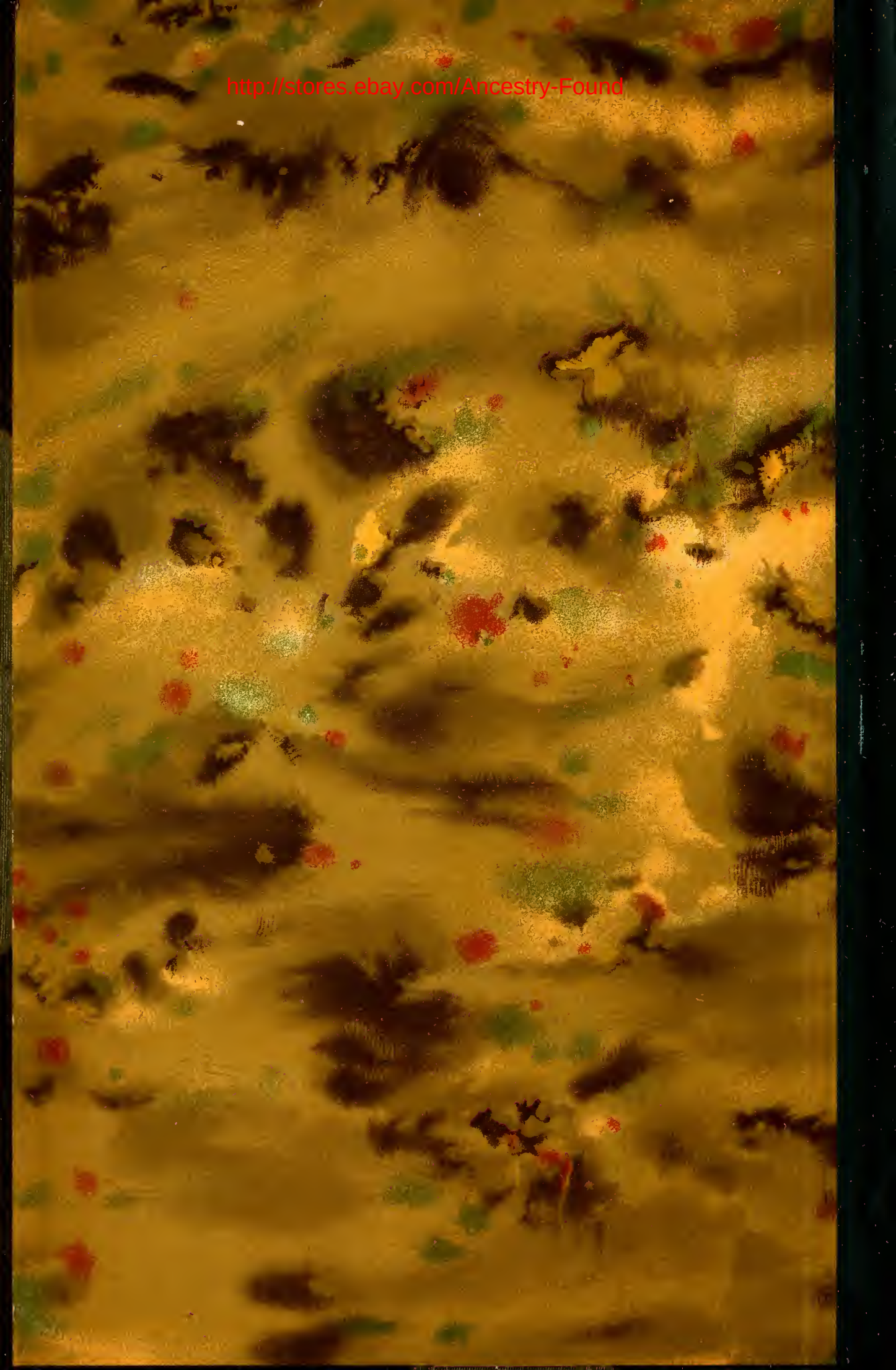


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A HISTORY OF TEXAS

Volume Four



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ANSON JONES
The Architect of Annexation

A HISTORY OF TEXAS

FROM WILDERNESS TO
COMMONWEALTH

BY
LOUIS J. WORTHAM, LL. D.

IN FIVE VOLUMES
VOLUME FOUR



1924
WORTHAM-MOLYNEAUX COMPANY
FORT WORTH, TEXAS

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Printed in the United States of America

Printing and Binding by
THE WORLD COMPANY, INC.
Fort Worth, Texas

Electrotyping by
SAM ROSS MCELREATH
Fort Worth, Texas

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A HISTORY OF TEXAS

VOLUME IV.

CHAPTER L.

ANNEXATION IS REFUSED.

PRESIDENT JACKSON'S action in recognizing the independence of Texas during the closing hours of his second administration was a genuine service to the infant republic. The fear which the Texan ministers felt that Martin Van Buren, the new president, would be wary of the whole matter was amply borne out after he was inaugurated. Jackson had told Wharton and Hunt, at their midnight conference on Friday, March 3, that the secretary of state would officially receive a minister from the newly recognized republic the following Monday. But Van Buren was inaugurated on Saturday, and that circumstance changed the whole situation. The Texan minister was not received on Monday. As a matter of fact four months passed before he was received, the technical objection being raised that the credentials of Memucan Hunt, who was to remain in Wharton's place, were not drawn in due form. And meantime the commission of Alcée La Branche, whom Jackson had appointed chargé d'affaires to Texas, was not delivered to him until two weeks after Hunt's reception.

Van Buren and his advisers were fully aware that as soon as a Texan minister was formally received there

would be laid before them the proposal that the United States annex Texas. They did not want to face that question until they were compelled to. They were playing for time in order to watch the trend of public opinion, though it is probable that Van Buren and his secretary of state, Forsyth, already had decided to reject the proposal when it should be made. Mexico, in the meantime, promptly protested against Jackson's action in recognizing the independence of Texas and, in support of the contention that such recognition was not warranted, quoted Jackson's first message to congress on the subject with telling effect. Forsyth replied that the recognition of Texas did not indicate any unfriendly disposition toward Mexico on the part of the United States, and did not mean that the United States had any intention of interfering in the trouble between Texas and Mexico. This reply, to say the least, did not brighten the outlook for annexation.

Nor did the trend of public opinion in the United States give any encouragement to the belief that this outlook would be changed in the near future. Public expressions of various kinds in the Northern states were decidedly unfriendly to the proposal. It was denounced as a scheme of Southern slaveholders to increase their power in national affairs, and although Hunt, in his dispatches to Texas, professed to believe there was hope the president would favor annexation, the truth was that this increasing sentiment in the North presented such dangerous political possibilities that Van Buren was coming decidedly to the conviction that the Texas question was one to be handled with gloves.

When the question could not be dodged any longer,

however, Van Buren faced it squarely. Hunt was formally received on July 6, 1837, and on August 4 he submitted to the state department the proposal that Texas should be annexed by the United States. He set forth, in a lengthy communication, the leading facts of the history of Texas, including an account of the events leading up to the declaration of independence, and then stressed the advantages which would accrue to the United States and to Mexico, as well as to Texas, in consequence of such annexation. "In the short period of two years," he said, "Texas has revolted, formed a provisional government, declared her independence, achieved it by the sword, formed and adopted a civil constitution, established a permanent government, and obtained at the hands of one of the most powerful governments in the world the acknowledgment of her independence."

"Texas," he continued, "in seeking to place herself among the states of the Union, is prompted mainly by a filial reverence for the constitution and the people of the United States. She has no expectation of an invasion, much less of a reconquest, at the hands of Mexico. The humiliating defeat and capture of General Santa Anna at San Jacinto is too fresh upon the memories of her soldiery to justify the indulgence of any such apprehensions. Nor does she seek annexation as a shield of protection against the interference of European monarchies. Since the recognition of her independence by the government of this country, she has too much reliance upon the wisdom and the justice of England and France to suppose that either of the crowned heads of those two nations will occupy any

other than positions of the most decided neutrality with reference to the difficulties between Mexico and herself, and should this proposition of annexation not be acceded to by this government, she confidently expects at the hands of every civilized nation of Europe the honors of a recognition as a preliminary step to the formation of treaties of amity and commerce.

“In reviewing the interests of the two republics, involved in this question of annexation, the undersigned cannot concede that the United States encounters an equal sacrifice with the people of Texas. Texas brings to this negotiation not only the resources already recapitulated, but her sovereignty. She brings, too, that which, in the eyes of the naval powers of Europe, will constitute the material ground for the formation of the most liberal commercial treaties, viz., her immense forests of live oak, comprising, according to the estimate of President Houston, in his message of the 5th of May, 1837, ‘four-fifths of all that species of timber now in the world.’ She brings, too, a market for all the various manufactures and for all the agricultural products, excepting those of cotton and sugar, and these she will contribute from her own soil to swell the already colossal amount of the exports of this nation. The territory, and with it the enterprise of the country, will be extended; her political power will be increased, and the undersigned trusts that he will not be considered intrusive in expressing his deep conviction that the union of these states will be strengthened by the annexation of a people whose proudest impulses are for its continuance and glory.

“What advantages the United States brings to this

negotiation the undersigned will not presume to suggest. Her immense resources, her splendid fleets, her power to raise armies, her magnificent government, her unexampled career of prosperity, her incomparable administration of justice and, finally, all her attributes of greatness, are sources of as much congratulation to the people of Texas as they can possibly be to herself. What Texas wishes at the hands of the government of this Union is simply annexation, an amalgamation of flags; and the undersigned assures the Honorable the Secretary of State that this is the solitary advantage which he seeks to gain in this negotiation, but which he begs leave to say he hopes to accomplish upon the high principle of a strict adherence to the just rights and dignity of the sovereignty of the Texan nation.

“The undersigned will not conceal from the Honorable the Secretary of State his apprehensions that any delay in the conclusion of the treaty of annexation may be fatal to its ultimate accomplishment. Diplomatic relations with foreign powers are now in progress of being established, and the result of these interchanges will be commercial treaties, involving difficulties which may be insurmountable in any subsequent arrangement of the question; and, therefore, the undersigned is especially instructed to urge, with as little delay as possible, the immediate discussion and negotiation of a treaty of annexation. Texas is not disposed to yield to any foreign nation the privileges of her coast, involving command of the Gulf of Mexico, nor can she concede them to the United States, unless in a treaty of union. As an independent power, her interests would conflict with those of the United States; and, without annex-

ation, her struggle in the formation of commercial treaties would most naturally be directed to the establishment of the principle of a preference of her cotton and other products in foreign markets over those of the United States; and such relations, when once established, would, it will be at once perceived, very much embarrass, if not render totally impracticable, a treaty of annexation.

“It is a matter not to be disguised, that Texas must chiefly people her extensive domain from the United States. With a soil better adapted to the cultivation of cotton and sugar than that of this country, and with all the benefits of commercial treaties concentrated upon the advancement of these two interests, she would present herself as a powerful rival to the agriculture of this Union. With the same political institutions, a cheaper soil, and superior advantages to the cotton and sugar planter, she would drain this country of much of its most valuable labor and population, but whether to such an extent as seriously to affect the interests of the United States, the undersigned will not presume to suggest. Texas, too, as an independent nation, must, in the regulation of her land system, present, in the cheapness of her prices, the highest inducements to emigration, and will, no doubt, soon claim the attention of that Trans-Atlantic enterprise and capital which now flow into the United States.

“The undersigned begs leave most respectfully to suggest to the Honorable the Secretary of State, that, in the event of Texas remaining in the attitude of an independent power, there will arise, from the very strict resemblance of the people and the institutions of

the two countries, many questions of conflicting interest, the adjustment of which will be most difficult and painful. It would be impossible for the people of Texas to regard those of the United States in the character of foreigners, and separated from one another by only an imaginary line. It may fairly be predicted that the local authorities of the two powers would come into frequent and violent collision. The administration of the law would be interrupted, or its penalties evaded; and, in the general entanglement of jurisdictions upon the frontier, it is feared that public justice would not be well sustained. It would be impracticable for either power to enforce its revenue system; and should the tariffs of the two countries differ essentially, as must be the case, nothing but the enforcement of the most cruel and unpopular laws could possibly secure the just collection of custom-house duties.

“The undersigned, in discussing this question, begs to call the attention of the Honorable the Secretary of State to the fact, that the annexation of Texas would ensure to the United States the complete command of the Gulf of Mexico. There is no point on the whole coast of that magnificent sea more admirably suited to the purposes of a naval depot than Galveston; and, situated as it is, in the midst of interminable groves of live oak, ships of war might be built and equipped for sea, as it were, within sight of the very forests out of which they were constructed. This country having already a vast interest to protect on the shores of the Gulf of Mexico, the concentrated trade of the west, at New Orleans, of Alabama, at Mobile, and of the Florida cities, would find in the possession of Texas the means

of occupying a position of decided supremacy over the waters of the gulf; and it is questioned whether even the possession of Cuba would bring with it those facilities of controlling and keeping in check the pretension of a rival power, which would accrue from the extension of the limits of the United States to the line of the Rio del Norte.

“It is most respectfully suggested whether the annexation of Texas would not contribute to ensure the peace of the Indian frontier of the two countries, and thus extend to the farthest southwest the boundaries of civilization, and the protection and privileges of order and good government. By her admission into the Union, the present southwestern states could be easily protected from the numerous tribes of the Comanches and other savages now accumulated on their frontier; and it is questioned whether anything would so impress the minds of the Indian warriors with a sense of our power as the union of two peoples, whom, even divided and single-handed, they found to be invincible in arms.

“The undersigned most respectfully represents to the Honorable the Secretary of State, that in this paper he does not presume to have presented all the inducements to the union of the two republics. He has not thought it respectful to trespass upon the attention of the Honorable the Secretary of State, either by an extended detail of the resources of Texas, or of the mutual benefits involved in a treaty of annexation. The mineral wealth of the country, comprising valuable mines of silver and lead, immense strata of iron and coal, and salt springs in great abundance, has not been properly appreciated. Nor has the undersigned thought it nec-

essary to allude to the immense fur trade which would be thrown into the lap of the enterprise of the United States by the annexation of Texas. The great aid and facilities which Texas, as an integral part of the Union, might render to the adventurous traders, who, in caravans, penetrate from Missouri to Santa Fe, and in general to the inland trade of the United States, with the countries bordering on the Pacific, have all been left unexplained; and the undersigned throws himself upon the courtesy of the Honorable the Secretary of State in desiring him to believe that, as he has not entered into any of the details of such a treaty of annexation as Texas might propose, but confined himself to the submission of the proposition itself, so he has not thought fit to discuss severally all the various interests involved, but merely has subjected them to a general, and, he trusts, a candid review.

“In closing this paper, the undersigned appeals to the Honorable the Secretary of State, and referring him to the details of the Texan revolution herein set forth, asks, in the name of national honor, humanity and justice, if a nation whose career has been marked, like that of Mexico, by constant violation of the most solemn treaty obligations, by a series of the most licentious revolutions, by a most shameful prostitution of the lives, liberties, and the property of her people, and, in short, by every act of perfidy and cruelty recorded in the history of barbarians, has not thereby forfeited all claims to the respect of the governments of civilized nations? Look to her continued interruptions of the peaceful citizens of Texas, industriously engaged in the improvement of their estates and in the actual aggrandizement

of the Mexican empire; to her demolition by military force of the constitution of 1824; to her bloody war of extermination under President Santa Anna; to her butchery of those gallant Texans who surrendered their arms under the sacred flag of a capitulation in which their lives were guaranteed; and pronounce if the enormity of her misdeeds entitles her to be any longer considered, the undersigned will not say a nation of responsibility, but even humanity. The undersigned, however, forbears to continue this appeal, so irrelevant, and perhaps so unnecessary, to the due consideration of the subject under discussion. The world will do ample justice to the magnanimity of Texas, in forbearing to visit upon the heads of the recreant tyrant and his captured host that retaliation which their offenses against the laws of nations and the rights of mankind so signally deserved.

“In conclusion, the undersigned most respectfully begs leave to congratulate the Honorable Secretary of State upon the spectacle exhibited in this discussion, and which is so honorable a commentary upon the excellence of the government of this country, viz., a sovereign, free, and warlike people, fresh from the fields of their own victories and glory, seeking to surrender their nationality as the price of a place among the United States, to become participants of the wisdom of its laws, and the renown of its arms.”

Van Buren and Forsyth devoted three weeks to the consideration of this forceful document and to the framing of a reply. Meantime, no intimation was given as to what the character of the reply would be. Hunt seems to have been confident that it would be

favorable, and that the very least to be expected would be a postponement of final disposition of the question. It was for this reason, indeed, that he had urged the importance of prompt action. When Forsyth finally sent the reply to Hunt, on August 25, it was found that it not only rejected the proposal, but refused to consider it at all. Moreover, Forsyth went to great pains to impress the Texan minister with the fact that this refusal was final.

“In giving to the undersigned instructions to present, in reply, a prompt and decisive indication of the course it has been deemed necessary to adopt,” wrote Forsyth to Hunt, “the President indulges the confident expectation that no unfriendly spirit towards the government or the people of Texas will or can be imputed to the United States.

“Neither the duties nor the settled policy of the United States permit them to enter into an examination of the accuracy of the historical facts related by General Hunt, nor to allow them, if even admitted to be correct, to control the decision of the question presented by him. The United States were foremost in acknowledging the independence of Mexico, and have uniformly desired and endeavored to cultivate relations of friendship with that power. Having always, since the formation of their government, been exempt from civil wars, they have learnt the value of internal quiet, and have consequently been anxious yet passive spectators of the feuds with which their neighbor has been afflicted. Although, in the controversy between Texas and Mexico, circumstances have existed, and events have occurred, peculiarly calculated to enlist the sympathies of our

people, the effort of the government has been to look upon that dispute also with the same rigid impartiality with which it has regarded all other Mexican commotions.

“In determining with respect to the independence of other countries, the United States have never taken the question of right between the contending parties into consideration. They have deemed it a dictate of duty and policy to decide upon the question as one of fact merely. This was the course pursued with respect to Mexico herself. It was adhered to when analogous events rendered it proper to investigate the question of Texan independence. That inquiry was made with due circumspection, and the result was not arrived at until its probable consequences had been accurately weighed. The possibility of a collision of interests, arising, among other causes, from the alleged superior aptitude of the climate and soil of Texas for the growth of some of the staples of the United States, was not overlooked. A sense of duty and a reverence for consistency, however, it was considered, left this government no alternative, and it therefore led the way in recognizing Texas. A hope was certainly entertained that this act, and the motives that conduced to it, even if no other considerations were to have influence, would point out to the government of Texas the propriety not only of cherishing intimate and amicable relations with this country, but of abstaining from other connections abroad which might be detrimental to the United States. Apart from this, however, it was presumed that government would enter upon the execution of the intentions intimated by its Envoy Extraordinary, with respect to con-

nections with foreign powers, with a full understanding of the just and liberal commercial stipulations existing between the United States and other nations. A pervading principle of those compacts is impartial treatment of the citizens, vessels, and productions of the parties in their respective territories. As it was not to be believed that the commercial allies of the United States would swerve from their engagements, no apprehension was felt that the interests of this country would suffer from the arrangements which Texas might enter into with them.

“The question of the *annexation* of a foreign independent state to the United States has never before been presented to this government. Since the adoption of their constitution, two large additions have been made to the domain originally claimed by the United States. In acquiring them, this government was not actuated by a mere thirst for sway over a broader space. Paramount interests of many members of the confederacy, and the permanent well-being of all, imperatively urged upon this government the necessity of an extension of its jurisdiction over Louisiana and Florida. As peace, however, was our cherished policy, never to be departed from unless honor should be perilled by adhering to it, we patiently endured for a time serious inconveniences and privations, and sought a transfer to those regions by negotiation, and not by conquest.

“The issue of those negotiations was a conditional cession of these countries to the United States. The circumstance, however, of their being colonial possessions of France and Spain, and therefore dependent upon the metropolitan governments, renders these trans-

actions materially different from that which would be presented by the question of the annexation of Texas. The latter is a state with an independent government, acknowledged as such by the United States, and claiming a territory beyond, though bordering on, the region ceded by France in the treaty of the 30th of April, 1803. Whether the constitution of the United States contemplated the annexation of such a state, and if so, in what manner that object is to be effected, are questions, in the opinion of the President, it would be inexpedient, under existing circumstances, to agitate.

“So long as Texas shall remain at war, while the United States are at peace with her adversary, the proposition of the Texan Minister Plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce, which will be scrupulously observed on their part, so long as it can be reasonably hoped that Mexico will perform her duties and respect our rights under it. The United States might justly be suspected of a disregard of the friendly purposes of the compact, if the overture of General Hunt were to be even reserved for future consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico; a disposition wholly at variance with the spirit of the treaty, with the uniform policy and the obvious welfare of the United States.

“The inducements mentioned by General Hunt, for the United States to annex Texas to their territory, are duly appreciated; and, powerful and weighty as certainly they are, they are light when opposed in the scale of reason to treaty obligations and respect for

that integrity of character by which the United States have sought to distinguish themselves since the establishment of their right to claim a place in the great family of nations. It is presumed, however, that the motives by which Texas has been governed, in making this overture, will have equal force in impelling her to preserve, as an independent power, the most liberal commercial relations with the United States. Such a disposition will be cheerfully met in a corresponding spirit by this government. If the answer which the undersigned has been directed to give to the proposition of General Hunt should unfortunately work such a change in the sentiments of that government as to induce an attempt to extend commercial relations elsewhere, upon terms prejudicial to the United States, this government will be consoled by a consciousness of the rectitude of its intentions, and a certainty that although the hazard of transient losses may be incurred by a rigid adherence to just principles, no lasting prosperity can be secured when they are disregarded."

This reply was hardly what Hunt had expected. Not only was it extremely disappointing to him because of its flat refusal to consider the question of annexation, but the "holier-than-thou" tone assumed by Forsyth, which seemed to imply that Hunt had proposed something dishonorable, angered him. He was well aware that the reasons given for the refusal were not the real reasons. He knew that it was the opposition expressed in the Northern states, and not any fear of violating treaty obligations, which was responsible for Van Buren's decision. In the light of the circumstance that the United States had sought to purchase Texas from

Mexico, at a time when that country was quite as much at war with Spain as Texas could be said to be at war with Mexico, and that Van Buren himself, as Jackson's secretary of state, had given Butler his instructions with respect to that attempted purchase, the "high moral tone" assumed very properly appeared to Hunt as sheer hypocrisy. If the new Republic of Mexico had a right to dispose of territory formerly belonging to Spain, before Spain had recognized that right, why did not the new Republic of Texas have the right to dispose of territory formerly belonging to Mexico before Mexico recognized that right? If Van Buren, as Jackson's secretary of state, had seen no violation of treaty obligations to Spain in proposing to purchase Texas from Mexico, on what ground did he conclude that it would be a violation of treaty obligations to Mexico if, as president of the United States, he should consent to the proposal of the Republic of Texas to annex the territory over which that republic maintained jurisdiction? Hunt saw no difference of principle between the two cases, and very naturally he resented the plain implication of Forsyth's reply that he had proposed that the United States do something dishonorable in order to reap a profit. Moreover, there were other phrases in Forsyth's note which irritated and annoyed him and seemed to call for reply. This was especially true of the reference to the circumstance that the United States had been the first to recognize the independence of Texas, and the evident assumption that Texas should feel peculiarly grateful for this, even to the extent of refraining from entering into advantageous relations with other nations on account of it. Hunt, therefore,

could not resist the impulse to reply to Forsyth, in spite of the probability that such a reply would be futile. Accordingly, on September 12, he handed the American secretary of state a communication which Rives has characterized as "somewhat uncivil," but which, nevertheless, was not without sound basis.

"The venerable ex-President, General Jackson," wrote Hunt, "was so strongly impressed with a belief, at one time during his administration, that the negotiation then pending for the acquisition of Texas would be brought to a speedy and favorable issue, that he tendered the office of Governor of the Territory of Texas to the late Governor H. G. Burton, of North Carolina, to be entered upon so soon as the treaty of cession should be completed. See a publication on the subject of Governor Burton's appointment. The same principles, it appears to the undersigned, were involved in the negotiations for the acquisition of Texas from Mexico, previously to the recognition of the independence of the latter by Spain, which are now presented by the question of the annexation of Texas to the United States previously to the recognition of *her* independence by Mexico; and had his Excellency the President of the United States entertained any inclination to negotiate a treaty for the annexation of Texas—a hope which had been fondly cherished, as he had expressed a determination to carry out the measures and conform to the general policy of his venerable predecessor—it does appear to the undersigned, but with distinguished deference to the Honorable Mr. Forsyth's opinions to the contrary, that neither a sense of duty, nor the settled policy of this government, during the administration

of the venerable ex-President, would have prevented an examination into the accuracy of the historical facts accompanying the proposition. That brief compendium, which is believed to be correct, will show that there is as little prospect of the recovery of Texas by Mexico at this time as there was of the reconquest of Mexico by Spain at the time that General Jackson believed that the chargé d'affaires (Mr. Butler) of this government had succeeded in negotiating the acquisition of Texas. If the act of the annexation of Texas would involve the United States in a war with Mexico at this time, the undersigned is at a loss to perceive why a similar result was not anticipated with Spain in event of a cession of Texas by Mexico. Texas asked nothing more of the United States, in proposing to negotiate for her annexation, than the United States had previously desired of Mexico, when General Jackson was at the head of this government—for Mexico was then as much at war with Spain as Texas now is with Mexico—and it is believed that as friendly treaty and commercial relations existed between Spain and the United States at that time as are now maintained between the United States and Mexico.

“In addition to the fact that this government, when administered by the sage of the Hermitage, proposed the acquisition of Texas by purchase from Mexico, many years before the recognition of her independence by Spain, the undersigned most respectfully invites the attention of the Honorable the Secretary of State to the report of the House of Representatives of the State of Mississippi, contained in a newspaper he herewith presents. That report, which is said to have been

adopted unanimously, alludes in strong terms to the subject of the right of this government to admit Texas into its confederacy; and the undersigned refers to it thus particularly, that he may be sustained by high authority when he assures the Secretary of State of the United States that, in submitting the proposition of annexation, it was far from his intention to ask the government of the United States to accede to a measure which Mr. Forsyth was instructed to say was believed to involve unjust principles. The undersigned assures the Secretary of State of the United States that he could not knowingly consent to be the medium of presenting any proposition asking of the United States a disregard of just principles.

