and he, in 1880, by John W. Stayton, who is still so, his associates being Richard R. Gaines and John L. Henry. Sawnie Robertson filled a vacancy for a time, but declined longer service.

Judge White resigned as presiding judge of the Court of Appeals, and was succeeded by Associate James M. Hunt, who had served from 1880. Samuel A. Wilson served on that bench several years, and was succeeded by W. L. Davidson. A vacancy by resignation in 1892 was filled by E. J. Simkins. The court now consists of James M. Hurt, as presiding judge; W. L. Davidson and E. J. Simkins, as associates.





GOV. RICHARD COKE

## CHAPTER XLV.

### COKE'S FIRST ADMINISTRATION.

Governor Coke in 1874 appointed George Clark, Secretary of State. The people had elected Stephen H. Darden, Comptroller, Andrew J. Dorn, Treasurer, and J. J. Groos, Commissioner of the Land Office.

Under an amendment to the Constitution, the Supreme Court was so remodeled, as heretofore shown, as to consist of a chief justice and four associate justices. Governor Coke nominated and the senate confirmed, Oran M. Roberts as chief justice, and, as associate justices, Wm. P. Ballinger, George F. Moore, Reuben A. Reeves and Thomas J. Devine. George Clark resigned as Secretary of State, and was appointed Attorney-General, A. W. De Berry succeeding him in the former position.

The legislature proceeded to reform the laws in force, still further correcting the wrongs of which the people had complained. By far the most important was the act of the twelfth legislature, granting a bonus to the International Railroad Company of \$10,000 per mile for six hundred miles across the State, from its northeastern limits, to Laredo on the Rio Grande. This was to be met by the issuance of bonds running thirty years and bearing eight per cent interest. Governor Coke in a subsequent message to the legislature, referring to this act, said:

“ On the 5th day of August, 1870, when the legislature, composed for the most part of strangers to the State and people of Texas, chosen at an election when less than one-fourth of the tax-payers were allowed to vote, occupied the

halls of the capitol. The agents of the International Railroad Company, by the most fraudulent and corrupt means, procured the enactment of the charter, under which they make the claim. The charter grants \$10,000 per mile for the construction of a road from Jefferson to Laredo on the Rio Grande, and exemption from taxation for five years (which they have enjoyed). Feeling, doubtless, that whenever the people of Texas came into possession of the government, they would resent this great outrage perpetrated upon them when they were defenseless, and frustrate this fraudulent attempt to fleece them, the effort was made to put the whole matter beyond and out of the reach of the people or of any subsequent legislature. For this purpose, although the constitution provides that no money shall be drawn from the treasury except in pursuance of an appropriation, and that no appropriation shall be made for a longer term than two years, in order to avoid having to come before any subsequent legislature for an appropriation to pay any interest on the bonds, this charter provides that for thirty years the comptroller shall annually assess a sufficient tax upon all the property and occupations in the State to pay the interest on and sinking fund for these subsidy bonds, and have it collected and placed in the treasury, subject to the order of the governor, who shall pay it to the bondholders. The people are not trusted; any subsequent legislature that they might elect is not trusted, to make an appropriation; the charter is so constructed as to be self-sustaining, without the aid, and against the will of the people or legislature; and if the mandamus case, decided last summer, had resulted in their favor, the plan would have been successful. *This is the only law on the statute books of Texas, marked by that peculiarity*, since the organization of the government, as it is the only law ever enacted in Texas which imposes taxes on the people to pay for the construction of a railroad. From the day of the enactment of this charter, by the twelfth legis-

lature, to the present hour, the world, and especially the International railroad Company, has been notified in every way and by every means through which popular feeling and determination could find expression, that the people of Texas would resist the payment of this subsidy. The administration under which the charter was enacted, refused to issue bonds under it, on the first application for them. Contemporaneous with the passage of this charter, public meetings were held in various counties in the State, and the indignation of the people and their determination never to pay the subsidy, set forth in resolutions which were published throughout the country. The press teemed with denunciations of the fraud and denials of the power of the legislature to impose this debt on the people. The tax-payers' convention of 1871,<sup>1</sup> a great body of representative men, denounced it. A large body of eminent, representative men, from every portion of the State, in 1870, in a memorial to Congress, praying that body to guarantee to Texas a republican form of government, denounced that charter. The House of Representatives of the thirteenth legislature, through a select committee, solemnly held the charter void, because in excess of constitutional power."

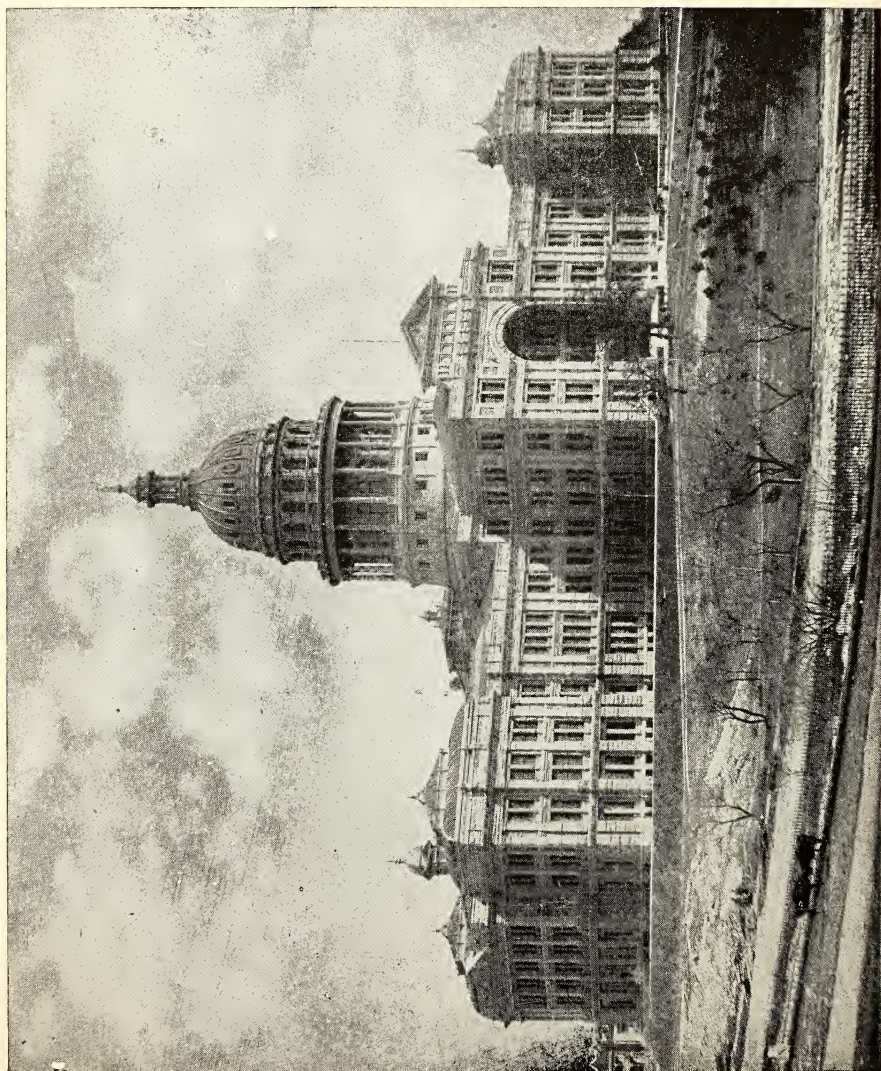
The fact, in justice to the dead, should be distinctly stated and remembered. The Hon. A. Bledsoe, an honored citizen of Dallas County, elected at the same time and on the same ticket with Governor Davis as Comptroller of the State, when called upon by the railroad authorities, sternly refused to sign the bonds, holding that it would be an outrage on the rights of the people, and in violation of the constitution. This led to the mandamus suit, the object of which was to compel him to sign and issue the bonds, to which Governor Coke refers in the extract quoted. The Supreme Court re-

<sup>1</sup> Over which ex-Governor Pease presided and of which ex-Governors Hamilton and Ireland were members.

fused the mandamus, after a most learned and conclusive argument in behalf of Comptroller Bledsoe and the State by the Hon. George Clark, then attorney-general. The court then consisted of Chief Justice Roberts and Justices Ballinger, Moore, Reeves and Devine.

The railroad company refused every proposition for a compromise, and demanded the pound of flesh. Public sentiment was greatly in favor of a railroad over the route proposed, and, in a spirit of compromise, the legislature passed an act to meet the difficulties, but it was so defective and retained so much of the spirit of the charter itself, that Governor Coke, in an able, exhaustive and unanswerable message, promptly vetoed it. This brought a change of policy on the part of the railroad. Its partisans came to realize that the position of the State and its authorities, was such as to protect the people of the State from the unprecedented wrong attempted; thereupon the legislature passed and the Governor approved, a compromise act which the company accepted. Yet, it was far more liberal to the company than would have been possible, but for the great desire to avoid any possible ground for further interference of the Federal government with the domestic and internal affairs of Texas. It granted to the railroad company twenty sections of land, in lieu of State bonds, for every mile of road then or thereafter built. Not only this, but it relieved them of taxes on the lands so granted, for a period of twenty-five years. And yet more! Contrary to the settled policy of the State from the beginning, ranking next in public esteem to the homestead legislation, it relieved them of the obligation to sectionize the public lands, they taking every alternate section, and the State setting apart the other alternate sections as a part of the public free school fund; and allowed them to select their lands in solid bodies — a concession only justified by its advocates to escape greater evils.





STATE CAPITOL

## THE CONSTITUTION OF 1875-6.

Realizing the impracticability of correcting many of the evils complained of under the constitution of 1869-70, the same legislature, in a second session in March, 1875, passed an act providing for the election of delegates to a convention to form a new constitution. The election was held August 2d, 1875, and resulted in the election of a full set of delegates, among whom were a large number of the ablest and most experienced men of Texas. They convened at Austin on the 6th of September and elected Edward B. Picket, of Liberty, president and Leigh Chalmers, of Austin, secretary. On the 25th of November the convention adjourned, having completed its work—and provided for the submission of the constitution to the people for ratification or rejection at an election to be held on the 18th of February, 1876, and for the election at the same time of a full set of State, district and county officers. At that election, there were 136,606 votes cast for the constitution,—against it 56,652—majority, 79,954. For re-election Governor Coke received 150,681 votes to 47,719 cast for Wm. Chambers. Lieut.-Governor Hubbard was re-elected by 150,418 to 48,638 for Frederick W. Miner.

The new legislature assembled on the 18th of April, 1876. Thomas R. Bonner was elected speaker of the House of Representatives. Messrs. Coke and Hubbard were re-inaugurated on the 25th. Gov. Coke was elected to the United States senate on the 5th of May, but continued to exercise the duties of the office until December 1st, 1876, when he was succeeded by Lieut.-Governor Hubbard, who yet had a full term of two years to serve. A special clause of the constitution extended this term so as to cover the preceding seven months, in order to preserve uniformity in the periods of subsequent elections.

In Governor Coke's administration, in which he met the results of the previous period of reconstruction, he strength-

ened the arm of the civil law by the certain and speedy administration of justice by civil officers. In very few instances was it found necessary to appeal to military force for sustaining the law. A small company was kept in readiness, subject to the Governor's call, and bands of lawless men were gradually broken up.

There was no money in the treasury and no public credit. The State debt was \$4,500,000, and retrenchments in public expenditures were necessary.

The cost of public printing was reduced from \$125,000 to \$25,000.<sup>1</sup> The appropriations for the blind and deaf mute institutions were materially reduced. These economical methods with the relief to the treasury of the International Railroad debt, improved the credit of the State. Bonds that had been slow of sale at forty cents on the dollar grew in value, ultimately commanding five per cent premium. Governor Coke opposed the issuance of State bonds for public improvements. Taxes were reduced from two dollars and thirty cents on the one hundred dollars to fifty cents and the public debt was at the same time reduced \$400,000. The settlers on the frontier, having been robbed and many among them murdered by the Indians, had withdrawn to closer settlements. The rangers now pursued the Indians and punished them, giving such confidence of security that the borders were speedily extended fifty miles or more.

At the election referred to, Oran M. Roberts was re-elected chief justice of the Supreme Court and George F. Moore and Robert S. Gould, associates, for the newly created Court of Appeals. John P. White of Seguin, Clinton M. Winkler of Corsicana, and Mathew D. Ector of Marshall were chosen justices.

Under the new constitution, the regular sessions of the

<sup>1</sup> Statements from the governors of ten States, any of them of greater population than Texas, were submitted to the legislature, showing that \$25,000 was the average sum expended by them.

legislature were limited to sixty days, and adjourned and called sessions to thirty days—periods evidently too short for so large a body to wisely perform the duties devolving upon them.

(The legislature, most clearly, meeting but once in two years in regular session, should be allowed three months in which to transact the business confided to it.)

It may be admissible for the author of this work to state that as a member of the constitutional convention, he was one of the minority who advocated allowing the first session under the new constitution,—charged with revising all the laws of Texas for the first time, from 1836 to that time, a momentous period of forty years,—to sit four months and, after that, allowing all biennial regular sessions to hold for three months and adjourned or called sessions sixty days.

## CHAPTER XLVI.

### HUBBARD'S ADMINISTRATION.

At the great centennial in Philadelphia, on the 4th of July, 1876, Mr. Hubbard, then Lieutenant-Governor of Texas, delivered an address in behalf of his State, so replete with historical lore, and patriotic devotion, as to give him a national reputation as a great American orator. He became Governor, as stated, on the 1st of December, 1876, Senator Wells Thompson of Colorado, succeeding him as president of the senate. The sixteenth legislature assembled, January, 1879, and on the 14th of that month, Governor Hubbard submitted his last regular message to that body, it being the close of his administration. It is a full and elaborate presentation of the events connected with the previous two years, showing the condition of the finances, the eleemosynary institutions and facts bearing on all State educational institutions, the advance of internal improvements, the proceedings taken to detect fraudulent land titles, the erection of the penitentiary at Rusk, in Cherokee County, the increased prosperity of the frontier Counties under the protection of the State troops, and the increase in values from a little over \$10,000,000 in 1874 to \$22,000,000 in 1878, assessments being at the same rate for the two years, while fourteen other counties in northwest Texas were organized during the same period, and other counties were then ready to organize. He said: "It is a fact that, for more than twelve years prior to the creation of the frontier battalion, and its service in the west, no new county had been organized. On the contrary the adjutant-general reported that three counties — Young, Coleman and Stephens —

had been depopulated and had lost their county organizations, and hundreds of citizens had been compelled by the Indians to abandon their homes in the other frontier counties. If the same progress marks the history of that section under like causes in the future, many years will not elapse before the savage will be a stranger within our lines, and the State, along her border, will be securely protected by a living wall of her own hardy and patriotic people.”

These prophetic utterances of Governor Hubbard were rapidly realized. The completion of the Texas and Pacific Railroad in 1882; the completion of the Southern Pacific from San Antonio to El Paso a year or two later, and, still later, the completion of the Fort Worth and Denver road, passing diagonally through the whole Pan Handle country, were each followed by such an influx of population, the establishment of towns and the organization of counties, as to mark an era in the development of American frontiers, and the march yet continues in a ratio, marvelous to those throughout the Union who, from the opening of the Santa Fe trade in 1823, labored under the absurd and now exploded idea under which geographers portrayed that country as the *Great American Desert*.

Governor Hubbard submitted to the legislature the report of the codifiers, previously appointed by Governor Coke, to codify the laws of the State. These gentlemen were: Charles S. West of Austin, George Clark of Waco, John W. Ferris of Waxahatchie, Ben H. Bassett of Brenham, and Samuel A. Wilson of Cherokee. The result of their labors was the adoption, in 1879, of the large volume now known as *The Revised Civil Statutes of Texas, embracing the Criminal Code, and the Code of Criminal Procedure*.

Briefly condensed, Governor Hubbard showed the bonded debt of Texas to be \$5,086,109.05.

Referring to the lunatic asylum Governor Hubbard felicitated the State on the fact that the per cent of patients

restored to reason was forty — a larger per cent than in any similar institution in the United States, while the per cent of deaths was less than in any such institution in the Union. Only four patients were reported unimproved, the whole number being three hundred and seventy. Since his retirement from the Governor's office in 1879, Gov. Hubbard has served his country, under the administration of President Cleveland, — 1885 to 1889 — acceptably, as American minister to Japan. As Governor he was succeeded by Governor Roberts, and George F. Moor became chief justice of the Supreme Court.

#### ROBERTS' FIRST ADMINISTRATION (JANUARY, 1879, TO JANUARY, 1881.)

On the accession of Gov. Roberts to office, with Joseph D. Sayers as Lieutenant-Governor, our State debt had reached \$5,500,000.00. Under Governors Coke and Hubbard several reforms affecting the revenue and finances had been inaugurated, but required yet longer time to yield the anticipated results. The tax laws had been inefficient, and collections had been, not only deficient, but attended with serious losses. Gov. Roberts took up the work where his predecessors had left off, and urged measures of retrenchment and reform, until the expenses of the State, including interest on the public debt, should be brought within the revenues and the debt put in process of the earliest possible extinction, without additional taxation on the property of the country, much the larger proportion of which was non-productive. Among other things, he favored, temporarily, a less appropriation for the support of free schools, until this consummation should be reached. The result was, an appropriation of one-sixth instead of one-fourth of the general revenue (the latter being the constitutional limit), for the years 1879-80. This recommendation called forth bitter denunciations by the opponents of the Gov-

ernor, and it was sought in 1880 to defeat his renomination and election very largely on that ground. Yet he was overwhelmingly vindicted, not only by his almost unanimous renomination, but by his re-election by a majority of 67,998 over the combined vote of ex-Governor E. J. Davis and W. H. Hamman, Roberts' plurality over Davis being 101,719.

By reforms in the law, twenty-two thousand more children than ever before, were in 1880, taught for a longer time, and by a better average grade of teachers, for \$197,000 less money than before. The improved conditions, thus inaugurated, have continued for the succeeding twelve years, and in the cost of this improvement is included the founding and first year's expenses of two State normal schools; one (the Sam Houston, at Huntsville), for white males and females; the other (at Prairie View), for colored males and females; both now, twelve years later, in a prosperous condition, already having accomplished great good, large numbers of our present teachers being graduates of those institutions.

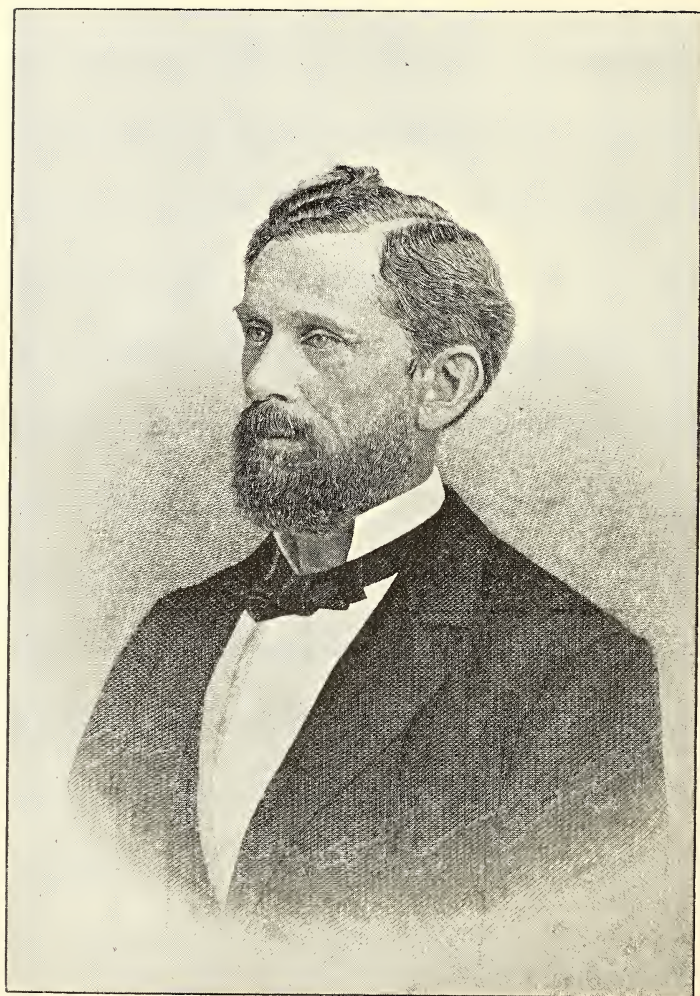
During Gov. Roberts' first term, from 1879 to 1881, the public debt was reduced over \$400,000, and by converting ten per cent State bonds, issued chiefly under Governor Davis, into five per cent bonds, saved \$50,000 to the State. More school lands were sold for the benefit of the school fund, than for several years before; all four per cent State warrants, previously issued to meet emergencies, were redeemed, and that interest stopped. At the close of his first term, there were in the treasury \$300,000, to meet current expenses, and \$50,000 to diminish the public debt. An act was also passed setting apart 5,000,000 acres of public lands to be sold for money with which to pay the entire public debt, so as to relieve the people of onerous taxation, involving an enormous interest, originating when the people were practically denied a voice in the government.

## ROBERTS' SECOND TERM, 1881 to 1883.

With Governor Roberts, in January, 1881, Leonidas J. Storey was inaugurated as Lieut.-Governor.