“After the assurance of the Honorable Mr. Forsyth, that a sense of duty and a reverence for consistency left his government no alternative in leading the way of recognizing the independence of Texas, the undersigned confesses some surprise at the intimation of Mr. Forsyth that the circumstances of her having been *first* recognized by the United States should in any manner influence the foreign intercourse of Texas. However much the government of Texas may be disposed to encourage the most friendly relations with the government of the United States, the undersigned assures the Honorable the Secretary of State that the government of Texas does not consider that any particular foreign policy was implied or made binding upon her by the circumstance of her independence having been first recognized by the government of the United States. The representatives of Texas, in their interchanges with foreign powers, will not accept the recognition of her independence,

unless it is unconditional in this respect. In all their negotiations and treaties with foreign powers, the best interests of their own government and people will doubtless be consulted, and must indicate the policy which they will be directed to adopt. With even the same permanent policy in its commercial interchanges with the United States, which may exist with the most favored nation, the undersigned cannot guarantee for his government that any advantages shall accrue therefrom to the manufacturing interest of the United States; for it is understood that that great interest is mainly sustained in the United States by the protection afforded by high duties against the competition of similar interests in foreign nations, where labor and the facilities for manufacturing are more available, and at cheaper rates. Such being the case, it is apparent that, even should no detriment accrue to the manufacturing interest of the United States from the vicinity of Texas as an independent nation, certainly no advantages affecting that interest can be anticipated.

“The apprehension of the Honorable Mr. Forsyth that the refusal of this government to negotiate for a treaty of annexation, thereby declining all the commercial and other advantages which would be secured by that measure, may induce an attempt on the part of the government of Texas to extend its commercial relations elsewhere on terms most favorable to its own welfare and prosperity, is perfectly natural; but the undersigned assures Mr. Forsyth that such endeavors will not proceed from any unkind feelings to the government and people of the United States; and he would

take this occasion to reiterate the friendly disposition of the government and people of Texas towards the government and people of the United States, which he had the honor to communicate in his note of the 4th of August. Should, however, the foreign commercial and other relations of the Republic of Texas necessarily become such as seriously to affect the interests of the United States, or any portion thereof, the undersigned conceives that it would be unreasonable for the government and people who had been freely proffered all she could bestow, and yet declined the offer, to complain of her on the ground of looking to her own interest primarily. Texas has generously offered to merge her national sovereignty in a domestic one, and to become a constituent part of this great confederacy. The refusal of this government to accept the overture must forever screen her from the imputation of wilfully injuring the great interests of the United States, should such a result accrue from any commercial or other regulations which she may find it necessary or expedient to enter into with foreign nations.

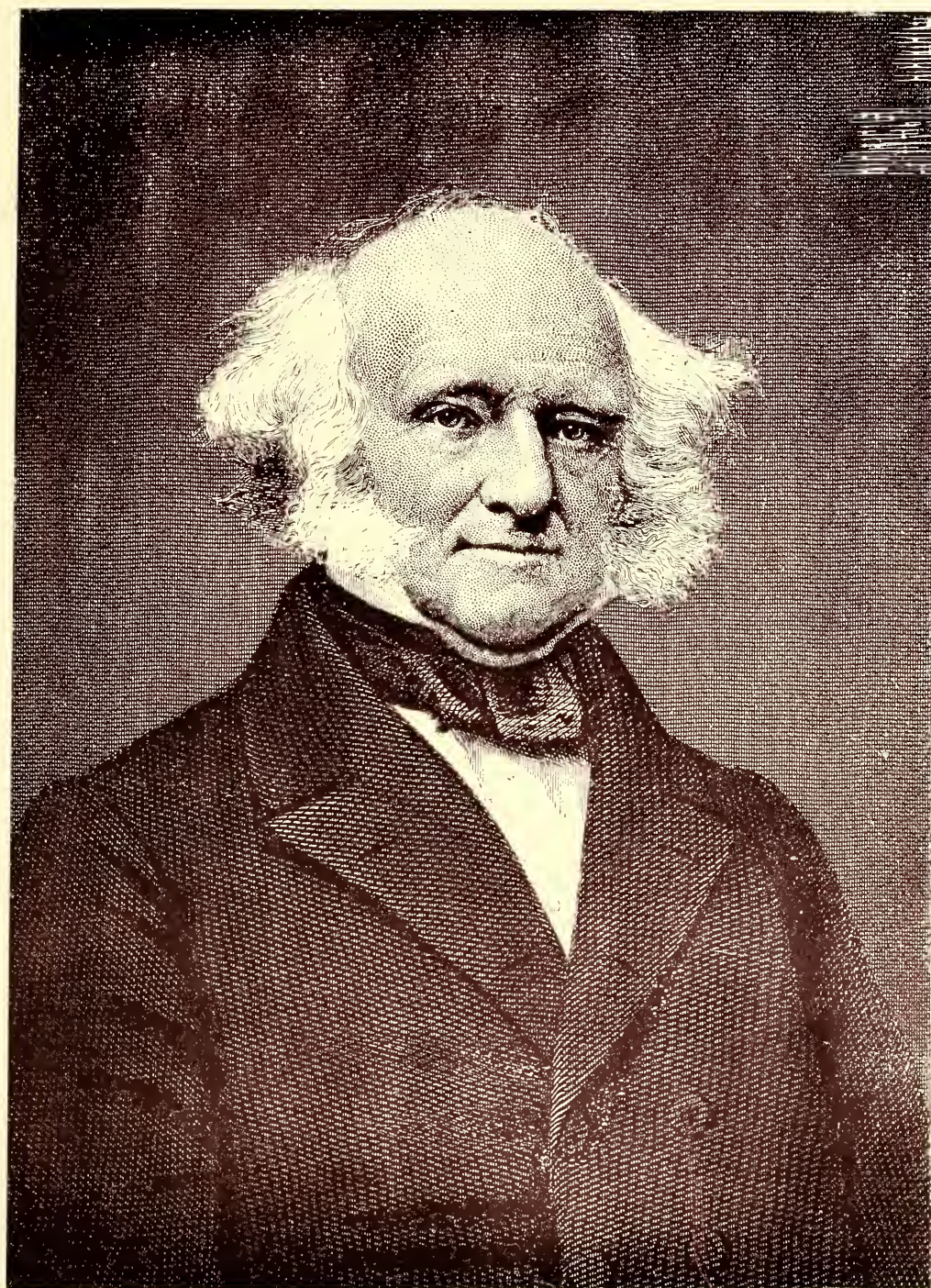
“Should it be found necessary or expedient hereafter, for the proper promotion of the interests of her own citizens, to lay high duties upon the cotton bagging so extensively manufactured in the western states, and upon the pork and beef and breadstuffs so abundantly produced in that region, such as would amount to an almost total prohibition of the introduction of those articles into the country, much as her government and people would regret the necessity of the adoption of such a policy, she would be exculpated from the slight-

est imputation of blame for taking care of her own welfare and prosperity after having been refused admission into this Union.

“The efforts which the government of the undersigned is making to open a commercial intercourse with Great Britain and France, it is believed will succeed. Apart from the disposition of those two powers to avail themselves of the great advantages which must result to every nation with which Texas may form intimate commercial relations, it is believed that they, as well as the United States, cherish a liberal sympathy for a people who have encountered the most cruel treatment at the hands of Mexico.

“Reason would seem to indicate that the foreign policy of Texas will be dissimilar to that of the United States. Texas is now, and it is believed will continue to be, an almost purely agricultural country. The agricultural interest will claim the almost exclusive attention of the government; possibly from the circumstance of her climate and soil being so well adapted to the growth of hemp, and the great demand for rope and bagging in a cotton-growing country, the manufactures of these solitary articles may be encouraged at an early period; but with these single exceptions, it is not apprehended that the capital and labor of the country can be so profitably employed in any other species of industry as in the planting interest. On the other hand, the interests of the United States are numerous and greatly diversified; and it is presumed that it was found necessary to establish such a foreign policy as would best reconcile them and redound to the advantage of each.

“With the most rigid adherence to whatever is just



MARTIN VAN BUREN



and right, the government of Texas will naturally pursue such a course of policy, foreign and domestic, as will best conduce to the increase of her wealth and population, and thereby her national power and consideration. In its intercourse abroad, it will endeavor to find those markets where her agricultural products, cotton, sugar, rice, tobacco, etc., will obtain the highest prices, and where such articles as may be needed for home consumption may be procured at the lowest rates. If these advantages are presented in the commercial intercourse with the United States, the undersigned need not say that the warm predilection of the government and people of Texas for the government and people of the United States would render such an intercourse as agreeable to the former as it would doubtless be advantageous to both.

“The undersigned most respectfully assures the Honorable Mr. Forsyth, and through him his Excellency the President of the United States, that the prompt and decisive rejection of the proposition for the annexation of Texas to the United States will not be imputed to an unfriendly spirit to the government and people of Texas.”

Considering the provocation, the “uncivil” character of this communication was more than excusable. Some of Hunt’s statements, to be sure, were rather far-fetched, and others were little more than idle threats. The real danger which an independent Texas might constitute, that of a free-trade, cotton-producing country adjacent to the United States, was not clearly perceived at this time, and Hunt made only passing reference to this aspect of the question. But his reply was

sufficiently effective in his own opinion to renew his hope that the Van Buren administration might be induced to consider the question. After cooling off a little, he expressed the belief, in his dispatches, that success would ultimately crown his efforts.

Whatever ground there may have been for Hunt's optimism, it was soon destroyed by a storm of protest against the proposal to annex Texas which swept over the Northern states. Resolutions and memorials denouncing it poured in upon congress from all parts of the North, and even state legislatures went on record against it in the strongest terms. The legislatures of the states of Vermont, New York, Massachusetts and Ohio called upon their representatives at Washington to withstand any such proposal. A committee report was presented to the Vermont legislature declaring that "the additional weight which the annexation of Texas would give to the slaveholding interest in our political organization would, in all probability, soon lead either to a dissolution of the Union or to the political degradation of the free states and eventually to the entire overthrow of their common liberties." Acting on this report, the legislature resolved "that, representing as we do the people of Vermont, we do hereby, in their name, solemnly protest against such annexation in any form" and "against the admission into the Union of any state whose constitution tolerates domestic slavery." This was characteristic of the expressions of other states. In the face of such a rising tide of sentiment it would have taken a less timid man politically than Van Buren to make any further move in the direction of the annexation of Texas. Hunt expressed surprise and chagrin

at the flood of petitions which, he said, continued to pour in from the North and East. Plainly there was nothing more to be done.

The mass of the people of Texas received the news of the refusal of the United States with a feeling of disappointment not unmixed with resentment. Dr. Robert A. Irion, who had become secretary of state of Texas in the meantime, wrote Hunt that public sentiment had changed so radically on the question of entering the American union that if another vote should be taken the proposal would be defeated by the people. "I do not believe," he wrote, "that any future administration [of Texas] will attempt such a negotiation."

The friends of annexation in the United States, however, continued to agitate the question. Senator Preston, of South Carolina, for example, introduced the following resolution in the United States senate:

"Whereas the just and true boundary of the United States, under the treaty of Louisiana, extended on the southwest to the Rio Grande del Norte, which river continued to be the true boundary line until the territory west of the Sabine was surrendered to Spain by the treaty of 1819; and whereas such surrender of a portion of the territory of the United States is of evil precedent, and questionable constitutionality; and whereas many weighty considerations of policy make it expedient to reestablish the said true boundary, and to annex to the United States the territory occupied by the state of Texas, with the consent of the said state:

"Be it therefore Resolved, That, with the consent of the said state previously had, and whenever it can be effected, consistently with the public faith and treaty

stipulations of the United States, it is desirable and expedient to reannex the said territory to the United States."

Senator Preston defended this resolution with great zeal, charging the Northern states with using the slavery question as "a hollow and hypocritical pretext to cover political designs." But the measure was defeated. It is doubtful whether the premises set forth in the resolution would have been acceptable to the Texans, however, for they were now quite as vehement as the Mexicans ever had been in denying any claim of the United States to Texas. The idea of "reannexation" was not calculated to inspire Texan leaders with enthusiasm, for it was held, and quite properly, that Texas had never been part of the territory of the United States. Indeed, the denunciatory expressions of the Northern states and the general misrepresentation of conditions in Texas by Northern newspapers had brought about such reaction among the people of Texas that the idea of annexation in any form was becoming unpopular. An English traveler, who passed through the United States about this time on his way to Texas, refers to "the alarming accounts" which he received of Texas and its people from Northern acquaintances. They placed before him, he says, "the agreeable alternative of being eaten by Indians, sliced by bowie-knives, or pressed for a soldier." The Northern newspapers were filled with articles calculated to give such an impression, and the Texans very naturally resented what they regarded as deliberate misrepresentation.

Things were in this shape when there appeared in the Texas congress for the first time a man who was

to play a dominant part in fixing the destiny of Texas. This man was Dr. Anson Jones, a native of Massachusetts, who had come to Texas in 1833. Like many others, Jones had migrated to this land of promise to make a new start in life, after having suffered reverses in the United States, and from 1833 to 1836 he had practiced medicine at Brazoria, taking little part in the public commotions of the time. When Santa Anna invaded Texas, however, he joined Houston's army and was at the battle of San Jacinto. Jones was a man of conservative temper, good education and genuine statesmanship, and though he had a distaste for politics, and disliked especially the demagogic methods which were regarded as essential to success in public life in frontier communities, he was induced by the citizens of Brazoria to stand for congress and was elected. He had gained some prominence because of his opposition to the so-called Texas Railroad, Navigation & Banking Company, an ambitious scheme headed by Dr. Branch T. Archer, which had obtained a charter from the first congress. Jones attacked the scheme in the newspapers so successfully as practically to put it out of business, and it was this circumstance which led to his entering politics. Jones possessed some of the characteristics of Stephen Austin, of whom he was a great admirer, and among these was a willingness to serve the people, even at a great sacrifice, when he believed the public interest required it. In spite of his distaste for politics, therefore, he agreed to serve in the second Texas congress, which met at the newly established town of Houston in September, 1837.

On April 23, 1838, Jones introduced the following joint resolution in the Texas house of representatives:

“Whereas the citizens of the Republic of Texas, at their election of President and other officers, in the year 1836, expressed an almost unanimous desire to become annexed to the United States of North America; in consequence of which expression a proposition of annexation was made, through our minister resident at the city of Washington, which proposition, after having been duly considered, has been distinctly and unconditionally refused by that government, and for reasons which it is impossible for time or circumstance to invalidate or alter; and whereas it is believed that Texas, having interests at variance with those of a large portion of the United States, and having also demonstrated her ability for self-government, and for successfully resisting the efforts of her imbecile enemy to subjugate her, and now trusting, as a wise policy dictates, to her own strength and resources, no longer desires such annexation; and whereas it is a fact that pending this hopeless negotiation, the recognition of the independence of Texas by England and other powers, so essential to our welfare, is delayed or prevented—

“Be it resolved by the Senate and House of Representatives of Texas, in congress assembled, that his Excellency the President be authorized and required, so soon as he may think proper, to instruct our minister resident at Washington respectfully to inform the government of the United States of North America, that the government of Texas withdraws the proposition for the annexation of Texas to the said United States.”

Jones defended this measure so successfully in the

house that it was adopted by a decisive vote. In the senate, however, it met with opposition on the ground that it might embarrass President Houston, and that all such questions should be left to the executive department of the government. The resolution was defeated by only one vote, the roll call showing thirteen ayes to fourteen noes. Jones then turned to Houston himself and urged upon him the importance of making a formal withdrawal of the proposal. He pointed out to the President that the recognition of other powers could not be expected so long as Texas stood before the world as an applicant for annexation to the United States. Houston apparently was impressed by Jones's reasoning, but he made no immediate move to act upon the advice.

In the course of a few months, however, Hunt became convinced that further efforts to obtain annexation would be futile and asked that he should be relieved of his duties at Washington. Thereupon Houston offered the post to Jones. Jones was very reluctant about accepting it, but Houston urged him so strongly, pointing out that he could be of great service to the country at Washington, that he finally consented. He made one condition, however, as the basis of his acceptance. He required that Houston should agree to the formal withdrawal of the proposal to the United States in the matter of annexation. Houston agreed to this, and so Anson Jones went to Washington to begin a diplomatic career which was to have much to do with fixing the destiny of Texas. Jones was received at the White House by President Van Buren on October 9, 1838, and three days later he handed a communication to the American state department which

stated that although the question of annexation "had been considered by the United States government as finally disposed of, yet, inasmuch as the impression appeared to remain upon the public mind, in both countries, that the proposition was still pending, he had been instructed by his government to communicate to that of the United States its formal and absolute withdrawal." This action was approved and ratified by a joint resolution of the Texas congress, adopted January 23, 1839. Thus the application of Texas for annexation to the United States became a closed incident.

Practically from the day of his arrival at Washington, Jones began to cultivate the acquaintance of the ministers of European nations who were present at the American capital, and he was particularly attentive to the British and French ministers. He had a very definite purpose in view in doing this. He recognized, more clearly, perhaps, than any other man of his time, that Texas was destined to be the greatest cotton-growing section of the world, and he proposed to capitalize this circumstance in furthering the international interests of the new republic. There is an entry in his memorandum book, under date of November 29, 1838, which indicates that this subject was very much on his mind during his early days at Washington. "Read the article in McCulloch's Dictionary of Commerce on the subject of cotton and its manufactures," he wrote. "If England does not take the 'blind staggers' she cannot much longer remain indifferent to the growing importance of Texas to her in this respect. . . . I have lost no opportunity to impress this matter upon the foreign min-

isters here; and indeed upon everyone, both in my correspondence and personal intercourse."

One of the men upon whom he sought to impress the importance of this subject was Christopher Hughes, a diplomat in the American foreign service, who was shortly to leave the country as chargé d'affaires of the United States to Norway and Sweden. Hughes became very much interested in Texas, and apparently entertained for a while the idea of casting in his lot with the new republic. Meantime, he was not averse to performing such service for Texas as his wide acquaintance among European statesmen gave opportunity for, and as did not violate the proprieties in connection with his official position as a member of the American diplomatic corps. Indeed, it may be said that he was willing to stretch the proprieties on occasion, and it is evident that he looked forward to the gratitude of Texas for such services. Hughes and Jones became fast friends, and the result of their intimacy was a promise by the former to bring Texas to the attention of certain foreign statesmen, especially those of England and France. On the eve of Hughes's departure for Europe, therefore, Jones handed him a letter, enclosing a memorandum setting forth arguments calculated to appeal to England and France in connection with Texas.

In view of subsequent history, which will be related in due course, this letter and memorandum are of great importance, and consequently are reproduced here in full. Jones's letter was dated April 24, 1839, and was as follows:

"My dear Sir,—The good wishes which you have at different times expressed in behalf of Texas, and the

promises of your kind offices in her behalf with your friends in Europe, are duly appreciated by me, and I shall take much pleasure in making them known to my Government. The recognition of her independence by England and France is now only necessary to give her that national character to which I think her sacrifices and her successful struggles have so justly entitled her, and which a liberal and enlightened policy should accord to a young nation possessing all the elements of future greatness. The good sense of those who direct the councils of France and England must, sooner or later, convince them of the importance of Texas in a commercial point of view to both of those Governments, and I am satisfied that if they properly appreciated her present and prospective advantages and resources, no delay would occur in making that recognition.

“You, my dear sir, have it in your power, in the course of your connection and friendly intercourse with many of the leading men of both of those countries, to give correct information in regard to these matters, and to disabuse Texas of many unfounded slanders, and consequent prejudices, which the press of this country unfortunately have given currency to. This I need not ask you to do, as you have already promised it in advance, and I only make these suggestions to recall the matter to your recollection on your arrival among your friends in Europe. Should your leisure serve, I should be happy to hear from you occasionally. Letters under cover to James Treat, Esq., of this city (New York),

will reach me in safety. With my best wishes for your happiness, I remain, with great regard,

Your friend,

“ANSON JONES.”

The memorandum which Jones enclosed with this letter is an interesting document, considering that it was written nearly a century ago. It was as follows:

“Texas has now sustained herself as a separate and independent nation, *de facto* and *de jure*, for more than *three*, and has been virtually separated from Mexico for more than *four* years. She can *never be resubjugated* to the power of Mexico, nor is it probable Mexico will ever make an actual effort for this purpose, notwithstanding her threats, which are understood to be made by her rulers for certain effects at home, and to gratify the pride and vanity of her people alone. The war may be protracted for years, but Texas can never be reunited to Mexico, nor would it be for the interests of either party for this to be effected. The people of the two countries are too dissimilar in every respect for them ever to harmonize under one government. It is much better, therefore, they should remain separate.

“Were Mexico to drive the present population of Texas out of the country (which is utterly impossible), the country would be of no use to her, as it is not adapted to Mexican colonization, and would soon be occupied by savages from the United States, who would always be troublesome to Mexico, and might, sooner or later, overrun and subdue all her northern states.

“Texas contains upwards of two hundred millions of acres of good land, much of it equal to any in the

world. She has at least one hundred millions of acres of *cotton* land, and is capable, when her resources are developed—as they will be within the next quarter of a century—of producing enough of that *great staple* for the supply and consumption of the world. She has more cotton lands than all the Southern States together. [Jones was writing of the boundaries claimed in 1839.]

“She has, at least, fifty millions of natural pasture lands, well adapted to the raising of cattle, sheep, and horses, etc. . . .

“Beef and wool can be raised cheaper and easier than in any part of the United States, and these must, in a few years, become immense staple products of the country, second only in importance to her *cottons*!

“The range of country skirting the Gulf of Mexico, and for one hundred miles in average breadth, is well adapted in its soil and climate to the growth and culture of sugar cane. Texas will add the article of sugar to her staple productions, and export an immense amount of it within the next twenty-five years.

“To say nothing, therefore, of the other natural resources of Texas, her mines, her mild and salubrious climate, etc., it cannot, I think, be denied by anyone, that she will shortly become of interest to European nations, who must perceive, upon a little consideration of the matter, how vastly important and beneficial her progress is, and *may become*, to their great *commercial* and *manufacturing* interest. Particularly does this appear to me to be true as it regards Great Britain and France. I need not specify the other respects in which her progress may be useful to the communities of

Europe. Yourself and their far-seeing statesmen will not fail to perceive them without such specifications from me."

Hughes made good use of this memorandum, for when he arrived in London he immediately transmitted it to Lord Palmerston, the British foreign secretary, who in turn sent it to Lord Melbourne, the prime minister. Under date of June 10, 1839, Hughes wrote Jones, enclosing an extract from his letter to Lord Palmerston, and on the same day he wrote again, enclosing Lord Palmerston's reply.

"The enclosed will prove I have not neglected my promise," wrote Hughes to Jones in the first communication. "With your own Government you are at liberty to communicate the enveloped, and to inform them of my willing and friendly interposition in their affairs and behalf. But you will understand, and *literally*, that you are *not* to allow *any person* whatsoever, connected with *my* Government, to have any knowledge whatsoever on the subject. It might compromise me; for, a diplomat who steps out of the bounds of his own immediate care and trust, commits a great (and culpable, with pedants, and such there are) irregularity."

The extract of Hughes's letter to Lord Palmerston, which he enclosed, read as follows:

"In confidence I enclose the memorandum of Mr. Jones, Texan minister at Washington. I believe the views given in it are just and true. With very many of my countrymen, I believe it not improbable that the day may and *will* come, and not so remotely as it

may seem, when, instead of being subdued by Mexico, Texas will conquer Mexico.

“At all events, I venture to enclose Mr. Jones’s memorandum, and recommend it to your consideration, and to that of Lord Melbourne. The subject is really one of *great* and *growing* interest, and I don’t see why *Jonathan* has not a right to nurse and dandle John’s grandson. More *in the family way* I will not say.

“Mr. Jones is an exceedingly gentlemanlike, modest, and estimable man, and commands the respect and esteem of everyone in the United States. I made his acquaintance last winter at Washington, and formed quite a favorable opinion of him. I should think he *may* be the man sent here when you *may* take the view of the Texas question in London, that has, you know, long since been taken of it at Washington.

“A new ‘feature’ has shown itself in this matter, and very lately, *id est*, several of our most prominent and able and valued citizens have lately become citizens of Texas, without ceasing to be citizens of the United States. They have in a degree espoused its cause and embarked their reputations in its concerns. I will merely mention Judge White, of Florida, and General Hamilton, of South Carolina, and I assure you that there are few higher and more honored names and men in my country. However, I have perhaps said more in a case where I have no *right* to say anything, than may be admissible, but not more than may be excusable, seeing the nature of the case, of my motives, and the kind indulgence with which you have long honored, your true and attached friend.”

Lord Palmerston's acknowledgement, which was received the same day, and a copy of which Hughes sent to Jones, was as follows:

"My Dear Sir—Thank you for your letter about Texas, which I have sent to Lord Melbourne. The subject to which it relates is important, but not without some difficulties.

"I send you a note to Lord Granville (Paris), and another to Lord Wm. Russell (Berlin). I am sure they will be very glad to make your acquaintance.

"Yours sincerely,

"PALMERSTON."

Hughes also visited Paris, before proceeding to his duties in Norway and Sweden, and took occasion to bring the question of Texas to the attention of certain of his friends in the French diplomatic service who were very influential with the government.

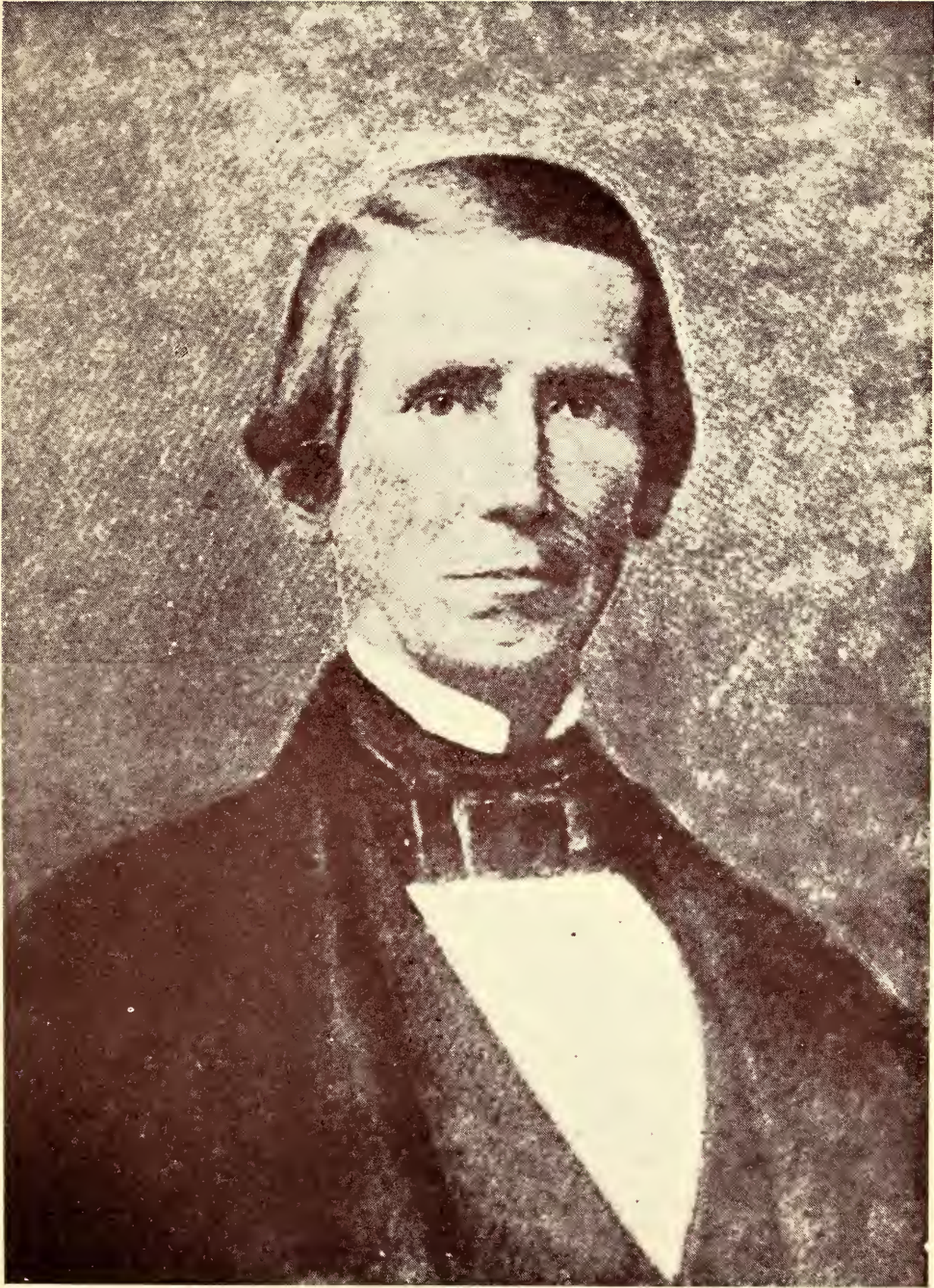
But Jones had set additional influences to work in France. In Washington he had met the American minister to France, Pontois, and had interested him in the affairs of Texas in much the same manner as he had interested Hughes. Like Hughes, Pontois had promised him that he would do what he could for Texas at the French court. Pontois arrived in Paris just about the time that Hughes reached London, and, as shall be seen, he lost no time in making good his promise.

J. Pinckney Henderson had been sent to England and France as special minister to negotiate recognition shortly before Jones was sent to Washington, and his correspondence with Jones reveals how directly the latter's efforts influenced the action of the two Euro-

pean governments. In the first letter which Henderson wrote Jones from Paris, he referred to Jones's proposition to withdraw the annexation proposal. "The secretary of state," he wrote, "instructed me to say to the French and English governments that he had *instructed you* to withdraw the proposition for the annexation of Texas to the United States. It will be better if I can say you *have* withdrawn it. Please inform me on the subject." Then when Jones wrote him that he had formally withdrawn the proposal, Henderson replied, under date of November 12, 1838, as follows:

"I received with pleasure, a few days since, your letter of the 13th ultimo, informing me that you have, under instructions from the Government of Texas, withdrawn the application for her annexation to the United States. Being able now to inform this [the French] and the British government of that fact upon official authority, it will remove one obstacle in the way of recognition by those governments."

Henderson had made little headway toward obtaining full recognition from Great Britain and France up to this time. He had negotiated an agreement with the British government by the terms of which Great Britain consented to receive Texas ships in British ports on the same terms that British ships would be received in Texas ports, but it was distinctly provided that Texas was still a part of Mexico, so far as Great Britain was concerned. Henderson was engaged in negotiations with the French government on the question of a similar agreement with France at the time he wrote the letters quoted above. The French government had instructed its minister at Washington to send a representative to



J. PINCKNEY HENDERSON

Texas to investigate conditions there, and Count A. de Saligny had gone on this mission. Henderson had been informed that the question of recognition must wait upon Saligny's report. On June 20, 1839, shortly after the arrival of Pontois in Paris, and ten days after Hughes had written to Lord Palmerston on the subject of Texas, Henderson wrote Jones that Pontois was doing much to help the cause of recognition.

"I have seen and conversed several times with Mr. Pontois since his return from Washington," wrote Henderson. "He told me he had seen you frequently and conversed with you on Texan affairs. I am glad to find him so favorably disposed towards Texas. He informed me he had had a conversation with the king since his arrival in Paris upon Texan affairs, and that he told his Majesty that France must recognize Texas without further delay. The king is anxious to recognize, provided Mr. Saligny's report will warrant that step; and from all that passed between the king and Mr. Pontois, I doubt not that France will recognize us as soon as that report is received, provided it is favorable. Mr. Pontois seems to think there is no doubt it will warrant immediate recognition. I think from something which fell from him on one occasion that he has received Mr. Saligny's 'first impressions' in Texas, and I suppose he judges from that what will be the character of the whole. As soon as this government gives me a decisive answer, I will go to London and urge the British government to the same point. Mr. Pontois told me that he is convinced that the strongest reason which operates upon the British government, and mainly influences them to delay the rec-

ognition, is the question of slavery, to which I replied, that her delay, or the delay of any other government for that reason, would not remedy the evil (if they chose so to call it), as Texas is in fact independent, and must continue to prosper, notwithstanding such unjust and useless delay, and that I could tell them once for all that Texas will never suffer a question to be discussed, in treating for recognition, which involves any part of her domestic policy. He rejoined that he could assure me that such was not the disposition of the French government—that they only wished to be satisfied with regard to *our ability* to maintain our present position.”

Three months later, under date of September 27, 1839, Henderson wrote Jones that France had recognized the independence of Texas. “When I last wrote you a few weeks since,” wrote Henderson, “I had just obtained the consent of the French government to treat with and recognize the independence of Texas. On the day before yesterday I completed the negotiation by signing a treaty with Marshal Soult, and on the same evening I was presented to the king as minister of Texas. . . . I shall go to England in a few days and urge that government to recognize or refuse, and give their reasons for so doing. I scarcely hope they will comply with my main request, inasmuch as Mr. O’Connell has threatened them with his vengeance if they do recognize. That threat he made in a speech in parliament a few days before it adjourned, and you know the present ministry of England dare not run counter to his wishes.” The O’Connell referred to was Daniel O’Connell, the Irish leader, whose opposition

to recognition was based upon the existence of the institution of slavery in Texas. At this time Great Britain was working for the abolition of slavery in all countries and, as shall be seen in due course, this circumstance played an important part in deciding the destiny of Texas.

Mirabeau B. Lamar, in the meantime, had succeeded Houston as president of the Republic of Texas, and both Henderson and Jones were replaced by other ministers. Gen. James Hamilton, a former governor of South Carolina, had been named to succeed Henderson, and Richard G. Dunlap had been assigned to Washington in place of Jones. In due time Henderson and Jones returned to Texas. Under date of November 6, 1840, Hamilton wrote to Jones from London as follows:

"I have only a moment to inform you that in point of fact I have procured the recognition of England, having agreed with Lord Palmerston on the preliminaries of a treaty last night, which I have no doubt will pass the cabinet council tomorrow. I have written the President informing him of this gratifying fact."

So it was that four years after the inauguration of its first constitutional executive, the Republic of Texas was recognized as a nation among nations by the three leading countries in the world at that time—the United States, France and Great Britain. The part Anson Jones played in bringing about this result has been set forth at such length for the reason that he was destined to dominate the foreign policy of the young republic during most of the remaining time of its independent existence. Jones's real desire was to see Texas annexed to the United States. But the question of annexation

was beset with such difficulties in the United States that it seemed dead beyond resurrection. The opposition of the North and East to such a move made it so extremely dangerous from a political standpoint that no president could be expected to risk having anything to do with it. The question seemed coupled forever with that of the extension of slavery. It had to be placed in a different light before any hope could be entertained for successful annexation. It was toward the task of placing it in a different light that Jones's efforts were to be directed. If American suspicion of Great Britain with respect to Texas could be aroused, and if Great Britain could be made to feel there was genuine danger of the annexation of Texas to the United States, the interests of the young republic would be furthered, no matter what its destiny might be in particulars. In a general way such was the foreign policy which Anson Jones conceived to be best for Texas. It began to form in his mind immediately after the rejection of annexation by Van Buren in 1837. It developed in such a way during the next eight years as to give Texas the free choice of remaining an independent republic, recognized by Mexico itself as such, or of peacefully entering the American union under the most favorable conditions.

CHAPTER LI.

THE TEXAN REPUBLIC.

WHILE the Texan agents in the United States, Great Britain and France were laboring to place the new republic within the family of nations, the task of creating a stable government was engaging the attention of the representatives of the people at home. The first congress had before it the duty of establishing all of the machinery of government provided for in the constitution, and it set about performing this task at its first session. The judiciary was organized, the post office department established, an official seal and national standard adopted, the seat of government designated and many other details attendant upon the setting up of a new national government were efficiently disposed of.

The constitution provided for four district judges and a chief justice, the five constituting a supreme court. James Collinsworth was named chief justice, and Shelby Corzine, Benjamin C. Franklin, Robert W. Williamson and James W. Robinson were elected district judges for the first, second, third and fourth districts in the order named. Prosecuting attorneys for each district and county judges were also elected. The subdivisions of Texas under the Mexican regime were automatically abolished by the adoption of the constitution, and the old municipalities became counties.

Within three months after the convening of the first congress the whole judicial system of the new republic was in operation.

The official seal adopted was slightly different from the present seal of the state of Texas, but its chief feature was the single star, as at present. The star dated back to the provisional government of Henry Smith, and an amusing story is told of its origin. At that time the fashion prevailed of wearing huge buttons on overcoats, and it is said that Governor Smith possessed an overcoat the buttons of which were decorated with a large star. When the provisional government was organized Smith, it is said, in lieu of any better seal, provided one by the simple process of cutting one of these buttons from his overcoat. The star of that overcoat button remains the seal of Texas to this day. The national standard adopted in 1836 was not that which is now familiarly known as the flag of Texas. It consisted of a single golden star in the center of an azure field. This flag was superseded in 1839 when the permanent standard—consisting of a white star in a blue vertical bar, with two horizontal bars of white and red—was adopted.

In designating the seat of government, the first congress started a controversy which lasted throughout the life of the republic, and gave rise to a sectionalism between the east and west which figured frequently in political contests. The town of Houston was founded near the San Jacinto battlefield, on a league of land purchased for that purpose by A. C. and J. K. Allen, shortly after the battle. This newly created municipality was officially designated the capital of the

republic until the year 1840, when, it was provided, a permanent capital would be named. This action was resented by the people of the "west," by which was meant the section between the Brazos and the Colorado rivers. However, the seat of government was moved accordingly, and congress began its first called session in the new town on May 1, 1837, only a few days more than a year after the battle of San Jacinto.

The first congress provided also for the purchase of new vessels for the navy. This was important, for the vessels of the Mexican navy were making war on Texas commerce and attempting a blockade of Texas ports. The need of an adequate navy had been emphasized when William H. Wharton, while returning from Washington on the *Invincible*, of the Texas navy, was captured and taken to Matamoros. However, vessels could not be obtained at once, and it was not until 1839 that those provided for by the first congress were delivered. Meantime, the old navy had ceased to exist, the vessels having been wrecked or captured. Incidentally, when John H. Wharton learned of his brother's capture, he obtained permission from President Houston to go to Matamoros to negotiate an exchange of prisoners. Taking thirty Mexican prisoners with him, he sailed to Matamoros and landed under a flag of truce. Instead of consenting to an exchange, the Mexicans placed John H. Wharton under arrest, with the result that both brothers were prisoners. Subsequently, however, both escaped and returned to Texas.

The problem of the army was a perplexing one. It was necessary to maintain a standing body of troops, for the danger of Mexican invasion was sufficiently real

to require Texas to be in a position to repel it on the shortest notice. A constant stream of "volunteers" continued to come to Texas from the United States, however, and the result was that the force was kept at a greater strength than necessity required, and certainly greater than the country could afford to support. Indeed, the army itself had become a danger, for the inadequate support provided by the government created a condition calculated to promote mutiny and there was talk of unauthorized expeditions into Mexico. But to discharge any portion of the men entailed the expense of paying them, and the government was without funds for this purpose. In this situation President Houston fixed upon the device of granting furloughs to a large number, thus reducing the army considerably. Then an order was issued refusing to receive volunteers from the United States, unless they obtained passports from the Texas agent at New Orleans, and that official was instructed not to accept any unless they provided themselves, at their own expense, with good arms, clothing for six months and two months' rations. Even after these limitations were set upon the army, however, it was very expensive, and beyond the power of the new republic to support. It was one of the chief causes of the financial difficulties of the government.

These financial difficulties were very great indeed, and they presented a problem which perplexed the Texan statesmen throughout the period of independence. The Republic of Texas came into being at a time when conditions were as unfavorable as it was possible for them to be so far as financing the new government was concerned. A financial panic swept

over the United States in 1837 and money could not be obtained even for enterprises offering more certain and quicker returns than that of underwriting an infant nation. When Houston became president he found the treasury empty and the republic burdened by a debt of a million and a quarter dollars. It was necessary to maintain the army and navy, and all the varied expenses incident to the establishment of a stable government had to be met. The only asset which Texas had was its vast public domain. The revenue that could be raised by taxation, whether on property or on commerce, was almost negligible. It was plain to all that money could be obtained only by loans and the sale of land. But Texas was so generous in granting lands to new settlers and to soldiers that there was no market for such land as the government sought to sell and, as the public domain was also the chief basis of the government's credit, there was no market for its securities. Moreover, land was about the cheapest thing to be had in the United States just at that time, for the panic had debased land values to a minimum. Texas was comparatively a wilderness, and when good land could be had in thickly settled sections of the United States almost for the asking, in the very nature of things Texas lands were rendered practically worthless. There were scarcely more than forty thousand people, excluding Indians, in Texas during the period of the new government's organization, and while immigration was increasing this number rapidly, it could not increase the sources of revenue as rapidly as it added to the expenses of the government.

No character of financial genius, therefore, could

have solved the problem of financing the new republic in such a way as to be above criticism. That mistakes were made by the men who had attempted the task is not cause for wonder. It could hardly have been otherwise. The wonder is that there were not more mistakes, and that such loose financing as was done was due to inexperience and inefficiency rather than to cupidity.

The Texas congress, at its first session, did not fully appreciate the extreme difficulty of the problem. Its solution seemed simple. The future of Texas was assured and development would bring wealth. All that was necessary was to float a loan, secured by the public domain, until such time as adequate sources of revenue should be developed. There was much "big talk" at that first session about the future of Texas, and the great scheme known as the Texas Railroad, Navigation & Banking Company, in which many members of congress held stock, was characteristic of the spirit that prevailed. The only measure congress provided to meet the financial needs of the government, therefore, aside from passing a tariff law and authorizing the sale of land scrip through agents, was a bill directing the negotiation of a loan of five million dollars. This afforded no relief and by the time the special session convened on May 1, 1837, the government was in a condition of distress. The agents authorized to sell land scrip had made no reports and the commissioners who had gone to the United States to negotiate the loan had sent back such discouraging accounts of financial conditions that there was no hope of relief from that source. The army was almost in mutiny, not only be-

cause the soldiers had not been paid, but because they had been on scant rations for some time. Hardly anybody in the public service had received full pay, the revenue obtained from import duties being scarcely sufficient to defray the expense of collecting it. Something had to be done, and it was not surprising that the members of the Texas congress fell into the error of issuing notes, which would be acceptable in payment of all public dues. On June 7, 1837, therefore, congress passed a bill authorizing the issue of five hundred thousand dollars of such notes, bearing ten per cent interest and redeemable five years from the date of issuance. Ten days later a property tax of one-half of one per cent ad valorem and a system of occupation taxes were provided for, but as it was intended that the government notes would be receivable in payment of these and other taxes, they were partially nullified beforehand.

There was delay in issuing the notes, however, for congress had also provided that tariff duties must be paid in specie or the notes of solvent banks, and the secretary of the treasury contended that there was a conflict in the two measures. The government's embarrassment continued, therefore, until the second congress met in September. President Houston reported to that congress that "since the commencement of the present administration, during the first year there was at the disposition of the executive or in the treasury but five hundred dollars." He declared that the finances of the country from the beginning of the revolution had been "in a more embarrassed situation doubtless than any other nation ever experienced." To meet this situation, congress passed a joint resolution on October

23, 1837, directing that the notes be issued immediately. Thus it was that the Texas "red-backs," as the notes were called, came into being. The system then commenced was continued during the administration of Houston's successor. It ran the inevitable course of such systems. The notes passed at par for a while, but when the amount in circulation was increased by new issues they began to fall in value. In less than three years they declined to about twenty cents on the dollar, and during the fourth year they reached ten cents. Finally, when congress passed a law in January, 1842, providing that the notes would no longer be accepted by the government in payment of taxes and other public dues, the notes became practically worthless. A total of nearly five million dollars of these notes was issued before the final collapse. After that the government adopted the plan of issuing "exchequer bills," but because of the practical repudiation of the notes, these bills declined the first year to twenty-five cents on the dollar, in spite of the fact that there was never more than fifty thousand dollars of such bills in circulation at one time.

The five million dollar loan was never floated. The government entrusted to Gen. James Hamilton the task of negotiating this loan, but he did not succeed in placing it. He spent much time in Paris and London in connection with this mission and, though for a while it appeared certain he would succeed in floating the loan in France, the negotiations finally came to an end with charges of bad faith on both sides. Meantime the bonds, representing the total issue of five million dollars, were hypothecated as security for a loan of four hundred

thousand dollars from the old Bank of the United States in Philadelphia. This four hundred thousand dollars, and the money borrowed by Stephen F. Austin in 1836, making a total of less than a half million dollars in all, constituted the bonded indebtedness of the Republic of Texas. But the total public debt was in excess of nine million dollars before the republic ceased to exist.

More than half of this immense debt was incurred during the administration of President Lamar. Lamar has been blamed for this, for the increased expenditures during his regime were occasioned by his aggressive policy toward Mexico and the Indians, coupled with what might be called his "ambitious nationalism." However, there were extenuating circumstances which should weigh in Lamar's favor in passing judgment on him. Houston's attitude toward the Indians was conciliatory, and his policy with respect to the Mexicans was to let them alone, but events which occurred during the closing months of his first administration created widespread sentiment in favor of a more aggressive policy in both instances, and Lamar inherited this situation. Houston really had an easy time of it with the Mexicans. Mexico made no move to reconquer Texas during the two years following the battle of San Jacinto, for the government was too much occupied with other things. The Mexican treasury was empty, and France, Great Britain and the United States were all clamoring for the payment or adjustment of claims and other debts which had piled up during the first decade of Mexican independence. Besides there were the usual revolutionary disturbances in various sections of the Mexican republic, and while the attempt was

made to maintain an army at Matamoros, and even to prepare another expedition into Texas, the need of troops to suppress such uprisings repeatedly postponed aggressive action. Indeed, so inactive was Mexico with respect to Texas that efforts were made to bring about formal peace by having Mexico recognize the independence of the new republic. One of these efforts to establish formal peace was initiated by Lamar early in his administration. France, in exasperation over the Mexican method of dealing with the claims of foreign nations, sent a fleet to Vera Cruz and proceeded to blockade that port. Believing it might be a good time to talk peace with Mexico, President Lamar dispatched a commission, headed by Bernard E. Bee, to the scene, to propose negotiations to that end. The Mexican authorities would not treat with Bee, however, and nothing came of his mission. Previous attempts to bring about peace had been made by Great Britain and France, but the efforts of the British and French ministers at the Mexican capital had been without results.

Mexico's trouble with France was finally settled, through the friendly offices of Great Britain, but not until after there was a skirmish between French and Mexican troops at Vera Cruz, the chief fruit of which was the reestablishment of Santa Anna in popular favor. Santa Anna lost a leg in the skirmish, but he capitalized the event so shrewdly that it might be truthfully said that he used that leg to make a long stride toward regaining the place he had occupied formerly as the absolute dictator of the Mexican nation.

These events served to engage the attention of the Mexicans sufficiently to preclude any formidable opera-

tions against Texas, and Houston had no trouble in maintaining the policy of letting them alone. The Indians still hoped to have the Texas government recognize the treaties the colonists had made with them during the revolution, guaranteeing them the possession of their lands, so that Houston's conciliatory policy toward them was carried out successfully during most of his first administration. However, during the closing months of his term a series of events began which led to the creation of a strong sentiment among the Texans for a more aggressive policy. General Filisola, who was in command of a Mexican force at Matamoros, had been intriguing for some time to incite the Indians and native Mexicans in Texas against the Anglo-American population. Through his agent, Manuel Flores, who also maintained headquarters at Matamoros, Filisola kept in constant touch with certain individuals in Texas who carried on an agitation among the Indians. As a result of these activities there occurred during the summer of 1838 an uprising of native Mexicans in the region around Nacogdoches, which was subsequently joined by a number of disgruntled Indians. This episode has been called the "Córdova rebellion," its leader being a Mexican named Vicente Córdova. For nearly ten months—from the beginning of August, 1838, to the middle of May, 1839—an armed band of about one hundred Mexicans and a contingent of Indian allies that at times reached two hundred in number, terrorized the people of the northeastern, northwestern and western frontiers of Texas. General Rusk raised a force of volunteers and pursued Córdova and his band into the Cherokee coun-

try in August, but they made their escape, and spent the fall and winter along the upper Trinity and the Brazos among the Indians, urging them to commit depredations against the whites. Some of Córdova's followers and their Indian allies committed depredations in northeast Texas during the fall, however, and in October General Rusk and a force of volunteers attacked them at a Kickapoo village in the section which now comprises Anderson county and, after killing eleven of their number, dispersed the band.

Meantime, Filisola was succeeded at Matamoros by Gen. Valentino Canalizo, and the latter proceeded to work out a systematic plan for Córdova, Flores and other agents among the Indians to carry on a constant warfare against the settlers. But in March, 1839, Colonel Burleson and a party of hastily gathered volunteers from the territory around Bastrop, fought a battle near the town of Seguin with Córdova and his followers, in which several of the latter were killed, and Córdova was compelled to flee across the Rio Grande. Two months later Flores, who had come into Texas at the head of a party of some thirty Mexicans and Indians, evidently to confer with Córdova on the details of Canalizo's plan to incite the Indians, was overtaken by a body of seventeen rangers, under Lieut. James O. Rice, at a point west of the present city of Austin, and in the battle which followed the Mexican agent was killed. Papers found on his person revealed all the particulars of the plan which Canalizo had formed to incite the Indians.

In addition to this trouble there were a number of Indian outrages during the latter part of 1838. Ameri-

can settlers were moving the frontier further to the west and north, and the Indians resented these "encroachments." In consequence there was a widespread demand for a more aggressive policy by the government against the Indians and, when it became known that the Mexican authorities had been inciting the savages, this created a strong sentiment for a different policy toward the Mexicans also. It was amid such conditions that Lamar succeeded Houston as president in December, 1838.

Mirabeau Bonaparte Lamar was one of the most remarkable of the many men of more than average ability who were attracted to Texas by the revolution. He was born at Louisville, Ga., on August 16, 1798. His ancestors were Huguenots who had migrated from France to North America during the previous century, and the fact that his parents should have named him in honor of Mirabeau and Napoleon Bonaparte indicates a strong nationalistic feeling as part of the family heritage. He had participated in the politics of Georgia, but with no marked success, and had been editor of a newspaper of pronounced free-trade and state's rights views. He visited Texas in 1835, after the revolution had started, and made public declaration at that time of his intention to settle in the country permanently. He returned to Georgia and was arranging his affairs so as to enable him to move to Texas when news was received of Santa Anna's invasion. He hurried his arrangements and arrived at Velasco in March, 1836, while Houston's army was still encamped on the Brazos. Being unable to obtain a conveyance he started on foot for the camp and, after enduring much hardship,

reached the army before the retreat to Harrisburg was begun. He displayed such gallantry in action the day previous to the battle of San Jacinto that he was promoted to command the cavalry, with the rank of colonel, and served in that capacity with distinction during the battle. When Rusk retired from the cabinet of the provisional government to succeed Houston as commander in chief, Lamar became Burnet's secretary of war. Later he was appointed commander in chief to succeed Rusk but because the soldiers of the army felt that their wishes had been disregarded in the appointment, he gracefully withdrew. He was then elected vice-president of the republic, in spite of the fact that it was well known that he did not favor annexation to the United States and, as presiding officer of the senate, was a sort of leader of the opposition during Houston's first administration. The constitutional inhibition prevented Houston from succeeding himself and Lamar was elected president by almost a unanimous vote. David G. Burnet was elected vice-president. Lamar's original cabinet was composed of 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, and Charles Waltrous, attorney general. Lamar was too ill to attend the public inauguration of the new administration, which was held on December 10, 1838, and his address was read by his secretary. His health was precarious during the whole period of his term as president, but he gave himself with unstinted zeal to the service of the country.