Under a law enacted in the session of 1881, it was provided that three hundred and twenty-five leagues of land, should be selected from the public domain to be held in trust by the State, and, as new counties should be organized, four leagues should be granted to each, for the support of free public schools, in fulfillment of the original policy of 1839. This course was adopted as a precautionary one, in case of the exhaustion of the public domain, in order that every county thereafter created might receive its proportion of land. The law required the work to be done under contract by a bonded surveyor, under the supervision of a commissioner to be appointed by the Governor. Governor Roberts appointed John Henry Brown, of Dallas, as commissioner; and, beginning in March, 1882, the work was completed during that year. The work was done with great care, and the corners were marked with such permanent mounds of earth or stone, as to avoid all ground for future conflict. A large number of counties since that time, embracing all organized between 1882 and 1892, have received their respective four leagues, or 17,712 acres of land, the proceeds of the sales of which shall constitute an auxiliary permanent county school fund, in addition to the State funds; the interest only can be used for the current support of the schools. This was a wise step on the part of the State, and is destined to exert a most beneficial influence in all future time, on that large section of counties embraced in the pan-handle and west Texas, besides a few isolated counties created elsewhere. Governor Roberts' second administration was a continuation of the wise and economical policy of the first, based on his maxim, so fully indorsed by the people, of PAY AS YOU GO. Soon after his





Yours Truly  
Geo. H. Laid

retirement from the executive office, he was elected by the regents of the State University, chancellor of that institution, a position for which the bar and the people of Texas considered him eminently qualified by a judicial experience covering forty years, and a residence in the State of fifty-one years. He yet fills that position.

#### IRELAND'S TWO ADMINISTRATIONS, 1883 TO 1887.

John Ireland was born in Hart County, Kentucky, January 1, 1827. In 1853 he settled as a lawyer at Seguin, Texas. In 1861 he was a member of the secession convention. He served as a private, captain, major and lieutenant-colonel in the Confederate army. In 1866 he was a member of the constitutional convention, and became district judge the same year, but was removed by the military a year later. In 1873 he was a member of the thirteenth legislature. In 1874 he was senator in the fourteenth legislature. In 1875 he was appointed a member of the Supreme Court, but resigned in 1876.

In 1882 he was elected Governor by a majority of 48,308, Marion Martin, of Corsicana, being elected Lieutenant-Governor. In 1884 he was re-elected by a majority over two opponents of 98,227, and a plurality over his chief opponent of 123,784; Barnett Gibbs, of Dallas, being chosen Lieutenant-Governor. In both instances his nomination was unanimously made. It will be seen that he assumed the executive functions fortified by a varied experience, and with a character for talent and integrity in keeping with that of his three predecessors.<sup>1</sup> At this period a large part of Texas was passing through a transition state from a pastoral to an agricultural country, with greatly increased commerce and travel. New counties were being rapidly organized, and large bodies

<sup>1</sup> He selected as adjutant-general Wm. H. King of Hopkins County, an able and long-tried soldier.

of land, formerly open to free pasturage, were being put in cultivation or under wire fencing for pastoral purposes, preventing the opening of highways and closing up others that already existed. Great discontent was the result, demanding a vigorous exercise of executive power, in the protection of the rights of conflicting parties, and the suppression of violence, among those who were disposed to act on the doctrine that "might makes right." Wire fences were clandestinely cut and a fence-war was threatened. The Governor's wise and vigorous course prevented evils of great magnitude, the prospect of which alarmed the most conservative element of the country. By sending Adjutant-General Wm. H. King to investigate and report all the facts to him, and then convening the legislature, which passed such remedial legislation as seemed to be demanded — making fence cutting a felony, and providing for the opening of roads through inclosed pastures — followed by a few months of firm, but conservative execution of the laws, the agitation ceased, and the disorders were overcome. By this action Governor Ireland greatly gained in the public esteem, which accounts for his greatly increased vote in his re-election for the second term. There were also other questions of grave importance connected with the railroad service and questions relating to land matters, and the disposition of the school sections and the public domain; all of which were judiciously managed, and the field left open for new and important issues.

A second penitentiary was established at Rusk; aid was granted the Confederate Home in Austin; the various State institutions were liberally aided, and the educational institutions of the State, including the public school system, were still further encouraged.

The penitentiaries were thrown on his hands and were managed with consummate success. He built the grand granite capitol and to him Texas owes the debt for a granite instead of an Indiana limestone building. He purchased and put in





L. S. ROSS

successful operation a sugar farm for working convicts. He purchased that historic spot, the Alamo, for the State. He had the million dollar debt due Texas by the United States for frontier protection, audited and put in a fair way for collection. He so reformed the laws as to require tax collectors to pay the revenues collected to the treasurer instead of to the comptroller, and since that time there has been no lack of funds in the State treasury with which to run the government on a strictly cash basis.

In his retirement, since 1887, Gov. Ireland has received many evidences that his two administrations were satisfactory to the people.

#### ROSS' TWO ADMINISTRATIONS.

In November, 1886, Lawrence Sullivan Ross, of Waco, was elected Governor (1887 to 1889), by a very large majority, Thomas Benton Wheeler being elected Lieutenant-Governor. Both were re-elected two years later for a second term.

Gen. Ross entered upon his duties with a degree of personal popularity unsurpassed by that of any citizen of Texas. It had been well earned. Almost a native son of Texas, he had won distinction as a youth in the Indian wars, and entered the Confederate service as a major, and remained in it until the surrender in 1865, having filled the positions of colonel and brigadier-general. As commander of Ross' Brigade he won a distinction honorable to himself, to those under his command and to his State. After *Reconstruction* his reputation was sustained by service in the legislature and in the constitutional convention of 1875.

His administrations proved to be wise and efficient. Peace, prosperity and general confidence received an additional impetus. A second State lunatic asylum was established in Terrell. A State reformatory for boys was founded at Gatesville. A third insane asylum was provided for in San Antonio, and

is now in successful operation. A State Institution as a home for orphans was founded at Corsicana. The State normal schools, for both white and colored, were encouraged. The magnificent State capitol, considered one of the finest in the United States (provided for during Governor Roberts' administration, at a cost of 3,000,000 acres of frontier land and prosecuted through Governor Ireland's term,) was completed and accepted under Governor Ross' administration. The general prosperity evidenced by the building of railroads, the increase in population, the growth of towns and cities, the general increase of wealth and the settlement and organization of new counties in the west and northwest, greatly surpassed that of any previous similar period, flattering as it had been under every administration from Coke in 1874 up to that time.

Governor Ross retired from office in January, 1891, and was soon afterwards called to the presidency of the Agricultural and Mechanical College at Bryan, a position for which, as a thoroughly educated and practical farmer, he is in every respect qualified.

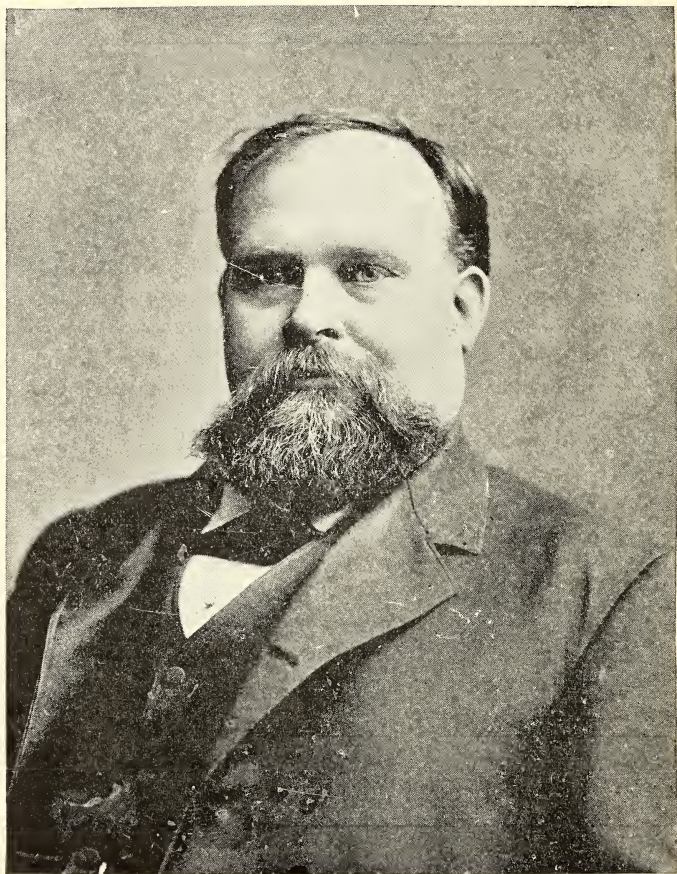
#### GOVERNOR HOGG'S ADMINISTRATION (1891 TO 1893).

James S. Hogg (son of General Joseph L. Hogg, who died a Confederate brigadier-general at Corinth in 1862,) was born and grew up in Cherokee County, Texas, and was too young for service in the Confederate army. He acquired a good education, learned the printer's art, conducted and edited a newspaper, became a lawyer, served as district attorney, and, from 1887 to 1891, by two elections served as attorney-general of the State.

In November, 1890, he was elected Governor by a very large majority. George C. Pendleton, of Bell, was at the same time chosen as Lieutenant-Governor. They were inaugurated in January, 1891.

The measures enacted during the first session of the legis-





JAMES S. HOGG

*Governor*

1890

lature in this administration embraced the creation of a railroad commission and a law with regard to land-holding by aliens, upon which public opinion became much divided. They are now living questions in the public mind, and not considered within the purview of the historian, farther than to state the fact that Governor Hogg convened the legislature in extra session on the 14th of March, 1892 (the present year), and, that body modified the *alien land law* in a manner, apparently, satisfactory to the people. On the creation of the railroad commission, Governor Hogg appointed United States Senator John H. Reagan, president of the railroad commissioners. The vacancy thus made in the senate was filled by the temporary appointment of Hon. Horace Chilton of Tyler, but, at the called session in March, the Hon. Roger Q. Mills of Corsicana, then serving his twentieth year in the U. S. House of Representatives, was elected to fill Senator Reagan's unexpired term, ending in March, 1893. Wm. P. McLean and L. L. Foster were appointed the other two members of the commission.

## CHAPTER XLVII.

### MATERIAL PROGRESS OF TEXAS.

Texas became a State of the American Union, February 19th, 1846. No census had ever been taken, but by the terms of annexation, she was allowed two representatives in the Congress of the United States. The Federal census of 1850 showed a population of 212,592, under which she was entitled to only two representatives. The census of 1860 returned 604,215, under which she was allowed four representatives in Congress. By the census of 1870 the population had increased to 818,579 with a representation of six members.

By the census of 1880, the population was 1,591,749 and she was allowed eleven representatives in Congress. The census of 1890 gave a population of 2,235,513 and her representation increased to thirteen members, who will be elected for the first time in November, 1892. Thus it will be seen that in the forty years, from 1850 to 1890, the population increased from 212,592 to 2,235,513.

#### TEN OF THE MOST POPULOUS COUNTIES.

	Whites.	Negroes.	Indians and Chinese.	Total.
Dallas.....	55,710	11,209	63	67,042
Grayson.....	46,309	6,709	73	53,291
Bexar.....	43,408	5,736	96	49,206
Tarrant.....	36,777	4,808	48	41,142
Harris.....	23,622	13,613	14	37,249
McLennan.....	28,682	10,509	13	39,204
Travis.....	26,736	10,270	9	37,019
Collin.....	34,183	2,550	3	36,736
Galveston.....	24,396	7,039	42	31,476
Ellis.....	28,366	3,406	2	31,774

## TOWNS AND REGISTRATION OF VOTERS.

Under an amendment to the constitution, adopted in 1891, the legislature at the called session, March and April, 1892, passed a law providing for a registration of voters, and also adopted, in a modified form, what is known as the Australian system of voters in towns having 10,000 or more inhabitants; this law to take effect at elections in such towns at the elections, in November, 1892.

## THIRTY-THREE OF THE LARGEST TOWNS IN THE STATE.

	Pop. 1890.	Pop. 1880.	Increase.
Dallas.....	38,067	10,358	27,709
San Antonio.....	37,573	20,550	17,123
Galveston.....	29,084	22,248	6,836
Houston.....	27,557	16,513	11,044
Fort Worth.....	23,076	6,663	16,413
Austin.....	14,575	11,013	3,562
Waco.....	14,445	7,295	7,150
Laredo.....	11,819	3,521	7,798
Denison.....	10,958	3,975	6,983
El Paso.....	10,338	736	9,602
[The Registration law applies to the above ten towns.]			
Paris.....	8,254	3,980	4,274
Sherman.....	7,335	6,093	1,242
Marshall.....	7,207	5,624	1,583
Tyler.....	6,980	2,423	4,485
Gainsville.....	6,594	2,667	3,927
Corsicana.....	6,285	3,373	2,912
Brownsville.....	6,134	4,938	1,196
Palestine.....	5,838	2,997	2,841
Brenham.....	5,209	4,101	1,108
Corpus Christi.....	4,387	3,257	1,130
Greenville.....	4,330	....	....
Temple.....	4,047	....	....
Weatherford.....	3,369	2,046	1,323
Bonham.....	3,361	1,880	1,481
Beaumont.....	3,296	....	....
Cleburne.....	3,278	1,855	1,423
Abilene.....	3,194	....	....

	Pop. 1890.	Pop. 1880.	Increase.
Orange.....	3,173	....	....
Waxahachie.....	3,076	1,854	1,722
Jefferson.....	3,072	3,260	Decr. 188
Victoria.....	3,046	....	....
Sulphur Springs.....	3,038	1,854	1,184
Belton.....	3,000	1,797	1,203

The suburban population of Dallas, including Oak Cliff, North and South Dallas, increased her population about 4,000, or a total of 42,000. The census of 1890 showed that only sixteen of the two hundred and forty-four counties then created had decreased in population. Fifteen were reduced by the creation of new counties, from their territory; while Calhoun lost, by storms, in the destruction of Indianola, Saluria, and other settlements. The blanks in the table as to 1880 apply to towns not then incorporated, or which have been established since that date. The rapid increase at El Paso was caused by several populations concentrating into one, and railroad development. Several towns since 1890 have grown into importance. The more important of which are Velasco, at the mouth of the Brazos, and two or three on Aransas and Corpus Christi bays, the result of harbor improvements now in progress. Besides, a number of promising towns have arisen in the pan-handle, on or accessible to railroads in that country. The growth of other towns in different portions of the State since 1890 has been rapid, and it is an encouraging fact that wherever new communities have thus been established, churches and schools abound.

### RAILROAD PROGRESS.

In 1861, the railways of Texas consisted of the H. & T. C. road, from Houston to Millicam, about seventy-five miles, with a branch from Hempstead to Brenham twenty-one miles; a main line from Galveston to Houston fifty-one miles; a new and incomplete road from Houston to Orange on the Sabine,

ninety-eight miles; the Galveston, Harrisburg and San Antonio road, from Harrisburg and Houston, to near Columbus on the Colorado about eighty miles; and the road from Lavaca to Victoria twenty-eight miles,—total, three hundred and sixty-one miles. A few other roads had been commenced and some work done, but they were of no utility at that time, and thus the railroad enterprises stood until about 1867, when some extensions were inaugurated, under which the Central Railroad reached Red River in 1873. Its branch, from Brenham to Austin, was completed in 1871. From about 1871, railway enterprises received a new impetus in the State, and continued unabated until 1890, since which time owing to the financial crisis in the country, there has been a temporary cessation of actual labors in that direction. The mileage has increased since 1867 from 361 miles to 8,793 miles. There are trunk lines extending from the northeast corner of the State, where connections are made with other lines, west to El Paso, about 800 miles; up through the Pan Handle to Denver; southwest by different lines to Tyler, Palestine, and Houston to Galveston, and across from Palestine via Hearne, Taylor, Austin and San Antonio, to Laredo on the Rio Grande, and connection from Galveston and Houston, to Austin by one line, and by Columbus, Seguin and San Antonio to El Paso, 700 or 800 miles. The San Antonio and Aransas Pass Railroad, with initial points at Corpus Christi, Aransas Pass, Rockport and Fulton, unites in one track at Gregory, and extends thence to Kennedy near the San Antonio River, from which one branch extends by San Antonio to Kerrville, on the upper Guadalupe. Another branch at Yoakum, in Lavaca County, is again divided, one track passing by Gonzales, towards Austin, another branch extends to Houston, and another passes by Bastrop, to Cameron and Waco; the Missouri, Kansas and Texas constitutes another system, and has connections from Austin through Cleburne, Dallas and Fort Worth, with lines coming from the Indian Territory and

the north. The Gulf, Colorado and Santa Fe Railroad, having Galveston for its initial point, crosses the Brazos at Richmond and then passes Brenham and Cameron, to Temple, in Bell County, from which place a branch is in operation via Belton, Lampasas, Brownwood, Coleman, and Ballinger to San Angelo. The main line from Temple north, passing through McGregor, Meridian, and other towns, divides at Cleburne, one branch running to Weatherford. A main line, passing Fort Worth, Denton and Gainesville, forms connections with other roads in the Indian Territory. Another main line from Cleburne passes through Alvarado, Midlothian, Dallas, Garland, Farmersville, Wolfe City, to Honey Grove and Paris, and in the Indian Territory, the Paris line connects with the routes coming from St. Louis, as in fact all the roads crossing Red River from Texas connect with main lines north of Red River. The Missouri Pacific from Waco, passes through Hillsboro, Waxahachie, to Dallas, and thence, via Garland, Rockwall, Greenville, and other important towns, to a connection with main lines at Denison on Red River. It also connects at Tyler with the International and Great Northern road. The Cotton Belt, starting from Memphis and Little Rock, passes through Texarkana, Marshall, Longview, Tyler, Corsicana, and Waco to Gatesville. It also has branch connections with Dallas, Fort Worth, Farmersville, Greenville, and Jefferson. It is impracticable in this work to give such statistics on this subject as would be of permanent value, for the reason that new enterprises and developments, springing from increased population and capital, bring about changes so rapidly as to make any exhibit of but temporary reliability. Aside from this it is a fact that information of this character, modified to suit present conditions and enterprises, is being constantly published in pamphlet form by railroad companies, real estate dealers, projectors of new towns, and others interested in the development of the country; but, before leaving the subject, it should be re-

membered that the wonderful development of Texas in these later years, especially in the western half of the State, would have been impossible but for the construction of railways, placing Texas on the half-way ground, through vast railroad enterprises, between the city of Mexico and the great cities of the north and west, between New Orleans and the cities of the Mississippi valley, as Chicago and St. Louis, and the cities of California, between the gulf ports of Texas and the new States west of the Mississippi and the cities of the Rocky Mountains.

### THE HARBORS OF TEXAS.

Texas has a magnificent front on the Gulf of Mexico, about four hundred miles on a straight line from the mouth of the Rio Grande to the Sabine Pass. The drawback, though not seriously felt, until the commerce of the State assumed grand proportions, has been the absence of inlets to her harbors of sufficient depth to admit the larger class of merchant vessels. The only necessity has been to deepen the entrances to these harbors by a system of jetties (as has been successfully done at the mouth of the Mississippi), so as to admit large vessels. Galveston, for fifty years the chief port of the State, and controlling its chief commerce, while having a deeper entrance than any harbor on the coast, has been retarded in her progress from the causes named; but now, after years of inefficient action, under liberal appropriations by the general government, a system of jetty improvements is in hopeful progress, which, it is claimed by eminent engineers, will accomplish the desired results. Under government aid also, improvements on a much smaller scale are being made at Sabine Pass. At Velasco at the mouth of the Brazos River private enterprise and capital have already accomplished great results. The work is practically completed and it is demonstrated that vessels drawing eighteen feet can enter that fine harbor, having a depth of water that

can float the largest vessels, and it is claimed that a greater depth will yet be secured by the *scouring process* of the waters.

The only other harbor of great importance in Texas, that of Aransas Pass, the entrance to that bay, is also the entrance into Corpus Christi Bay. Inefficient work, owing to small appropriations by the government, has been tried there for a number of years, but it is now believed, that by plans and arrangements inaugurated within the last year or two, the object will be accomplished of opening to large vessels another fine harbor on the coast. Private enterprise is also constructing a canal from deep water in Corpus Christi Bay through Mustang Island into deep water on the gulf. It is an experiment, however, and its permanent utility must await the test of experience. The geographical position of Aransas Bay is such that with deep water its chief sea-port, wherever that may be, would command an immense trade from southwest Texas and all of northern Mexico, excepting such as may be tributary to Tampico, destined with her harbor improvements, now about completed, to possess a port unsurpassed on the southern Atlantic or Gulf Coast. A country possessing abundant good harbors has inestimable advantages over any seaboard State without them, as shown by the positions of North Carolina and New Jersey.

#### HOMESTEAD EXEMPTION.

The first exemption law of Texas was passed in 1839; but on the organization of the State government, in February, 1846, the homestead exemption from execution for debt was embodied in the constitution, and so remains, the only change being in the value of improvements on town lots. As the constitution now stands, the homestead of a family, not in a town or city, to the extent of two hundred acres in one or more parcels, with all the improvements thereon, without

reference to their value, is exempted from forced sale, for any debt except for the purchase money, or for materials furnished for the improvements thereon, nor can the owner, with or without the consent of his wife, incumber it with a deed of trust or other pledge — his only power being to sell with her consent. Under the same guarantees and restrictions the homestead in a town or city may consist of a lot or lots, not exceeding \$5,000 in value at the time of their designation as a homestead, together with all improvements, without reference to their value, provided the same is used as a home, or as a place for conducting the owner's calling or business. Whether in town or country the exemption from forced sale includes all household and kitchen furniture, all implements of husbandry, apparatus of a trade or profession, a family library, portraits and pictures, five milch cows, two yokes of oxen with the necessary yokes and chains, two horses and one wagon, a carriage or buggy, one gun, twenty hogs, twenty sheep, all saddles, bridles, or harness for the use of the family, and provisions on hand for home consumption. To each single person, the exemption includes all wearing apparel, tools, apparatus and books of a trade or profession, one horse, saddle and bridle, and all current wages for personal service.

## CHAPTER XLVIII.

### EDUCATION IN TEXAS.

The schools which the Mexican government was pledged to furnish the colonists were parochial and little appreciated. Neighborhood schools taught by the well educated among the colonists were well sustained wherever practicable and many sent their children to the United States to be educated. In 1832, Mr. J. W. Cloud established a seminary at Brazoria. In January, 1834, Miss Trask (of Boston) opened a boarding school for young ladies at *Cole's Settlement* west of the Brazos. In 1835, Prof. J. A. Prest taught the English, French and Italian languages in Brazoria. In 1836, Dr. J. W. P. McKenzie established a boys' school in Red River County, which from a beginning of sixteen pupils, had, in 1860, increased to four hundred and five. In 1875, by act of the legislature, it became a part of the present University of Georgetown, Williamson County. The same year (1836) a boarding school for young ladies was opened at Montville by Mrs. Ayers and Miss McHenry, and one for boys at the mouth of the San Bernard, by Lieut. R. W. P. Carter, "a school English, mathematical, scientific and classical." In 1838, Reverend Caleb S. Ives, an Episcopalian clergyman, in addition to his ministerial labors, established a female seminary at Matagorda.

In the first conventional assembly of the colonists in 1832, at San Felipe, in preparing their first memorial to the Mexican government, on subjects deeply affecting their liberties, the memorialists included a request for lands to be granted to provide for the establishment of primary schools. In 1836,

in declaring the causes which impelled the people of Texas to declare their independence from Mexico, was a complaint that the pledges of that government to sustain a system of primary schools or provide by grant of land for a permanent fund for that purpose, had not been fulfilled. The subject of a general system of education received the earnest attention of the first congress of the Republic. By the first State constitution after annexation one-tenth of the annual revenue was appropriated to the use of free schools as also an *ad valorem* tax, an annual poll tax, one-fourth of the occupation taxes, and a special tax on property holders for school buildings.

Under the law of January 14, 1839, providing for the location of the seat of government, it was required that the commissioners laying out the capital should "set apart a sufficient number of the most eligible lots for a capitol, arsenal, magazine, university, academy, churches, common schools and penitentiary."

Under this plan the State University now stands on a beautiful mound near the center of the city of Austin and commanding a view of a beautiful scope of adjacent country. An act of January 26, 1839, provided that the President of the Republic (Mirabeau B. Lamar) should have surveyed from the vacant public lands and set apart for the purpose of university education fifty leagues (221,400 acres). These lands were surveyed in the counties of Cooke, Fannin, Grayson, Hunt, Collin, McLennan and, at a later day, a part in Shackelford and Callahan.

Under an act of February 11th, 1858, \$195,000 worth of these lands were sold by John Henry Brown, commissioner of the State, at public auction, and on long time, for interest bearing notes, in the counties of McLennan, Hunt, Fannin, Grayson and Cooke.

The constitution of 1876 required, as soon as practicable, the establishment, and maintenance of a State University to be

located by a vote of the people. It also added to the university land fund 1,000,000 acres and the legislature following added 1,000,000 from the public domain, and provided that all the lands then and theretofore set apart, and all bonds or money already devoted to that object, and the proceeds of all future sales, should constitute the permanent University fund, to be invested in interest-bearing bonds of the United States, State of Texas, or of the counties thereof, the interest from all which, as well as the interest upon the land notes executed by purchasers of the university lands bearing five per cent. interest and running forty years, should constitute the annual, available university fund.

The constitution of 1876 also provided that the State Agricultural and Mechanical College of Texas (partly based upon a uniform land grant by the United States to all the States), organized under an act of April 17, 1871, and located near Bryan (College Station on the H. and T. C. Railroad), in Brazos County, should constitute a branch of the State University. It also provided for the establishment of a medical branch of the State University which, on the 6th of September, 1881, was located by vote of the people at Galveston. At the same election Austin was chosen as the site for the main University. These three institutions have been in successful operation since their first inauguration and have steadily gained in public favor. Dr. Ashbel Smith was first president of the Board of Regents for the State University.<sup>1</sup>

Of the normal schools of the State (*The Sam Houston*, at Huntsville, for the training of white teachers, male and female,

<sup>1</sup> The United States government in 1861 donated to each State and territory 30,000 acres of public land for each representative they respectively had in Congress, for the establishment of agricultural colleges. Under this allotment Texas obtained 180,000 acres. This land was sold under Gov. Davis for 87 1-2 cents per acre, and Texas borrowed the money from the college fund, giving frontier defense bonds drawing 7 per cent gold interest annually. The State pays in interest annually on this loan the sum of \$14,280 to the Agricultural and Mechanical College.

and that at Prairie View, in Waller County, for the training of colored teachers of both sexes) an account has already been given.

The Ball High School at Galveston is a superior institution of the kind, splendidly endowed by Mr. George Ball, an early citizen of that city, whose memory is endeared to the people of the island city.

### STATE PUBLIC SCHOOLS.

In January, 1839, with a supplementary act in 1841, there was set apart from the public domain, to each county then existing or thereafter to be created, four leagues (17,712 acres) of land, to be surveyed at the expense of the county. Under subsequent legislation, the proceeds from the sale of these lands, constitute a permanent auxiliary fund, the interest derived from which, as in the case of the State allowance, to be available for the annual support of schools in each respective county.

Under various laws enacted subsequent to the year 1850, the alternate sections of all lands granted to railroads, to the improvement of rivers and similar objects, were set apart as a public, free school fund. As sold, as in the cases before stated, the proceeds, whether in cash or based on interest-bearing notes, are invested in interest-bearing securities, as of the permanent fund, and the interest set apart for the annual support of the schools.

In addition to this, the State appropriated as part of the permanent fund, \$2,500,000 of the bonds received from the United States.

By the report of the State superintendent of education, August 29, 1890, the total amount of the permanent State fund in county, State and railroad bonds, land notes and cash in the treasury, was \$19,600,000 and there remained unsold, according to the best data, nearly 40,000,000 acres of common

school lands, the amount constantly fluctuating, as sales are made, or forfeitures occur. It is a moderate estimate that, within a few years, the school fund will reach \$100,000,000. The annual available fund is interest on the bonds, interest on notes for land sold, rents for leased lands, State tax set apart for that purpose, and a one dollar poll tax, on each male person between twenty-one and sixty, equally divided between white and colored children, according to scholastic population of each.

All the larger and many of the smaller towns have exclusive control of the common schools within their limits, and levy special taxes for the erection of school buildings, as any country district can do by vote of the people; under which plan the number of school houses in the State has been rapidly increasing. In most of the larger towns large and costly buildings of brick or stone have been erected, including one especially set apart for high school purposes.

#### DENOMINATIONAL INSTITUTIONS OF LEARNING.

As the different religious denominations increased in numbers and wealth they established institutions of learning. Four years after the revolution of 1836, they developed a deep interest in the subject of a higher education for the youth of both sexes. From that period until 1865 numerous institutions were founded and flourished until, by the disasters of the war between the States, their number was diminished and their growth greatly crippled. Others since that time have been consolidated with other institutions: In 1840 McKinzie Institute, near Clarksville, excellent seminaries in Marshall, San Augustine, Nacogdoches, Galveston, Matagorda and a few other towns, were in successful operation, generally under the control of some religious denomination.

In 1841, the Baptists established Baylor University, at Independence, in Washington County. Its president, from

1852 to 1860, was Rev. Rufus C. Burleson, who had succeeded Rev. H. L. Graves, its first president.

In the latter year, Dr. Burleson founded Waco University, and in 1885 the two institutions were incorporated into one at Waco, and received the name of Baylor University, in honor of the Hon. Robert E. B. Baylor, a Baptist clergyman and, for more than twenty years, a district judge. At the same time a female college as a branch of the University known as "Baylor College" was located at Belton. Both institutions have continued to grow, drawing their pupils from all parts of the State, and not a few from other States.<sup>1</sup>

The Baptists also have at Brownwood an institution known as Howard Payne College, and at Decatur in Wise County, the North Texas Baptist College for both sexes.

The Episcopal Church has at Dallas, St. Mary's Institute, a female school of high order, a beautiful stone edifice with ample grounds beautifully located. Its inauguration in 1889 was due to the untiring zeal of Rt. Reverend Bishop Alexander C. Garrett of the diocese of North Texas. They have also Montgomery Institute at Seguin, and St. Mary's Institute at San Antonio.

The Cumberland Presbyterian Church has at Tehucano in Limestone County, Trinity University, an institution representing that denomination for the whole State—the result of uniting into one in 1875 several institutions previously existing elsewhere.

They also have Buffalo Gap College at Buffalo Gap, in Taylor County; a Texas Female Seminary at Weatherford, Parker County, Veal's Station College at Veal's Station, in Parker County, and Quanah Female College at Quanah, in Hardeman County.

The Presbyterian Church has Austin College at Sherman

<sup>1</sup> Dr. Burleson, having served as president of the parent institution for forty years, is yet president, and is still devoted to his life work in the education of the youth of Texas, male and female.

(originally at Huntsville), with a theological department attached; a theological institute at Austin under the presidency of Revs. R. K. Smoot and Dabney; a female synodical college at Gainesville (recently established), Stuart Female College at Austin, and a Presbyterian female college at Round Rock.

Daniel Baker College at Brownwood is a Presbyterian Institution of high order, under charge of the southern branch of that church.

The Christian Church or Disciples of Christ has Add Ran College at Thorp's Springs, three miles from Granbury in Hood County, founded in 1873 by Rev. Joseph Addison Clark and his sons Addison and Randolph Clark, all ministers of that denomination. It has, perhaps, the largest number of pupils of any institution of learning in the State. President Clark has been a citizen of Texas since 1839 — his children are all natives of the State.

The same church has Carleton College for both sexes at Bonham, founded about 1870, by Rev. Charles Carleton, which enjoys a large patronage.

The Roman Catholic Church in addition to parochial schools has St. Mary's University at Galveston, St. Joseph's College at Victoria, St. Mary's Academy at Austin, St. Mary's College at San Antonio, St. Joseph's College at Brownsville, and convents, academies or seminaries, in Dallas, Clarksville, Corsicana, Denison, Fort Worth, Jefferson, Marshall, Sherman, Texarkana, Muenster, Galveston, Houston, Austin, Palestine, Temple, Waco, Castroville, Frielburg, San Antonio, Cuero, Hallettsville and orphan asylums at Oak Cliff — a suburb of Dallas; at Galveston and at San Antonio.

M. E. Church (South).— The conferences of the Methodist Episcopal Church (South) have institutions of learning of high grade. Among the number, the Southwestern University, with a ladies "annex," at Georgetown, into which were merged several institutions previously existing, October 1st,

1873, under the presidency of Rev. F. A. Mood, D. D., the annex being added five years later. During Dr. Mood's presidency of eleven years, which terminated in his death in 1884, the institution had increased from thirty-three students, to one hundred and twenty-seven young ladies and two hundred and eighteen young gentlemen, or a total of three hundred and forty-five. Rev. John H. McLean—a native of Texas, has for several years been president of the institution, and its patronage has greatly increased. They have also—North Texas Female College, at Sherman; Polytechnic College, male and female, at Fort Worth; Weatherford Female College, at Weatherford; Waco Female College, at Waco; Central College, male and female, at Sulphur Springs; Honey Grove High School, male and female, at Honey Grove; Lampassas Female College, at Lampassas, and Chappell Hill Female College, at Chappell Hill, Washington County.

At Belle Plain in Callahan County is a co-educational college chartered in 1883 by the Methodist Episcopal Church, South, but in October, 1891, it was purchased by Judge L. M. Onin. Mechanical auxiliaries were added, and it is an institution of great promise, already attracting patronage from other States. This denomination has also Alexander Institute, male and female, at Kilgore, Gregg County, Coronal Institute, male and female, at San Marcos, and Vernon College (new), male and female, at Vernon, in Wilbarger County.

The Methodist Episcopal Church (North), have the Fort Worth University at Fort Worth, and the Wiley College for colored males and females, at Marshall; and, it is believed, several other denominational institutions.

A Normal College has been established at Denton, by Prof. Chilton, and a southwestern normal college at Italy in Ellis County. Weatherford has the Cumberland Female College.

There are in all the densely populated portions of the State numberless well established academies taught by well trained educators; business colleges, and select or private

schools of good reputation by private endowment, besides annual normal schools, composed of teachers, one for each of the thirty-one senatorial districts, in the State. Texas is allowed nine scholarships in the Peabody Normal College, Nashville, Tennessee.

In addition, Nacogdoches College, male and female, enjoys a patronage of three hundred and twenty students; Columbia College at Van Alstyne, Grayson County, is in a prosperous condition and Belton has a male academy of high order. In every considerable town there are special German schools in which both the German and English languages are taught.

A female college of high order is to open at Oak Cliff, a suburb of Dallas, in September, 1892.

#### ORPHANS' HOMES.

On the T. & P. Railroad, five miles east of Dallas, is the Buckner Orphans' Home, founded by Reverend Robert C. Buckner, D. D., of the Baptist Church, in successful operation since 1884, having under its care (1892) two hundred and twenty-five orphan boys and girls, who are not only being taught in its school, but also all useful occupations including the cultivation of the farm by the boys. It is sustained by voluntary contributions without distinction of creed or nationality, from all parts of the State.

Boyland Orphans' Home, at Boyland, Galveston County, has been in successful operation many years and has done noble work in that branch of beneficence.

## CHAPTER XLIX.

### CHURCHES IN TEXAS.

When American settlements began in Texas in 1822, as a province of Mexico, which was under Spanish rule from 1521 to 1821, the Roman Catholic religion was the established religion of the Government, and so remained until the formation of the Government of the Republic of Texas, in 1836. Marriage, to be lawful, had to be solemnized by a priest of that church, who, with one or two periodic exceptions, could only be found in San Antonio, Goliad and Nacogdoches. All foreign settlers, in a legal point of view, were regarded as Roman Catholics. Yet, as a fact, those who came as Protestants, at least nominally, remained as such. While denying them the right of erecting and organizing churches, the Mexican authorities were lenient to the extent of allowing occasional Protestant worship in private houses, and this was done during the visits of Protestant ministers from the United States. The Rev. Henry Stevenson of the Methodist church, made a tour of the country as far west as the Brazos in 1824 and preached several sermons in private houses, as he had done in eastern Texas in 1822. In 1828 the Rev. Sumner Bacon of the Cumberland Presbyterian church, preached a number of sermons in the country. In 1829 Rev. Thomas J. Pilgrim of the Baptist church, conducted a Sabbath school at San Felipe. A similar school the same year was established at Matagorda, and, a few months later, on "Old Caney," both by members of the Baptist church. In 1833 a camp meeting was held ten miles east of San Augustine, at which Rev. James Stevenson, Enoch Talley (of Mississippi)

and Sumner Bacon were the preachers, the two first named being Methodists. Mr. Bacon continued preaching in isolated places until 1832, when he became bible agent and distributed bibles both in eastern and western Texas. In 1833 Rev. Milton Estill organized a Cumberland Presbyterian church in what is now Red River County, then supposed to be in Arkansas.

#### PROTESTANT EPISCOPAL CHURCH.

After the revolution, when religious liberty was fully established, the different Protestant churches began organizing throughout the settled portions of the country. In 1838, Rev. Caleb S. Ives, of the Protestant Episcopal Church, arrived as a missionary at Matagorda. He organized a church and founded a flourishing school for young ladies, which he conducted until 1849, when death ended his arduous labors. In the same year, the Rev. R. M. Chapman organized a church in Houston. In 1840 he was succeeded by Rev. Henry B. Goodwin. In the same year Rev. Leonidas Polk, then a missionary bishop, made a tour of observation through central Texas. As the result of his visit, in 1841, Rev. Benjamin Eaton was sent as a missionary, preaching alternately at Galveston and Houston. In 1842, a church having been erected in Galveston, he became its rector, and so remained until 1871, when, in his pulpit reading a hymn ("Nearer my God to Thee") he dropped suddenly and in a few moments breathed his last.

In 1843 Rev. Charles Gillette became rector of the church in Houston. In 1844, Rev. George W. Freeman, Missionary Bishop of Arkansas, was given supervision over the Episcopal churches in Texas and annually visited them until the consecration of Bishop Alexander Gregg in 1859, (Texas, in 1849, however, having been created a separate diocese). The progress of the church since, as that of other denominations, has been marked by a healthy growth, there being three

dioceses, under the supervision of Bishops Gregg of Austin, Elliott of San Antonio and Garrett of Dallas.

#### PRESBYTERIAN CHURCH, O. S.

Rev. Hugh Wilson, said to have been the first minister of his church in Texas, in 1838 organized a church in San Augustine, and, in 1839, another at Independence. In 1840 Rev. Daniel Baker arrived in Galveston as a missionary to Texas and found Rev. John McCullough laboring in that field, where he remained a number of years and founded a seminary for young ladies. Mr. McCullough was pastor of the first church organized in Galveston. In Houston Dr. Baker found Rev. Wm. Y. Allen officiating as a minister. On the 3d of April, 1840, Dr. Baker was present at the organization of the first presbytery in Texas, at Independence. It was composed of the Reverends Hugh Wilson of the presbytery of south Alabama; John McCullough of Newton presbytery, New Jersey, Wm. G. Allen of the presbytery of West Tennessee, and Mr. John McFarland, an elder of Independence, Dr. Baker sitting as a corresponding member. Soon after this, Reverends Wm. C. Blair, P. H. Fullenwider, Isaac J. Henderson and Francis Rutherford united with that presbytery. In 1851 the first synod met in Austin. Since then the growth of this church has been encouraging, extending with the population and blessed with an able ministry.

#### THE BAPTIST CHURCH.

In 1826, it is recorded, Rev. Joseph Bags preached west of the Brazos on Peach creek, and the following year at San Augustine, when his services were finally suspended by order of the Mexican authorities. The next Baptist preaching, west of the Brazos, was at the house of Moses Shipman in 1829, by Rev. Thomas Hanks of Tennessee. Among the early

ministers of this church were Elders George Woodruff and Skelton Allpine, who arrived in 1830-31 and began preaching. The first Baptist Church in Texas was organized in 1833, and the churches of this denomination, with its several branches, have kept in the lead, with the tide of emigration, both in point of numbers and usefulness.

#### METHODIST EPISCOPAL CHURCH.

In addition to what has been said, in 1834, Rev. Henry Stevenson, assisted by Revs. J. P. Sneed, Whatley English and Sumner Bacon (of the C. P. Church), conducted a second camp meeting on the same ground as the first, ten miles east of San Augustine. A whisky shanty was set up in the immediate vicinity, but the congregation, two hundred in number, with entire unanimity, drove the owner with his supplies from the grounds. In September of the same year, a camp meeting was held on Caney Creek in Austin County by Revs. Henry Stevenson and J. W. Kinney, assisted by Rev. Henry Fullenwider (Presbyterian) and others. Another was held in 1835 at the same place, and a quarterly conference organized, of which Dr. Wm. P. Smith was made secretary.

In 1837, Reverends Littleton Fowler, Robert Alexander and Martin Ruter, arrived as missionaries in the country. Mr. Alexander conducted a camp-meeting in the Redlands, and was assisted by the local preachers, English, Wm. C. Crawford (a signer of the Texas Declaration of Independence, being the last survivor, and in 1892, still residing in Johnson County), Johnson and Henry Stevenson, Jr. In the same year Mr. Alexander (October 19th, 1837,) held a camp-meeting in Washington County, assisted by Reverends J. W. Kinney and A. Roark and Andrew J. McGowen (Cumberland Presbyterians). He was soon joined by Mr. Fowler. On the 17th of January, 1838, the corner-stone of the first Protestant church in Texas was laid in San Augustine, Mr.

Fowler officiating and Gen. Thomas J. Rusk delivering an eloquent address. Mr. Fowler continued a zealous laborer in the work until his death on the 29th of January, 1846. Mr. Alexander, after preaching through middle Texas, went on horseback to attend conference at Natchez, Mississippi. At Gaines' Ferry on the Sabine he met Dr. Ruter, superintendent of the Texas mission, for the first time entering the Republic. The Doctor survived but a short time, having visited the towns and settlements as far as the Colorado. He died in Washington on the Brazos, and was buried on a lot which he had purchased for a Methodist church site. The church was soon afterwards erected. On it was bestowed his name.

Soon after these events, Rev. Daniel Carl, a Tennessean, arrived in eastern Texas, and for many subsequent years labored as a faithful minister of his church, until 1842, in east Texas, and then, until his death about 1860, in southwest Texas. He fought in several Indian and Mexican battles and died at his residence in Victoria County.

On the 25th of December, 1839, the first annual conference for Texas was organized at Rutersville, the seat of the newly founded Rutersville College, in Fayette County. Bishop Waugh, of Baltimore, presided. In 1844 this conference was divided and another established in east Texas. From that time and especially after annexation the growth of the Methodist Episcopal Church, South, (the church in the United States having been divided in 1844), has been continuous and rapid and, as shown elsewhere, its educational institutions have kept pace with the increase of population and wealth.

The parent, or northern branch of the Methodist Episcopal Church, entered Texas as an organized body after the close of the civil war, and has churches in various parts of the State. It is proper to say that in a large sense a feeling of fraternity exists between these two branches of the church.

## THE ROMAN CATHOLIC CHURCH.

The condition of this church up to the foundation of the Republic in 1836 has already been given. In 1838 Rev. Father Timon from the institution called the Barrens in Perry County, Mo., first visited Texas, and again in 1840. He was appointed Prefect Apostolic and was the first priest to say mass in Galveston, Houston and Austin, all new towns, but he did not remain long the country.

In what is now Lavaca County, there was a considerable population of American Roman Catholics from Missouri, Pennsylvania and Kentucky, without any pastor. In 1839, the Revs. Joseph Hayden and Edward A. Clark from Bardstown, Kentucky, where they were born and educated, arrived in southwest Texas; Father Hayden, an eloquent and zealous man, visited the Catholic settlements in the coast country from the San Patricio to the San Jacinto River, and eighteen months after arriving suddenly sickened and died on the latter river lamented by all who knew him, both Protestants and Catholics. A church was built three miles west of Hallettsville in 1841 and of this Father Clark became, and, for a number of years, remained pastor, conducting for most of the time a school. He was subsequently transferred to a church in Houston where he died after about eighteen years service in Texas.