In his first message to congress Lamar recommended

the adoption of a more aggressive policy toward the Indians and even suggested taking the offensive in dealing with Mexico. "As long as we continue to exhibit our mercy without showing our strength," he said, "so long will the Indians continue to bloody the tomahawk and move onward in the work of rapacity and slaughter." With respect to Mexico he said that, while the first desire for a just and honorable peace should be met with alacrity, "we should compel a more active prosecution of the war." "If peace can only be obtained by the sword," he declared, "let the sword do its work." Lamar expressed impatience with the policy which seemed to recognize a right of the Cherokee and other Indians who had migrated from the United States to possess lands in Texas. The government of Mexico had never granted them such a right, and the treaties made with them by the provisional government during the revolution in Texas had never been ratified by any competent authority in the Texas republic. The government had no legal responsibility to give land to those Indians and was under no moral obligation to them, he declared.

"I would respectfully offer," said Lamar, "the following suggestions: That there be established, as early as practicable, a line of military posts, competent to the protection of our frontier from incursions of the wandering tribes that infest our borders; and that all intercourse between them and our citizens be made under the eye and subject to the control of the government. In order to allay the apprehensions of the friendly tribes, and prevent any collision between them and our citizens, I would recommend that each Indian

family be permitted to enjoy such improvements as they occupy, together with a suitable portion of land, without interruption or annoyance, so long as they choose to remain upon it, and shall deport themselves in a friendly manner, being subordinate to our laws in all criminal matters and in matters of contract to the authorized agents of the government. To this end, the appointment of suitable agents to reside among the located tribes would be necessary, whose duty it should be to keep up a vigilant espionage, cultivate friendly relations and, so far as practicable, prevent all causes of interruption and collision between the Indians and our own people. Commissioners might be appointed to make treaties to this effect with such tribes as are disposed to peace and friendship, while those who reject the terms should be viewed as enemies, and treated accordingly. These gratuitous and liberal concessions, on our part, are perhaps due to the regard which we all entertain for peace. If, unhappily, they should be found inadequate to secure that desirable object, and the Indians shall persist in their extravagant demands and resolve upon war, then let them feel that there are terrors also in the enmity of the white man and that the blood of our wives and children cannot be shed without a righteous retribution."

In view of this extensive program, Lamar recommended the strengthening of the army and the navy and the more extensive organization of the militia.

Where the money for all this was to come from was not very clear. Lamar characteristically confessed that he had not time to inquire into the fiscal affairs of the country, and he admitted that he had little hope for

the success of the negotiations for the five million dollar loan. He was unable, he said, to recommend a reduction of the taxes and the tariff. The development of the country would soon put the government in an easy condition, he said, and he made no specific recommendations with respect to the raising of revenue. But he did recommend the organization of a bank, to be owned and operated by the government. Such a bank could be made safe, he thought, by pledging the public lands and the faith of the government in support of its credit, and by an adequate deposit of specie. He did not indicate where the specie for this "adequate deposit" could be obtained, which would have been especially pertinent in view of the fact that most of the banks in the United States had stopped specie payments at that time. There was very little actual money of any kind in Texas, and the government's treasury notes were accepted as currency only at a heavy discount.

Congress, however, was in thorough sympathy with Lamar's views with respect to the Indians, for public sentiment at the moment was demanding an aggressive policy, and events served to keep this sentiment alive. On the very day the president's message was delivered a bill was passed providing for the organization of a regiment of eight hundred and forty men for the protection of the frontier. To meet the expense of such an organization, an issue of three hundred thousand dollars in promissory notes was authorized. A few days later provision was made for eight companies of mounted volunteers, and seventy-five thousand dollars more was appropriated. Three additional companies were

voted later and on January 24, 1839, a million dollars—in promissory notes, of course—was appropriated for protection of the northern and western frontiers.

The government was just working out the preliminaries toward putting this program into effect when the papers found on the body of Flores disclosed the extensive plans which General Canalizo had formed to incite the Indians, especially the Cherokees, to make war on the Texans. The papers implicated some of the Cherokee chiefs and Lamar decided that in punishment the Cherokees should be banished from Texas. The vanguard of these Indians, it will be remembered, had come to Texas from the territory of the United States just about the time that Stephen Austin conducted his first settlers across the Sabine. They had sent representatives to the Mexican capital to obtain a grant of land, and had received very little satisfaction. They had then joined Hayden Edwards in the revolt known as the Fredonian war, on the promise that if the revolt was successful all of the northern part of Texas would be theirs. Stephen Austin and Saucedo had induced them to abandon Edwards and had promised them that the Mexican government would put them in possession of lands. But there had been delays and postponements and nothing had been done. Then when the colonists took up arms against the Mexicans, and their neutrality was important, Sam Houston and John Forbes, as the duly accredited representatives of the provisional government of Texas, had made treaties with them, promising them lands in return for their neutrality. They had kept their part of that compact faithfully, but the senate of the Republic of Texas had

refused to ratify the treaties. It was hardly remarkable, therefore, that they gave ear to the promises of the Mexican agents, who again offered them lands if they would join in a move against the Texans.

But Lamar decided that they must leave Texas, where they had resided as long as the Americans themselves. Whether this policy was wise or not, it should be noted that the proposal to eject the Cherokees was in line with Lamar's major policy of "laying the foundations of a great empire." It was part of his "ambitious nationalism." Lamar was opposed to the annexation of Texas to the United States from the first. He had dreams of another great independent republic, side by side with the United States, which ultimately would stretch from the Gulf of Mexico to the Pacific. He looked forward to the time when both New Mexico and California, which were still parts of Mexico, would be incorporated in this new republic. The key to Lamar's whole course as president of the Republic of Texas lies in this. He did not conceive his task as that of establishing stable and economical government within the settled sections of Texas. He conceived himself in the role of an empire-builder, and as laying the foundations of a new nation which would one day rival the United States in area, population and wealth. If the current of history had been different—if Texas had never been annexed to the United States, and if New Mexico and California had finally been annexed by Texas instead—the people of the nation which would have resulted would today honor Lamar probably as the greatest man in that nation's history. For certainly no other man of equal talents during this period had such vaulting dreams.

Anson Jones, who, after his return to Texas from Washington, served in the senate during Lamar's administration, took the president and his cabinet to task on the scale of their operations. He told Lamar that it was a great fault to think and act as a great nation when, in point of fact, Texas was as yet but "a first-rate county." He pointed out that there were counties in the United States that were ahead of Texas in wealth and production, and suggested that in following Lamar's policies Texas might "realize the fable of the frog and the ox—and burst." But this sort of talk could not affect Lamar, who regarded all who held to such opinions as lacking in vision. The truth is, it should be said in passing, that few men had a clearer vision of the realities with respect both to the then existing conditions of Texas and to its future than did Anson Jones. And the analogy used by Jones was strikingly to the point. A great part of the problems which the Texas government had to meet and solve daily were not very different from those of a large and populous county. But it was characteristic of Lamar's temperament that he was not nearly so much interested in those problems as in the task of "laying the foundation of a great empire." How this attitude was regarded by Jones, who was not personally unfriendly to Lamar at this time, may be judged from the following entry in Jones's memorandum book, dated August 14, 1839:

"General Lamar may mean well—I am not disposed to impugn his motives—he has fine *belles-lettres* talents, and is an elegant writer. But his mind is altogether of a dreamy, poetic order, a sort of political troubadour and crusader, and wholly unfit by habit or education

for the active duties and the every-day realities of his present station. Texas is too small for a man of such wild, visionary 'vaulting ambition'."

This judgment may have been a little severe. But certainly Lamar's temperament did not fit him for executive office, and his talents were chiefly forensic in character. And certain it is also that his conception of himself in relation to the "great nation that was to be" affected everything he did in governing the struggling infant republic that in actual fact existed. There can be no doubt that it colored his view of the proper course to pursue with respect to the Cherokees. In order to build the great nation of the future the frontier must be pushed back continually. The lands of the Cherokees should be opened to colonization and civilization should take the place of the rude barbarism of the savages. Instead of endeavoring to have an understanding with the Cherokees over their negotiations with the Mexicans and to establish peace with them, Lamar decided that they must leave Texas. And, in spite of the empty treasury and the fast declining treasury notes, he proposed to purchase their improvements and pay for their other losses, if they would leave the country peaceably.

The Cherokees refused to go. They felt they had a right in the country, and to the lands which they had been cultivating for years. For it must be noted that the Cherokees were a semi-civilized race, and lived by agriculture and stock-raising, rather than by hunting. They believed they had as good a right in the country as the Americans. So they refused to comply with Lamar's proposal. However, when the commis-

sioners appointed by Lamar met the chiefs in council, the latter pretended to agree to the terms. They said they would quit the country for a consideration, but after the chiefs had left the place at which the council was held and returned to their villages, it was discovered that this was merely a play for time, and that the Cherokees were gathering their forces for the purpose of resisting. Chief Bowles, the leading chief of the Cherokees, was discovered two days after the council to be retreating with his warriors to form a junction with reinforcements. Two companies of regulars and two of volunteers, under the command of Edward Burleson, then commander in chief of the Texas army, had been previously sent to the place of meeting, and a body of East Texas militia, under General Rusk, was also on hand. When the purpose of the Indians to resist was discovered, the Texans, with Burleson in command, started in pursuit. On July 17, 1839, a decisive battle was fought at a point on the Neches, near the Indian village, in what is now Cherokee county. The Indians were defeated and Chief Bowles was killed. The survivors fled from the battlefield and ultimately quitted the country.

In passing it should be said that Sam Houston, who had become a member of congress after retiring from the presidency, introduced a bill reserving the Cherokee lands from settlement, and providing that they be held as a support of the public credit. He advocated this measure with such eloquence and so effectively argued against "turning the land over to the speculators" that it was passed by a decisive vote.

During the next year Lamar turned his attention to

the Comanches, who had been committing depredations in the west and carrying off prisoners. On March 19, 1840, the so-called "council house fight," in which twelve Comanche chiefs were killed, occurred at San Antonio. The chiefs had come by appointment to discuss a treaty, and had been told to bring with them all the prisoners in their possession. Instead of complying they brought only one prisoner, a little girl, though it was known there were many others. The chiefs were then informed that they would be held as hostages until the other prisoners were delivered up. One attempted to escape and, when challenged by a sentry at the door, drew his knife. He was shot down and instantly the other chiefs drew their knives and began a desperate struggle for their liberty. Efforts to disarm and pacify them failed, and the Texans were compelled to use their rifles. All of the twelve chiefs were killed. In a fight with the force of warriors who accompanied the chiefs to San Antonio, the Texans killed thirty-five more of the Indians. Seven Americans were killed and eight wounded.

The Comanches then went on the warpath, but in August they were decisively defeated by a force of Texas regulars under Gen. Felix Huston in a battle at Plum creek, near Gonzales. In October the same year an expedition under Col. John H. Moore destroyed the main Comanche village on the upper Colorado and killed more than a hundred warriors. A more or less constant war with the Indians was kept up during the whole of Lamar's administration, and when Houston became president again in 1841, a number of Indian prisoners, mostly women and children, were in the hands

of the Texans, while the Indians held several white prisoners. Houston restored the policy of conciliation without delay, and it proved very successful. It is probable that Lamar's aggressive policy contributed to some extent to Houston's success in keeping the Indians quiet during his second administration, for the savages were glad to welcome peace. But Lamar's policy was very costly and was counted by his critics as among the extravagances of his regime. It has been pointed out that in the entire five years of his two terms as president, Houston spent only \$294,092 in dealing with the Indians, whereas Lamar's Indian expenses amounted to more than two and a half million dollars in three years. In other words, Lamar spent in three years more than eight times as much as Houston spent in five.

Houston's method of dealing with Indians is strikingly illustrated by the texts of his letters to the various chiefs from time to time. The letter he wrote the border chiefs when he set about reestablishing peace at the beginning of his second term is characteristic. "The path between us has been red," he wrote, "and the blood of our people remains on the ground. Trouble has been upon us. Our people have sorrowed for their kindred who have been slain. The red men have come upon us, and have slain and taken our people. We found them and slew them, and have their women and children. They are with us and are kindly treated. Our people by you have been sold; and those with you are held in suffering. This is all bad, and trouble must be while we are at war. I learn that the red friends want peace; and our hand is now white, and shall not be stained with blood. Let our red brothers say this,

and we will smoke the pipe of peace. Chiefs should make peace. I send counselors to give my talk. Listen to them. They will tell you the truth. Wise chiefs will open their ears and hear—you shall have peace; and your people who are prisoners shall be given up to you on the Brazos, when the council shall meet there. You must bring all the prisoners which you have of ours. You shall trade with our people at new trading houses, and no harm shall be done to you or your people. If you are friendly and keep peace with us, your women and children shall not be harmed. You shall come to our council house, and no one shall raise a hand against you. Let the tomahawk be buried, and let the pipe of peace be handed round the council of friends. I will not forget this talk—nor my people.” Houston always addressed the Indians as “friends” or “brothers,” and always inscribed himself “your brother.” Few white men have ever had so much influence over Indians as Houston possessed.

Another measure of Lamar’s, which was in keeping with his frontier policy and his “ambitious nationalism,” was the founding of the town of Austin and the removal of the seat of government from Houston to that place. The law making Houston the capital provided that it should remain the seat of government until 1840, at which time a permanent seat of government should be located. With the approach of the time fixed for the designation of a permanent capital the question became one of great public concern. The people of Houston, of course, desired that the temporary location should be made permanent, but every ambitious town in the republic, which had any chance at all

of capturing the prize, was opposed to this. There was an overwhelming sentiment, therefore, against leaving the capital at Houston. But there was a decided division between the "east" and the "west." Very naturally, however, there was no unanimity among the people of either section about locating the seat of government in any particular town, but each section insisted that it should not be located in any town in the other section. Characteristically, Lamar sided with the advocates of a western capital, for his larger vision of an empire stretching to the Pacific comprehended all of Texas, of course, and he expected the broad prairies of the west to be settled in the not distant future. The permanent capital should be near the center of population, and in a few years, he held, that center would be in the neighborhood of the then existing frontier. It was just like Lamar to think chiefly of the future. But it was not possible to obtain agreement among the towns of what was then called the west fixing upon one particular town. Consequently it was decided to build an entirely new town and to locate it on the frontier.

The opponents of this program, among whom was Sam Houston, pointed out that the capital ought to serve the present as well as the future, and that it should be located nearer to the existing center of population. Moreover, the seat of government should be at a point that would insure greater protection of the archives of the government and would not expose the government to the danger of interruption of business or capture in the event of invasion. The frontier was no place for the capital, they argued, but the advocates

of the frontier, through a coalition of the entire west and much of the center of the settled section of Texas, won the day. It was held that locating the capital on the frontier would afford greater protection to the thinly settled sections, and the protection of the frontier was the popular political slogan of the moment.

Accordingly, a bill was passed in January, 1839, providing for the naming of a commission, to be composed of five members, to select the location and purchase land for a townsite. The bill provided that the site must be within the territory between the Brazos and the Colorado and north of the old San Antonio road, which crossed the Colorado at the present town of Bastrop. The commissioners should be named by a joint vote of the two houses of congress, and after they had purchased the site, an agent, appointed by the president, should lay off the town and erect the public buildings. This program was carried out without delay. Albert C. Horton of Matagorda, Isaac W. Burton of Houston county, William Meniffee of Colorado, Isaac Campbell of San Augustine, and Louis P. Cooke of Brazoria were elected commissioners to select and purchase the site. On April 15, 1839, these commissioners reported to President Lamar that they had purchased 7,135 acres of land on the east bank of the Colorado river, near the foothills of the Colorado mountains, where a start had already been made to found the town of Waterloo. The consideration paid for this land was twenty-one thousand dollars in treasury notes.

President Lamar promptly appointed Edwin Waller as the agent to establish the town. The site was almost a complete wilderness, only two families, those of

Harrell and Hornsby, residing on the land. There were no settlements north of it on the Colorado, and the nearest communities to the northeast on the Brazos were sixty miles away. San Antonio was eighty-four miles to the southwest, with no settlements between, and there were only a few families on the Colorado between the site and the town of Bastrop. Waller laid off the land in lots and streets and selected a site for the public buildings. The lots were then sold at auction, and soon that wilderness was the scene of intense activity. Lumber was transported from Bastrop, thirty-five miles away, and carpenters and laborers were set to work building a town. Within six months after the site was selected the town was a reality. It consisted of a large board building for the meetings of congress, a two-story frame "President's mansion," a number of board hotels or taverns, and log houses for the departments and for residences. These were supplemented by a number of tents and other temporary places of abode. The new capital, in accordance with the law creating it, was named Austin, in honor of Stephen Fuller Austin, the "father of Texas," and on the first Monday in November, 1839, the fourth congress of the Republic of Texas began its sessions there. By that time it was a community of about fifteen hundred people.

Those of his contemporaries who were disposed to criticize Lamar as a visionary dreamer, counted the placing of the capital at Austin as among his sins. But the passing of time has vindicated his vision, for the only criticism that is likely to be heard today about the location of the capital is that it is too far east instead of west. Lamar's habit of giving chief emphasis to the

future proved to be a happy circumstance in this instance, in spite of the fact that Houston, during his second term, seized upon the first excuse that offered to move the seat of government back to the town of Houston.

Another instance in which time abundantly vindicated Lamar's habit of "considering the future" was his insistence upon the importance of setting aside part of the public domain as an endowment of public education. Indeed, in this respect he was far ahead of his contemporaries. Public free schools were then a novelty in most of the states of the United States, and in many of them the advocacy of education of all children at the expense of the public was regarded as extreme radicalism. Lamar, who was a great admirer of Thomas Jefferson, had imbibed from him a zeal for education similar to that which had led Jefferson to regard as a greater honor the fact that he had founded the University of Virginia than that he had been president of the United States. He urged upon congress, therefore, the importance of education as an adjunct of free government, and very wisely pointed to the public domain as the best means through which to insure it.

"If we desire to establish a republican government upon a broad and permanent basis," he said, "it will be 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 unite in advancing it. It is ad-

mitted by all that the 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 aids 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 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 prac-

tical 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 instructions, with an influence commensurate with our future destinies. To patronize the general diffusion of knowledge, industry and charity, has been near to 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 trump 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."

Congress was impressed by Lamar's proposal, and on January 26, 1839, passed a law providing that three leagues of land should be set aside in each county for the support of primary schools or academies. Where there was not sufficient good land in a county, it was provided that public land elsewhere in the republic should be assigned to that county for this purpose. This allotment of land was increased the following year to four leagues for each county, and at the same time provision was made fixing a minimum educational standard for teachers. This latter measure provided that all teachers must obtain certificates, and ability to teach reading, writing, English grammar, arithmetic and geography was required of all applicants. Thus were the foundations of the school system of Texas laid.

It was Lamar's dream that the great nation which Texas was destined to be in the future should be composed of self-reliant, independent and enlightened citizens. Moreover, he desired that it should be a nation of home-owners. There was land for all, and the founding of a home required only the willingness to labor. On the same day that the bill was passed appropriating land for education, it was also provided that every immigrant family that arrived during the ensuing year should be entitled to a headright of six hundred and forty acres. Then, in order to protect every family in

the republic in the possession of a home, congress passed a homestead law. This law provided that there was reserved to every citizen or head of a family in the republic, "free and independent of the power of a writ of *feri facias* or other execution issuing from any court of competent jurisdiction whatever," the following property:

"Fifty acres of land or one town lot, including his or her homestead and improvements not exceeding five hundred dollars in value; all household and kitchen furniture (provided it does not exceed in value two hundred dollars); all implements of husbandry (provided they shall not exceed fifty dollars in value); all tools, apparatus, and books belonging to the trade or profession of any citizen; five milch cows, one yoke of work oxen or one horse, twenty hogs, and one year's provisions."

The law provided also that "all laws or parts of laws contravening or opposing the provisions of this act be and they are hereby repealed; provided, the passage of this act shall not interfere with contracts between parties heretofore made."

This appears to have been the first "homestead law" ever passed in any country. When it is considered that in so enlightened a country as Great Britain imprisonment for debt was still in vogue at the time this act was passed in the Republic of Texas, its progressive character is given striking emphasis. The present "homestead law" of Texas, it should be said, is of a more sweeping character, and most of the evils which are complained of today as being the fruit of its operation are due largely to the elaborations which have been added to this original statute. In the colonial period and under the

republic Texas became in a very true sense a "land of beginning again," and such measures as the homestead law were the natural product of the spirit which prevailed. Men went to Texas in those days to make a new start in life and many thousands succeeded in doing this in a marked degree. The record of their achievements, could it be compiled, would constitute an inspiring narrative.

CHAPTER LII.

THE TEXAN REPUBLIC.

(Continued.)

IN 1839 a series of federalist revolts of considerable proportions broke out in different sections of Mexico and for two years the centralist regime was in almost constant danger. General Urrea, who had directed the massacre of the Texans under Johnson and Grant in 1836, was one of the outstanding leaders of this movement, and for a time he was very successful. Gómez Farias, who had been vice-president during the early part of Santa Anna's administration, returned from exile and also took a hand in the effort to restore the constitution of 1824. In Coahuila and the adjoining territory General Canales headed a movement, which culminated in a declaration of independence and the establishment of the "republic of the Rio Grande." Yucatan and Tabasco, two states bordering on the gulf, at the extreme southern end of Mexico, also set up for themselves as the republic of Yucatan. Bustamante found himself continually menaced from some quarter or another, and his authority became only nominal in many sections of the country. Santa Anna, using his new popularity with a calculating discretion, managed to inject himself into the situation from time to time in such a way as to attach glory to his own name without increasing the prestige of Bustamante. By these tac-

tics he finally succeeded in creating a widespread demand for his return to power, and in accordance with a *plan*, known as the Bases of Tacubaya, he was declared provisional president of the republic on October 9, 1841.

The "republic of the Rio Grande," though short-lived, was viewed with favor in Texas. General Canales made overtures to Lamar looking to an alliance, but the latter's vision of the great nation of the future did not extend south of the Rio Grande, and he declined to have anything to do with the new "republic." Many Texans, however, on their own responsibility, enlisted as volunteers in the service of the "republic of the Rio Grande," and participated in several battles in Coahuila before the project finally collapsed.

But Lamar took a different attitude toward the Republic of Yucatan, which had a considerable coast line to defend. The vessels for the new Texas navy were delivered in 1839, and when the government of Yucatan proposed to Lamar a plan of naval cooperation he consented to the arrangement. The Yucatan government agreed to supply the money for the support of the Texas navy if it would enlist in a war upon Mexican vessels and provide adequate protection to Yucatan's coast. As this would relieve the Texas treasury of a considerable burden, apparently without diverting the navy from its main business, Lamar regarded it as a favorable arrangement for Texas. It did not turn out to be so favorable for Texas in the long run, but for a period the Texas navy was practically transferred to the service of Yucatan. In passing, it should be said that the republic of

Yucatan maintained its independence for three years, after which it peacefully acknowledged the authority of the central government of Mexico again.

Lamar declined to form an alliance with the "republic of the Rio Grande" for the reason that he was not particularly interested in extending the influence of Texas south of that river. But he was very much interested in extending, not only the influence, but the actual jurisdiction of the Texan government in another direction. The boundaries of the Republic of Texas, as understood by the Texan government, were set forth in an act of congress, approved by President Houston on December 19, 1836. This act provided that from and after its passage "the civil and political jurisdiction of this republic be and is hereby declared to extend to the following boundaries, to-wit: beginning at the mouth of the Sabine river, and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty between the United States and Spain, to the beginning." The act also authorized the President to "open a negotiation with the government of the United States of America, as soon as in his opinion the public interest requires it, to ascertain and define the boundary line as agreed upon in said treaty." No difficulty had been experienced in negotiating a treaty of limits with the United States, but, because of the continuance of a state of war with Mexico, there had been no agreement with respect to the rest of the boundaries. The boundaries, as set forth in the act, in-

cluded a line running from the mouth of the Rio Grande "up the principal stream of said river to its source," and this constituted an assertion of jurisdiction over territory which had never been within the province of Texas during the Spanish regime, and much of which had never even been part of the state of Texas and Coahuila. Lamar proposed that this doubtful territory should be brought under the actual jurisdiction of the Texan government.

The town of Santa Fe, the principal settlement in New Mexico, was on the east bank of the Rio Grande, and consequently within the limits of the Republic of Texas, as defined in the act quoted above. During Houston's administration no attempt was made to enforce the jurisdiction thus declared, for there really was no legal basis for this boundary, other than the claim of the Texans, and it was generally recognized that the line was subject to modification through negotiation with Mexico, whenever formal peace should be agreed upon. When Lamar became president, however, he took the position that the government of the Republic of Texas should adopt measures to extend its authority to the upper waters of the Rio Grande, which would include Santa Fe. In his annual message in 1839 he urged upon congress the importance of some action in the matter. This was in keeping with Lamar's "ambitious nationalism" and his dream of "an empire extending from the Gulf of Mexico to the Pacific." Bills were subsequently introduced in both houses of congress, appropriating money to defray the expenses of an expedition to establish Texan authority over the territory, but in both cases the proposal was decisively de-

feated. In spite of such legislative disapproval of the project, however, Lamar persisted in the belief that it should be undertaken.

On April 14, 1840, Lamar addressed a letter to "the citizens of Santa Fe," calling their attention to the fact that Texas had entered the family of nations, that the new republic had been recognized by the United States and France, and that its commerce was extending "with a power and celerity seldom equalled in the history of nations." He tendered to them a full participation in these blessings, and expressed the hope that he should be able to send commissioners to visit them in September to explain more minutely the condition of the country, the seaboard, and the correlative interests "which so emphatically recommend, and ought perpetually to cement, the perfect union and identity of Santa Fe and Texas."