In 1840 Rev. John Murray Odin, a native of France, but later from the Barrens, arrived. He visited all the old missions of western Texas, including San Antonio. He visited Victoria, Seguin, Gonzales, the Lavaca settlement and other points. He was first appointed vicar apostolic. In 1847 he was ordained first bishop of Galveston (*i. e.*, of Texas) where he labored until 1861, when he was appointed archbishop of Louisiana. After several visits to Rome, ill health caused him to retire to his native town in France, where he died in 1870. This bishop did much to correct abuses in the Mexi-

can churches of west Texas, and was held in high esteem throughout the country. His successor in Texas was Bishop Du Buis. There are now three Bishops viz.: Bishop Gallagher of Galveston, Bishop Nerez of San Antonio, and Bishop Brennan of Dallas, each presiding over a separate Diocese. The growth of the church has been rapid, as is abundantly shown elsewhere by the number of their universities, colleges, academies and convents.<sup>1</sup>

All these religious denominations have well sustained missions in home and foreign fields.

<sup>1</sup> In 1839, on the Trinity River, a Franciscan missionary, Padre Diaz, was killed; under what circumstances seems involved in mystery. He was the last representative of that ancient class of missionaries in Texas.

## CHAPTER L.

### EARLY NEWSPAPERS IN TEXAS.

On this subject but little can be said prior to about 1829. It has been asserted that in Long's first expedition into Texas — including the formation of an embryo-government at Nacogdoches, a small paper was printed there for a few weeks by Mr. Horatio Bigelow, but the collapse of that enterprise was the death knell of the newspaper. So, in 1826, during the Edwards or Fredonian agitation, a paper advocating the Fredonian cause was as short-lived as the cause it advocated. Mr. G. M. Cotton published a paper at Brazoria in 1828-29. From August, 1832, to his death in July, 1833, D. W. Anthony published an able paper in Brazoria, called *The Constitutional Advocate* and *Texas Public Advertiser*. In July, 1834, F. C. Gray and A. J. Harris began in Brazoria the publication of a paper, called *The Texas Republican*, which was continued until the invasion of Santa Anna in 1836. In 1835-6 a paper was published in Nacogdoches, called the *Texian Advocate and Immigrant's Guide*. In July, 1835, the brothers Gail and Thomas H. Borden, with Mr. Joseph Baker, began at San Felipe the publication of *The Telegraph and Texas Register*, which proved to be a most valuable journal, patriotically devoted to the Revolutionary cause, and the first to attain any considerable age in the country. On the approach of Santa Anna the office was removed to Harrisburg, and there on the 18th of April, 1836, together with the town of Harrisburg, it was burned and destroyed, by order of Santa Anna. In August, 1836, the paper was re-established by the same parties at Columbia on the Brazos, then the temporary seat of gov-

ernment. During the following winter, the establishment was sold to Dr. Francis Moore, Jr., and Jacob W. Cruger, by whom it was removed to Houston, the newly selected seat of government, in the spring of 1837. Dr. Moore remained its editor until about 1850. It then passed into other hands. In 1855, Mr. E. H. Cushing became its editor and so remained until about 1868, when he was succeeded by Wm. G. Webb, and he, a few years later, by Wm. F. Gray. The paper ceased to exist about 1880, having throughout its existence of forty-five years, ranked high in public esteem as an able and consistent journal, advocating democratic principles after the annexation of Texas to the United States.

For several years after 1836 the *Red-Lander* was published in San Augustine by Israel Canfield. From about the period mentioned the number of papers in the country slowly increased. *The National Banner* and *The Intelligencer* flourished for a time in Houston and in 1842-3-4 the telegraph office in Houston published a daily paper (the first in Texas) called the *Morning Star*.

In May, 1838, Hamilton Stuart, recently from Georgetown, Kentucky, established the *Civilian and Galveston Gazette*, the first permanent newspaper published in that place. He remained in its control until about 1875, since which time he has been connected with the editorial staff of the *Galveston News*. After an editorial service of fifty-four years in Galveston, preceded by three years in Kentucky, he is still in active service — an honored reminder of the early struggles of Texas journalism, a man of talent, integrity and undefiled patriotism.

Between 1837 and 1840, papers were published at Washington by J. W. J. Niles, at Richmond, by Sidney S. Calendar (now of New Orleans), at Matagorda by Samuel Mussina, and W. G. Wallach, and at Nacogdoches, by Senator Isaac W. Burton of "*the Horse Marines*," a title won at Copano in 1836.

On the removal of the seat of government to Austin late in 1839, Samuel Whiting established in that place the *Austin City Gazette*, with George K. Teulon, an Englishman, as editor. He subsequently died in Hong Kong. The *Gazette*, under various editors, continued until the war between the States. About January 1st, 1840, George W. Bonnell established a second paper in Austin, called *The Texas Sentinel*, having as assistants in his office, Martin C. Wing (afterwards one of the seventeen martyrs in Mexico), Joseph A. Clark, the founder of Add-Ran College and John Henry Brown, the author of this history. Major Bonnell was killed by the Mexicans as one of the guard at the battle of Mier, December 26th, 1842.

In 1844 Washington D. Miller and Wm. H. Cushney founded the first quarto paper in Texas at Washington, on the Brazos. When annexation occurred, Col. John S. Ford and Michael Cronican purchased this paper — *The National Register* and removed it to Austin, where it was conducted for a number of years. Col. Ford's editorial labors, extending from 1846 to 1861, were often interrupted by his service in the Mexican war, and as a captain of rangers on the Indian frontier. At an advanced age, in San Antonio, he still receives the homage due to a life adorned by self-denial and heroic patriotism.

The *Galveston News*, long the most prominent paper in Texas, was founded in 1842 by Wilbur Cherry and Benjamin F. Neal. From 1845 to 1866, Willard Richardson was its editor and chief proprietor. In that year Col. A. H. Belo became half owner, and, at the death of Mr. Richardson in 1875, entire owner of the paper, soon afterwards associated with him, C. Jenkins and John J. Hand. In 1881 the corporation of A. H. Belo & Co. was formed. They now conduct both the *Galveston News* and the *Dallas News*, considered to be the most prominent and widely circulated daily and weekly papers in Texas. The *Houston Post*, San

*Antonio Express*, *Austin Statesman* and other papers are their co-laborers in the field of daily journalism.

In May, 1846, *The Texian Advocate*, the first paper published west of the Colorado River, was established in Victoria, by John D. Logan and Thomas Sterne, who brought their office from Van Buren, Arkansas, on flat-boats down that river to the Mississippi—thence by New Orleans to Lavaca, and thence by Mexican carts to Victoria. During the continuance of the Mexican war, they were assisted editorially by John Henry Brown—they being strangers in the country. The paper yet flourishes in Victoria, where there are two or more other conspicuous journals. Mr. Logan afterwards published *The Herald*, in San Antonio, where he died about 1875. (Mr. Sterne still survives as a successful farmer and stock raiser near Victoria.)

The first paper in San Antonio was *The Western Texian*, founded in 1848–9, by a Mr. West. It was soon followed by the *Ledger* and both existed for several years. Since that time the papers published in San Antonio have been too numerous to mention, nor is it necessary to mention the large number of papers published in different parts of the State, whose existence was of short duration, nor attempt a list of the numberless papers and periodicals established since the war, some short-lived, and a great number yet in existence.

In 1842 Charles De Morse<sup>1</sup> established and, until his death

<sup>1</sup> Charles De Morse was born in Massachusetts, grew to manhood in New York, and came, as a volunteer, to Texas, in the "Morehouse battalion," arriving too late to participate in the battle of San Jacinto, though in hearing of its guns. He served in both the army and navy, and from 1839 to 1842 filled different civil government offices in Austin. He served as colonel in the Confederate army, and also in the constitutional convention of 1875. He was a man of ability, irreproachable character and always a public benefactor. With him came to Texas two youthful twin brothers, Charles A. and John J. Ogsbury; the latter died in 1836; Charles A., from 1857–8 until his death in Cuero, 1891, was connected with the press; first in Indianola and afterwards at Cuero. His paper at each place was known as

in 1887, successfully conducted the *Northern Standard* in Clarksville. In 1848 Robert W. Loughery established and until 1868 edited the *Texas Republican* in Marshall, where, as ex-consul to Acapulco, he still resides. In 1849 James W. Latimer founded the *Dallas Herald*, and, with his subsequent associate, John W. Swindells, conducted it until his death in 1859; Mr. Swindells continued it until 1876, when it passed into other hands, and in 1885 was merged into another establishment. Dallas now has — political, religious, mechanical, literary and agricultural — about thirty newspapers.

The *Nueces Valley*, said to have been the first paper published in Corpus Christi, was conducted at different times by James R. Barnard, Charles C. Bryant and H. A. Maltby.

About 1849, soon after the Mexican war, the *Bandera Americano* or *American Flag*, was established at Brownsville by Edwin B. Scarborough, from Florida (many years senator from that district), and conducted by him until his death, in 1860.

*The Bulletin.* He was a gallant soldier in different expeditions, an honorable man, and a fervid patriot.

## CHAPTER LI.

### CHIEF OFFICERS AND GOVERNORS OF TEXAS FROM 1685 TO 1892.

#### 1. TEMPORARY FRENCH DOMINATION.

Robert Cavalier, Sieur de La Salle, 1685 ; the Sieur Barbier, 1687.

#### 2. SPANISH DOMINATION

Domingo Teran de los Rios, 1691;(it was Coahuila and Texas until 1725) ; Dón Martin de Alarconne, 1718; Marquis of San Miguel de Aguayo, 1720; Fernando Perez de Almazan, 1723; Melchior de Mediavilla y Arcona, 1725. (Texas alone until 1824.) Juan Antonio Bustillos y Cevallos, 1731; Manuel de Sandoval, 1734; Carlos de Franquis, 1736; Prudencio de Oribio d' Bastera, 1738; Justo Boneo, 1740; Jacinto de Barrios y Jaurequi, 1756; Antonio de Martos y Navarrete, 1762; Juan Maria Baron de Ripperda, 1770; Domingo Cabello, 1778; Rafael Pacheco, 1789; Manuel Muñoz, 1790; Juan Bautista Elguezabal, 1803; Antonio Cardero, 1806; Manuel de Salcedo, 1810; Juan Bautista Casas (under Revolution of Hidalgo), January 22, 1811; Spanish Provisional Junta, overthrew Casas and re-instated Salcedo, 1811; Salcedo killed by the revolutionist, Gutierrez, 1813; Christoval Dominguez, 1813; Antonio Martinez, 1818.

#### 3. UNDER MEXICAN DOMINATION.

Felix de Trespalacios, 1822. Texas under the Eastern Captain-General until the organization of Coahuila and Texas as

one State under the constitution of 1824, Don Luciano Garcia (acting governor), under the constitution of 1824, 1823; Rafael Gonzales, 1824; Victor Blanco, 1826; Jose Maria Viesca, 1828; Jose Maria Letona, 1831; Francisco Vidaurri y Villaseñor (acting), 1834.

(Civil war broke out in Coahuila and Texas. Saltillo pronounced and on the 19th of July, 1834, José Maria Goribar was appointed governor. On the 30th of August, 1834, the party of Monclova appointed Juan José Elguezabel, governor. The matter was referred to Santa Anna, who ordered a new election.) Augustin Viesca, elected under this order, 1835.

#### UNDER THE REVOLUTION OF 1835.

Henry Smith, Governor from November 13, 1835, to March 11, 1836; James W. Robinson Lieutenant-Governor.

#### UNDER THE REPUBLIC OF TEXAS.

David G. Burnet, President *ad interim* from March 17, 1836, to October 22, 1836; Lorenzo de Zavala Vice-President.

#### UNDER THE CONSTITUTION.

1. Sam Houston, President from October 22, 1836, to December 10, 1838; Mirabeau B. Lamar, Vice-President. 2. Mirabeau B. Lamar, President from December 10, 1838, to December, 1841; David G. Burnet, Vice-President. 3. Sam Houston, President from December, 1841, to December, 1844; Edarwd Burleson, Vice-President. 4. Anson Jones, President from December, 1844, to February 19, 1846; Kenneth L. Anderson, Vice-President.

#### AS A STATE OF THE UNION.

1. James Pinkney Henderson, Governor from February 19, 1846, to November, 1847; Albert C. Horton, Lieut.-Gov-

ernor (acted as Governor part of the term). 2. George T. Wood, Governor from November, 1847, to November, 1849; John A. Greer, Lieut.-Governor. 3. Peter H. Bell, Governor from November, 1849, to November, 1851; John A. Greer, Lieut.-Governor. 4. Peter H. Bell, Governor from November, 1851, to November, 1853; James W. Henderson, Lieut.-Governor. 5. Elisha M. Pease, Governor from November, 1853, to November, 1855; David C. Dickson, Lieut.-Governor. 6. Elisha M. Pease, Governor from November, 1855, to November, 1857; Hardin R. Runnels, Lieut.-Governor. 7. Hardin R. Runnels, Governor from November, 1857, to November, 1859; Francis R. Lubbock, Lieut.-Governor. 8. Sam Houston, Governor from November, 1859, to November, 1861; Edward Clark, Lieut.-Governor, and acting Governor, after March 16, 1861, when Governor Houston retired from the office. 9. Francis R. Lubbock, Governor from November, 1861, to November, 1863; John M. Crockett, Lieut.-Governor. 10. Pendleton Murrah, Governor, from November, 1863, to May, 1865; Fletcher S. Stockdale, Lieut.-Governor. This closed the era of the war between the States.

#### AFTER THE WAR.

1. Andrew J. Hamilton, presidential appointee, provisional governor from July 25th, 1865 to August, 1866. 2. James W. Throckmorton (by election), Governor from August, 1866, to August 8th, 1867, removed by military authority and E. M. Pease appointed in his stead; George W. Jones, Lieutenant-Governor, was also removed. 3. Governor Pease resigned and General J. J. Reynolds, United States army, acted as military governor until February, 1870, when he appointed Edmund J. Davis, provisional governor. 4. Edmund J. Davis, Governor by election, from April 28, 1870, to January 14th, 1874. The office of Lieutenant-Gov-

ernor being vacant, Don A. Campbell, Webster Flanagan and E. B. Pickett, successively presidents pro tem of the senate. 5. Richard Coke, Governor from January 14th, 1874, to April 18th, 1876; Richard B. Hubbard, Lieutenant-Governor. 6. Richard Coke (under the new constitution), Governor from April 18, 1876, to December 1st, 1876, when he resigned to take his seat in the United States senate, and Richard B. Hubbard, the Lieutenant-Governor, served as Governor until the expiration of the term in January, 1879. 7. Oran M. Roberts, Governor from January, 1879, to January, 1881; Joseph D. Sayers, Lieutenant-Governor. 8. Oran M. Roberts, Governor from January, 1881, to January, 1883; Leonidas J. Story, Lieutenant-Governor. 9. John Ireland, Governor from January, 1883, to January, 1885; Marion Martin, Lieutenant-Governor. John Ireland, Governor from January, 1885, to January, 1887; Barnett Gibbs, Lieutenant-Governor. 10. Lawrence S. Ross (two terms), Governor from January, 1887, to January, 1891; Thomas B. Wheeler, Lieutenant-Governor. 11. James S. Hogg, Governor from January, 1891, to January, 1893; George C. Pendleton, Lieutenant-Governor.

### STORMS AND FRESHETS.

A brief allusion to the storms and freshets that have visited Texas since its settlement by the American people is deemed appropriate, as a matter of history. The early population was confined to the southern part of the province, and the effects of floods in the rivers were simply to overflow the bottom lands, on which but few people lived. The first flood of any considerable magnitude occurred in 1833, when the Brazos overflowed its banks and spread to a width of three or four miles in the lower country, compelling persons living near the river to remove to higher grounds. No lives were lost, but many lost horses, cattle and sheep. In September, 1837,

a strong gale prevailed for several days on the coast, raising water in the bays to a previously unknown height. Galveston was the only place injured. When the wind veered to the northwest, the water was driven from the bay across the island with such force as to carry with it the board houses and shanties which, with one or two exceptions, constituted the buildings of the town. A number of schooners were driven across the island into the gulf, others were wrecked in the harbor and a brig was stranded near the center of the present city, to be used for several years afterwards as a prison. The place being in the first year of its existence as a town, had no strong buildings and but few people. It is believed no lives were lost, and the damage was soon repaired. In January, 1843, the Brazos and other streams in the lower country again overflowed, but the loss was confined to horses and cattle wintering in the cane-brakes. Such overflows, to a greater or less extent, occurred in 1846 and 1849, and occasionally afterwards, but rarely did material damage, except in a few localities. Such freshets, nearer the heads of the streams, rarely did damage because of the narrowness of the bottoms and the high ground bordering there. This was especially true with regard to their tributaries. The streams in the mountainous country, such as the upper Guadalupe, Perdenales, Llano, San Saba and the Upper Colorado, have been subject to sudden and rapid rises from floods of rain, but confined within rising ground on their margins. Yet many persons, unaware of these freaks of nature, in after years settled on the first rising ground, and became sufferers in both life and property.

In 1871, on the Concho, Colonel \_\_\_\_\_, of the United States army, with his wife and two or three children and an escort, in a period of drouth, in passing through the country, while visiting the frontier posts, encamped on a branch of the Concho. The ambulance containing himself and family was halted on a rise of ground not exceeding fifty or sixty yards wide, but twenty or more feet above the bed of the stream.

The horses and escort were encamped on higher ground in his rear. In the night, without warning, caused by a water spout above, in a very few minutes, water rushed down in such a torrent as to carry away the ambulance with the mother and children, and they were drowned, despite the frantic efforts of the Colonel and his escort.

In August, 1883, at Ben Ficklin and Fort Concho, on the Concho, including the overland mail station, where a considerable community had settled, at daylight on the morning of the 24th the inhabitants awoke to find water rapidly rising in their houses. On the next day, Mr. Joseph Spence, a young gentleman then a resident at Ben Ficklin, in a letter to his father at Austin, gave a graphic description of the fearful scene. Among other things he said: "The people in Ben Ficklin barely escaped to the hills with their lives. By one o'clock there were but six or seven houses in the town, besides the court house and jail, the last two being the only buildings finally left standing in the valley. At Mrs. Metcalf's—the old mail station—they were all up early, and most of them taken out in an ambulance by Mr. Sterling C. Robertson.<sup>1</sup> Mrs. Metcalf, her daughter Zemmie, Mr. Taylor, a Mexican, a negro man, and a white boy about 18 years old,—six in all,—refused to leave the house. They realized their danger when too late. Mr. Robertson, after conveying the others to high ground, swam his horse back to the house, vainly hoping to remove those left, but the water was rising so rapidly and rushing with such velocity, that he could not even get back himself; so, abandoning his horse and getting a ladder, they all seven climbed to the

<sup>1</sup> Sterling C. Robertson is the eldest son of Colonel E. Sterling C. Robertson, who died at Salado, Bell County, the only child of Major Sterling C. Robertson, the empresario of Robertson's colony. The heroism displayed by him on this occasion was due no doubt to his ancestral blood, drawn from ancestors both in Texas and Tennessee. His grand-uncle, General James Robertson, was the founder of Nashville.

top, and there awaited their doom. This was between seven and eight o'clock yesterday morning. One by one they saw the houses go by, until about one o'clock, when the house they were on gave way. The roof broke in three or four pieces and in an instant all were whirled down the maddened current, among tree tops, logs, etc. Old Mr. Taylor was soon lost. Mr. Robertson caught on a tree-top, but was soon knocked from that by drift, and was swept down near a quarter of a mile, when he succeeded in getting into the top of a very large pecan tree, where he stayed until seven o'clock this morning, having had nothing to eat since Wednesday night. That portion of the roof bearing Mrs. Metcalf and Zemmie passed Mr. Robertson, and he saw them sink just below him. The Mexican, negro man and white boy sank near the same spot. Two other men who bravely tried to get to them on the house-top were also washed down and saved themselves by clinging to a tree-top until this morning. \* \* \*

“Mr. Robertson is one of the bravest men I ever saw. He swam back to the house against the appeals of his wife. Of the seven who were on the roof he is the only survivor. Everything in the station is lost; everything in the valley and in Ben Ficklin is lost. \* \* \* Learning where Mr. Robertson was supposed to be I hurried to him just as some clothes were brought to him from the other side. I rode into his then island and *brought him out.*”

#### GREAT STORMS AT INDIANOLA.

On the 15th. of September, 1875, a violent storm began to rage along the gulf coast, the wind, as in the gale of 1837, coming from the northeast. Before sunset the water in Matagorda Bay reached a higher point than ever before known. But, as the September equinox, in its annual visitations, was every year more or less violent, and no serious harm had resulted, the

people felt no serious alarm. By daylight on the 16th the gale had become a hurricane and then a cyclone. The waters of the bay, lashed to fury, rushed westward over the town, and out into the low prairie, on both the north and south sides of the inner water, known as Powder Horn Lake. Every effort was made to remove families by boats to places of safety in the upper or old part of the town. Before night many houses on the water front and in the lower places were wrecked, but during the night of the 16th the scene became indescribable. Houses on the higher grounds, which had become places of refuge, began to totter and many to fall. An eye-witness a day or two later, wrote: "Many of these buildings contained from fifteen to sixty persons, whose only hope of life was in the strength of their places of refuge. Under this accumulation of horrors, the intrepid conduct seen on every hand stood out in bold relief. Neck deep in water, the buildings reeling and tottering, despairing of life, and beyond the reach of human aid, amid the howling of the wind and waves, men, women and even children calmly awaited an expected doom. Husbands gathered their families, or remnants of families, into the safest places possible, and then rushed to the assistance of others. Youths, and even young girls, with steady nerves, resolutely risked their lives to save others from being washed away, and, in some instances, met the death they had so unselfishly attempted to avert from others. By midnight a large proportion of the loss of life and destruction of property took place. The water was filled with buildings, in all stages of demolition, being hurried westward into the bayou, and on to the low prairie beyond. Clinging desperately to portions of the debris, and, with it, being swept away, were dozens of persons who had been precipitated into the flood by the falling of the houses they occupied. The few survivors recount the horrors of their fearful journey and tell of heart-rendering scenes of death amid the surging waves and rushing wrecks. From the lower part of the town, one

building, containing thirty-one men, women and children, was swept into and across Powder Horn Bay. Twenty-one of them are among the dead. A number of persons were saved by being carried against the wreck of the depot buildings which remained where they fell. One young man, while clinging here, saw his sister swept by almost within his reach, but could render no assistance, and she sank in his sight. About midnight the wind changed from northeast to northwest. This caused a check in the flow outward, and thrown back with terrific force through the town, many houses yet standing were carried into the bay by the returning water. Others crumbled where they stood, and the wreck floated with the out-going tide into Matagorda Bay. Many persons were swept into the bay clinging to pieces of the wreck. Wm. Coffin, his wife and two children, floated in the direction of Matagorda Pass. The two children were lost and afterwards found, six miles west on the prairie. Mrs. Coffin died of exhaustion on the wreck, and Mr. Coffin with her body was drifted on the beach, where he watched by her remains until the storm was over, where he was found by his twin brother, Arthur, the next day in an exhausted condition. The building of Mr. Alexander, occupied as a dry goods store in which were, besides Mr. Alexander, Messrs. Robert Blossman, — Manserratte, Ed Crosland, Wm. Trayler, Wm. Terry and others — was washed towards the bayou but all were saved. The waves, after the change in the wind, rapidly receded and, on the morning of the 17th, the streets were free from water."

A scene of absolute desolation greeted the eyes of the survivors. A flourishing town of two thousand inhabitants with its handsome residences and happy homes, its warehouses stored with the varied products known to commerce, its costly churches and splendid marts of business, all a shattered and unsightly ruin! — while nearly two hundred of its citizens had sunk into watery graves, or otherwise perished in the fury of the storm.

The gulf, for the first time known to Americans, had broken over Matagorda Peninsula, for seventy miles separating the bay from the gulf, washing away the sand hills on the gulf side, cutting immense canals through the peninsula and thus exposing Indianola on a low beach fronting the west side of the bay directly to the fury of the gulf. Its cross streets were converted into canals, as were lots on which stood many residences. The houses at Decrow's Point, fronting the pass at the lower end of the peninsula, were washed away. Thomas Decrow, the founder of the town in 1834, together with his wife and all the inhabitants then at home, were lost. St. Joseph's Island, on the south side of the pass, met the same fate. The keepers of the lighthouse near the entrance to the pass with their families were lost, as were the two keepers east of the two lighthouses in the inner bay.

Saluria, the only town on the island at its northern extremity, fronting the pass, was washed away, and of its forty-three inhabitants over thirty were lost, besides the mother of the brothers Coffin, Dr. John H. Leake, and Dr. J. K. McCreary — the quarantine officer, all citizens of Indianola. The storm extended beyond Galveston, but the damage on the coast centered on and near Matagorda Bay.

Another great storm visited Indianola and the country bordering on the coast, including Victoria, Goliad and Cuero, on the 20th of August, 1886. The destruction of property in all that section of country was very great in houses, fences, etc., and some few lives were lost. On the bay it was much more lamentable. Numerous lives were lost at Indianola and on Matagorda Bay and island. But the remaining houses at Indianola — those that remained after the storm of 1875 — were destroyed, and caused the abandonment of the place by its remaining inhabitants, the majority having previously sought homes elsewhere, some at Victoria, many at Cuero and a number at Dallas. Indianola ceased to be a town. Lavaca, twelve miles above on Lavaca Bay, on a bluff about twenty

feet above ordinary tide, and beautifully located, while suffering from the wind in both storms, was injured by the flood in neither. This town succeeded Indianola as the county seat of Calhoun County, and while commerce on that bay has been reduced to merely local traffic, it has become a favorite summer resort.

It must be borne in mind that the low ground on that portion of the coast subject to inundation by the waters of the gulf is confined to a few localities of very limited extent; nor is it by any means as subject to hurricanes and cyclones as the interior, and especially the northwestern part of the State. Ordinary hurricanes, very limited in extent, are not uncommon in the latter section, and genuine cyclones, like those in Kansas and Nebraska, are occasional visitors.

#### THE FLAGS OF TEXAS.

Texas does not lay claim to originality in the use of the lone star as her emblem, but for permanency of its use she is entitled to precedence over every other claimant. Its adoption by statute of the Congress of the Republic, was peculiarly fitting after the rejection by the United States of her petition for annexation, and emphatically so after having by every assurance short of the confirmation of the senate, been lured into the attitude of an unsuccessful petitioner the second time. Volunteer companies from the United States brought flags, presented by the ladies in their localities, which were thrown to the breeze wherever the foes of Texas were to be met; as Captain Sidney Sherman's flag from the ladies of Newport, Kentucky, and Cincinnati, Ohio, which floated at San Jacinto, and was afterwards presented to Mrs. Sherman by Gen. Rusk with well-earned praises of her husband and his brave company from Ohio and Kentucky.

When Captain (afterwards Lieutenant-Colonel) Wm. Ward was passing from Macon through Georgia to Texas, Miss

Troutman (afterwards Mrs. Pope) of Crawford County in that State, presented his command with a lone star flag, which was unfurled on their arrival at Velasco and again at Goliad.

It floated proudly over the walls of that fortress until the 8th of March, when news of the Declaration of Independence reached them. After a day of rejoicing, as the usual sunset gun was fired, an attempt was made to lower the flag, when its folds became entangled in the cordage and it was left for time to destroy shred by shred. This flag was constructed of white silk with an azure star of five points. On one side was the motto: *Victory or Death*, on the reverse, in Latin, *Where Liberty dwells there is my Country*.

In 1835 a lone star flag was presented to a Harrisburg company, Captain Andrew Robertson, by Mrs. Sarah R. Dawson of that place. It was red, white and blue. The star, white and five pointed, was set in a ground of red.

Over the cabin in which the convention met and declared for independence, floated a flag with the design of a sinewy hand grasping a red sword, and underneath this was a lone star flag.

The flag which floated from the Alamo was the emblem of constitutional liberty in Mexico—the Mexican tri-color with 1824 stamped upon it. The news of the Declaration of Independence never reached them.

The present State flag is red, white and blue; the star is white with five points, the fifth point at the top, set in a perpendicular light blue ground which is next the staff, and one-third the width of the whole flag. From this run the two stripes, the upper being white and the red underneath. The seal of the State is a star surrounded with a wreath of laurel and oak.

#### OVERLAND MAIL FROM TEXAS TO CALIFORNIA.

In the month of June, 1857, a contract was awarded to James E. Birch of California for establishing and maintaining

an overland mail in coaches from San Antonio, Texas, to San Diego, California — a distance of fourteen hundred and ninety miles; four-fifths of which was without a road. Mr. Birch, before leaving New York for California, appointed Major J. C. Woods as general superintendent. The mail was to be semi-monthly, and the time occupied between the points named was not to exceed thirty days. Throughout Texas this enterprise was regarded with as keen an interest as was the completion of the railroad communication as now existing twenty-four years later. Mr. Birch at once proceeded to California to perfect his arrangements, while Major Woods, after making all necessary provisions for the inauguration of the enterprise, proceeded to San Antonio. The first mail left the latter city on the 24th of July in charge of Capt. Skillman as conductor, Major Woods himself accompanying it, and on the way, making all necessary arrangements for stations, hay and corn for the animals, and food for employes and passengers. He made the trip in thirty-eight days. Late in the autumn of this year Mr. Birch was one of several hundred passengers lost on the steamer "*Central America*." Soon afterwards his widow sold the entire contract and equipments to Otes H. Claton, of Charleston, South Carolina, and still later he transferred the same to George H. Giddings, of San Antonio, and R. E. Doyle, of San Diego, by whom, with Mr. J. C. Woods as superintendent, it was carried on with perfect success despite the repeated hostilities of the Indians, until the beginning of the civil war. There was also a branch route established under the superintendence of Maj. Butterfield, running from Fort Concho via Jacksboro, Gainesville, Sherman, Fort Smith, Fayetteville and Springfield, Mo., to the St. Louis and San Francisco Railroad. The travel by this route, without stopping for sleep, averaging from twenty-three to twenty-eight days, from San Diego to San Antonio and Gainesville, Texas, respectively, frequently menaced by small bands of savages, abounded in incidents of romantic interest, in

which women and children were often involved, calling forth acts of bravery and gallantry on the part of male passengers worthy of the highest admiration. Sometimes a small mounted guard accompanied the train. The price of a through passage was two hundred dollars, all expenses being borne by the proprietors of the line.

LIST OF ALL THE COUNTIES IN TEXAS — WHEN CREATED,  
AND FOR WHOM OR WHAT NAMED.

NAME OF COUNTY.	WHEN CREATED.	FOR WHOM OR FOR WHAT NAMED.
Anderson . . . .	March 24, 1846..	V.-Pres. Kenneth L. Anderson.
Angelina . . . .	April 22, 1846..	Its principal stream.
Atascosa . . . .	Jan'y 25, 1856..	Its principal stream.
Archer . . . . .	Jan'y 22, 1858..	Dr. Branch T. Archer.
Austin . . . . .	Original County.	Stephen F. Austin.
Andrews . . . .	Aug. 21, 1876..	Richard Andrews.
Armstrong... .	Aug. 21, 1876..	James Armstrong.
Aransas . . . .	Sept. 18, 1871..	For Aransas Bay.
Bandera . . . .	Jan'y 26, 1856..	A pass in the mountain.
Bastrop . . . .	Original County.	Baron D. Bastrop.
Baylor . . . . .	Feb'y 1, 1858... .	Henry Baylor.
Bee . . . . .	Dec. 8, 1857 . . . .	Barnard E. Bee.
Bell . . . . .	Jan'y 22, 1850..	Gov. Peter H. Bell.
Bexar . . . . .	Original County.	A town in Spain.
Blanco . . . . .	Feb'y 12, 1858..	Its principal stream.
Bosque . . . . .	Feb'y 4, 1854... .	Its principal stream.
Bowie . . . . .	Dec. 17, 1840... .	Col. James Bowie.
Brazoria . . . .	Original County.	From Brazos River.
Brazos . . . . .	Jan'y 30, 1841..	For Brazos River.
Brown . . . . .	Aug. 27, 1856..	Capt. Henry S. Brown, d. 1834.
Burleson . . . .	March 24, 1846..	Gen. Edward Burleson.
Burnet . . . . .	Feb'y 5, 1852..	Prest. David G. Burnet.
Bailey . . . . .	Aug. 21, 1876... .	
Borden . . . . .	Aug. 21, 1876... .	Gail Borden, Jr.

NAME OF COUNTY.	WHEN CREATED.	FOR WHOM OR FOR WHAT NAMED.
Briscoe.....	Aug. 21, 1876...	Capt. Andrew Briscoe.
Brewster....	Feb'y 2, 1887...	Henry P. Brewster.
Buchel.....	March 15, 1887..	Col. Augustus Buchel.
Caldwell.....	March 6, 1848..	Col. Mathew Caldwell, d. 1843.
Calhoun.....	April 4, 1846...	John C. Calhoun of S. C.
Calahan.....	Feb'y 1, 1858...	Capt. J. H. Calahan, d. 1856.
Cameron....	Feb'y 12, 1848..	Capt. Ewen Cameron, k. 1843.
Cass.....	April 25, 1846..	Gen. Lewis Cass of Michigan.
Chambers....	Feb'y 11, 1858..	Thomas J. Chambers.
Cherokee....	April 11, 1846..	Cherokee Indians.
Clay.....	Dec. 24, 1857..	Henry Clay of Kentucky.
Coleman....	Feb'y 1, 1858...	Capt. Rob't M. Coleman, d. 1837
Collin.....	April 3, 1846...	Collin McKinney, d. 1860.
Colorado....	Jan'y 11, 1836..	Colorado River.
Comal.....	March 24, 1846.	Comal Creek and Spring.
Childress....	Aug. 21, 1876..	Geo. C. Childress.
Comanche...	Jan'y 25, 1856..	Comanche Indians.
Concho.....	Feb'y 1, 1858...	Its principal steam.
Cooke.....	March 20, 1848.	Col. Wm. G. Cooke, d. 1847.
Coryell.....	Feb. 22, 1854...	James Coryell killed by Indians.
Castro.....	Aug. 21, 1876..	Henry Castro, French colonist.
Cockran.....	" " " ..	Cockran, killed in Alamo.
Carson.....	" " " ..	Samuel P. Carson, d. 1837.
Crosby.....	" " " ..	Stephen Crosby.
Collinsworth.	" " " ..	James Collinsworth, d. 1837.
Cottle.....	" " " ..	Geo. W. Cottle, killed in Alamo.
Crane.....	Feb'y 22, 1887..	Rev. Wm. C. Crane.
Crockett....	Jan'y 22, 1875..	David Crockett, k. in Alamo.
Coke.....	March 13, 1889..	Gov. Richard Coke.
Dallas.....	March 10, 1846..	Vice-Prest. George M. Dallas.
Denton.....	April 11, 1846..	{ John B. Denton, killed by Indians, 1841.
De Witt....	March 24, 1846..	Green De Witt, d. 1835.
Dimmitt.....	Feb'y 1, 1858...	Capt. Phillip Dimmitt, d. 1841.

NAME OF COUNTY.	WHEN CREATED.	FOR WHOM OR FOR WHAT NAMED.
Duval.....	Feb'y 1, 1858...	{ Capt. Burr H. Duval, fell with Fannin.
Dallam.....	Aug. 21, 1876...	James W. Dallam.
Deaf Smith..	" " "	...Erastus Smith, the deaf spy.
Dawson.....	" " "	...Capt. Nicholas Dawson, k. 1842.
Donley.....	" " "	...S. P. Donley, ex-Sup. Judge.
Dickens.....	" " "	...Dickens, killed in Alamo.
Delta.....	Jan'y 20, 1870..	Delta of the Sulphur rivers.
Eastland ....	Feb'y 1, 1858...	{ Capt. Wm. M. Eastland, Black Bean martyr.
Edwards ....	Feb'y 1, 1858...	Haden Edwards, Sr.
Ellis.....	Dec. 20, 1849...	Richard Ellis, Prest. Conv. 1836.
El Paso.....	Jan'y 3, 1850..	The old town.
Encinal.....	Feb'y 1, 1858..	In English—an oak grove.
Erath .....	Jan'y 25, 1856..	Capt. George B. Erath, d. 1891.
Ector.....	Feb'y 26, 1887..	Gen'l Mathew B. Ector.
Fannin.....	Dec. 14, 1837...	Col. James W. Fannin, k. 1836.
Fayette .....	" " "	...Gen. La Fayette.
Fort Bend ...	Dec. 29, 1837...	{ A noted bend in the Brazos River.
Freestone ...	Sept. 6, 1850...	Its freestone water.
Frio.....	Feb'y 1, 1858...	The Rio Frio.
Falls .....	Jan'y 28, 1850..	Falls of the Brazos.
Foard <sup>1</sup> .....	March 3, 1891 ..	Falls of the Brazos.
Floyd .....	Aug. 21, 1876...	D. Floyd, fell at the Alamo.
Fisher .....	Aug. 21, 1876 ..	Samuel Rhoads Fisher.
Foley <sup>2</sup> .....	March 15, 1887..	{ Arthur, James and Tucker, Foley brothers.

<sup>1</sup> It is believed that the name "Foard" is a misprint in the law, and that the intent was to name the county in honor of the old veteran Col. John S. "Ford."

<sup>2</sup> Foley County is named for three brothers — Arthur Foley, who fell with Fannin's men; James Foley, who was killed by Mexicans west of the Nueces in 1839; and S. Tucker Foley, who was killed Aug. 5th, 1840, by the Comanche Indians in Lavaca County.

NAME OF COUNTY.	WHEN CREATED.	FOR WHOM OR FOR WHAT NAMED.
Franklin . . . .	March 8, 1875 . .	Its principal town.
Galveston . . .	May 15, 1838 . .	Col. Galvez, Spanish officer.
Gillespie . . . .	Feb'y 23, 1848 . .	{ Capt. R. A. Gillespie, fell at Monterey.
Goliad . . . . .	Original County.	Anagram of Hidalgo.
Gonzales . . . .	Original County.	{ Gov. Rafael Gonzales of Coahuila.
Grayson . . . .	March 17, 1843 . .	Peter W. Grayson, d. 1838.
Grimes . . . . .	April 6, 1846 . .	Senator Jesse Grimes.
Guadalupe . . .	March 20, 1846 . .	Guadalupe River.
Glascocock . . .	April 4, 1887 . .	Geo. W. Glascock.
Greer . . . . .	Feb'y 8, 1860 . .	John A. Greer.
Gaines . . . . .	Aug. 21, 1876 . .	James Gaines of Sabine.
Garza . . . . .	" " " . .	
Gray . . . . .	" " " . .	Peter W. Gray, of Houston.
Gregg . . . . .	April 13, 1873 . .	Gen. John Gregg.
Hamilton . . . .	Jan'y 22, 1858 . .	Gen. James Hamilton, d. 1857.
Hardeman . . .	Feb'y 1, 1858 . .	Bailey & Thomas J. Hardeman.
Hardin . . . . .	Jan'y 22, 1858 . .	The Hardins of Liberty.
Harris . . . . .	Original County.	The founders of Harrisburg.
Harrison . . . .	Jan'y 25, 1839 . .	An old and learned settler.
Haskell . . . . .	Feb'y 1, 1858 . .	Chas. Haskell, fell with Fannin.
Hays . . . . .	March 1, 1848 . .	Col. John C. Hays.
Henderson . . .	April 27, 1846 . .	Gov. James Pinkney Henderson.
Hidalgo . . . . .	Jan'y 24, 1852 . .	Mexican patriot of 1810.
Hill . . . . .	Jan'y 7, 1853 . .	Dr. Geo. W. Hill.
Hopkins . . . . .	March 25, 1843 . .	A pioneer family.
Houston . . . . .	June 12, 1837 . .	Gen. Sam Houston.
Hunt . . . . .	April 11, 1846 . .	Memucan Hunt.
Hood . . . . .	Nov. 2, 1866 . .	Gen. John B. Hood.
Hartley . . . . .	Aug. 21, 1876 . .	O. C. & R. K. Hartley.
Hockley . . . . .	" " " . .	Col. Geo W. Hockley.
Hale . . . . .	" " " . .	{ Lieut. J. C. Hale, fell at San Jacinto.

NAME OF COUNTY.	WHEN CREATED.	FOR WHOM OR FOR WHAT NAMED.
Hall.....	Aug. 21, 1876..	Warren D. C. Hall.
Howard.....	“ “ “	..Volney E. Howard.
Hansford....	“ “ “	..John M. Hansford.
Hutchinson..	“ “ “	..Judge Anderson Hutchinson.
Hemphill....	“ “ “	..Chief Justice John Hemphill.
Irion.....	March 7, 1889..	Dr. Robert A. Irion.
Jack.....	Aug. 26, 1856..	Wm H. Jack and brothers.
Jackson....	Dec. 5, 1835....	Gen. Andrew Jackson.
Jasper .....	Original County.	Sergeant Jasper, of 1776.
Jefferson ....	Original County.	Jefferson Beaumont.
Johnson....	Feb'y 13, 1854..	Col. R. M. Johnson, of Ky.
Jones.....	Feb'y 1, 1858...	Prest. Anson Jones.
Jeff. Davis...	March 18, 1887..	Jefferson Davis.
Karnes .....	Feb'y 4, 1854....	Col. Henry W. Karnes, d. 1840.
Kaufman....	Feb'y 26, 1848..	David S. Kaufman.
Kerr.....	Jan'y 26, 1856..	Maj. James Kerr, d. 1850.
Kimble.....	Jan'y 22, 1858..	— Kimble, fell at Alamo.
Kinney.....	Jan'y — 1856...	Henry L. Kinney.
Knox.....	Feb'y 1, 1858...	A county in Ohio.
Kent.....	Aug. 21, 1876...	Andrew Kent, fell at Alamo.
King'.....	“ “ “	...Alonzo King, k. in 1836.
Kendall.....	Jan'y 10, 1862..	{ Geo. W. Kendall, Editor and Author.
Lampasas....	Feb'y 1, 1856...	Lampasas River.
La Salle.....	Feb'y 1, 1858...	Discoverer of Texas 1685.
La Vaca.....	April 6, 1846...	Lavaca River.
Leon.....	March 17, 1846..	Leon Creek.
Lamar.....	Dec. 17, 1840...	Prest. Mirabeau B. Lamar.
Liberty.....	Original County.	“ Young America.”
Limestone...	April 11, 1846..	Its stone and water.
Live Oak....	Feb'y 2, 1856...	Its beautiful live oak groves.
Llano.....	Feb'y 1, 1856..	Llano River.
Lamb.....	Aug. 21, 1876..	Lieut. Lamb, k. at San Jacinto.
Lubbock....	“ “ “	..Francis R. & Thos. S. Lubbock.

NAME OF COUNTY.	WHEN CREATED.	FOR WHOM OR FOR WHAT NAMED.
Lynn.....	Aug. 21, 1876..	Lynn, fell at Alamo.
Lipscomb....	" " "	..Judge Abner S. Lipscomb.
Lee.....	April 14, 1874..	Gen. Robt. E. Lee.
Loving.....	Feb'y 26, 1887..	Oliver Loving.
Madison.....	Jan'y 27, 1853..	Prest. James Madison.
Mason.....	Jan'y 22, 1858..	For Fort Mason.
Matagorda...	Original County.	Matagorda Bay.
Maverick....	Feb'y 1, 1856..	Samuel A. Maverick.
McLennan...	Jan'y 22, 1850..	John McLennan, Sr.
McCulloch...	Aug. 27, 1856..	Gen. Ben. McCulloch.
McMullen...	Feb'y 1, 1858..	John McMullen, the colonist.
Medina.....	Feb'y 12, 1848.	The Medina River.
Menard.....	Jan'y 22, 1858.	Michel B. Menard.
Milam.....	Original County.	Col. Ben. R. Milam.
Montague....	Dec. 24, 1857..	Daniel Montague, pioneer.
Montgomery.	Dec. 14, 1837..	The American general.
Moore.....	Aug. 21, 1876..	Com. Edwin W. Moore.
Martin.....	" " "	..Capt. Wylie Martin.
Motley.....	" " "	{ Dr. Wm. Motley, k. at San Jacinto.
Mitchell.....	" " "	...Asa and Eli Mitchell.
Mills.....	March 15, 1887.	Roger Q. Mills.
Morris.....	March 13, 1875.	
Midland.....	March 4, 1885..	{ Midway between Marshall and El Paso.
Nacogdoches.	Original County.	The old Mexican town.
Navarro.....	April 25, 1846..	Jose Antonio Navarro.
Nueces.....	April 18, 1846..	Nueces River.
Newton.....	April 22, 1846..	Sergeant Newton, of 1776.
Nolan.....	Aug. 21, 1876..	{ Philip Nolan, the adventurer of 1801.
Orange.....	Feb'y 5, 1852..	Borrowed.
Oldham.....	Aug. 21, 1876..	Williamson S. Oldham.
Ochiltree....	Aug. 21, 1876..	Wm B. Ochiltree.
Palo Pinto...	Aug. 27, 1856..	Palo Pinto Creek.