This letter was inspired by information Lamar had received to the effect that the people of Santa Fe and adjoining settlements in New Mexico were restless under the rule of the governor of the territory. That dignitary, one Manuel Armijo, was a local despot, who had been the sole executive, legislative and judicial authority of the place for a number of years. Under the federal constitution of the Mexican republic, New Mexico had been classed as a "territory," and in theory was subject directly to the authority of the national government. But, due to its remoteness from the capital, Armijo was the absolute ruler of New Mexico, and the chief beneficiary of the profitable trade which Santa Fe had carried on with St. Louis ever since the latter place had passed from Spanish to American jurisdiction

in 1804. The evident purpose of Lamar's communication was to plant in the minds of the people of Santa Fe the idea that should they choose to throw off the yoke of their petty tyrant, they would be afforded support by the Republic of Texas. However, Lamar received no reply to his letter and, due to legislative opposition, he did not send the promised commission in September.

But the project of sending an expedition to Santa Fe continued to occupy Lamar's mind in the face of the disapproval of many of the most influential men in Texas. It took such hold of his imagination that he finally came to the decision to undertake it without congressional authority. Nor was it the mere wish to extend the jurisdiction of the government that impelled him to this course. The trade with Santa Fe, of which St. Louis enjoyed a practical monopoly, was considerable and very profitable, and if it could be diverted to Texas great economic benefits would be gained. It was true that the region between the settled portions of Texas and Santa Fe was an unknown wilderness to the Texans, but Lamar believed that a practicable route, over which ultimately a military road might be built, could be found, and that in time this might become a great highway of commerce which would bind to the Texan government all the territory which it traversed. In the spring of 1841, therefore, he began forming plans to send an expedition to Santa Fe.

Lamar's plan was to send a government commission, consisting of three members, whose duty it would be to invite the people of Santa Fe to place themselves under the protection of the Texan flag. A military escort would accompany the commission and a delegation of

merchants and traders would be invited to go along for the purpose of establishing commercial relations with the people of the town. When his plans were complete in outline, Lamar announced the appointment of William G. Cooke, R. F. Brenham and José Antonio Navarro as commissioners, and issued an invitation to merchants to join the expedition. He then named Gen. Hugh McLeod to command the military escort, which should consist of two hundred and seventy men, and provided that merchants and others intending to accompany the expedition should rendezvous at Austin.

In the papers of Anson Jones there is a letter from A. C. Hyde, written from Austin on May 27, 1841, which gives an idea of how Lamar's action in sending out this expedition was regarded by some of his contemporaries. "Everything here," wrote Hyde to Jones, "is alive with the Santa Fe expedition, which will probably start about the 10th, and cost the government about a half million. Things are getting on worse than ever in the departments, they paying no attention to the acts of congress. . . . They have sent to New Orleans for another half million of the notes, which are to be given out before the next congress meets, in addition to what may be collected." Jones inscribed the following endorsement on this letter: "The Santa Fe expedition was not only unauthorized by congress, but, in effect, positively inhibited. I voted against it on all occasions, and the project received but few votes. The appropriations for its expenses were made without the authority of law, and by the despotic exercise of executive power, which no monarch would have dared venture upon in

these times. This administration will be described by the poet in two lines, as 'a chase of silly hopes and fears, begun in folly, closed in tears.' "

Whether the couplet quoted by Jones justly characterizes Lamar's administration or not, it certainly describes the Santa Fe expedition very aptly. It was indeed "begun in folly" and "closed in tears." In two comprehensive paragraphs, Rives sums up the folly of its conception and inauguration. "President Lamar and his friends," he says, "believed that if a strong party of Texans showed themselves in New Mexico the inhabitants would gladly revolt and put themselves under the protection of the Texan government. They did not, however, reflect that grumbling at a governor of their own race and language was a very different thing from welcoming alien rulers, and that the people of New Mexico might possibly be familiar with the fable of King Log and King Stork. Under these impressions, therefore, the Texan government committed the same blunder that the Spaniards had committed in sending their absurdly inadequate expedition to Mexico in 1829, and again exemplified the truth of the military maxim that no expedition should be sent into a foreign country, no matter how dissatisfied the inhabitants may be with their own government, which is not fully adequate, of itself, to the object proposed."

"Not only was the expedition inadequate in size," he continues, "but it turned out also to be inadequately equipped for the hardships of the journey. The fact was that nobody knew anything about the country to be traversed. Apart from the latitude and longitude of Santa Fe, they had no notion of where they were going.

A Mexican who accompanied them had been a trapper on the headwaters of the Red river, and had been in New Mexico, but he was utterly lost long before he reached the Mexican settlements."

Armed with an official proclamation, in which President Lamar invited the inhabitants of Santa Fe and the vicinity to cover themselves with the protection of the Texan flag, the expedition left Brushy Creek, about fifteen miles above Austin, on June 21, 1841. Besides the commissioners and the military escort, it included about fifty others, chiefly merchants and traders, and was accompanied by George W. Kendall of the New Orleans *Picayune*, who afterwards wrote an exhaustive account of the expedition. For about six weeks the journey was pleasant enough, for its course lay through country which afforded a plentiful supply of game for food, and in which there was an abundance of water and grass for the horses and cattle. But after that they entered country of a very different character. It was mountainous and arid, and when the last of the cattle was slaughtered and provisions ran short, the party began to encounter difficulties. To obtain food in a wilderness for a company of more than three hundred men would have been no small task under the best conditions. But in a country where there was neither vegetation nor game, and where even water was extremely scarce, it was practically impossible. Realizing that starvation would soon be an impending danger if provisions were not obtained, the commissioners decided to send three men ahead to announce the approach of the expedition and to return with food. Accordingly, the three chosen—Howland, Baker and Rosenberry, by

name—set out for San Miguel, which was believed to be the nearest settlement, and the rest of the party continued their weary march, losing their way at times and being compelled to retrace their steps, and subsisting on such food as could be found in the barren country through which they passed. They were reduced to the necessity of eating snails and lizards, and to make matters worse, many of them were compelled to proceed on foot, their horses having been lost in a stampede. Kendall says that “every tortoise and snake, every living and creeping thing” was snatched up and devoured by the men “with a rapacity that nothing but the direst hunger could induce.” Three weeks of such conditions brought the unhappy pilgrims to the verge of starvation and, no word having been received from Howland, Baker and Rosenberry, it was decided that the best mounted men should push on ahead, while the rest established camp and remained in the wilderness until relief could be sent.

Col. William G. Cooke, one of the three commissioners, took command of the advance party, and he set out with about ninety men. After experiencing much hardship this party finally reached a sheep ranch on Rio Gallinas, and here they feasted on mutton, the first wholesome food they had eaten for weeks. From this place Capt. William P. Lewis, who spoke Spanish, and four others were sent on toward San Miguel, bearing a letter to the alcalde announcing the approach of the expedition and declaring its friendly character.

Meantime, Howland, Baker and Rosenberry arrived at the Mexican settlements early in September. They

were promptly placed under arrest, in spite of their protestations that the mission was a peaceful one, which claim they supported by displaying copies of President Lamar's proclamation, printed in the Spanish language. Armijo set about immediately to alarm the people by circulating the report that the Texans were coming to conquer the country, and that they would kill them all and burn their homes. A condition of general excitement was created and soon the whole population was ready to join in repelling the "invaders." Howland escaped from his captors with the intention of making his way back to the main party to warn them of the situation, but he was recaptured and shot.

Captain Lewis and his four companions spent the night of September 14 in the little village of Anton Chico. On their way thither they had learned of the arrest of Howland, Baker and Rosenberry, and of the general excitement of the people, and during the night information was brought to them by persons in the village that they also would be arrested the next day and shot. Next morning, however, they resumed their journey toward San Miguel, but were soon met by a force of Mexican soldiers, who compelled them to dismount and took them into custody. The Mexicans then turned around and started with their prisoners toward Santa Fe. The prisoners were bound together with ropes and were required to walk, surrounded by their captors. After passing through San Miguel and proceeding all day in the direction of Santa Fe, the company encountered Governor Armijo himself and a force of about six hundred men on their way to meet the Texas expe-

dition. Armijo questioned the prisoners and finding that Captain Lewis understood Spanish, he ordered him to accompany his force as interpreter.

By this time Colonel Cooke and his party had arrived at Anton Chico, where it was decided to await the return of Captain Lewis. When Lewis did return he was accompanied by Armijo and the force of Mexican soldiers. It would have been useless for Colonel Cooke, with only eighty-five men, to have attempted resistance in the face of such great odds. The Mexicans outnumbered his little company by more than seven to one. However, it is a fact that should be recorded that Lewis had made terms with Armijo by the time the governor came upon Cooke's company, and he represented that Armijo and the people were friendly and thus induced Cooke to surrender. It may be that the governor deceived Lewis, though this is contradicted by the warm terms in which Armijo afterwards commended Lewis's services in an official report to the Mexican government. But whether he was a traitor or merely an unsuspecting tool, Lewis assured Cooke that if the Texans would give up their arms they would be permitted to remain at Santa Fe for several days for the purpose of trading, after which their arms would be returned to them. Cooke surrendered, but discovered immediately that he had been made the victim of treachery. He and his whole company were taken to Santa Fe as prisoners. A few days later the two hundred men who had been left in camp, most of whom were now weakened and ill from want of food, dragged their way to the Mexican settlements. They were promptly made prisoners by a

superior force of Mexicans. Thus the entire expedition was captured by Armijo without the necessity of firing a single shot.

In the official report of the affair to the Mexican government, however, it was represented that two great victories had been gained over the Texans, and the announcement of these "glorious triumphs" was made the occasion of universal public rejoicing at the national capital. The news was received on the eve of Santa Anna's election as provisional president, and his partisans among the newspapers capitalized it by making it appear that in some way it magnified the glory of their idol. It was decided that the prisoners should be sent to Mexico City and placed at the disposition of the national government. On October 17, 1841, therefore, the unhappy Texans were started from San Miguel on the long journey to Mexico City on foot.

From the moment of their surrender the prisoners were treated with great cruelty by Armijo's soldiers, and the march from San Miguel to the border of New Mexico at El Paso was one of almost constant torture. Many of the men were ill from privation in the wilderness and some found it extremely difficult to keep going. The commander of their guard had no sympathy for such men, and those who faltered in the march were brutally treated and in many instances they were shot down in their tracks and their bodies left by the wayside. During the three weeks consumed by the journey to El Paso, the prisoners were in constant fear for their lives. But at the border they were turned over to troops of the national government and thenceforth they were treated more humanely. However, the journey was a long and

arduous one. To add to their other miseries smallpox broke out among the prisoners and a number of them died from this disease. A rather amusing aspect of the journey was the fact that it soon became evident to the prisoners that they were on exhibition. They were paraded through the principal streets of every city and town between El Paso and Mexico City, the object being to display before the gaping crowds this evidence of the great power of Santa Anna's government. American prisoners constituted a spectacle worth going miles to behold, and the very most was made of the opportunity which the moving of the captives to Mexico City afforded. For three months this march was kept up, and finally the survivors of the expedition which had left Texas in high spirits eight months before arrived at the Mexican capital early in February. There they were thrown into prison.

Members of the party who claimed citizenship of other countries appealed to their respective diplomatic representatives for aid, and through the efforts of the foreign ministers at the Mexican capital these were released in the course of a few months. The affair created great indignation in the United States, and the newspapers printed vivid accounts of the sufferings of the prisoners. There were demands that the government take prompt steps in their interest, and as a result Waddy Thompson of South Carolina was sent to Mexico to procure their release. The Mexican government reluctantly released those who could claim the protection of the United States or of European governments, but the rest were kept confined in military prisons for four months. At the end of that time, Santa Anna decided

to utilize the prisoners in treating his countrymen to another display. So on June 16, 1842, in celebration of the feast day of Santa Anna's patron saint, most of the Texans were released. José Antonio Navarro, one of the commissioners, was kept in prison at the capital until December, 1844, the object being to make an example of him, inasmuch as he was of Mexican blood, a native of San Antonio. He was then moved to Vera Cruz, from which place he escaped and returned to Texas early in 1845.

President Lamar's administration came to an end while the Santa Fe prisoners were being marched to Mexico City. Vice-President Burnet, who had served as president during a few months in the winter of 1840-1841, while Lamar was absent in the United States for medical treatment, was a candidate to succeed his chief, but he had to bear the onus of Lamar's alleged extravagance and his opponent was the popular "hero of San Jacinto," Sam Houston. There was now as great a demand for retrenchment as there had been for protection of the frontier at the beginning of Lamar's administration, and Burnet was decisively defeated by Houston. Houston was inaugurated in December, 1841, and immediately he announced a complete reversal of the policies of Lamar. He declared that three-fourths of the money consumed in Indian wars during Lamar's administration could have been saved by following a policy of conciliation with respect to the Indians, and he advised the establishment of peace with them as soon as possible. How successful this policy proved has already been recounted. Houston advocated extreme economy in the administration of the government, a re-

duction of the number of officers and the adoption of a pay-as-you-go policy. And while admitting that it would be futile to renew efforts to establish formal peace with Mexico, he recommended that no aggressive attitude should be assumed and that steps be taken to establish trade with the Mexicans on the border.

Houston, however, was destined to reap where Lamar had sown. The aggressive attitude displayed by the sending of an armed expedition to Santa Fe seemed to the Mexican leaders to call for retaliation by Mexico. Accordingly plans were started for an expedition into Texas. On January 9, 1842, Gen. Mariano Arista issued an address to the inhabitants of "the department of Texas" from Monterey, announcing that he would shortly undertake an invasion of the "department." He promised amnesty and protection for all who would refrain from taking up arms to oppose the invading army, and pointed out that the struggle for independence was hopeless. While Mexico held out "the olive branch of peace with one hand," he said, "she would direct with the other the sword of justice against the obstinate."

The copies of this address and the news of the fate of the Santa Fe prisoners reached Texas about the same time. There was great grief among the relatives of the Texans who had gone on the expedition, and general excitement prevailed. Congress was in session, and the opinion was expressed on all sides that "something should be done." The "something" which congress decided upon supplies one of the most striking instances in history of a futile "blowing off of steam" by a legislative body. For it immediately passed an

act extending the boundaries of the Republic of Texas to include the two Californias, the whole of the states of Chihuahua and Sonora and the territory of New Mexico, and parts of Tamaulipas, Coahuila, Durango and Sinaloa. The futility of the action may be judged from the circumstance that the territory thus "annexed" contained a population of nearly two million people, whereas Texas had not yet attained one hundred thousand! Houston, of course, vetoed the bill. He pointed out that the act could serve no purpose but to make Texas a laughing-stock among the nations, and that even if it were possible to undertake such an invasion of Mexican territory as the act, if regarded seriously, must contemplate, it would be very injurious to the interests of Texas abroad. But congress was determined to "do something," so it passed the bill over the president's veto. That, of course, was the last heard of it, for the establishing of such boundaries as the act set forth was unthinkable.

But the Mexican threat of an invasion of Texas was not quite so idle a boast as the action of the Texas congress. On March 3, 1842, a small company of Mexicans appeared suddenly at Goliad and occupied the town, and two days later a force of five hundred, under command of General Vásquez, captured San Antonio without meeting resistance. At the same time another detachment occupied Refugio. It looked as if a formidable invasion was under way, and great excitement prevailed throughout Texas. "The war, after great preparation on the part of the enemy, is upon us," wrote Gen. Albert Sidney Johnston, to a friend, "without the slightest effort having been made

by us. Our people are, however, turning out well and hastening westward, for the purpose of concentrating to meet the enemy, and notwithstanding every advantage has been given, we rely upon the energy and courage of our people to achieve most brilliant results." The people were indeed hastening westward. In a few days, more than three thousand men were under arms and moving from all sections of Texas in the direction of San Antonio. President Houston, after issuing a proclamation calling out the militia, wrote to the Texan consul at New Orleans to accept volunteers in the United States, provided they were equipped with arms and supplies. But the enemy had other plans of warfare. Santa Anna evidently had no intention of conducting a campaign on the soil of Texas. Vásquez, acting under orders, held San Antonio for only two days and then retired from the town as suddenly as he had advanced. Within a week all the Mexican detachments had quitted Texas and withdrawn to the south of the Rio Grande. The "invasion" proved to be merely a raid. But the country was aroused and by March 15 there were about three thousand Texans gathered at San Antonio. The general sentiment among them was in favor of a counter-march into Mexico, but the Texan government was in no condition to sustain such a campaign. Houston dispatched Gen. Alexander Somervell to take command of the volunteers, with instructions that in no circumstances should an invasion of Mexico be attempted. He declared that it would require four months of preparation to insure the success of such an expedition and fixed July 20 as the earliest date for starting such a move. He then issued a call

for a special session of congress to meet at Houston on July 27. President Houston had seized upon the first opportunity to discredit Austin as a proper site for the capital and, shortly after the receipt of Arista's address threatening an invasion, had moved the seat of government to Houston again. This action was opposed by the people of Austin, and they organized an armed force and prevented the transfer of the archives from that place. This incident came to be known as the "archive war."

Somervell reached San Antonio on March 17 and found the men there clamoring for invasion. Moreover, they refused to accept Somervell as their commander and insisted upon their right to elect one of their own. They chose Gen. Edward Burleson as leader, but in the face of President Houston's opposition to an immediate invasion, Burleson could do nothing but disband the men. In doing so, however, he took occasion to criticize Houston severely for his stand. There was some partisan politics mixed up in this incident, and Somervell reported to the secretary of state that the next presidency was involved in it. "I have no doubt political intrigue has been at work," he wrote, "with the view to block out the next President. It is a rough concern, and no glory that can be won in the field can ever polish it. I think there is a move for the Vice-Presidency also. The hobby on which they ride is 'invasion of Mexico' to give peace and happiness to poor suffering Texas, and thereby achieve immortal glory for themselves."

Meantime, the Texas minister at Washington also wrote the secretary of state, informing him that the

report of a contemplated invasion of Mexico was injuring Texas in the United States. "President Houston, I perceive," he wrote, "has issued his proclamation convening congress. . . . War or no war, I suppose, is the question. We can get men, but no money, for invasion. Our friends think the measure impolitic. The excitement is doing us great injury here. Men with property will not emigrate to Texas. They know Mexico to be utterly powerless, and dread the result of the excitement. They think us partaking too much of the revolutionary character of the Mexicans." Considering that the United States had just emerged from a controversy with Mexico over the Santa Fe prisoners, the feeling reported by the Texan minister is not difficult to understand.

When congress met Houston submitted a message recommending war. While he expressed the belief that Mexico could never reconquer Texas, he said he had become convinced a counter-invasion was advisable in order to implant in the Mexicans a desire for peace. Congress voted for a declaration of war and appropriated ten million acres of land to prosecute it, but Houston took the position that an invasion could not be adequately organized and supported by this means, and vetoed the measure. So the war scare came to an end for the time being.

The Mexicans, however, were evidently watching the course of events in Texas and governing their actions accordingly, for no sooner had congress adjourned than preparations were set under way for another raid. On September 11, 1842, while the district court was in session at San Antonio, Gen. Adrian Woll and a force

of infantry, cavalry and artillery, about fourteen hundred strong, appeared before the town and demanded its surrender. The small body of Texan troops stationed there refused to comply with this demand and, reinforced by men in attendance at the court session, made a show of resistance. The struggle was hopeless, however, and fifty-three Texans, including the presiding judge, Anderson Hutchison, and all the attorneys present, were made prisoners. Again the country was aroused and a march of volunteers to the relief of San Antonio was begun. On March 18 a force of Texans, about two hundred strong, which had reached Salado creek, on the outskirts of San Antonio, enticed Woll and part of his men into an ambush. The Texans, who were commanded by Col. Matthew Caldwell, were more than a match for the superior force of Mexicans, and the latter suffered a loss of nearly one hundred killed and wounded. However, a small band of volunteers, under Capt. Nicholas Dawson, which was en route to reinforce Colonel Caldwell, was surrounded by a force of four hundred Mexicans at a point about two miles away from the scene of battle, and slaughtered. Keeping out of rifle range, the Mexicans poured artillery fire into the ranks of the Texans, heedless of their efforts to surrender. Of a total of fifty-three men, forty-one were killed, ten were taken prisoners, and two escaped. Woll then retired into San Antonio, but two days later he evacuated the place and began a retreat to the Rio Grande, taking all the Texan prisoners with him. He was closely pursued by Caldwell, but he reached the Mexican side of the border without further difficulty.

The "invasion" had again proved to be only a raid. But this time the demand for retaliation in the form of an invasion of Mexico was so pronounced that Houston could not ignore it. He issued a call for volunteers to rendezvous at San Antonio for this purpose, and again he ordered General Somervell to take command. Somervell complied with the president's orders without enthusiasm. He proceeded to San Antonio, where he found about twelve hundred men. They were poorly organized, being divided into several camps, and were without proper equipment or supplies for an expedition. Somervell was reluctant to begin an invasion of Mexico with such a force and in such circumstances, and he procrastinated for more than a month before making a move to carry out Houston's orders. Meantime about five hundred of the volunteers had left for home, and when the march for the border was begun on November 18 Somervell had only seven hundred and fifty men under his command. At Laredo two hundred of these decided to go no further, and left the expedition. With the remainder Somervell marched along the Rio Grande on the Texas side until he came to a point opposite the town of Guerrero. Then he crossed the river to the Mexican side, but, having become convinced by this time that the enterprise was futile, he decided to abandon it. Accordingly he recrossed the river and, on December 19, 1842, issued an order to the men to return to Gonzales and disband. Six captains and their companies, consisting of about two hundred and sixty men, refused to obey this order and, after electing Col. W. S. Fisher to command them, marched

against the Mexican town of Mier. Somervell and the others returned home.

Mier was defended by a force of fifteen hundred Mexican troops, under command of Gen. Pedro Ampudia, but the Texans, remembering the defeat of General Cos at San Antonio by a small force of Texans under Johnson and Milam, were not daunted by the great disparity of numbers. They decided to adopt the same tactics which had been employed on that occasion. On Christmas night, 1842, they entered the town and took possession of a number of outlying houses. Their plan was to work through the walls from house to house, in the same way that Johnson had done at San Antonio. But the odds were too great. On the afternoon of December 26 the Texans surrendered to Ampudia after having been given written assurance that they would be treated with due consideration as prisoners of war. Two hundred and twenty-six men were taken into custody and, as in the case of the Santa Fe prisoners, were started on a march to Mexico City. Thus within twelve months after the Santa Fe affair, Texas found itself faced with another of similar character.

The Mier prisoners, however, did not propose to go supinely to the Mexican capital. On the contrary, they decided to watch their opportunity to escape and return to Texas. After traveling under guard for six weeks, therefore, on the morning of February 11, 1843, at a point about one hundred miles south of Saltillo, they suddenly overpowered their guards, seized the Mexican cavalry horses and rode furiously in the direction of the Texas border. In order to evade pursuit, however, they left the main road and soon lost their way in the moun-

tains. Here the experience of the Santa Fe expedition was repeated. The Texans were entirely without supplies and food was not to be found in that barren, mountainous country. Even water was scarce and in a few days they were frantic from hunger and thirst. Several died of starvation, and when the others were overtaken by Mexican troops they surrendered gladly.

In punishment for their attempt to escape it was decreed that one in every ten of their number should be executed. The number of the prisoners had now been reduced to one hundred and seventy, for in addition to those who had died a few had escaped and subsequently made their way back to Texas. The order required, therefore, that seventeen of the remaining prisoners should be selected by lot and executed. Accordingly, a jar containing one hundred and seventy beans, seventeen of which were black and the rest white, was brought forward, and each of the prisoners was blindfolded and directed to draw a bean from it. A black bean was a sentence of death. The operation was carried out, and the seventeen Texans who drew black beans were lined up immediately and shot. During the Mexican war, Gen. Walter P. Lane and a scouting party made a special trip to the Hacienda del Salado, where this barbarous order was carried out, and exhumed the bones of these unfortunate men. They were then sent to La Grange, Texas, where they were interred on Monument Hill with military honors.

After the execution of their companions the rest of the Mier prisoners were sent to the Mexican capital. By Santa Anna's orders they were imprisoned in the castle Peróte, where most of them remained until September,

1844, when they were released in connection with the celebration of the anniversary of Mexican independence. A few had died in the meantime, and a number of others, led by Thomas Jefferson Green, had escaped and returned to Texas.

Thus ended the last attempt of Texas to send an expedition into Mexico. The only other hostile move made during the existence of the republic was the sending of a force of one hundred and eighty men, under Col. Jacob Snively, to intercept a party of Mexican traders returning to Santa Fe from Missouri. This occurred in the spring of 1843. It failed of result for the reason that the Mexican party was guarded by two hundred United States cavalry under command of Capt. Philip S. Cooke. Cooke disarmed the Texans, leaving them only ten guns to protect themselves from the Indians on their return journey to Texas. The American government subsequently paid the Texas government for the confiscated arms.

The policy of Texas thenceforth was in line with Houston's original one—that of letting the Mexicans alone. Houston had been diverted from this policy only by the public clamor caused by the raids of 1842, and, as has been seen, never really made any serious attempt to invade Mexico. The general outlines of this policy may be summed up in the words of Anson Jones, who, as Houston's secretary of state, drew up recommendations covering this and other questions and submitted them to a cabinet meeting on December 22, 1841.

"The *civil* expenses of the Government," wrote Jones, "can easily be estimated, and those for the *defence* of the country approximated.

"Our policy, as it regards Mexico, should be to act strictly on the *defensive*. So soon as she finds we are willing to let her alone, *she will let us alone*.

"The navy should be put in ordinary; and no troops kept in commission, except a few rangers on the frontiers.

"The Indians should be conciliated by every means in our power. It is much cheaper and more humane to *purchase* their friendship than to *fight them*. A small sum will be sufficient for the former; the latter would require millions.

"By a steady, uniform, firm, undeviating adherence to this policy for two or three years, Texas may and will recover from her present utter prostration. It is the stern law of necessity which requires it, and she must yield to it or perish! She cannot afford to raise another crop of 'heroes.' "

This policy was bearing fruit before Houston's second administration came to an end. Texas was learning to live within her means and there was no further increase of the public debt. Moreover, as shall be seen, she was making progress toward commanding the respect of other nations, including that of the United States.