NAME OF COUNTY.	WHEN CREATED.	FOR WHOM OR FOR WHAT NAMED.
Panola.....	March 30, 1846.	Borrowed.
Parker.....	Nov. 12, 1855..	The Parker Fort family.
Pecos.....	May 3, 1871....	Pecos River.
Polk.....	March 30, 1846.	Prest. James K. Polk.
Presidio.....	Jan'y 3, 1850...	Old military post.
Parmer.....	Aug 21, 1876...	Martin Parmer.
Potter.....	" " " ..	Robert Potter, d. 1841.
Red River...	Original County.	For Red River.
Robertson...	Dec 14, 1837...	{ Sterling C. Robertson, the colonist.
Refugio.....	Original County.	The Mission Refugio.
Runnels.....	Feb'y 1, 1858..	Ex-Gov. Hiram G. Runnels.
Rusk.....	Jan'y 16, 1843..	Gen. Thomas J. Rusk.
Reeves.....	April 14, 1883..	Geo. R. Reeves.
Randall.....	Aug. 21, 1876..	Col. Horace Randall.
Roberts.....	" " " ...	Gov. Oran M. Roberts.
Rockwall....	March 3, 1873..	A local imaginary wall.
Rains.....	June 9, 1870...	Emory Rains.
Sabine.....	Dec. 15, 1835...	Sabine River.
San Augustine	Original County.	The old town.
San Patricio.	Original County.	The old town "St. Patrick."
San Saba....	Feb'y 1, 1856...	San Saba River.
Shackleford..	Feb'y 1, 1858...	{ Dr. Jack Shackleford, of Goliad fame.
Shelby.....	Original County.	Gov. Isaac Shelby, of Ky.
Smith.....	April 11, 1846..	Gen. James Smith, of Rusk.
Starr.....	Feb'y 10, 1848..	Dr. James H. Starr.
Sherman....	Aug. 21, 1876...	Gen. Sydney Sherman.
Swisher.....	" " " ...	Capt. James G. Swisher.
Stonewall. .	" " " ...	Gen. Thomas J. Jackson.
Schleicher...	April 1, 1887...	Hon. Gustave Schleicher.
Scurry.....	Aug. 21, 1876...	Gen. Wm. R. Scurry.
Sterling <sup>1</sup> ....	March 9, 1891..	

<sup>1</sup> The origin of the name "Sterling" is unknown to the author.

NAME OF COUNTY.	WHEN CREATED.	FOR WHOM OR FOR WHAT NAMED.
Sutton.....	April 1, 1887...	{ Capt. Sutton, of Santa Fe expedition, 1841.
Stephens.....	Jan'y 22, 1858..	Alex. H. Stephens, of Ga.
San Jacinto..	Aug. 13, 1870 ..	San Jacinto River.
Tarrant.....	Dec. 20, 1849...	Gen. Edward H. Tarrant.
Taylor.....	Feb'y 1, 1858...	{ M. D. K., Wm. M. and Robert H. Taylor.
Throckmorton	Jan'y 13, 1858..	{ Dr. Wm. E. Throckmorton, pioneer.
Titus.....	May 11, 1846...	Capt. Titus, pioneer.
Travis.....	Jan'y 25, 1840..	{ Col. Wm. B. Travis, of the Alamo.
Trinity.....	Feb'y 12, 1850..	Trinity River.
Tyler.....	April 3, 1846...	President John Tyler.
Terry.....	Aug. 21, 1876..	Col. Benj. F. Terry.
Tom Green..	March 13, 1876.	Gen. Tom Green.
Upshur.....	April 27, 1846..	Abel P. Upshur, Tyler's cabinet.
Uvalde.....	Jan'y, 1856.....	A Spanish officer.
Upton.....	March, 1891....	Capt. Upton, Texas Ranger.
Van Zandt ..	March 20, 1848..	Hon. Isaac Van Zandt.
Victoria.....	Original County.	Gen'l Guadalupe Victoria.
Val Verde...	March 24, 1885..	Green Valley.
Walker.....	April 6, 1848 ...	R. J. Walker, Polk's cabinet.
Washington..	Original County.	The Father of his Country.
Webb.....	Jan'y 28, 1848..	Judge James Webb.
Wharton....	April 3, 1848...	Wm. H. and John A. Wharton.
Wichita.....	Feb'y 1, 1858...	Wichita River.
Wilbarger...	" " " " " "	Josiah and Matthias Wilbarger.
Williamson..	March 13, 1848..	Major Robt. M. Williamson.
Wise.....	Jan'y 23, 1856..	Gov. Henry A. Wise, of Va.
Wood.....	Feb'y 3, 1850...	Gov. Geo. T. Wood.
Ward.....	Feb'y 26, 1887..	Thomas William Ward.
Winkler.....	Feb'y 26, 1887 .	Col. Clinton M. Winkler.
Wheeler....	Aug. 21, 1876 ..	Judge Royal M. Wheeler.
Waller.....	April 28, 1873..	Edwin Waller, pioneer.

NAME OF COUNTY.	WHEN CREATED.	FOR WHOM OR FOR WHAT NAMED.
Wilson.....	March 13, 1874.	Rev. James C. Wilson.
Young.....	Feb'y 2, 1856...	Col. Wm. C. Young.
Yoakum.....	Aug. 21, 1876..	Henderson Yoakum, historian.
Zapata.....	Jan'y 22, 1858..	Col. Antonio Zapata.
Zavala.....	Feb'y 1, 1858..	Vice-Prest. Lorenzo de Zavala.

### A CONFEDERATE HOME

was established in Austin, some years since, by contributions, as a home for indigent and disabled Confederate soldiers. It has since been aided by the State; not in direct appropriation, of money (which is inhibited by a general clause in the constitution), but by material aid otherwise. The "Home" owns handsome buildings, and ample grounds, and furnishes a well provided home for the disabled soldiers, who, unlike those of the Union army, can receive no pensions; but, to their credit be it said, many northern men and Union soldiers have contributed to the support of this institution.

### STATE CHARITABLE INSTITUTIONS.

On the 2d of January, 1857, the State Institution for the education of the Deaf and Dumb was opened at Austin, under an act passed on the 26th of the previous August, Mr. I. Van Nostrand being first principal. Liberally endowed at the beginning from the public domain, and with necessary annual appropriations since, it has grown in capacity and usefulness, adopting all the recent developments in the institution of deaf mutes in older institutions of that kind. It ranks in all respects, as a first class institution, having graduated a large number of young men and women, well educated, and trained in various arts of handiwork. It has a printing office — has long published a newspaper conducted and printed by the pupils, and has done much public printing for the State. It possesses a large tract of elevated land,

opposite Austin, on which stand the elegant buildings, out-buildings, etc.

**INSTITUTION FOR THE BLIND.** — This institution, created at the same time and with the same endowments of land, was opened in 1857, in a rented building under the principalship of Dr. I. H. Lightfoot. In 1860 it was moved into handsome buildings erected by the State, in a beautiful grove, on elevated grounds, one mile northeast of the capital, where it still remains. Since 1874 — a period of sixteen years, it has been under the constant superintendency of Dr. Frank Rainey. Its field of usefulness has been constantly enlarging; its capacity, increased by additional buildings, it now ranks with the most advanced institutions of the country.

**INSTITUTIONS FOR THE INSANE.** — In the center of a grove on a large tract of land, two miles north of Austin, stands the first asylum for the insane in the State, erected also under an act passed in 1856, with a landed endowment, and opened in buildings of stone and brick, to which have been added from time to time other costly buildings. Dr. Charles G. Keenan was its first physician and superintendent. Time suggested the necessity for another institution, which was located in Terrell, in Kaufman County in 1887. It also has ample grounds and buildings for the use of the institution under the charge of Dr. D. R. Wallace. In 1890 a third Insane Institution was founded and opened by the State in the suburbs of San Antonio. The three asylums are liberally endowed by the State with both land and money. It is capacious in extent, elegant in design, and embraces all the accessories and modern improvements necessary to the success of such asylums.

**THE FIRST PENITENTIARY OF THE STATE** was established at Huntsville, in 1852. It has since been greatly enlarged, and manufacturing establishments added to its facilities for being self-sustaining. Its first superintendent was James Gillaspay, and its first financial agent John S. Besser. Still, the number

of convicts, increasing after the late war, became too great to be employed inside the walls, and hence, was forced upon the State the necessity of hiring them out in groups to work, under guards, on railroads, plantations, etc. As a partial remedy for this state of things, under an act passed several years ago, a second penitentiary was established in the midst of the iron mines near Rusk, Cherokee County. It was supplied with all necessary machinery for smelting the abundant iron ore in the midst of which it is located, and of which a large amount is annually reduced into pig iron and castings. Plows and other implements of husbandry have been extensively manufactured by its inmates. The two institutions combined are not sufficient to hold and employ all the convicts, and a third is an acknowledged necessity.

INSURANCE, STATISTICS, HISTORY, ETC. — In 1874 there was established a bureau of the State Government called "The Bureau of Insurance, Statistics and History." To this was added, April 1st, 1887, a department of agriculture. The first commissioner was Dr. V. O. King, who was succeeded by Henry P. Brewster, General H. P. Bee, L. L. Foster and Mr. Hollingsworth, respectively. The commissioner is ex-officio a member of the Board of Directors of the State Agricultural and Mechanical College and is placed in correspondence with the Department of Agriculture in Washington City, as well as with those of the several States and territories of the United States; and, "at his option," with those of foreign countries, and the representatives of the United States in foreign countries. He may also, for the same purpose, open correspondence with such organizations, societies and associations in the State, having for their object the promotion of agriculture, in any of its branches, as he may choose, as well as [with] such individuals as he may select in various parts of the State." (Act of April 1, 1887.) It is needless to predict that this Bureau, wisely managed, is destined to be of great value to Texas.

MASONIC. — The first grand lodge in the Republic of Texas was organized in Houston, December 12th, 1837, by charter granted by the Grand Lodge of Louisiana. It was composed of three lodges; one at Nacogdoches, one at San Augustine and the "Holland Lodge" at Houston, and comprised a membership of about two hundred. Dr. Anson Jones was first Grand Master and George Fisher, Grand Secretary.

The corner-stone of the first temple was laid in Houston May 28, 1838. Dr. Anson Jones delivered the address and the Masons were assisted in the services by officers and brethren of the parent grand lodge of Louisiana.

Among those participating in the organization of this grand lodge were some of the most distinguished citizens of Texas, among whom were President Sam Houston, the patriot, Dr. Branch T. Archer, the old colonial secretary, Samuel L. Williams and others.

MASONIC RUIN.—In the old burial ground of Richmond on the Brazos is the ruin of a monument erected in 1825 by Wm. Morton, a brickmaker and layer, in memory of a brother mason. The structure is of brick, about eight or nine feet high from the ground; the shaft of four sides, stands on a pedestal five feet square and six inches above the ground. From a projecting cornice the whole terminates in a point. In each of the four sides, smooth brick slabs are inserted, on which are found in quaint lettering on one side this inscription:

"An honest craftsman moulders here  
Remote from friends and home,  
His widowed wife and orphans dear  
How sad must be their doom!  
His morals pure, his soul refined,  
He acted by the 'square;'  
In him those virtues were combined,  
Which time cannot outwear."

On the south front is a well-defined hand holding a

“plumb-line,” both moulded in the brick, which bears this inscription.

*“Behold, I will set my plumb-line in the midst of my people Israel. I will not again pass by them any more.”*

On the north tablet is this inscription:

“IN MEMORY  
OF  
ROBERT GELESPIE,  
A NATIVE OF SCOTLAND,  
WHO,  
A STRANGER IN THIS LAND,  
TRAVELED TO THE MANSIONS OF  
ETERNITY  
THE 7TH OF NOVEMBER,  
1825.  
MAY HE REST IN PEACE!”

On other slabs are the *level* and *square*. Probably at that time the number of Masons in all Texas did not exceed ten or twelve, as the white settlers were but few.

The order has steadily grown from that day, until at the present, it numbers over five hundred lodges, and more than 20,000 members. Its temples or lodges are found in almost every town in the State and their structure reflects credit on the order. There can be no question but that its deeds of benevolence, never emblazoned before the world, have been of great service in the cause of humanity.

THE INDEPENDENT ORDER OF ODD FELLOWS was first organized in Texas, April 29, 1841, since which there have been fifty grand masters, embracing a number of distinguished names, among whom was President Anson Jones. Of its secretaries E. P. Hunt served nine years, Oscar Farish nine years, George W. Grover (all three of Galveston) ten years, and T. L. Wrenn, of Austin, twelve years. The institution has ever been recognized as not only in a prosperous condi-

tion, drawing its membership from the best elements of society, but abounding in unostentatious deeds of charity.

Numerous other social and benevolent secret societies have been organized within the last few years — devoted to social elevation, deeds of charity, and other worthy objects. Among these are the Knights of Pythias, Knights of Honor, The Elks, The Red Men and a number of others. Our foreign population also have numerous organizations for kindred purposes, as Turn Verein, Casino, Beethoven and Frohsinn singing societies, Arbeiter Verein, Kranken Unterstützungs Verein, and Schul Verein (educational), Salamander Singing Society, Garten Verein, Lieder Kranz, Schützen Verein, Deutscher Club, Männerchor, German ladies aid societies, Grütli Verein, (Swiss benevolent association, found in all Swiss communities), Catholic Knights of America, Sängerbunde and Hermann Söhne (charity), Gesang Verein. One or more of these societies exists in San Antonio, Galveston, Houston, Austin, Brenham, Dallas, Sherman, Denison, Fort Worth, La Grange, Schulenburg, Gainsville, New Braunsfels, Fredericksburg, Boerne, Castroville, Eagle Pass, Brownsville, Corpus Christi, Victoria, Cuero, Hallettsville, Bellville, Columbus, and in almost every town in the State where there is a considerable German population.

The Jews have synagogues in the ten towns of Galveston, Houston, Austin, Victoria, Tyler, Waco, two in Dallas, San Antonio, Gainsville and Marshal, in all of which there are lodges of the Jewish society of Bene-Berith. Other societies among them existing in a few towns are: Keshet shel, Barsel, Free Sons of Israel, Sons of Abraham, and benevolent associations in many towns and cities.

In several of the larger towns the Scottish society of St. Andrew, a social and benevolent organization, has long been in existence.

## THE ARCHIVE WAR.

The disturbances in the country in 1842 awakened a feeling of insecurity with reference to the public archives at Austin and the President on the 5th of February recommended their removal to a place of greater safety. As no action was taken by Congress on the subject, he summoned his cabinet to meet him at Houston, thus, as the citizens of Austin concluded, abandoning their city. They at once took energetic measures to retain the archives. A committee was duly appointed to take possession, box them up carefully and guard them. Following the called session at Houston in June the regular session was to meet at Washington on the Brazos and the archives would be necessary in the transaction of public business. President Houston gave instructions to Captains Thomas I. Smith and Eli Chander, to proceed to Austin with the necessary transportation and obtain possession of the necessary books and papers and convey them to Washington. The city was surprised on the 30th of December and the wagons partially loaded, but a volunteer company soon collected and with Capt. Mark B. Lewis as leader, and a cannon which they obtained at the arsenal, fired one charge, hitting only the land office. The wagoners began a hasty retreat. But, to their surprise, on leaving their camp on Brushy Creek the next morning, they were confronted by Capt. Lewis with his company and the cannon and all returned to Austin together. After the election of Anson Jones, Austin late in 1845 became again the seat of government.

This was the "Archive war."

In concluding this work the author, whose love for and identity with Texas dates from early boyhood, appeals to the youth of the State, irrespective of nativity, nationality or creed, to study its true history, unlike that of any of our

sister States, and in so many aspects exhibiting those civic and heroic virtues, without which no people can permanently preserve the principles of enlightened, constitutional liberty. Let parents teach it to their children. Let all mere personal antipathies sink into oblivion. Honor the memory of our martyrs — revere that of our heroes and patriots — and let the day never come when a son or daughter, whether by birth or adoption, shall be ashamed to say — “I am a child of Texas!”



## APPENDIX.

### No. 1.

On the 17th of December, 1835, the commander-in-chief sent the following communication to Gov. Smith :

“ HEADQUARTERS,  
SAN FELIPE DE AUSTIN, Dec. 17th, 1835. }

SIR: On yesterday I had the honor to receive your order, directing the establishment of the headquarters of the army at Washington. It will give me pleasure to obey the order at the earliest possible moment.

In the meantime, I do most earnestly solicit the attention of your Excellency to the subject of an appropriation, to cover the recruiting contingencies of the army. And I would beg leave to suggest the necessity of establishing a system of accountability in all its disbursing departments; requiring security of all the officers, who may be intrusted with funds, agreeably to the system established in the United States, if the provisions of the organic law are not sufficient.

More than a month has elapsed since the adjournment of the “ *Consultation*,” and the army is not yet organized; and, though I have ordered some officers on the recruiting service, it has been on my own responsibility.

It is extremely painful to me to feel what I am compelled to experience, and believe to exist. I have never failed to render any information, when called upon by the chairman of the military committee, and to furnish such books as he wished for his instruction. Yet, I am constrained to believe that he has interposed every possible obstacle to the organ-

ization of the army; and, so far as I am identified with it, to delay the placing of Texas in a proper state of defense.

\* \* \* \* \*

I am careless of whatever individual feeling may be entertained towards me; but as a functionary of the government, placed in the most responsible situation, and so necessary to the salvation of the country, I am constrained to invoke and to hope for the necessary co-operation in discharge of the duties which I owe to the country and its laws.

\* \* \* \* \*

This communication is induced by no other feeling than a sincere desire to point out the difficulties which are thrown in the way of all my exertions to promote the cause of the country, and, at the same time, to vindicate myself against the charge of neglect of duty, or any want of the most devoted zeal in behalf of Texas.

I have the honor to be, with great consideration,

Your obedient servant,

SAM HOUSTON,

*Commander-in-Chief, etc."*

---

## No. 2.

### HOUSTON TO BOWIE.

In order to place the troops collecting in the southwest for the purpose of attacking Matamoros under control of the commander-in-chief with the hope of a final abandonment of the undertaking, he ordered Col. James Bowie as follows:

“ HEADQUARTERS, SAN FELIPE, Dec. 17th, 1835.

“ *To Col. James Bowie:*

SIR—In obedience to the order of his Excellency, Henry Smith, Governor of Texas, of this date, I have the honor to direct that, in the event you can obtain the services of a suf-

ficient number of men for the purpose, you will forthwith proceed on the route to Matamoros, and, if possible, reduce the place and retain possession until further orders. Should you not find it in your power to attain an object so desirable as the reduction of Matamoros, you will, by all possible means, conformably to the rules of civilized warfare, annoy the troops of the central army, [Santa Anna's,] and reduce and keep possession of the most eligible position on the frontier, using the precaution which characterizes your mode of warfare. You will conduct the campaign. Much is left to your discretion. Should you commence the campaign, you will, from time to time, keep the government advised of your operations, through the commander-in-chief of the army. Under any circumstances the port of Capano is important. If any officers or men, [Mexican,] who have, at any time, been released *on parole* should be taken in arms, they will be proper subjects for the consideration of a court-martial. Great caution is necessary in the country of the enemy.

SAM HOUSTON,  
*Commander-in-Chief."*

---

No. 3.

HOUSTON TO GOV. SMITH.

Having removed his headquarters to Washington, as ordered, he communicated the same to Governor Smith.

" HEADQUARTERS, WASHINGTON, Dec. 26, 1835.

TO YOUR EXCELLENCY: I have the honor of reporting my arrival here on yesterday, and my finding here Capt. Wyatt, with a company or detachment, consisting of less than fifty-six men, from Huntsville, Alabama, also Capt. King, with about eighteen men, from Paducah, Kentucky, with rifles — Capt. Wyatt having fifty first-rate United States muskets.

Under the restrictions of the law, I find myself under the most painful difficulties in accepting the services of these volunteers. I will do the best I can for the country, while I render justice to them. I found in the ranks great discontent, and a disposition to abandon our cause. To-day I have spent much time in explaining all matters to them. I hope they are satisfied.

To-day there has been an arrival in six days from San Antonio, which reports all quiet but no discipline. Ere this I hope my order has reached them, and will have a proper effect with the command. It is said that Bowie will be here to-morrow. Should he come to San Felipe, I hope your Excellency will be kind enough to order him to this point, as I can furnish him with a copy of the order which I forwarded to him by your Excellency's order.

I have the honor, etc.,

SAM HOUSTON,

*Commander, etc."*

---

*No. 4.*

GEN. HOUSTON TO GOV. SMITH.

*Gov. Smith:*

SIR — I have the honor respectfully to call your attention to the subject of a speedy organization of the regular army. The organic law has provided for the immediate raising of such force and the general council has said what corps shall compose the same. It is required of me to raise the regular army without delay. I feel the responsibility of my situation at a time when every effort should be exerted and means used to accomplish an object so necessary to the defense, and, I apprehend, the salvation of Texas. I must remain under the conviction, however, that all essential power to meet the requisitions of the organic law is withheld from me.