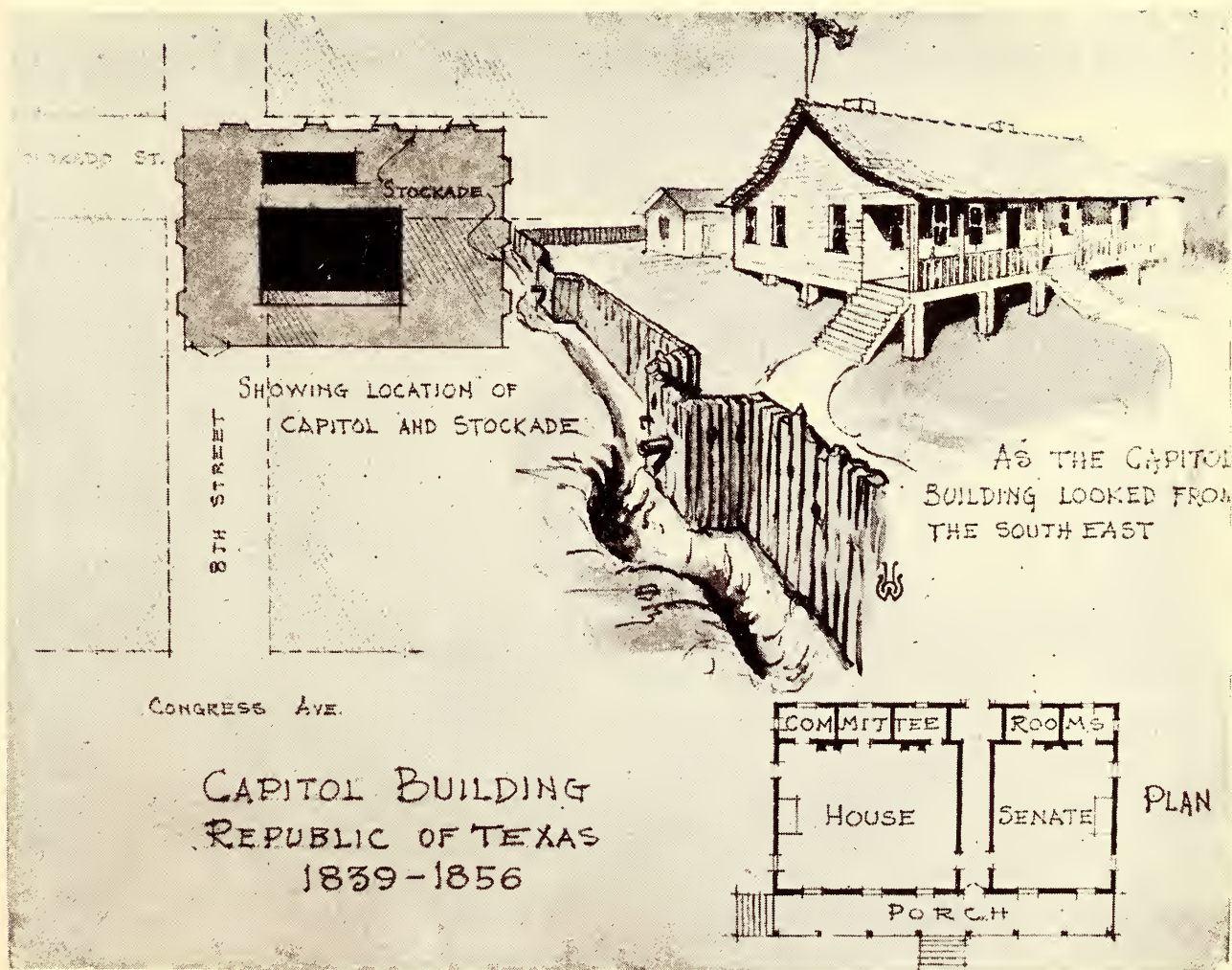


DIAGRAM OF FIRST CAPITOL AT AUSTIN

CHAPTER LIII.

THE POLICY OF ANSON JONES.

ON OCTOBER 12, 1838, as has been already recorded, Anson Jones formally withdrew the proposal of the Republic of Texas applying for annexation to the United States. This action set at rest for the time being all agitation of the question, both in Texas and in the United States. In the Northern states public interest in the matter ceased to be vital, and while there were those in the South who still entertained hope of annexation at some future time, it was widely regarded as practically a forlorn hope. There were no more petitions or memorials to congress on the subject, no resolutions proposing any move with respect to Texas, no mention of Texas in debates. Van Buren was renominated for the presidency by the Democrats, but the platform was silent with respect to his stand on the question of Texas. William Henry Harrison was the candidate of the Whigs, with John Tyler as running mate. The Whigs represented such a conglomerate collection of diverse elements that no common ground would have been possible and no platform was adopted. The campaign was one of the most spectacular in the history of the country and Van Buren was attacked from every conceivable angle except from the point of view of the annexationists. Texas did not figure as an issue at all. Harrison and Tyler were elected, but a month after their inauguration Harrison died and Tyler became president. Daniel

Webster of Massachusetts, an anti-slavery man, who had been appointed secretary of state by Harrison, was retained in that position by Tyler, and he could not be expected to be any more inclined to annexation than Forsyth had been. The question of Texas seemed permanently at rest.

In Texas also the question was regarded as settled. Within sixty days after Anson Jones withdrew the proposal, Mirabeau B. Lamar became president of the republic, and he made opposition to annexation the keynote of his inaugural address. He had opposed the proposal when it was voted on by the people in 1836 and regarded the refusal of the United States to accept it as most fortunate for Texas. He eagerly seized the opportunity presented by popular resentment of Forsyth's note to impress upon the people that annexation would be a calamity.

"Notwithstanding the almost undivided voice of my fellow citizens at one time in favor of the measure," he declared, "and notwithstanding the decision of the national congress at its last session, inhibiting the chief magistrate from withdrawing the proposition at the cabinet at Washington, . . . I have never been able myself to perceive the policy of the desired connection, or discover in it any advantage, . . . civil, political or commercial, which could possibly result to Texas. But, on the contrary, a long train of consequences of the most appalling character and magnitude have never failed to present themselves whenever I have entertained the subject, and forced upon my mind the unwelcome conviction that the step once taken would produce a lasting regret, and ultimately prove as disastrous to our liberty

and hopes as the triumphant sword of the enemy. And I say this from no irreverence for the character and institutions of my native country—whose welfare I have ever desired, and do still desire above my individual happiness—but a deep and abiding gratitude to the people of Texas, as well as a fervent devotion to those sacred principles of government whose defense invited me to this country, compels me to say that, however strong may be my attachment to the parent land, the land of my adoption must claim my highest allegiance and affection.”

Lamar set forth at length that his position rested on other than mere sentimental grounds. He enumerated the rights and powers which Texas would surrender in giving up her independence—the right of declaring war and making peace, of controlling the Indians within her borders, of appropriating the public domain to purposes of education and internal improvement, of levying her own taxes, regulating her own commerce and forming her own alliances and treaties. She would become a mere fractional part of a giant power, and an army of federal officials, appointed from abroad, would administer laws which she would have no adequate voice in enacting, and collect taxes for the benefit of those who levied them. The wealth she would take into the Union would be out of all proportion to the influence she would wield, and she would be exposed to innumerable distractions arising from conflicting interests and irreconcilable prejudices in the United States. As a slaveholding state she would be assailed by the denunciations of remote and uncongenial communities, and finally she would be burdened by tariff restrictions for the

benefit of the manufacturing states without receiving any compensating benefits. Lamar stressed particularly the opportunity which was presented to Texas in the matter of devising important improvements in government. The tariff question already had threatened the existence of the Union and the conditions which had occasioned the nullification movement were matters of recent experience. Lamar was an ardent free-trader and felt that the cotton-producing states were under a serious economic handicap because of the tariff system. At a time when many citizens of those states believed that they were being victimized by the manufacturing states, and that they would be better off outside the Union, it was only natural that a man of Lamar's views could see no advantage in placing Texas in the same situation through annexation. He declared that the example in free trade which Texas could present would effect a revolution in the commerce of other nations, emancipating it from "the thralldom of tariff restrictions" and placing it upon the high ground of equitable reciprocity.

"When I reflect upon these vast and momentous consequences, so fatal to liberty on the one hand, and so fraught with happiness and glory on the other," continued Lamar, "I cannot regard the annexation of Texas to the American Union in any other light than as the grave of all her hopes of happiness and greatness; and if, contrary to the present aspect of affairs, the amalgamation shall ever take place, I shall feel that the blood of our martyred heroes had been shed in vain—that we had riven the chains of Mexican despotism only to fetter our country with indissoluble bonds, and that a young

republic just rising into high distinction among the nations of the earth had been swallowed up and lost, like a proud bark in a devouring vortex.

"That the people of Texas should have been in favor of annexation at the time their votes were given on the question is not a matter of surprise, when we consider the then existing condition of the country. She was left, after the battle of San Jacinto, feeble and exhausted, without means and without credit, her settlements broken up, her villages desolated by ruthless invasion, and, amidst all, still threatened, in her defenseless situation, with a return of the foe and a renewal of the sad calamities of war. Under such a state of things, no wonder that the people, harassed and almost ruined, bleeding with present wounds, and apprehending a farther accumulation of ill, should be willing to purchase momentary security by a surrender of their national independence."

Even in that situation, Lamar pointed out, he had raised his voice against "the projected sacrifice." But now all that had disappeared. The desolated plains had become green meadows and luxuriant fields; where the car of war had rolled, the husbandman now drove his plow in safety; and, instead of a scattered and suffering population, weighed down by poverty and blighted hopes, they beheld a people daily increasing in wealth and numbers, happy in their present possessions and anticipating higher results. And, far from there being any danger of invasion by the enemy, the Texans, conscious of their strength, well knew that the enemy had greater reason to apprehend danger from them than they from

the enemy. Never in history were a people so favorably situated for the establishment of a wise and beneficent government.

"We have already laid the groundwork successfully and well," he declared, "and it is only necessary now that we pay proper attention to the strength and symmetry of the superstructure. As in the natural sciences discoveries are daily being made, so in the art of good government the great teacher, Time, is continually suggesting new and important changes, which, as a wise people, we should be ever ready advisedly to adopt, undeterred by the dread of innovation; and, with conscious rectitude for our guide, move boldly onward in the rapid march of improvement, and keep pace with the progress of successful experiment. The American constitution is certainly the highest effort of political wisdom, and approaches more nearly to perfection than any other social compact for the government of man; yet a fair trial of fifty years has detected in that sacred chart many serious and alarming errors, which, if we will but wisely avoid, at the same time adopting its favorable features, and availing ourselves of all the lights of modern experience, we shall soon be able to devise and perfect a system of our own which shall surpass its model as far as that has excelled all others. To achieve this desirable end we must turn to the great volume of history that lies open before us and profit by the lessons it teaches. We may gather from its faithful records not only a knowledge of what has been tested by other nations and found to be practically beneficial or pernicious; but we may be taught the more solemn and important truth, that the instability of governments has not resulted from

anything inherent in the nature of human institutions to flourish and decay, like the vegetable kingdom, but from the fact that all, with the exception of the American constitution, have been the result of chance, vice and rapacity instead of being fashioned by reflection, and based upon the solid grounds of private integrity and public morals. The principles of virtue and justice are unchangeable and indestructible, and the government which shall be reared upon the one and administered upon the other cannot fail to be an eternal bulwark to the rights of man."

All of this was eminently in keeping with the prevailing sentiment among the people of Texas at the moment. The resentment which the people felt over the American rejection of the overture of Texas was accompanied by a natural determination to demonstrate to the United States that the new republic could get along without the giant of the north. They would show the United States! The Republic of Texas would become a great nation, they declared. It would rival the United States itself. Everybody professed to be glad that annexation had been rejected. Texas would now proceed on its way to a glorious future. In such a situation the oratory of Lamar, which was at its best in picturing the glories of that future, inspired great enthusiasm. Congress gave formal approval to Lamar's attitude on the question of annexation by adopting a joint resolution, dated January 23, 1839, ratifying the action of Anson Jones in withdrawing the proposal.

Had Lamar and his associates in the government been successful in administering the current affairs of Texas economically and efficiently the dream of the future

great nation might have been more in keeping with the facts. They were the party of "glory" in 1838, but before Lamar's administration closed they had become the party of "redbacks and glory," the amendment referring to the worthless notes with which Texas had been flooded in financing the administration's ambitious projects. However, Lamar's policy had a very beneficial effect upon the destiny of Texas in the long run, a circumstance which has not always been fully appreciated by historians. For his picture of a great nation, producing raw materials for the manufacturers of other countries, and exchanging them for the finished products of those manufacturers in a free market, was not lost on Great Britain. The growing interest with which that country regarded Texas from 1840 onward had a determining effect upon the course of the republic's history. Moreover, it played into the hands of that quiet and unassuming diplomat, Anson Jones, and led finally to a clarifying of his own policy.

Jones returned to Texas from Washington in June, 1839. During his absence he had been elected to the senate of the republic by the people of the Brazoria district. He was entertained at a public dinner at Galveston on June 29, and in his address he took occasion to congratulate the citizens of that young port upon its progress. "You have sent the best possible negotiator for the government to England," he declared, "a ship loaded with cotton, the staple production of the country." The importance of cotton to Great Britain was the big fact which Jones saw must be used in some way to further the interests of Texas. Jones took his seat in the senate on November 12, 1839, and his first act

was to arrange a committee exchange with Senator S. H. Everitt, by which he was placed on the committee of foreign affairs. He soon sized up the situation in the government and saw clearly that the ambitious projects of the administration were destined to bring about a condition bordering on bankruptcy. He opposed Lamar's aggressive policies toward the Indians and toward Mexico. He opposed the issuance of treasury notes on all occasions, and insisted that rigid economy was the only thing that could save the country from ruin. He opposed the Santa Fe expedition and very early he came to the conclusion that annexation to the United States was necessary to the welfare of Texas. On November 30, 1839, he made an entry in his memorandum book which indicates how his mind was dwelling on this last noted subject. "Wrote to C. Hughes at Stockholm, the friend of Texas," it reads. "Annexation is the policy for Texas now; but how to obtain it is the question." At that moment the situation in the United States was such that the probability of annexation, even in the remote future, seemed very small. In Texas the "ambitious nationalism" of Lamar was in the ascendancy, and annexation was the true policy for Texas at that time, but all would have agreed with him that the question of obtaining it presented an almost insoluble problem. But it is apparent that Jones had already begun to combine in his mind the big fact of the importance of cotton to Great Britain and the desirability of annexation. It will be seen in due course that these finally became the elements in the formula: *The importance of cotton to Great Britain must be used to bring about the annexation of Texas to the United States.*

In the spring of 1839 there came to Texas an Englishman who unwittingly played an important part in developing this formula. This was William Kennedy, whose attention had been attracted by reports of the Texas revolution printed in the British newspapers in 1836 and 1837, and who then resolved to pay a visit to the country at the first opportunity. He was so struck by the contrast which the conceptions of Texas and the Texans popularly held in the United States and Great Britain presented in comparison with the facts as he found them that he decided to write a book about the republic and its people. "I found," says Kennedy, "a stable government, religion respected, laws well administered, protection afforded to property and person, and the general tone of manners the same as in the United States. . . . Astonished to perceive a condition of things so entirely different from what I had been led to expect by the people and press of the Northern states, I intimated an intention to publish a work on the republic, on my return to England, for the purpose of explaining its true position. To enable me to carry out this resolve, I commenced the collection of documents, which I continued indefatigably in the United States, until I had amassed such a number as warranted me in attempting something more substantial and useful than that irresponsible and, often, illusory production, a modern book of travels." Kennedy was publicly entertained by officials of the Texan government and toasts were drunk to the reciprocal interests of Texas and Great Britain. When he departed for home in June, 1839, he took with him many messages of good will. "Tell your rul-

ers," Kennedy quotes President Lamar as saying to him, "to agree to a liberal treaty with Texas, and she will pursue a commercial system by which trade will be freed from its shackles in the valley of the Mississippi and the country beyond the Rio Grande." In making this statement Lamar evidently had in mind the project of capturing the Santa Fe trade, for there can be little doubt that he discussed that project with Kennedy and that it was the intention to use British goods, admitted into Texas ports free of duty, to establish commercial relations with the people of northwestern Mexico and New Mexico at Santa Fe.

Kennedy returned to England in the fall of 1839. Lord Melbourne's government was considering the question of recognizing Texas at that time, but stood in great fear of the influence of Daniel O'Connell, the Irish leader in parliament and the spokesman of the faction which was demanding a world-wide abolition of slavery. Anson Jones's memorandum, stressing the importance of Texas as a cotton-producing country, had been transmitted by Christopher Hughes to Lord Palmerston, and thence to Lord Melbourne, during the previous summer, and had made a marked impression. It had been supplemented by the representations of J. Pinckney Henderson, the Texan minister, in person. Henderson wrote Jones about this time that the existence of slavery in Texas and O'Connell's attitude on the question constituted the chief obstacles in the way of recognition.

Shortly after Kennedy's return to England, O'Connell wrote a letter to the newspapers announcing that

at the ensuing session of parliament he would bring forward the following motions:

"1. That it is the opinion of this house that Her Majesty's Ministers ought not to advise Her Majesty to recognize the independence, as a state, of the persons located on part of the territories of the Republic of Mexico, with which republic we are in alliance, and who have called themselves the State of Texas, unless with the assent of the said Republic of Mexico; and also, unless such alleged State of Texas shall make the abolition of negro slavery a fundamental law, and also consent that the slave-trade shall be deemed and treated as piracy.

"2. That an address be presented to Her Majesty, humbly praying that she may be pleased to give directions to her Ministers to endeavor to make such an arrangement with the government of Mexico as would place at their disposal such a portion of the unoccupied territory of that republic, on or near its northern boundary, as should be sufficient for the purpose of establishing an asylum, or free state of persons of color, Her Majesty's subjects, who may be desirous to emigrate to and establish said free state."

This proposal, it will be seen, was that Great Britain should not only withhold recognition from Texas, but that she should obtain a grant of land in Texas from Mexico and set up near the border of the United States a "free state" composed of fugitive slaves. Aside from the obvious probability that such a move by Great Britain would have involved a war with the United States, the proposal revealed that O'Connell was totally ignorant of conditions in Texas. Kennedy replied to O'Con-

nell in the newspapers and a controversy between the two ensued. In the course of the debate, Kennedy exposed O'Connell's ignorance with great effectiveness and at the same time presented to the British public in striking fashion the facts with respect to Texas. He pointed out that the interests of Great Britain in relation to Texas required a policy quite the opposite of that suggested by the Irish leader and that the opportunity of establishing a free-trade, cotton-producing country adjacent to the United States and Mexico was of prime importance to Great Britain. He defended the institution of slavery as it existed in Texas, pointing out that it was an economic necessity and was, in any event, a more humane system of labor than the peon system of Mexico. In short, Kennedy succeeded in putting O'Connell on the defensive and in diminishing the government's fear of his influence.

In addition to vanquishing the chief enemy of Texas in Great Britain, Kennedy, in accordance with a pledge he had given publicly in Texas, busied himself at the task of acquainting influential men with the truth about the new republic and its people. "From the time of my arrival in England to the date of the treaty by which Texas was recognized, and commercial relations established between the young republic and this country," he says, "I omitted no occasion, public or private, of redeeming the pledge I had given in Texas. . . . Explanation of Texan affairs was no easy nor encouraging task; some asking if the people were Indians, others if they were Spaniards, and others apparently suspicious that I had established advantageous relations with the 'land pirates'—hence my zeal. A veteran member of

parliament asked if Texas were not a state lying contiguous to Florida." Kennedy's activity in this respect had much influence in contributing to the decision of the British government to recognize the independence of Texas.

Immediately following the action of the government on the question of Texan independence, Kennedy's book, *Texas: The Rise, Progress, and Prospects of the Republic of Texas*, was published. It was in two volumes, aggregating nearly one thousand pages, and constituted an encyclopedia of information about Texas, its people and their history. The book remains today the best account of Texas and the Texans during that period and might be read with much profit and certainly with interest by modern Texans. It made a profound impression upon influential men in British commercial and political circles. The first edition was quickly absorbed and a second was found necessary to meet the demand. It was, in a very true sense, an elaboration of the points embodied in the memorandum which Anson Jones had sent Christopher Hughes, and which Hughes had turned over to Lord Palmerston and Lord Melbourne. It had the effect, therefore, of supplying evidence of a detailed character of the importance of those points, an effect which was all the more decisive because the witness was an Englishman, testifying from the standpoint of British interests. The influence of Kennedy's book upon British policy with respect to Texas could hardly be exaggerated.

It was shortly after the second edition of Kennedy's book was issued in 1841 that Sam Houston was elected over Burnet to succeed Lamar as president. The coun-

try was in a prostrate condition and Houston realized that his task was one in the performance of which he would require the assistance of the best men available. In choosing his cabinet, therefore, he decided to ask Anson Jones to become secretary of state. On November 24, 1841, he wrote to Jones from Houston as follows:

"Dear Jones,—When I came here I was about to send over for you, if you could come, so as to have a personal interview with you. I then heard you would be, as you then were, at Austin. Now all this preface is to ask you if you will be so good as to accept the station of secretary of state. I hope you will find it agreeable. Should you do so, I will assure you that you will find worthy associates in the cabinet. Though my plan, since I first thought of whom I wished to compose the cabinet, has undergone a slight change, yet you were always embraced in the plan. Don't say you are 'poor.' I am—all are so! The officers shall have salaries, and in good money. It can be done—and shall be done!!!

"I will try and be in Austin by the 6th or 7th proximo. Be pleased to salute our friends, and when we meet I shall amuse you by laying open a world of wonders, *some of them at least amusing.*

"Thy friend, truly,

"SAM HOUSTON."

Jones agreed to accept the post and on December 14, the day following the inauguration, President Houston formally notified him of his appointment in the following note:

"The President requests the Hon. Anson Jones, at his earliest convenience, to take charge of the Department of State of the Republic of Texas, and to proceed

to the organization and discharge of the duties thereof, the business of the department requiring early attention."

From that moment until the conclusion of annexation when, as the last president of the republic, he turned over the government to the first governor of the new state, Anson Jones completely dominated the foreign policy of Texas. His influence over Houston was considerable. A friend of both men has said that Houston regarded Jones as "the greatest man in Texas" and had told him that "he had rather have Jones for secretary of state than Daniel Webster." In any event the policy of utilizing American fear of British influence in Texas to bring about annexation to the United States was early adopted by Houston, and from the moment Jones became secretary of state it was the controlling policy of Texan diplomacy.

It was certainly true that the business of the state department required "early attention." The foreign affairs of the country were in very bad shape. Three treaties with Great Britain, involving the establishment of formal relations, were still unratified by the Texan senate. An embarrassing controversy with France over personal indignities suffered by the French minister in an Austin hotel was unsettled. Relations with the United States were not as cordial as they might be, and Mexico was threatening a resumption of the war by an invasion. It became Jones's immediate duty to obtain ratification of the British treaties and send a minister to London to negotiate an exchange of ratifications, to assuage the feelings of the French minister in a manner



ISAAC VAN ZANDT

(See Page 120)



in keeping with the dignity of the republic, to resume negotiations with the United States on the subject of annexation and to seek peace with Mexico.

Major James Reilly was appointed minister to the United States and instructed to sound out the Tyler administration on the question of annexation. The French controversy was settled amicably. The British treaties were ratified and Dr. Ashbel Smith was appointed minister to Great Britain and France and instructed to obtain an exchange of ratifications with Great Britain as soon as possible. And finally both Reilly and Smith were directed to endeavor to induce the governments of the United States, Great Britain and France to bring pressure to bear upon Mexico to make peace with Texas and recognize her independence. Meantime, on the eve of the fall of Lord Melbourne's ministry in Great Britain, which occurred in the summer of 1841, a British diplomatic agent for Texas was appointed in the person of Capt. Charles Elliot, a talented naval officer, and after the organization of a new cabinet under Sir Robert Peel, with Lord Aberdeen as foreign minister, Elliot started for Texas. Reilly arrived at Washington early in 1842, Smith reached London in May of the same year, and Elliot arrived in Texas the following August. By that time, however, Reilly had despaired of accomplishing anything at Washington. The controversy over the Santa Fe prisoners had brought relations between the United States and Mexico almost to the breaking point and the expedition itself had greatly injured the standing of Texas abroad. The rumors of a new Texan expedition into Mexican territory in retaliation of the first raid on San Antonio were frowned upon

by the friends of Texas in the United States, and in spite of the fact that Tyler and all his cabinet, except Webster, were friendly to annexation, the opposition in both houses of congress seemed to render its cause hopeless for the moment. Reilly wrote Jones from Washington that "nothing can be done here in the way of any negotiation for Texas," and a little later sent in his resignation. On August 2, 1842, President Houston wrote Jones, who was temporarily absent from the seat of government, that he had accepted Reilly's resignation and had named Isaac Van Zandt to go to Washington in his place. "Van Zandt is well enough," noted Jones on the margin of this letter, "*very* well." With Van Zandt at Washington, Ashbel Smith at London, and Captain Elliot in Texas for Great Britain, the stage was set. To complete the cast, however, it should be noted that shortly before Van Zandt reached Washington General Almonte, Santa Anna's erstwhile faithful aide in the Texas campaign, was received by the American government as the accredited Mexican minister at the capital.

It would be unprofitable to attempt to follow the day-to-day developments of the situation, or to record each small event that affected it during the latter part of 1842 and the spring and summer of 1843. Van Zandt at Washington very shrewdly dropped hints that the British government was seeking to obtain a dominant influence in Texas, and that annexation to the United States was the best way to head it off. Elliot in Texas began writing letters to an attaché of the foreign office at London in which he unfolded a wonderful plan he had worked out for the future of Texas

—a plan which included the abolition of slavery as well as the establishment of free trade. Smith at London urged upon Great Britain the advantages that would accrue from the establishment of peace between Texas and Mexico and suggested that Great Britain join with France and the United States in attempting to induce Mexico to recognize the independence of Texas. And Almonte started bombarding the Mexican government with dispatches reporting a growing sentiment in the United States for annexation and urging a vigorous resumption of the war against the Texans as the best means of answering the repeated statement heard at Washington that Mexico could never reconquer her lost province. Then, as if to give proper atmosphere to all this activity, relations between the United States and Great Britain became so strained over boundary disputes and the seizure of American ships on the African coast on the pretext of suppressing the slave trade, that talk of war between the two countries became general. At the same time Mexico took offense at American criticism of the raids into Texas and actually threatened hostilities, a situation which was aggravated by the landing of an American naval force in California under the belief that war existed. The international air, so to speak, was surcharged, and it was not difficult to utilize American feeling against Great Britain to promote the cause of annexation.

An idea of Van Zandt's activities may be had from a passage in a private letter which he wrote Anson Jones from Washington on March 15, 1843. "Some people in this country," he wrote, "are disposed to think that they can claim what they please at our hands and

we will yield it, of course; that there is no danger of our going to Europe to make commercial arrangements to their prejudice. Now, I think it our policy, at this time, to endeavor to alarm them to some extent on this subject. . . . The late view I have presented to the President on the subject of English efforts in Texas has aroused him very considerably, and if matters were settled here he would undoubtedly make a move. . . . The President said to me the other day in a private interview, 'Encourage your people to be quiet, and not to grow impatient. We are doing all we can to annex you to us, but we must have time.' If the President concludes he can make capital by the move, or can secure the ratification, he will make the treaty as early as he can afterwards; but the opposition is so great that he moves very cautiously indeed, and I think very properly, too." Van Zandt wrote again to Jones next day, complaining that certain articles in the Texas newspapers were injuring the cause of annexation in the United States, whereupon Jones noted on the margin of the letter, "I no longer think it policy to maintain an attitude of supplication towards the United States, but will try a different course. We have begged long enough—too long, indeed." Jones, of course, agreed with Van Zandt that the proper policy was "to alarm them to some extent" on the subject of British influence in Texas.

During the next six months everything seemed to conspire to promote this policy. On August 12, 1843, Van Zandt, writing to Jones of an interview he had had with Abel P. Upshur, who had just been appointed secretary of state in Webster's place, said that the new

secretary was fully alive to the important bearing which Texan institutions had upon those of the United States. "He expresses some alarm," wrote Van Zandt, "lest England is attempting to exercise some undue influence upon our affairs. His inquiries upon this subject I have waived by replying I knew nothing of the measures of England towards Texas, except that she professed and evidenced a great desire to secure us peace; but if she did intend, or was trying to obtain an undue influence over Texas, the better way to counteract her efforts was for the United States to act promptly and efficiently, and show her disposition to afford to Texas every facility which she might expect to obtain from England, either in a commercial point of view, or by manifesting her friendly disposition by her active interposition to secure us peace with Mexico. In reply to my suggestions on this point, Mr. Upshur desires me to say to you, both privately and officially, that nothing shall be lacking on his part, consistent with his station, so far as his ministry is concerned, to secure us peace and advance our prosperity; that he conceives the interests of the two countries closely connected; and that he can serve his country's interest best by promoting that of Texas. These in the main correspond with the views of President Tyler; but, unfortunately for us, the other branches of the government, especially the senate, are not disposed to aid Mr. Tyler in his views upon any important national question."

So it was that the policy of "alarming" American political leaders "to some extent" was continued. Meantime, events, both in Texas and in England, were helping it along. Nothing had come of the proposal

to have Great Britain, France and the United States act together in obtaining Texan recognition from Mexico. But the British government, with some degree of cooperation from France, had made efforts in this direction, and in communicating information of this circumstance to Ashbel Smith at London, Lord Aberdeen had disclosed the fact that the British minister at the Mexican capital had been instructed to suggest that the abolition of slavery might be made a condition upon which Mexico would recognize Texas. He even intimated that Great Britain would be willing to supply the money to reimburse Texan slaveholders if this result could be accomplished. Smith not only communicated this to his government, but wrote to Van Zandt about it, with the idea that the information might be used to the advantage of Texas at Washington. It should be said in passing that the abolition of slavery in Texas was never the chief element of British policy with respect to the young republic. The chief elements were to obtain recognition for Texas from Mexico, to prevent the annexation of Texas to the United States, and to assist her in becoming a prosperous, independent power, with a free-trade policy. 'The subject of domestic slavery,' writes Anson Jones on the question, "was never so much as mentioned or alluded to by the British minister to the government of Texas, except to disclaim in most emphatic terms any intention on the part of England to interfere with it here. Indeed, that constituted no part of the policy of that far-reaching nation. She might be willing to tickle her abolitionists (a somewhat numerous, but not very respectable or influential class of her citizens), but had no

idea of going on a crusade with them to abolish slavery in Texas or anywhere else. Her Texas policy was to build up a power independent of the United States, who could raise cotton enough to supply the world; of which power slavery would be a necessary element, and this not *primarily* to injure the United States, but to benefit herself."

It is probably too much to say that the abolition of slavery constituted *no* part of British policy, but it was not an element of her policy for the furtherance of which other things would be sacrificed. The British minister in Texas did not mention the subject, but the British minister at Mexico City did suggest to the Mexican government that it would be a "moral victory" for Mexico if the abolition of slavery in Texas were made a condition of recognition. Ashbel Smith, in a letter to Jones, set forth the British policy on slavery as follows:

"It has been a work of some difficulty for me to convey a correct idea of the course of conduct of the British *government* in relation to slavery in America, at the same time that I have desired not to attribute to that government any sinister or covert purposes against Texas. The abolition of slavery is their open and avowed policy, and they have invariably pursued it for a long period, in favor of their own commerce, manufactures, and colonial interests. They will persevere in this policy, and employ all means for its accomplishment. Should money be necessary, they will give it, as they have done to Spain; because they anticipate, and, in my opinion, justly, that more than counterbalancing pecuniary advantages will accrue to Great

Britain from abolition. In the pursuance of this policy, so far as regards Texas, the British government and its officers very naturally and perhaps properly, study the interests of *their own country alone*, in entire disregard of its influence upon the prosperity of Texas, without, however, any hostile or unfriendly feelings towards our country; but, on the contrary, with as much political good will for us as may be consistent with the vigorous perseverance in their abolition policy."

This is an accurate description of the spirit of British policy with respect to slavery. But slavery was never made and would never have been made the *sine qua non* of British policy in Texas. An independent Texas, producing cotton for British mills and providing a free-trade market for British manufactures, was what Great Britain desired. It was desirable from the British standpoint to have such an independent Texas without slavery, but an independent Texas with slavery was much to be preferred to the annexation of Texas to the United States.

While all this was true, however, much on the surface gave good ground for the belief, which became widespread in the United States during the summer of 1843, that Great Britain was putting forth every effort to bring about the abolition of slavery in Texas. The World's Convention of Abolitionists was held in London, June 13 to 20, 1843, under the auspices of the British and Foreign Anti-Slavery Society, and there appeared at that meeting a certain Stephen Pearl Andrews, of Galveston, who was hailed as the representative of "the abolitionists of the Republic of Texas." Andrews claimed to have won over a number

of Texas planters to abolition by convincing them that such a course would enhance the value of their lands. He made a deep impression on the delegates at the convention and the question of abolishing slavery in Texas became the dominant one in the discussions. A committee from the convention called upon Lord Aberdeen and reported afterwards that the British foreign minister had promised that his government would guarantee the interest on a loan to be used in the purchase and freeing of the slaves in Texas, provided the constitution of the republic was amended so as to prohibit slavery. Lord Aberdeen had made no such promise, and subsequently denied the version of the interview given out by Andrews and his friends, but not before the story had obtained wide circulation and general belief in the United States. Ashbel Smith, first on his own responsibility, and later under instruction from Anson Jones, informed Lord Aberdeen that the government of the Republic of Texas would not entertain in any manner such an unwarranted interference by Great Britain in their internal affairs, and there were no further efforts on the part of the British government in the matter. But Andrews stayed on in London after the convention adjourned, and had interviews with many influential persons, all of which was reported in due course to the American government. Secretary Upshur came to believe that Andrews was really an agent of the Texan government, and that a negotiation was in progress looking to the abolition of slavery, and the guaranteeing of Texan independence. Meantime, William S. Murphy, the American chargé d'affaires in Texas, had been writing Upshur accounts of the

movements of Elliot, the British diplomatic agent, which seemed to indicate that something of the sort was on foot. Upshur and President Tyler became thoroughly alarmed, and Murphy was instructed to give vigilant attention to the matter. "Few calamities could befall this country more to be deplored," Upshur wrote Murphy, "than the establishment of a predominant British influence and the abolition of domestic slavery in Texas."

Another event which served to give color to the American belief that some dark intrigue was under way was the sudden declaring of an armistice between Texas and Mexico, pending negotiations looking to a treaty of peace. This had come about as the result of events entirely unconnected with the efforts of Great Britain. Among the prisoners that General Woll had taken to Mexico after his raid on San Antonio in September, 1842, was James W. Robinson, who had been lieutenant-governor under the provisional government of 1835. Robinson was confined in the castle of Perote and, being uncertain as to what fate awaited him, he conceived a bold plan for obtaining his liberty. This plan was nothing less than to have Santa Anna send him to Texas to negotiate peace! Accordingly, he wrote to Santa Anna on the subject, representing to him that the Texans were weary of the war and would make peace on reasonable terms if properly approached. Santa Anna, who had long ceased to have any illusions about the possibility of reconquering Texas, and who kept up a belligerent attitude merely for the edification of his constituents, was impressed by Robinson's proposal, and had the prisoner brought to Manga de Clavo

for an interview. The result was that Robinson was sent to Texas with a formal proposition for peace.

The terms upon which Santa Anna proposed to open negotiations were that Mexico would grant full local self-government to Texas, if Texas would acknowledge the nominal sovereignty of Mexico. There would be a general amnesty for all past acts; Texas would be made an independent department of Mexico, with representation in the general congress; all local laws, rules and regulations would be originated by the Texans themselves, and no Mexican troops should ever be stationed in Texas under any pretext. If Santa Anna had been willing to grant such terms to Texas in 1835 there might never have been a declaration of independence, but the very fact that he proposed them voluntarily in 1843 was eloquent testimony of how securely the independence of the young republic had been established. There was, of course, no possibility that Texas would acknowledge Mexican sovereignty, but when Robinson laid the proposal before Houston the latter expressed the belief that something might come of it, and induced the British agent, Elliot, to write to the British minister at the Mexican capital suggesting that he endeavor to secure an armistice, pending negotiations. Robinson, who had achieved his chief purpose of obtaining his own liberty, wrote to Santa Anna that he had been unable to find out from Houston what the attitude of the Texas government would be, and suggested that it would be a good idea to release all the Texan prisoners and declare an armistice for some months, during which favorable consideration might be given to the proposal. Conditions, he wrote,

were very different from what he expected. The people were united and the recognition of the republic by other powers had created complications. But Robinson's letter was calculated to give Santa Anna the general impression that further efforts for peace might not be altogether futile.

Houston and Jones assumed a mixed attitude with respect to the proposal. To the British agent they expressed the hope that something might come of it, while to the American chargé d'affaires they characterized it as absurd. However, Houston took pains to suggest to the American representative that the offer to treat with Texas indicated that some of the powers had touched Santa Anna in a tender spot. The Texan government formally rejected the proposition that Mexican sovereignty be acknowledged, but when Santa Anna, after receiving Robinson's letter, actually declared an armistice and suggested, through the British chargé d'affaires, that Texas do the same, Jones, under instruction from Houston, issued a proclamation on June 15, 1843, complying with this suggestion. Captain Elliot was the medium through whom this was brought about, and he also was active in arranging the terms of the armistice with General Woll.

Peace between Mexico and Texas on such terms was not wanted by the United States, of course, but with the British diplomats occupying such close relations to the negotiations it was only natural that American officials should see danger that Mexico might be induced to forgo the one point of nominal sovereignty, under British urging, and that an arrangement in the interest of Great Britain, including even the abolition

of slavery, might be consummated. As these negotiations were in progress when the reports of the activities of Stephen Pearl Andrews, the "Texan abolitionist," in London, were being received at Washington, it is little wonder that President Tyler and Secretary Upshur became genuinely alarmed. Indeed, their alarm was so great that the conviction was forced upon them that if Texas were not annexed without delay it would soon be too late.

Lord Aberdeen was not particularly impressed by Santa Anna's proposal at first, but when the armistice was actually arranged he became keenly interested, and instructed Elliot to represent to the Texan government that the shadow of a nominal Mexican sovereignty could be borne if the substance of actual self-government could thus be made secure. Elliot, who was better acquainted with the situation, saw that there was more hope of Mexico being induced to abandon the claim of sovereignty than of Texas being induced to accept it. He carried out his chief's instructions in a perfunctory fashion, but in his private correspondence with the Texan officials he disclosed that he had little expectation that they would be impressed by the argument. On August 17, for example, he wrote Jones that, in his opinion, Mexico would be foolish if she did not "cut the rope entirely." "The truth is," he wrote, "that General Santa Anna's scheme is only practicable at all at the manifest advantage of Texas. There are, to be sure, examples in Europe of such unions of states (each independent of the other, and with separate legislatures, but nominally under one head) which work well—for example, Sweden and Norway; but with

great deference, the Swedes and Norwegians live in colder latitudes than your good selves, and moderation and reasonableness flourish better in the long nights and cold weather than so near the sun as we are living." Jones wrote in reply to this and other expressions of like purport that the Texan commissioners would make every effort to induce Mexico to abandon the question of sovereignty. "If Mexico will forgo her phantasy of a nominal sovereignty," wrote Jones, "which we will labor hard by peaceful means to persuade her to do, it would certainly be all the better for both parties, for nothing beneficial to her can grow out of such an unnatural connection. I hope some other way may be found to save the wounded pride of Mexico, than this impracticable scheme." In passing it should be noted, as an interesting sidelight on Jones's diplomacy, that the next day he wrote again to Elliot, asking the British agent's assent to naming his second son, born eight days before, Charles Elliot Jones. Elliot suggested that a compromise be struck by calling the boy Anson Elliot instead, but Jones insisted on the first proposal, and the lad was named in honor of the British diplomat.

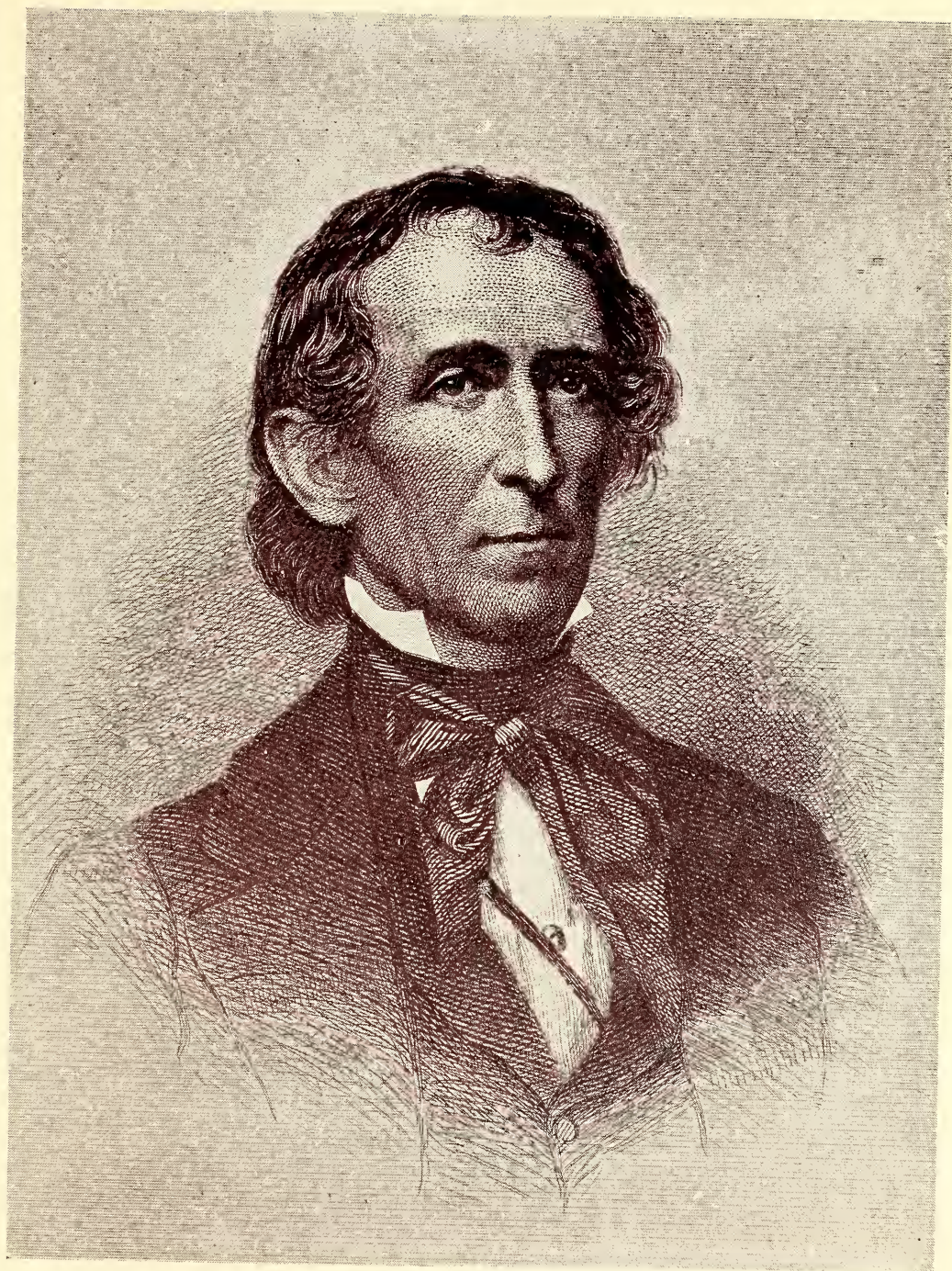
On September 26, 1843, George W. Hockley and Samuel M. Williams were named commissioners to negotiate with General Woll at some point on the Rio Grande. By that time, however, Tyler and Upshur had resolved to attempt the difficult task of annexing Texas, trusting to the fear of British influence in that republic to carry the treaty through the senate. On September 12 Upshur informed Van Zandt that he might communicate to the Texan authorities that the administration had changed its attitude on the question

of annexation, and that if they still desired to conclude a treaty they might instruct him on the subject and endow him with the necessary powers. Then on October 16, before any reply had been received from Texas, Upshur addressed a formal note to Van Zandt stating that he would be prepared to enter into negotiations for a treaty of annexation whenever the Texan minister was possessed of the necessary powers.

Van Zandt communicated all this to Jones, but neither the Texan secretary of state nor President Houston was convinced that such a treaty of annexation would be ratified by the United States senate, and they were unwilling to hazard the loss of the friendship of Great Britain and France on such a doubtful prospect. Van Zandt wrote to Jones on October 22, expressing the hope that he would accept annexation, adding that it would be the best move Texas could make, and Jones noted on the margin of the letter: "Mr. Van Zandt does not understand my position. I am as willing for annexation as he is, but I do not believe it can be effected in the manner now proposed, and am unwilling to risk everything on a single throw of an uncertain die." Houston shared this view, and it also was the view of other leading Texans who were acquainted with conditions in the United States. J. Pinckney Henderson was traveling in the United States at this time, and Van Zandt wrote him about the American proposal. His attitude may be seen from a letter he wrote to Anson Jones on his return to Texas. "When in the United States lately," Henderson wrote Jones, "I received a letter from Van Zandt, in which he expressed a strong hope of being able to consummate a

treaty of annexation. I took the liberty to suggest the impropriety of making such a treaty, unless he was certain of its ratification by the United States senate. I am extremely anxious to see such a thing take place; but it does seem to me that Texas would be placed in an extremely awkward situation in regard to her intercourse, should the treaty be signed, and afterwards rejected by the United States. What could we say to England especially, who is now in the very act of urging our recognition by Mexico? She would probably withdraw her minister, and refuse to hold any further intercourse with us. The offense would be nothing if we were once attached to the United States, but bad consequences might result otherwise."

Henderson saw other advantages in delay. "I found, whilst in the United States," he continued, "that the Southern and Western politicians were considerably alarmed at the report of the apparent prospect of England's getting a foothold here. I did not deny it, as I saw it was having a good effect, although I knew there was no danger of it. It will stimulate the South and West to greater exertions to accomplish its defeat by annexation. On the other hand, England may be induced, in order to defeat annexation, to compel Mexico to recognize Texas without any such terms as I fear she would, under other circumstances, induce her to insist on." It will be seen at once that Henderson here set forth the policy which Jones already had worked out as the proper one for Texas, and it is not to be wondered at that the latter endorsed this letter with the notation: "A shrewd and sensible letter this, and 'hits the nail on the head' every time."



JOHN TYLER

In accordance with this view of the matter, Jones instructed Van Zandt, under date of December 13, to decline the proffer of a negotiation until such time as it could be shown that the senate would ratify a treaty of annexation. He wrote that it would not be politic to abandon "the expectations . . . of a speedy settlement of our difficulties with Mexico, through the good offices of other powers, for the very uncertain prospect of annexation to the United States, however desirable that event, if it could be consummated, might be." Van Zandt took the liberty of delaying formal notification of the American state department of this decision, for he believed the cause of annexation was gaining ground in the senate. Meantime, however, the United States was forced into a controversy with Mexico over the question. As early as August 23, three weeks before the United States had made any overtures to Texas, the Mexican minister of foreign relations sent a note to Waddy Thompson, the American chargé d'affaires, notifying him bluntly that the annexation of Texas to the United States would be regarded by the Mexican government as equivalent to a declaration of war. Thompson hotly replied that the direct threat of war precluded any explanation on the subject. Such threats were calculated to promote war. They could serve no other purpose, for if they were intended to intimidate they would fail of this effect, and if intended to warn they were unnecessary.

During the next few weeks, however, Almonte heard much of the gossip that was current at Washington to the effect that the question of annexation would come before the session of congress which convened in De-

cember. Without inquiring of the state department with respect to the truth of these rumors, Almonte wrote Secretary Upshur that the Mexican government had good ground to believe that such a move was contemplated and repeated the threat of war. In the exchange of communications which ensued Upshur not only reiterated the declaration of Thompson, but frankly told Almonte that the United States did not recognize any Mexican claim to Texas. "The United States," he said, "regard Texas as in all respects an independent nation, fully competent to manage its own affairs, and possessing all the rights of other independent nations. The government of the United States, therefore, will not consider it necessary to consult any other nation in its transactions with the government of Texas."

This was a complete reversal of the stand which the American government had taken in rejecting the original proposal of Texas. It was, of course, a statement of the plain truth to say that Texas was "in all respects an independent nation." Texas was recognized as such by the leading nations of the world and the reluctance of Mexico to bow to the situation could not change this fact. Whatever destiny might be ahead of Texas, one thing was certain: That destiny would not be linked with Mexico in any way. Texas had an absolute right, under international law, to dispose of her territory in any way her people might choose. She had a right to seek annexation to the United States, and the United States had the same right to agree to such annexation. No other nation, whether Mexico or any other, possessed valid authority to challenge the right of either in such a transaction. It is important

to emphasize this because there still are historians, even American historians, who do not recognize the position in which Texas stood before the world in 1843.

The rumors with respect to negotiations looking toward annexation were so generally current, and the relations with Mexico became so acute, that President Tyler could not escape making some reference to Texas in his annual message, when congress convened in December, 1843. The attitude of the Texan government, however, made it inadvisable to refer directly to annexation, so Tyler contented himself with transmitting to congress all the correspondence with Mexico on the subject of Texas, and with making it clear that the United States no longer recognized any Mexican claim to the territory of the young republic. He said nothing about the intentions of the United States, but plainly indicated that should the United States annex Texas it would be no other nation's business, so to speak.

"I communicate herewith," said President Tyler, "certain dispatches received from our minister at Mexico, and also a correspondence which has recently occurred between the envoy from that republic and the secretary of state. It must be regarded as not a little extraordinary that the government of Mexico, in anticipation of a public discussion (which it has been pleased to infer from newspaper publications as likely to take place in congress, relating to the annexation of Texas to the United States), should have so far anticipated the result of such discussion as to have announced its determination to visit any such anticipated decision by a formal declaration of war against the United States. If designed to prevent congress from introducing that

question as a fit subject for its calm deliberation and final judgment, the executive has no reason to doubt that it will entirely fail of its object. The representatives of a brave and patriotic people will suffer no apprehension of future consequences to embarrass them in the course of their proposed deliberations, nor will the executive department of the government fail for any such cause to discharge its whole duty to the country.

“The war which has existed for so long a time between Mexico and Texas has since the battle of San Jacinto consisted for the most part of predatory incursions, which, while they have been attended with much of suffering to individuals and have kept the borders of the two countries in a state of constant alarm, have failed to approach any definite result. Mexico has fitted out no formidable armament by land or sea for the subjugation of Texas. Eight years have now elapsed since Texas declared her independence of Mexico, and during that time she has been recognized as a sovereign power by several of the principal civilized states. Mexico, nevertheless, perseveres in her plans of reconquest, and refuses to recognize her independence. The predatory incursions to which I have alluded have been attended in one instance with the breaking up of the courts of justice, by the seizing upon the persons of the judges, jury, and officers of the court and dragging them along with unarmed, and therefore noncombatant, citizens into a cruel and oppressive bondage, thus leaving crime to go unpunished and immorality to pass unreprieved. A border warfare is evermore to be deprecated, and over such a war as has existed for so many years between these two states

humanity has had great cause to lament. Nor is such a condition of things to be deplored only because of the individual suffering attendant upon it. The effects are far more extensive. The Creator of the Universe has given man the earth for his resting place and its fruits for his subsistence. Whatever, therefore, shall make the first or any part of it a scene of desolation affects injuriously his heritage and may be regarded as a general calamity. Wars may sometimes be necessary, but all nations have a common interest in bringing them speedily to a close.