It is true the officers of the infantry regiment have been appointed by the general council, but the field officers proper to command and superintend the several recruiting stations have not been appointed.

The regiment of artillery, so necessary for the defense of the sea-coast, as well as for field service, has no basis upon which it can be raised. No officers are appointed, and it will be impossible for me ever to enlist the rank and file until that is done. An army never has been raised for regular service until the officers have been appointed.

\* \* \* \* \*

It must have been contemplated by the framers of the organic law that the army would be immediately organized out of the material then in Texas.

Unless the officers are appointed at an early day, it will be impossible to have an army at the opening of the campaign — which, in my opinion, cannot be delayed with safety to the country, longer than the 20th of February, or 1st of March at farthest.

If only a portion of the officers should be appointed, I apprehend the organization of the army would be incomplete and the intentions of the law unanswered. The necessities of the country seem to require a complete organization. We must have an army or abandon all hope of defending the country. The letters from Santa Anna and the functionaries of the central government, recently intercepted, [at San Felipe,] are calculated to arouse every generous heart in Texas to active and obstinate resistance. An army amounting to ten thousand men, with suitable munitions of war, must be met and vanquished, or Texas will be overwhelmed for years to come. Union and confidence among ourselves, and a generous support of the army, will achieve every thing that is desirable to freemen. Until a full complement of officers is appointed for the regular army, it is impossible that one can be raised.

I take pleasure in assuring your Excellency that I will at all times hold myself accountable for the means placed at my disposal for the defenses of the country, and the result of our cause. But it must be obvious to all that in the same ratio in which the necessary and proper means are withheld from me so must my responsibility be diminished.

Permit me to implore you most earnestly to give your attention to the subjects herein very respectfully submitted.

I have the honor to be, your ob't serv't,

SAM HOUSTON.

---

*No. 5.*

HOUSTON TO GOVERNOR SMITH.

“ HEADQUARTERS, WASHINGTON, Dec. 30th, 1835.

SIR: I have the honor to inclose to you a muster-roll of Captain P. S. Wyatt, and one also from Capt. King. Both the company and detachment are under the command and subject to the orders of Capt. Wyatt. I had much difficulty in getting them to volunteer for any definite period. But the ordinance left a discretion with me to accept their services for such time as I might think the good of the service required. I did think it necessary to specify some certain time, and that time, I conceived, ought not to be less than three months; if so it would be burdensome to the country, without any corresponding benefit. I think they will eventually all volunteer for during the war. They are all on the march for Capano, where I design they shall be stationed until further orders. To-day I sent dispatches to Velasco and Matagorda, with orders to Lieut. Eaton to act as Assistant Quartermaster-General, to furnish supplies to all troops landing on the gulf, on their way to Copano. I have herewith inclosed to your Excellency a copy of the order, having sent a special order to Lieut. Eaton of prior date.

I beg leave to remark that by the time I can hold an Indian talk and arrange matters for safety in the rear of the army and return to this point and spend a few days here, leaving a capable officer in command at this place, as also at other points, I will be ready, should there be the slightest necessity for my presence at Copano or on the frontier, to repair instantly to the point where I may be needed.

In the meantime I pray that your Excellency will not permit the suggestions of those who neither know nor can appreciate my duties (or the necessity of my occupying, until the campaign opens, a central position), to induce your Excellency to believe that I can be useful, and ought to be, where a subordinate can discharge every duty.

You may rely upon it that a subaltern, whom I would leave in command at this point, would have more important duties devolving upon him than those which would be confided, at an outpost, to the major-general; while the general and governor would be held responsible to the country for any and every failure or delinquency which might occur to the detriment of the army, or the defense of the country.

I have the honor, etc.,

SAM HOUSTON.

P. S. From news received to-day from the mouth of the Brazos (unofficial) I will be ready, on my return from the treaty, to set out with the staff of the army (with your Excellency's order) in three days, for Capano or Matamoros.

SAM HOUSTON."

---

*No. 6.*

REVOLUTIONARY ACTION OF THE COUNCIL.

COUNCIL-HALL, SAN FELIPE, January 3, 1836.

"The president of the council submitted a communication 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 three o'clock." — *Journal*, p. 247.

COUNCIL-HALL, SAN FELIPE, January 3, 1836.

"Col. James Bowie exhibited to the council orders from the commander-in-chief of the army to proceed against Matamoros, and took leave of the council for his departure." — *Journal*, p. 265.

COUNCIL-HALL, January 6, 1836, 3 o'clock p. m.

"Mr. Hanks, from the select committee appointed to wait on James Bowie, to obtain a copy of his orders, reported and presented a copy of same, which was ordered to be filled." — *Journal*, page 266.

---

No. 7.

COUNCIL-HALL, SAN FELIPE, January 7, 9 o'clock.

"Section 1. *Be it resolved*, by the general council of the Provisional Government of Texas, that J. W. Fannin be and he 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 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 or council*, as he may prefer, agreeably to the seventh section of an ordinance and decree, passed the 5th of December, 1835, for raising an auxiliary corps the regular army, and to continue to report, from time to time, as the expedition may progress."

“Section 6. *Be it further resolved*, 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.”— *Journal*, pp. 273, 274.

## RETORT OF GOV. SMITH.

*Extract from the Message of Governor Henry Smith to the President and Members of the Council, Jan. 11th, 1836.*

“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 engaged in and emanated from your caucussing, intriguing body recently, does not show a want of respect for my department, and a total neglect of the sacred oaths and pledges solemnly made by you, I must admit I am no judge.”— *Journal*, p. 292.

The following is the communication which drew forth from Gov. Henry Smith the address to the council which culminated in the dismemberment of that body.

“HEADQUARTERS, WASHINGTON, January 6th, 1836.

*To Governor Henry Smith:*

SIR: I have the honor to inclose to your Excellency the report of Lieut-Col. J. C. Neill of the artillery [San Antonio], and most respectfully request that you will render the cause of Texas and humanity the justice of bestowing upon it your serious attention, and referring it to the general council of the Provisional Government, in secret session. These I may be permitted to hope you will attend in person, that all the essential functionaries of the government may deliberate and adopt some course that will redeem our country from a

state of deplorable anarchy. Manly and bold decision alone can save us from ruin. I only require orders and they shall be obeyed. If the government now yields to the unholy dictation of speculators and marauders upon human rights, it were better that we had yielded to the despotism of a single man, whose ambition might have been *satisfied* by our unconditional submission to his authority, and a pronouncement, for which we were asked, in favor of his power.

In the present instance, the people of Texas have not even been consulted. The brave men who have been wounded in the battles of Texas, and the sick from the exposure in her cause, without blankets or supplies, [these had been appropriated in the Grant expedition to Matamoros,] are left neglected in her hospitals; while the needful stores and supplies are diverted from them, without authority and by self-created officers, who do not acknowledge the only government known to Texas and the world.

Within thirty hours I shall set out for the army, and repair there with all possible despatch. I pray that a confidential express may meet me at Goliad; and if I shall have left, that it may pursue me wherever I may be.

No language can express my anguish of soul. \* \* \*

SAM HOUSTON.

Oh, save our poor Country! send supplies to the wounded, the sick, the naked, and the hungry, for God's sake! What will the world think of the authorities of Texas? Prompt, decided and honest independence, is all that can save them, and redeem our country. I do not fear — I will do my duty.

I have the honor to be, etc.,

SAM HOUSTON.

---

From Goliad, Gen. Houston proceeded to Refugio, and finding plans and movements determined upon beyond his control, returned to headquarters at Washington, from which

point he addressed an exhaustive communication to Gov. Smith under date of January 30, 1836. In this connection the following is of interest:

“ EXECUTIVE DEPARTMENT OF TEXAS, }  
SAN FELIPE, Jan. 28, 1836. }

SIR: You are hereby furloughed until the first day of March next, for the purpose of adjusting your private business, preparatory to your necessary absence, hereafter, from home, in the country's service.

Your absence is permitted in part by the illegal acts of the council in superseding you, by the unauthorized appointment of agents to organize and control the army, contrary to the organic law, and the ordinances of their own body.”

In the meantime, you will conform to your instructions, and treat with the Indians.

Respectfully yours, etc.,

HENRY SMITH, *Governor, etc.*”

To General Sam Houston, Commander-in-Chief of the Army.

### No. 8.

Houston was elected a member of the convention of March 1st and on the 4th the following proceedings were had:

#### HOUSTON RE-ELECTED COMMANDER-IN-CHIEF.

“*In Convention, Friday Morning, 9 o'clock, March 4, 1836.*

“ The convention met pursuant to adjournment, and was called to order by the president.

“ Mr. Collinsworth introduced the following resolution :

“ *Whereas*, We are now in a state of revolution, and threatened by a large invading army from the central government of Mexico ; and *whereas*, our present situation and the emergency of the present crisis, render it indispensably necessary

that we should have an army in the field; and *whereas*, it is also necessary that there should be one superior head, or commander-in-chief, and a due degree of subordination defined, established and strictly observed; therefore,

“*Be it resolved*, That General Sam Houston be appointed major-general, to be commander-in-chief of the land forces of the Texian army, both regulars, volunteers, and militia (while in active service), and endowed with all the rights, privileges and powers due to a commander-in-chief in the United States of America, and that he forthwith proceed to take command, establish headquarters and organize the army accordingly.

“And that General Sam Houston retain such command until the election of a chief executive, and continue in such office, unless suspended by order of the government *de facto*, until the general organization agreeably to the constitution, being always amenable to the laws and civil authorities of the country.

“Which was read, approved, and adopted, in convention, at Washington, on the 4th day of March, A. D. 1836, and second day of the independence of Texas.

“RICHARD ELLIS, *President*.

“Test., H. S. KIMBLE, *Secretary of the Convention*.

---

“WASHINGTON, March 6, 1836.

“*Major-General Sam Houston*:

“SIR — As commander-in-chief of the Texian army, you are ordered forthwith to repair to such place on the frontier as you may deem advisable. You will proceed to establish headquarters, and organize the army. You will require all officers of the army, of whatever grade, to report to you. And, as it is impossible, at this time, to determine any particular point of concentration, you will act according to the emergencies of the occasion and the best dictates of your own judg-

ment, for the purpose of protecting our frontier, and advancing the best interests of our country.

“ You will, as often as you may deem advisable, inform this body, or such other authority as they may establish, of both your acts and the situation of the army.

“ JAMES COLLINSWORTH,

“ *Chairman of the Committee on Military Affairs.*

“ RICHARD ELLIS,

“ *President of the Convention.*”

---

*No. 9.*

Having been re-elected commander-in-chief of the army Gen. Houston issued the following order :

ARMY ORDER.

“ CONVENTION HALL, WASHINGTON, March 4th, 1836.

War is raging on our frontiers. Bexar is besieged by two thousand of the enemy, under the command of Gen. Sesma. Reinforcements are on their march to unite with the besieging army. By the last report our force in Bexar was only one hundred and fifty men. The citizens of Texas must rally to the aid of our army or it will perish. Let the citizens of the east march to the combat. The enemy must be driven from our soil, or desolation will accompany their march upon us.

*Independence is declared; it must be maintained.*

Immediate action, united with valor, can alone achieve the great work. The services of all are forthwith required in the field.

SAM HOUSTON,

*Commander-in-Chief of the Army.*

P. S. It is rumored that the enemy are on their march to Gonzales and that they have entered the colonies. The fate

of Bexar is unknown. The country must and shall be defended. The patriots of Texas are *appealed to, in behalf of our bleeding country.*”

SAM HOUSTON,  
*Commander-in-Chief.*

Having left the convention to take command at Gonzales, he addressed Col. Fannin, after receiving news of the fall of the Alamo:

“HEADQUARTERS GONZALES, March 11th, 1836.

*To Col. Fannin, Commanding at Goliad:*

SIR — On my arrival here this afternoon the following intelligence was received through a Mexican, supposed to be friendly, though his account has been contradicted in some parts by another, who arrived with him. It is therefore only given to you as rumor, though I fear a melancholy portion of it will be found true.

Anselmo Borgara states that he left the Alamo on Sunday the 6th inst. and is six days from Arroche's ranch; that the Alamo was attacked on Sunday morning at the dawn of day, by about two thousand three hundred men, and carried a short time before sunrise by a loss of five hundred and twenty-one Mexicans killed and as many wounded. Col. Travis had only one hundred and fifty effective men, out of his entire force of one hundred and eighty-seven. After the fort was carried seven men surrendered, and called for Santa Anna, and for quarter. They were murdered by his order. Col. Bowie was sick in bed and was also murdered. The enemy expect a re-inforcement of fifteen hundred men under Gen. Cordelle, and a reserve of fifteen hundred to follow them. He also informs us that Ugartechea had arrived with two millions of specie for the payment of the troops. The bodies of the Americans were burned, after the massacre. Alternate layers of wood and bodies were laid together and set on fire. Liéut. Dickinson, who had a wife and child in the fort, after having fought with desperate courage, tied his child to his back and

leaped from the top of a two-story building. Both were killed by the fall.

I have little doubt but that the Alamo has fallen — whether the above particulars are all true may be questionable. You are therefore referred to the inclosed order.

I am, Sir, etc.,

SAM HOUSTON.

P. S. In confirmation of the truth of fall of the Alamo, I have ascertained that Col. Travis intended firing signal guns at three different periods each day until succor should arrive. No signal guns have been heard since Sunday, though a scouting party have just returned who approached within twelve miles of it, and remained there forty-eight hours.”

#### HOUSTON ORDERS FANNIN TO RETREAT.

##### ARMY ORDER.

“HEADQUARTERS, GONZALES, March 11th, 1836.

*To Col. J. W. Fannin, Commanding at Goliad:*

SIR—You will as soon as practicable on 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 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. 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 constantly expected, as well as a rise of water. Prompt movements are therefore highly important.

SAM HOUSTON,

*Commander-in-Chief of the Army.”*

*No. 10.*

LETTER FROM SANTA ANNA BEFORE LEAVING TEXAS FOR WASHINGTON CITY ON HIS WAY TO VERA CRUZ.

“OROZIMBO, November 5, 1836.

*To His Excellency General Sam Houston:*

MY ESTEEMED SIR—Through the channel of your commissioners, and by my conversation with you on the 2d instant, I have manifested to you the importance of my visit to Washington City, to adopt the most effectual mode of terminating the Texian question; and, as time is passing, without any definite action, when it is most precious, I am desirous that you who are so deeply interested in the welfare of this country, should expedite the final determination of this question—using if you should deem it advisable, the following reasons:

When the treaty of the 14th of May was entered into, it was based upon the principle that Texas should form an independent nation, and should acquire a legal existence by means of the acknowledgment of Mexico. But, as that basis has been changed by the recent declaration of the people of Texas in favor of annexation to the United States of the north, it appears to me that, by this declaration, the question is much simplified; because, in future, it will appertain to the cabinet at Washington to regulate this matter, and with whom Mexico will not hesitate to enter into explanations, as a definite treaty is desired. The mode of effecting this important object, without loss of time, is what I hope to attain by my conference with the cabinet at Washington, at the same time conciliating all interests. Convinced as I am that Texas will never reunite with Mexico, I am desirous, on my part, to improve the advantages which may offer, and avoid the sacrifices which will occur should an imprudent attempt be made to reconquer this coun-

try, which has hitherto proved more detrimental than beneficial; consequently reducing the Texian question to this single point — *the regulation of the limits between the United States and Mexico* (“*al arreglo de limites entre los Estados Unidos y Mexico*”), which, you are aware, has been pending many years, and may be fixed at the Nueces, del Norte, or any other boundary, as may be decided on at Washington.

Thus, disagreeable discussions, which might delay the definite termination of this question, or cause a difference between two friendly nations, will be avoided.

This in substance, is a plain, safe and speedy mode of terminating this important matter; and as all are interested, it becomes necessary that you facilitate my journey to Washington with the least possible delay.

In regard to the stipulation in the secret treaty, that my journey should be direct to Vera Cruz, there will be no surprise when the reasons why I first go to Washington City are known; and should I be sent the latter route, I would like that Messrs. Hockley, Patton, and Bee, should accompany me. Should it meet your approbation, you can commission them for that purpose.

I conclude by repeating to you what I have said, both verbally and in writing — that my name, already known to the world, shall not be tarnished by any unworthy action.

Gratitude is my characteristic; so you will have nothing, on your part, to repent.

To you I owe my existence and many favors of which I am deeply impressed; and these I will endeavor to reciprocate as they so justly deserve.

I have the honor to remain,

Your most obedient servant,

ANTONIO LOPEZ DE SANTA ANNA.”

## No. 11.

FROM GEN. HOUSTON TO SANTA ANNA.

“EXECUTIVE DEPARTMENT, CITY OF HOUSTON, }  
March 21, 1842. }

*To His Excellency Antonio Lopez de Santa Anna, President  
of Mexico:*

MOST EXCELLENT SIR—Your communications to Mr. Bee and General Hamilton, dated at the palace of the Government of Mexico, have been recently presented to my notice. At the first convenient leisure, I have not failed to appropriate my attention to the subjects embraced in the scope of your remarks.

They would have met a more ready attention had it not been for a marauding incursion made by a Mexican force upon the defenseless town of San Antonio on the inhabited frontier of Texas. Apprehending that the force had some other character than bandits and plunderers, commanded as it was by regular officers, it produced a momentary excitement and claimed the attention of the Executive; but as the bandits have withdrawn, characterizing their retreat by pillage and plunder, as has been usual with Mexicans, I am left at leisure to resume, in tranquility, the duties of my station.

In reference to your correspondence with Mr. Bee and General Hamilton, I have no remark to make in reference to the communications which those gentlemen assumed the individual responsibility of making to you. The very nature of the correspondence manifests the fact that it was not done under the sanction of this government, but rests solely upon their action as individuals. Had your response regarded them in the light in which they were presented to you it would have superseded the necessity of any notice from me; but, as you have thought proper to laud my conduct as an individual and refer to transactions connected with this country with which I

had official identity — and which I also at this time possess — and as you have taken the liberty, to an unwarranted extent, to animadvert upon circumstances connected with Texas as a nation, I find myself impelled by a sense of duty to refute a portion of the calumnies which you have presented to the world, under the sanction of your official averment.

You seem to have seized upon the pretext of confidential communications unknown to the officers of this government, and unknown to the world until divulged by you, for the purpose of manufacturing a capital of popularity at home, and which you have submitted to the world as a manifesto in behalf of what you are pleased to term the rights of a great nation, “by so many titles respectable.”

Whatever opinions you may have entertained in relation to the difficulties existing between Mexico and Texas, cannot materially vary the facts or the principles involved, nor will they materially influence the decision of mankind upon the justice of our cause.

Decency and self-respect, at least, should have induced on your part the pursuit of a course different from that you have adopted. The abuse and ribald epithets you have applied to the citizens of this country, as well as those of the Mississippi Valley of the United States, are doubtless characteristic of the individual who gave them utterance. So far as the people of this country are concerned I shall refer mankind to a history of facts and circumstances connected with the settlement of the country. I shall pass, with slight notice, your remarks relative to the people of the United States. So far as our origin is connected with them, and a unity of sympathy exists, we are proud to hail them as our kindred, — kindred in blood, kindred in laws, kindred in all the ennobling attributes of humanity. They will hear your ill taunts of defiance with the same contempt and derision that Texians regard your silly gasconade. If they have heretofore sympathized with us, in our struggle for liberty and independence, it was from a

knowledge of the fact that we had been oppressed and deceived by Mexico, and that the cause in which we were engaged was that of humanity, struggling against usurpation and despotism.

The people of Texas were invited to immigrate to this country for the purpose of enjoying equal rights and constitutional liberty. They were promised the shield of the constitution of 1824, adopted by Mexico. Confiding in this pledge, they removed to the country, to encounter all the privations of a wilderness, under the alluring promise of free institutions. Other reasons operated also. Citizens of the United States had engaged in the Revolution of Mexico in 1812. They fought gallantly in the achievement of Mexican independence; and many of them survive, and to this day occupy the soil which their privations and valor assisted in achieving. On their removal here they brought with them no aspirations or projects but such as were loyal to the constitution of Mexico. They repelled the Indian savages, they encountered every discomfort, they subdued the wilderness, and converted into cultivated fields the idle waste of this now prolific territory. Their courage and enterprise achieved that which the imbecility of your countrymen had either neglected or left for centuries unaccomplished. Their situation was not, however, disregarded by Mexico; though she did not, as might have been expected, extend to them a protecting and fostering care, but viewed them as objects of cupidity, and, at last, of jealousy.

The Texians, enduring the annoyance and oppression inflicted upon them, remained faithful to the constitution of Mexico. In 1832 when an attempt was made to destroy that constitution, and when you, sir, threw yourself forward as its avowed champion, you were sustained with all the fidelity and valor that freemen could contribute. On the avowal of your principles, and, in accordance with them, the citizens put down the serviles of despotism at Anahuac, Velasco and Nacogdoches. They treated the captives of that struggle with humanity and

sent them to Mexico, subject to your orders. They regarded you as the friend of liberty and free institutions ; they hailed you as the benefactor of mankind. Your name and your actions were lauded, and the manifestations you had given in behalf of the nation were themes of satisfaction and delight to the Texian patriots.

You can well imagine the transition of feeling which ensued on your accession to power. Your subversion of the constitution of 1824 ; your establishment of centralism ; your conquest of Zacatecas, characterized by every act of violence, cruelty and rapine, inflicted upon us the deepest astonishment. We realized all the uncertainty of men awaking to reality from the unconsciousness of delirium. In succession came your order for the Texians to surrender their private arms. The mask was thrown aside, and the monster of despotism displayed in all the habiliments of loathsome detestation. Then was presented to Texians the alternative of tamely crouching to the tyrant's lash, or exalting themselves to the attributes of freemen. They chose the latter. To chastise them for their presumption, induced your advance upon Texas with your boasted veteran army, a force in number nearly equal to the whole population of the country at that time. You besieged and took the Alamo — but under what circumstances? Not those, surely, which should characterize a general of the nineteenth century. You assailed one hundred and fifty men, destitute of every supply requisite for the defense of the place. Its brave defenders, worn down by vigilance and duty beyond the power of human nature to sustain, were at length overwhelmed by a force of nine thousand men, and the place taken. I ask you, sir, what scenes followed? Were they such as should characterize an able general, a magnanimous warrior, and the president of a great nation, numbering eight millions of souls? No!—manliness and generosity would sicken at the recital of the scenes incident upon your success ; and humanity herself would blush to

class you among the chivalric spirits of the age of vandalism! This you have been pleased to class in the "succession of your victories," and, I presume, you would next include the massacre at Goliad. Your triumph there, if such you are pleased to term it, was not the triumph of arms; it was the success of perfidy! Fannin and his brave companions had beaten back and defied your veteran soldiers. Although outnumbered more than seven to one their valiant, hearty and indomitable courage with holy devotion to the cause of freedom, foiled every effort directed by your general to insure his success by arms. He had recourse to a flag of truce; and, when the surrender of the little patriot-band was secured by the most solemn treaty stipulations, what were the tragic scenes that ensued to Mexican perfidy? The conditions of their surrender were submitted to you and — though you have denied the facts — instead of restoring them to liberty, according to the conditions of the capitulation, you ordered them to be executed, contrary to every pledge given them, contrary to the rules of war, and contrary to every principle of humanity! Yet at this day you have the effrontery to animadvert upon the conduct of Texans relative to your captivity after the battle San Jacinto.

You have presumed to arraign the conduct of the then existing cabinet, and to charge it with bad faith; and, though you are pleased to commend the conduct of the illustrious Stephen F. Austin — the Father of Texas — and myself for acts of generosity exercised towards you, you take care to insinuate that we only were capable of appreciating your proper merits. That you may no longer be induced to misconstrue acts of generosity and appreciate them to the gratification of your self-complacent disposition, I will inform you that they were acts of magnanimity characteristic of the nation to which we belong. They had nothing to do with your merits or demerits. The perfidy and cruelty which had been exercised towards our companions-in-arms did not enter into

our calculation. Your sacrifice would not restore to our gallant companions their lives, nor to our country their services. Although the laws of war would have justified retaliation by your execution, yet, it would have characterized the acts of the nation as influenced by passion and revenge; and would have evinced to the world that individuals that had an influence on the destinies of a people were subject to the capricious influences of vengeance of which you had so recently set an example. So far as I was concerned in preserving your life, and in your subsequent liberation, I was only influenced by considerations of mercy, humanity and the establishment of a national character. Humanity was gratified by your preservation; the magnanimous of all nations would have justified your release, had they known how little your influence was dreaded by the Texians. If upon your return to Mexico, you should have power and the disposition to redeem the pledges you had *voluntarily* made to myself as well as this government, of an earnest disposition to see the independence of Texas recognized by Mexico, I believed it would have a tendency to restore peace to the two nations, diminish the aggregate sufferings of their citizens, and promote the prosperity of both countries. In the event you were not disposed to redeem the pledges thus given, but to urge the prosecution of the war by Mexico against us, I wished to evince to mankind that Texas had magnanimity, resources and confidence, sufficient to sustain them against all your influence in favor of their subjugation.

Your liberation was induced by principles such as these; and, though you tendered pledges, doubtless to facilitate and procure your release, they were received but not accepted as a condition. I believed that pledges made in duress were not obligatory upon the person making them, and if you intended to exercise the influence that you declared you would do that unconditional liberty extended to you would interpose no obstacle to their fulfillment.

Without any advertence to any treaty stipulations which you had made with the cabinet of Texas, I gave you entire liberty, and safe conduct to the city of Washington.

You have asserted to the world that you have given no pledge whatever to the Texian government of your disposition in favor of the separation from Mexico. That the tribunal to which you have appealed may judge of the validity of your assertion, I shall submit with this communication, a letter of yours addressed to me at Columbia [already given] dated the 5th of November, 1836, *after my determination to give you your liberty had been communicated*. I shall present it in the original, accompanied with its translation into English. I will also give publicity to a veto which I communicated to the Senate, in consequence of a resolution of that honorable body respecting your detention as a prisoner.

You have spoken of events subsequent to the battle of San Jacinto, and endeavor to convey the idea that promises had been exorted from you under the rifles of a tumultuous soldiery.

I am at a loss to comprehend your meaning in this reference. When you were brought into the encampment as a prisoner, the day after the battle, you were conducted into the presence of the commander-in-chief, not amid noise and tumult, nor did any exist. When the character of the prisoner was made known to the army, much curiosity was excited; but there was no menace used, or violence offered. You were treated with calmness and every courtesy extended to you that our situation would afford. Had you been a private gentleman and friend you could have received no greater facilities than those that were extended to you. As you desired, you were placed near my person, and not sent with the balance of the prisoners. You were informed that you could have your camp-bed and marquee brought to my quarters,<sup>1</sup> where I lay

<sup>1</sup> On a blanket spread on the ground under a tree. There was not a tent in the Texian army.

confined with my wound. You were permitted to command the services of your attendants; you were also informed that your baggage should be selected from the spoils taken by the army on the field, which was accordingly done and never inspected. These privileges were granted by my order. Your aide-de-camp, Col. Almonte, and your private secretary, were permitted to remain with you in your marquee. A guard was detailed for the purpose of allaying any apprehensions you might have for your personal safety and every liberty extended to you, except your personal release.

You submitted propositions to me embracing the questions of the recognition of Texian independence and the termination of our struggle. I unequivocally refused the acceptance of any offer upon the subject of a treaty alleging, as a reason, that we had a constitutional government, and the subject would properly come before the cabinet of Texas, the members of which would be present in camp within a few days. You urged the further consideration of your proposition upon me declaring that you would rather enter into stipulations with a general of the army than with the civil authorities of the country. I positively declined taking any further action upon them; and they were referred to the cabinet, on its arrival. Declining the consideration of your proposals myself, I required you to issue orders forthwith, to the general next in command, to evacuate Texas with the troops composing the Mexican army and to fall back with them to Monterey. Orders to this effect were issued by you to Gen. Filisola, and dispatched by an express which could not, however, overtake him until he had reached the Colorado, on his retreat, conducted in the greatest panic and confusion. Owing to his precipitate flight and your execution of my orders, the Mexicans were permitted to leave Texas without further molestation.

In the meantime Gen. Adrian Woll, of the Mexican army, came into the encampment at San Jacinto, without my

knowledge, and not upon "my word of honor," nor was I apprised of his presence until I learned that he, together with his aide, had been traversing our lines. So soon as I was advised of this fact I ordered them to my presence, and had them instructed that such conduct would not be tolerated, and caused them to be placed under vigilance. This reason I deemed sufficient to detain Gen. Woll as a prisoner of war. His subsequent conduct to Capt. Dimmitt was such as to justify any unfavorable opinion which I had formed of his character. He had rendered himself so obnoxious to the army, that, from a desire for his personal security, I did not permit his release until he could go in perfect safety. In no respect had the prisoners taken on that occasion reason of complaint. Their lives were all forfeited by the laws of war, conformably to the precedent which you had exhibited. Gen. Cos, who had surrendered in 1835, a prisoner of war at San Antonio, where two hundred and ninety-five Texians stormed and took the Alamo, with the town, when it was defended by seventeen hundred regular troops of Mexico — was again taken prisoner at San Jacinto, after he had violated his parole of honor, by which he had forfeited his life to the law of arms. Yet such was the lenity of the Texians, that even *he* was spared, thereby interposing mercy to prevent reclamation being made for the brave Texians perfidiously massacred.

From the 5th of May (1836), I had no connection with the encampment, nor with the treatment which the prisoners received, until the month of October, when I was inducted into the office of chief magistrate of the nation. It is true that you were chained to an iron bar; but not until an attempt had been made to release you, with your knowledge and assent. A vessel had arrived at Orozimbo, on the Brazos, where you were confined. In the possession of its captain were found wines and liquors mixed with poison for the purpose of poisoning the officers and guard in whose charge you

were, thereby insuring your escape. In consequence of the sensation produced by this circumstance, you were confined and treated in the manner you have so pathetically portrayed.

While confined by my wound in San Augustine, I learned that it was the intention of the army to take you to the theater of Fannin's massacre and there to have you executed. Upon the advertisement of this fact, I immediately sent an express to the army, solemnly protesting against any such act, and interposing every possible obstacle against your further molestation, or any action which might not recognize you as a prisoner of war.

Your recent communications have necessarily awakened advertency to these facts; otherwise they would have remained unrecited by me. Any part which I bore in these transactions is not related in the egotistical style of your communication; it is done alone for the purpose of presenting the lights of history. You have sought to darken its shades, and appeal to the sympathies, and would command the admiration of mankind, and have even invoked the prismatic tints of romance.

Now, the tribunal to which you have appealed will have an opportunity of contrasting the treatment which you and the prisoners taken at San Jacinto received, with that of those who have fallen within your power, and particularly those perfidiously betrayed on a recent trading excursion to Santa Fe. You have endeavored to give that expedition the complexion of an invading movement upon the rights of Mexico. To believe you serious in the idle display of words on this occasion, would be presenting an absurdity to the common sense of the age. Your fears may have given it a character different from that to which it was entitled. Examine the circumstances accompanying it. It was not an act of Texas; Congress had refused to sanction any enterprise of the kind. A number of individuals were anxious to open a lucrative trade — as they believed it would be — with Santa Fe. Such

a commerce has been carried on for years by the citizens of the United States, from Missouri; and the preparations connected with the fact that the citizens took with them a considerable amount of merchandise, show that their enterprise was not one of conquest or invasion. You may allege that it had connection with the government from the fact that the President identified himself with it by furnishing arms to those connected with the project. This may have induced you to characterize the expedition as you have in your tirade against Texas. Whatever part the President bore in this transaction was contrary to law and in violation of his duty. A large portion of the people of Texas were not apprised of the existence of such an enterprise. You doubtless would insist that it had the means of offense against Mexico. So far as their preparations could give character to the undertaking by carrying with them artillery and other munitions of war, it can be accounted for most readily. They had to pass through a wilderness six hundred miles from the frontier of Texas before they could reach Santa Fe. It was reasonable to suppose they would encounter many hostile tribes of Indians; and it was proper and necessary that they should be in a situation to repel any attack made upon them; and, as their objects were pacific, they were justified in resisting aggression from any quarter. The instructions given to them did not contemplate hostilities, but that the enterprise should terminate without bloodshed or violence. Scientific men from Europe and the United States accompanied them, not for war-like purposes, but for the purpose of adding rich stores to the treasury of science. It had likewise been communicated to the people of Texas that all the inhabitants east of the Rio Grande were anxious to enjoy the benefits of our institutions. You cannot allege that you were not willing to admit the justice of our claim to the Rio Grande, or that you were not anxious to facilitate the object. Your communication to me on that subject is conclusive; Texians were apprised of it from

your repeated declarations to that effect while in this country and on your way to Washington City. At the time the expedition started no hostilities were carried on between this country and Mexico. Commissioners from Gen. Arista were at Austin at the time the party started for Santa Fe. They were kindly received, and made the most sincere professions of amity and reconciliation with this government. They were treated with kindness and corresponding commissioners appointed to General Arista. To them every civility was extended, and they were permitted to return without molestation. This was the attitude of the two countries, at that time. Will you allege that this was not sanctioned by your government — or will you insist that it was a trick of diplomacy? For myself I would not have been deluded by any professions which might have been tendered to Texas by Mexico, when a departure from the most solemn pledges would result in injury to the former, and benefit to the latter. That the ministers of General Arista played their parts with fidelity to their instructions I have no doubt; and that all the information which could be derived, in relation to the trading company, was faithfully transmitted to the government of Mexico. Nor do I doubt but that the population of the northern parts of your country, so soon as the intelligence was received, were thrown into the utmost consternation; and a nation numbering 8,000,000 of people inhabiting valleys, mountains, towns and large cities," "by so many titles respectable," was convulsed at the apprehended approach of three hundred Texian traders. But what has been the sequel of this expedition? On their approach to the settlements of the Rio Grande they obtained supplies from the inhabitants, not as a hostile and marauding party, but paid a valuable consideration for every supply which they obtained. They were met by the Mexican authorities with overtures of peace, assurances of friendship, and pledges of security, provided they would give up their arms for the purpose of tranquilizing the Mexi-

can population. Detached, as the company was, into parties remote from each other, and deluded by pledges, they acquiesced in the wishes of the authorities of the country; thereby evincing to them that they had no disposition to disturb the tranquility of the inhabitants, and that their objects were pacific. But no sooner were they in the power of the authorities, than they were stripped of their clothing, deprived of everything valuable, treated in the most barbarous manner and marched like convicts to the city of Mexico. On their route every act of inhumanity, cruelty and hatred were evinced. When their sick and helpless condition required the assistance of Christian charity and humanity it was denied them. They were barbarously shot, their bodies mangled and their corpses left unburied. The butchery of McAllister,<sup>1</sup> Galphin, Yates, and others appeal to heaven and this nation for retribution upon the heads of their inhuman murderers.

You may allege that you did not authorize the perpetration of these outrages, committed upon men who had violated no rule of law known to this civilized age. This will be no excuse for you. Your sanction of these acts is as culpable as their perpetration was degrading to their authors. Their detention as prisoners by you may gratify the malignity of little minds; but the just, the chivalric, the brave, and the generous of all nations may pity, but must despise your conduct. Had it not been for the faithless professions tendered to them, and their too ready belief, they could have maintained their position against all the forces of northern Mexico, and, if necessary, could have made good their retreat to their homes, defying the "generous effort of the people of New

<sup>1</sup> McAllister's ankle was inflamed and exceedingly painful, but he was ordered to march with the other prisoners. *It was impossible.* He could have been allowed to ride, as there were several spare mules, but Salazar, in a rage, ordered him to march. He again declared he could not. "Forward, or I will shoot you on the spot," said Salazar. "Then shoot, and the quicker the better," McAllister replied, baring his breast. He was instantly killed and his ears cut off as evidence that he had not made his escape.

Mexico." Your conduct on this occasion will present your humanity and sense of propriety in very awkward contrast with the treatment extended to you and your followers after the victory of San Jacinto, being not, as you suppose, one of the "freaks of fortune," but one of the accompaniments of that destiny which will mark the course of Texas until the difficulties between the two countries shall be satisfactorily adjusted.

But you declare you will not relax your exertions until you have subjugated Texas; that you have "weighed its possible value," and that you are perfectly aware of the magnitude of the task you have undertaken; that you "will not permit a Colossus within the limits of Mexico; that our title is that of "theft and usurpation;" and that the "honor of the Mexican nation demands of you the reclamation of Texas;" that "if it was an unproductive waste, useless, sterile, yielding nothing desirable, and abounding in nothing but thorns to wound the feet of the travelers," you would not permit it to exist an independent government, in derision of your national character, your hearths and your individuality. Allow me to assure you that our title to Texas has a high sanction; that of purchase — because we have performed our conditions; — that of conquest — because we have been victorious. It is ours because you cannot subdue us; it has been consecrated ours by the blood of martyred patriots; it is ours by the claims of patriotism, superior intelligence, and unsubduable courage. It is not a sterile waste, nor a desert; it is the home of freemen; it is the land of promise; it is the garden of America.

Every citizen of Texas was born a freeman, and he would be a recreant to the principles imbibed from his ancestry, if he would not freely peril his life, in defense of his home, his liberty and his country. Although you are pleased to characterize our occupation of Texas and defense of our imprescriptible right, as "the most scandalous robbery of the present age," it is not one-fourth of a century since Mexico perpetrated a similar

robbery upon the rights of the crown of Spain. The *magnitude* of the theft may give dignity to the robbery; in that you have the advantage. That you should thus have characterized a whole nation I can readily account for. Heretofore you entertained the opinion that Mexico could never conquer Texas; that, if it were possible to drive every Texian from the soil, Mexico could not maintain her position on the Sabine; and the retreat of her army would be the signal for the return of the Anglo-Saxon race, who would re-occupy their homes, and pursue the Mexicans as far as the Rio Grande; and that Mexico, in preservation of the integrity of the territory she then possessed would gain an advantage by abandoning all hope of conquering Texas, and directing her attention to the improvement of her internal condition. Your recent opinions, as declared by you, appear to be at variance with these speculations; and are most vehemently avowed. It is an attribute of wisdom to change opinions upon conviction of error; and perhaps for it you are justifiable — at least I discover you have one attribute of a new convert; you are quite zealous and wordy in the promulgation of the doctrine you have espoused.

Sir, from your lenity and power Texas expects nothing — from your humanity less; and when you invade Texas you will not find thorns to wound the foot of the traveler; but you will find opposed to Mexican breasts, arms wielded by freemen, of unerring certainty, and directed for a purpose not to be eluded. Texians are not for gewgaws and titles. They battle not to sustain dictators or despots. They do not march to the field unwillingly; nor are they dragged to the army in chains, with the mock title of volunteers. For a while they lay by the implements of husbandry, and seize their rifles. They rally in defense of their rights, and when victory has been achieved they return to the cultivation of the soil. They have laws to protect their rights; their property is their own. They do not bow to the will of a despot; but they bow to the majesty of the constitution and laws. They are freemen indeed. It

is not so with your nation; from the alcalde to the dictator all are tyrants in Mexico, and the community is held in bondages subject, not to the law, but to the will of a superior and confined in hopeless subjection to usurpation.

In an individual so intelligent as yourself it does seem to me that you have evinced very bad taste in adverting to the subject of slavery in the internal affairs of this country. Your opinions on this subject, while here, were freely and frankly avowed. You then believed that it would be a great advantage to Mexico to introduce slave labor into that country; that it would develop her resources, by enabling her to produce cotton, sugar and coffee for purposes of exportation; and that, without it, she would be seriously retarded in her march to greatness and prosperity. Your sympathy and commiseration, at present expressed, are, no doubt, very sincere; and I only regret that they partake so little of consistency. You boast that Mexico gave the noble and illustrious example of emancipating her slaves. The fact that she has the name of having done so, has enabled you to add another flourish to your rhetoric; but, the examination of facts, for one moment, will disclose the truth. The slaves of Mexico, you say, were emancipated. Did you elevate them to the condition of freemen? No, you did not—you gave them the name of freemen but you reduced the common people to the condition of slaves. It is not uncommon in Mexico for one dignitary, upon his hacienda, to control from one hundred to ten thousand human beings in a state of bondage more abject and intolerable than the negroes on any cotton plantation in this country. If any individual in Mexico owes but twenty-five cents, the creditor, by application to an alcalde, can have him with his family, decreed to his service, and remain in that state of slavery until he is able to pay the debt from the wages accruing from his labor after being compelled to subsist his dependent family. This you call *freedom*, and graciously bestow your sympathy upon the African

race. The Abolitionists of the present day will not feel indebted to you for your support of their cause. Had some one else than the dictator of Mexico, the self-styled "Napoleon of the West," the subverter of the constitution of 1824, the projector of Centralism, and the man who endeavors to reduce a nation to slavery, become their advocate, they might have been more sensible of their obligations. So far as its increase can be prevented, our constitution and laws have presented every obstacle. They will be maintained to the letter; and, on account of slavery, Texas will incur no reproach.

You touchingly invite "Texas to cover herself anew with the Mexican flag." You certainly intend this as a mockery. You denied us the enjoyment of the laws under which we came to the country. Her flag was never raised in our behalf nor has it been seen in Texas except when displayed in an attempt at our subjugation. We know your lenity—we know your mercy—we are ready again to test your power. You have threatened to plant your banner on the banks of the Sabine. Is this done to intimidate us? Is it done to alarm us? Or do you deem it the most successful mode of conquest? If the latter, it may do to amuse the people surrounding you. If to alarm us, it will amuse those conversant with the history of your last campaign. If to intimidate us, the threat is idle. We have desired peace. You have annoyed our frontier; you have harassed our citizens; you have incarcerated our traders, after your commissioners had been kindly received, and your citizens allowed the privilege of commerce in Texas without molestation. You continue aggression; you will not accord us peace. *We will have it.* You threaten to conquer Texas; we will war with Mexico. Your pretensions with ours you have referred to the social world and to the God of battles. We refer our cause to the same tribunals—the issue involves the fate of nations. Destiny must determine—its event is only known to the tribunal

of heaven. If experience of the past will authorize speculations of the future, the attitude of Mexico is more problematical than that of Texas.

In the war which will be conducted by Texas against Mexico, our incentive will not be a love of conquest; it will be to disarm tyranny of its power. We will make no war upon Mexicans or their religion. Our efforts shall be made in behalf of the liberties of the people; and directed against the authorities of the country, and against your principles. We will exalt the condition of the people to representative freedom. They shall choose their own rulers—they shall possess their property in peace; and it shall not be taken from them to support an armed soldiery for purposes of oppression. With these principles we will march across the Rio Grande, and, believe me, sir, ere the banner of Mexico shall triumphantly float upon the banks of the Sabine, the Texian standard of the single star, borne by the Anglo-Saxon race, shall display its bright folds in Liberty's triumph, on the Isthmus of Darien.

With the most appropriate considerations, I have the honor to present you my salutations.

SAM HOUSTON."













<http://stores.ebay.com/Ancestry-Found>

<http://stores.ebay.com/Ancestry-Found>

<http://stores.ebay.com/Ancestry-Found>



Thank you for your order !

This media compilation, our respective advertisements and marketing materials are protected under U.S. Copyright law. The Federal Digital Millennium Copyright Act and various International Copyright laws prohibit the unauthorized duplication and reselling of this media. Infringement of any of these written or electronic intellectual property rights can result in legal action in a U.S. court.

If you believe your disc is an unauthorized copy and not sold to you by **Rockyguana** or **Ancestry Found** please let us know by emailing at

<mailto:dclark4811@gmail.com>

It takes everyone's help to make the market a fair and safe place to buy and sell.