“The United States have an immediate interest in seeing an end put to the state of hostilities existing between Mexico and Texas. They are our neighbors, of the same continent, with whom we are not only desirous of cultivating the relations of amity, but of the most extended commercial intercourse, and to practice all the rites of a neighborhood hospitality. Our own interests are involved in the matter, since, however neutral may be our course of policy, we can not hope to escape the effects of a spirit of jealousy on the part of both of the powers. Nor can this government be indifferent to the fact that a warfare such as is waged between those two nations is calculated to weaken both powers and finally to render them—and especially the weaker of the two—the subjects of interference on the part of stronger and more powerful nations, who, intent only on advancing their own peculiar views, may sooner or later attempt to bring about a compliance with terms, as the condition of their interposition, alike derogatory to the nation granting them and detrimental to the interests of the United States. We could not

be expected quietly to permit any such interference to our disadvantage. Considering that Texas is separated from the United States by a mere geographical line; that her territory, in the opinion of many, down to a late period formed a portion of the territory of the United States; that it is homogeneous in its population and pursuits with the adjoining states, makes contributions to the commerce of the world in the same articles with them, and that most of her inhabitants have been citizens of the United States, speak the same language, and live under similar political institutions as ourselves, this government is bound by every consideration of interest as well as sympathy to see that she shall be left free to act, especially in regard to her domestic affairs, unawed by force and unrestrained by the policy or views of other countries. In full view of all these considerations, the executive has not hesitated to express to the government of Mexico how deeply it deprecated a continuance of the war and how anxiously it desired to witness its termination.

“I can not but think that it becomes the United States, as the oldest of the American republics, to hold a language to Mexico upon this subject of an unambiguous character. It is time that this war had ceased. There must be a limit to all wars, and if the parent state after an eight years’ struggle has failed to reduce to submission a portion of its subjects standing out in revolt against it, and who have not only proclaimed themselves to be independent, but have been recognized as such by other powers, she ought not to expect that other nations will quietly look on, to their obvious injury, upon a protraction of hostilities. These United

States threw off their colonial dependence and established independent governments, and Great Britain, after having wasted her energies in the attempt to subdue them for a less period than Mexico has attempted to subjugate Texas, had the wisdom and justice to acknowledge their independence, thereby recognizing the obligation which rested on her as one of the family of nations. An example thus set by one of the proudest as well as most powerful nations on the earth it could in no way disparage Mexico to imitate. While, therefore, the executive would deplore any collision with Mexico or any disturbance of the friendly relations which exist between the two countries, it can not permit that government to control its policy, whatever it may be, toward Texas, but will treat her—as by the recognition of her independence the United States have long since declared they would do—as entirely independent of Mexico. The high obligations of public duty may enforce from the constituted authorities of the United States a policy which the course persevered in by Mexico will have mainly contributed to produce, and the executive in such a contingency will with confidence throw itself upon the patriotism of the people to sustain the government in its course of action.”

This message was interpreted everywhere as indicating that Tyler contemplated the annexation of Texas. Its effect in Great Britain was to start negotiations with France for a joint protest against such a move. Lord Aberdeen was angered at the veiled references to British activities in Texas, for there was no mistaking Tyler’s language with respect to “interference on the part of stronger and more powerful nations.” The declaration

that "this government is bound by every consideration of interest as well as sympathy to see that she [Texas] shall be left free to act, especially in regard to her domestic affairs, unawed by force and unrestrained by the policy or views of other countries" could refer only to Great Britain and her reported efforts to abolish slavery.

The message revealed to Houston and Jones that the policy of using Great Britain to frighten the United States into accepting annexation was succeeding, but not in a way calculated to eliminate the anti-slavery opposition. Too much prominence was being given to the danger of the abolition of slavery in Texas, through British influence, and not enough to the very real danger of an independent Texas, with slavery, closely connected with Great Britain commercially. Neither Houston nor Jones was convinced that Tyler could win over two-thirds of the senate to his view of the matter. However, the effect of the message on the mass of the people of Texas was such that it soon became clear that it would be difficult for the Texan government to persist in its refusal to negotiate a treaty. Indeed, the pressure of public opinion became so strong that on January 20, 1844, Houston sent a special message to a secret session of the two houses of congress, going fully into the difficulties of the situation, but suggesting that a special commissioner be named to go to Washington to cooperate with Van Zandt. Just before its adjournment two weeks later, the Texas congress approved this suggestion by appropriating five thousand dollars for the expense of such a special commissioner, and on February 10 Houston named J. Pinckney Hen-

derson to undertake this mission. Meantime, Van Zandt sent assurances from Washington that ratification of an annexation treaty by the American senate seemed certain. Houston and Jones finally decided, therefore, but not without reluctance, to consent to a negotiation. The American chargé d'affaires, Murphy, was notified of this decision and Henderson started for Washington.

CHAPTER LIV.

ANNEXATION MADE AN ISSUE.

As soon as Upshur learned of the decision of the Texan government he began to discuss with Van Zandt the details of the proposed treaty of annexation, without waiting for Henderson to reach Washington. President Tyler had decided to make the annexation of Texas the crowning achievement of his administration and, as a new presidential election was approaching, and he had ambitions for another term, it was his desire that no time should be lost. He hoped that it could be accomplished peaceably, but he was fully prepared to go to war with Mexico and even Great Britain over the question if war could not be avoided. War as the result of annexation would be preferable to war over British activities in independent Texas, and the president and his advisers had become so thoroughly convinced that Great Britain was intriguing to obtain a dominant influence in Texas with the purpose of abolishing slavery that they had reached the conclusion that annexation was the only way to avoid a war with that country, if war could be avoided at all. On January 24 Upshur told Almonte of the fear that was felt by the president over British activities in Texas and suggested that annexation was the only way the United States could safeguard her own interests. He assured the Mexican minister that such a course would not indicate any unfriendliness on the part of the United States toward

Mexico and declared there was no reason the move should cause friction between them. A few weeks later, when Almonte expressed the opinion that Great Britain might oppose the annexation of Texas to the United States, Upshur frankly and bluntly replied that President Tyler was ready to go to war with Great Britain over the question—if that became necessary. Almonte, of course, persisted in the view that annexation would be regarded by Mexico as equivalent to a declaration of war and gave no encouragement to the proposal, made by Upshur, that the United States would be willing to pay a reasonable amount for Mexico's claim to Texas.

Lord Aberdeen, realizing at last that the talk of abolishing slavery in Texas was having the effect of hastening annexation, dispatched to the British minister at Washington, with instructions to read it to the American secretary of state, a document setting forth Great Britain's attitude on the question. "With regard to Texas," it declared, "we avow that we wish to see slavery abolished there as elsewhere, and we should rejoice if the recognition of that country by the Mexican government should be accompanied by an engagement on the part of Texas to abolish slavery eventually, and under proper conditions, throughout the republic. But although we earnestly desire and feel it to be our duty to promote such a consummation, we shall not interfere unduly, or with an improper assumption of authority, with either party, in order to ensure the adoption of such a course. We shall counsel, but we shall not seek to compel."

In view of the wide interpretation that might be

placed on such phrases as "undue interference" and "an improper assumption of authority," this note could not be expected to remove the fear which had taken hold of administration leaders that Great Britain would succeed in bringing about the abolition of slavery in Texas. But before Upshur could reply to this communication, and before he completed the details of the annexation treaty, he was removed from the discussion by death. He was killed on February 28, 1844, when a pivot gun exploded on the United States man-of-war *Princeton* during a public inspection of that vessel. This sad accident interrupted the negotiations over annexation and they were not resumed until the beginning of April, when John C. Calhoun, who succeeded Upshur as secretary of state, and Henderson, who arrived at Washington on March 29, took up the discussion of the uncompleted treaty. The result of this discussion was that the details were promptly agreed upon and the treaty providing for the annexation of Texas to the United States was signed on April 12, 1844.

The treaty set forth in a preamble that the people of Texas, having expressed themselves in favor of annexation to the United States by an overwhelming vote, and being still desirous of such annexation, the United States, actuated by a desire for its own security and prosperity, and to meet the wishes of the Texans, had determined to accomplish this object. The terms of the incorporation of Texas in the American Union followed, it being provided that all public lands were ceded to the United States government, and made subject to the laws regulating the lands of other territory of that government, and that the United States assumed

the obligation to pay all of the public debts of Texas, the amount of which should be determined by a commission appointed by the president of the United States. It was provided further that, with the exception of the president, the vice-president and the heads of departments, the executive and judicial officers of the republic should remain in office until final provision should be made for the admission of Texas into the Union as a state. The treaty was transmitted to the Texan government and Secretary Calhoun set about making preparations for its submission to the United States senate.

Meantime the Texan and Mexican commissioners, who had been negotiating the terms of an armistice as preliminary to a treaty of peace, signed an agreement on February 18. Houston received this document before the annexation treaty had been completed, and held it in abeyance pending the result of the negotiations with the United States. By this time it was common talk that Texas was to be annexed to the United States, and Elliot, the British chargé d'affaires, applied to the Texas government for information in regard to Henderson's mission. He pointed out that if Texas was seeking annexation, Great Britain and France could not continue to urge upon Mexico the advisability of recognizing her independence, and that in view of the circumstances an explanation was due those two countries. The Texan government replied that, while the greatest confidence was felt with respect to the good will of Great Britain, Texas had ceased to hope for any favorable result of the efforts at mediation and for the sake of peace and her future security she had accepted the proposal of the United States. The Texan govern-

ment then rejected the agreement signed by its commissioners with Mexico, on the ground that it referred to the republic as a "department," though Houston neglected to notify the Mexican government of this decision until after it had received formal notice of the signing of the treaty of annexation.

Before sending the treaty to the senate for ratification, Secretary Calhoun had an interview with Almonte and informed him it had been signed. He renewed the assurances which Upshur had given Almonte that no offense to Mexico was intended and again offered to pay that country a cash consideration for the relinquishment of her claims to Texas. He added that he would immediately dispatch a special messenger to the Mexican capital with a copy of the treaty who would make these assurances to the Mexican government formally. Almonte replied that his government had been outrageously treated in connection with the matter, and added that the ratification of the treaty by the United States senate would be the signal for his official leave-taking, and for war. He then wrote his government an account of the interview, and ended by predicting that the treaty would be rejected by the senate.

Calhoun next turned his attention to Lord Aberdeen's note on British efforts to abolish slavery in Texas. He prepared a reply which was at once a criticism of the whole British policy and a formal notification that the United States had determined to annex Texas as a measure of defense against that policy. Calhoun singled out the British foreign minister's declaration that Great Britain desired the abolition of slavery everywhere, including Texas, and declared that should this desire

be gratified as to Texas it would endanger both the prosperity of the American people and the safety of the American Union. To prevent this the United States, he said, had entered into a treaty with Texas providing for annexation. It has been said that this reply was written with an eye chiefly upon its probable effect on the United States senate, to which body it was submitted, along with the treaty. Whether this is true or not, the effect of Calhoun's arguments was to base the whole case of annexation on the ground that it was necessary to preserve the institution of slavery in Texas. Thus it linked the question of annexation with that of slavery again, and this circumstance, to say the least, was not calculated to allay the anti-slavery opposition which had defeated annexation during Van Buren's administration. However, the treaty, supported by this argument, was submitted to the senate on April 22, 1844.

President Tyler recognized that arguments other than that of its effect upon the institution of slavery would be necessary to carry the treaty through the senate, and in the special message with which he accompanied the treaty he sought to show that the interests of the whole country were involved. He emphasized the danger of British influence in Texas, but he went to great pains to point out other evils that would result from this besides the possible abolition of slavery. "In contemplating such a contingency," he said, "it can not be overlooked that the United States are already almost surrounded by the possessions of European powers. The Canadas, New Brunswick and Nova Scotia, the islands in the American seas, with Texas trammelled by



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treaties of alliance or of a commercial character differing in policy from that of the United States, would complete the circle." Whatever step Texas might adopt in the direction of seeking the friendship of European powers, if her overtures were again rejected by the United States, he said, "would prove disastrous in the highest degree to the interests of the whole Union."

The full text of Tyler's message follows:

"I transmit herewith, for your approval and ratification, a treaty which I have caused to be negotiated between the United States and Texas, whereby the latter, on conditions therein set forth, has transferred and conveyed all its rights of separate and independent sovereignty and jurisdiction to the United States. In taking so important a step I have been influenced by what appeared to me to be the most controlling considerations of public policy and the general good, and in having accomplished it, should it meet with your approval, the government will have succeeded in reclaiming a territory which formerly constituted a portion, as it is confidently believed, of its domain under the treaty of cession of 1803 by France to the United States.

"The country thus proposed to be annexed has been settled principally by persons from the United States, who emigrated on the invitation of both Spain and Mexico, and who carried with them into the wilderness which they have partially reclaimed the laws, customs, and political and domestic institutions of their native land. They are deeply indoctrinated in all the principles of civil liberty, and will bring along with them in the act of reassociation devotion to our Union and a firm and inflexible resolution to assist in main-

taining the public liberty unimpaired—a consideration which as it appears to me, is to be regarded as of no small moment. The country itself thus obtained is of incalculable value in an agricultural and commercial point of view. To a soil of inexhaustible fertility it unites a genial and healthy climate, and is destined at a day not distant to make large contributions to the commerce of the world. Its territory is separated from the United States in part by an imaginary line, and by the river Sabine for a distance of three hundred and ten miles, and its productions are the same with those of many of the contiguous states of the Union. Such is the country, such are its inhabitants, and such its capacities to add to the general wealth of the Union. As to the latter, it may be safely asserted that in the magnitude of its productions it will equal in a short time, under the protecting care of this government, if it does not surpass, the combined production of many of the states of the confederacy. A new and powerful impulse will thus be given to the navigating interest of the country, which will be chiefly engrossed by our fellow-citizens of the eastern and middle states, who have already attained a remarkable degree of prosperity by the partial monopoly they have enjoyed of the carrying trade of the Union, particularly the coastwise trade, which this new acquisition is destined in time, and that not distant, to swell to a magnitude which can not easily be computed, while the addition made to the boundaries of the home market thus secured to their mining, manufacturing, and mechanical skill and industry will be of a character the most commanding and important. Such are some of the many advantages

which will accrue to the eastern and middle states by the ratification of the treaty—advantages the extent of which it is impossible to estimate with accuracy or properly to appreciate. Texas, being adapted to the culture of cotton, sugar and rice, and devoting most of her energies to the raising of these productions, will open an extensive market to the western states in the important articles of beef, pork, horses, mules, etc., as well as in breadstuffs. At the same time, the southern and southeastern states will find in the fact of annexation protection and security to their peace and tranquillity, as well against all domestic as foreign efforts to disturb them, thus consecrating anew the union of the states and holding out the promise of its perpetual duration.

“Thus, at the same time that the tide of public prosperity is greatly swollen, an appeal of what appears to the Executive to be an imposing, if not a resistless, character is made to the interests of every portion of the country. Agriculture, which would have a new and extensive market opened for its produce; commerce, whose ships would be freighted with the rich productions of an extensive and fertile region; and the mechanical arts, in all their various ramifications, would seem to unite in one universal demand for the ratification of the treaty. But, important as these considerations may appear, they are to be regarded as but secondary to others. Texas, for reasons deemed sufficient by herself, threw off her dependence on Mexico as far back as 1836, and consummated her independence by the battle of San Jacinto in the same year, since which period Mexico has attempted no serious invasion

of her territory, but the contest has assumed features of a mere border war, characterized by acts revolting to humanity. In the year 1836 Texas adopted her constitution, under which she has existed as a sovereign power ever since, having been recognized as such by many of the principal powers of the world; and contemporaneously with its adoption, by a solemn vote of her people, embracing all her population but ninety-three persons, declared her anxious desire to be admitted into association with the United States as a portion of their territory. This vote, thus solemnly taken, has never been reversed, and now by the action of her constituted authorities, sustained as it is by popular sentiment, she reaffirms her desire for annexation. This course has been adopted by her without the employment of any sinister measures on the part of this government. No intrigue has been set on foot to accomplish it. Texas herself wills it, and the Executive of the United States, concurring with her, has seen no sufficient reason to avoid the consummation of an act esteemed to be so desirable by both. It can not be denied that Texas is greatly depressed in her energies by her long-protracted war with Mexico. Under these circumstances it is but natural that she should seek safety and repose under the protection of some stronger power, and it is equally so that her people should turn to the United States, the land of their birth, in the first instance in pursuit of such protection. She has often before made known her wishes, but her advances have to this time been repelled. The Executive of the United States sees no longer any cause for pursuing such a course. The hazard of now defeating her wishes may be of the most fatal tendency.

It might lead, and most probably would, to such an entire alienation of sentiment and feeling as would inevitably induce her to look elsewhere for aid, and force her either to enter into dangerous alliances with other nations, who, looking with more wisdom to their own interests, would, it is fairly to be presumed, readily adopt such expedients; or she would hold out the proffer of discriminating duties in trade and commerce in order to secure the necessary assistance. Whatever steps she might adopt looking to this object would prove disastrous in the highest degree to the interests of the whole Union. To say nothing of the impolicy of our permitting the carrying trade and home market of such a country to pass out of our hands into those of a commercial rival, the government, in the first place, would be certain to suffer most disastrously in its revenue by the introduction of a system of smuggling upon an extensive scale, which an army of custom-house officers could not prevent, and which would operate to affect injuriously the interests of all the industrial classes of this country. Hence would arise constant collisions between the inhabitants of the two countries, which would evermore endanger their peace. A large increase of the military force of the United States would inevitably follow, thus devolving upon the people new and extraordinary burdens in order not only to protect them from the danger of daily collision with Texas herself, but to guard their border inhabitants against hostile inroads, so easily excited on the part of the numerous and warlike tribes of Indians dwelling in their neighborhood. Texas would undoubtedly be unable for many years to come, if at any time, to resist unaided and alone

the military power of the United States; but it is not extravagant to suppose that nations reaping a rich harvest from her trade, secured to them by advantageous treaties, would be induced to take part with her in any conflict with us, from the strongest considerations of public policy. Such a state of things might subject to devastation the territory of contiguous states, and would cost the country in a single campaign more treasure, thrice told over, than is stipulated to be paid and reimbursed by the treaty now proposed for ratification. I will not permit myself to dwell on this view of the subject. Consequences of a fatal character to the peace of the Union, and even to the preservation of the Union itself, might be dwelt upon. They will not, however, fail to occur to the mind of the Senate and of the country. Nor do I indulge in any vague conjectures of the future. The documents now transmitted along with the treaty lead to the conclusion, as inevitable, that if the boon now tendered be rejected Texas will seek for the friendship of others. In contemplating such a contingency it can not be overlooked that the United States are already almost surrounded by the possessions of European powers. The Canadas, New Brunswick and Nova Scotia, the islands in the American seas, with Texas trammelled by treaties of alliance or of a commercial character differing in policy from that of the United States, would complete the circle. Texas voluntarily steps forth, upon terms of perfect honor and good faith to all nations, to ask to be annexed to the Union. As an independent sovereignty her right to do this is unquestionable. In doing so she gives no cause of umbrage to any other power; her people desire

it, and there is no slavish transfer of her sovereignty and independence. She has for eight years maintained her independence against all efforts to subdue her. She has been recognized as independent by many of the most prominent of the family of nations, and that recognition, so far as they are concerned, places her in a position, without giving any just cause of umbrage to them, to surrender her sovereignty at her own will and pleasure. The United States, actuated evermore by a spirit of justice, has desired by the stipulations of the treaty to render justice to all. They have made provision for the payment of the public debt of Texas. We look to her ample and fertile domain as the certain means of accomplishing this; but this is a matter between the United States and Texas, and with which other governments have nothing to do. Our right to receive the rich grant tendered by Texas is perfect, and this government should not, having due respect either to its own honor or its own interests, permit its course of policy to be interrupted by the interference of other powers, even if such interference were threatened. The question is one purely American. In the acquisition, while we abstain most carefully from all that could interrupt the public peace, we claim the right to exercise a due regard to our own. This government can not consistently with its honor permit any such interference. With equal, if not greater, propriety might the United States demand of other governments to surrender their numerous and valuable acquisition made in past time at numberless places on the surface of the globe, whereby they have added to their power and enlarged their resources.

“To Mexico the Executive is disposed to pursue a course conciliatory in its character and at the same time to render her the most ample justice by conventions and stipulations not inconsistent with the rights and dignity of the government. It is actuated by no spirit of unjust aggrandizement, but looks only to its own security. It has made known to Mexico at several periods its extreme anxiety to witness the termination of hostilities between that country and Texas. Its wishes, however, have been entirely disregarded. It has ever been ready to urge an adjustment of the dispute upon terms mutually advantageous to both. It will be ready at all times to hear and discuss any claims Mexico may think she has on the justice of the United States, and to adjust any that may be deemed to be so on the most liberal terms. There is no desire on the part of the Executive to wound her pride or affect injuriously her interest, but at the same time it can not compromise by any delay in its action the essential interests of the United States. Mexico has no right to ask or expect this of us; we deal rightfully with Texas as an independent power. The war which has been waged for eight years has resulted only in the conviction with all others than herself that Texas can not be reconquered. I can not but repeat the opinion expressed in my message at the opening of congress that it is time it had ceased. The Executive, while it could not look upon its longer continuance without the greatest uneasiness, has, nevertheless, for all past time preserved a course of strict neutrality. It could not be ignorant of the fact of the exhaustion which a war of so long a duration had produced. Least of all was it ignorant

of the anxiety of other powers to induce Mexico to enter into terms of reconciliation with Texas, which, affecting the domestic institutions of Texas, would operate most injuriously upon the United States and might most seriously threaten the existence of this happy Union. Nor could it be unacquainted with the fact that although foreign governments might disavow all design to disturb the relations which exist under the constitution between these states, yet that one, the most powerful among them, had not failed to declare its marked and decided hostility to the chief feature in those relations and its purpose on all suitable occasions to urge upon Mexico the adoption of such a course in negotiating with Texas as to produce the obliteration of that feature of her domestic policy as one of the conditions of her recognition by Mexico as an independent state. The Executive was also aware of the fact that formidable associations of persons, the subjects of foreign powers, existed, who were directing their utmost efforts to the accomplishment of this object. To these conclusions it was inevitably brought by the documents now submitted to the senate. I repeat, the Executive saw Texas in a state of almost helpless exhaustion, and the question was narrowed down to the simple proposition whether the United States should accept the boon of annexation upon fair and even liberal terms or, by refusing to do so, force Texas to seek refuge in the arms of some other power, either through a treaty of alliance, offensive and defensive, or the adoption of some other expedient which might virtually make her tributary to such power and dependent upon it for all future time. The Executive has full reason to believe that such would

have been the result without its interposition, and that such will be the result in the event either of unnecessary delay in ratification or of the rejection of the proposed treaty.

“In full view, then, of the highest public duty, and as a measure of security against evils incalculably great, the Executive entered into the negotiation, the fruits of which are now submitted to the senate. Independent of the urgent reasons which existed for the step it has taken, it might safely invoke the fact (which it confidently believes) that there exists no civilized government on earth having a voluntary tender made it of a domain so rich and fertile, so replete with all that can add to national greatness and wealth, and so necessary to its peace and safety, that would reject the offer. Nor are other powers, Mexico inclusive, likely in any degree to be injuriously affected by the ratification of the treaty. The prosperity of Texas will be equally interesting to all; in the increase of the general commerce of the world that prosperity will be secured by annexation.

“But one view of the subject remains to be presented. It grows out of the proposed enlargement of our territory. From this, I am free to confess, I see no danger. The federative system is susceptible of the greatest extension compatible with the ability of the representation of the most distant state or territory to reach the seat of government in time to participate in the functions of legislation and to make known the wants of the constituent body. Our confederated republic consisted originally of thirteen members. It now consists of twice that number, while applications are before congress to permit other additions. This addition of new

states has served to strengthen rather than to weaken the Union. New interests have sprung up, which require the united power of all, through the action of the common government, to protect and defend upon the high seas and in foreign parts. Each state commits with perfect security to that common government those great interests growing out of our relations with other nations of the world, and which equally involve the good of all the states. Its domestic concerns are left to its own exclusive management. But if there were any force in the objection it would seem to require an immediate abandonment of territorial possessions which lie in the distance and stretch to a far-off sea, and yet no one would be found, it is believed, ready to recommend such an abandonment. Texas lies at our very doors and in our immediate vicinity.

“Under every view which I have been able to take of the subject, I think that the interests of our common constituents, the people of all the states, and a love of the Union left the Executive no other alternative than to negotiate the treaty. The high and solemn duty of ratifying or rejecting it is wisely devolved on the senate by the constitution of the United States.”

If Tyler really expected the senate to ratify the annexation treaty he displayed a very poor comprehension of the political situation and a total lack of understanding of the motives which animate American politicians. It is probable he entertained some doubt that the treaty would be ratified and had formulated a definite course of action which he believed would result in annexation ultimately and at the same time might cause his reelection to the presidency. The Whigs, who had elected

him vice-president, had long ago abandoned him, and there was no chance of his nomination by that party. Indeed, it was a foregone conclusion that Henry Clay would be the Whig candidate. Clay was known to be unfavorable to annexation, in spite of the fact that he was the first man to propose the purchase of Texas from Mexico, and had attempted to negotiate such a purchase as John Quincy Adams's secretary of state. The leading candidate for the Democratic nomination was Martin Van Buren, and his attitude toward annexation while president was such as to preclude his taking a stand in favor of it. If Clay should be nominated by the Whigs and Van Buren by the Democrats, the situation thus created would give Tyler a splendid opportunity to become the candidate of a third party on a platform declaring for the annexation of Texas. It is hardly to be doubted that Tyler had an eye to this contingency when he decided to submit the treaty on the very eve of the meeting of the Whig and Democratic conventions. The question of annexation had been the subject of political discussion for weeks and, with the treaty pending before the senate during the conventions, the candidates could not escape taking a stand on the question.

At least, that is what occurred. Both Clay and Van Buren published letters, written to political friends, in which they went on record against the proposal to annex Texas. Within ten days after the treaty reached the senate the Whigs met at Baltimore and nominated Clay, and though annexation was not mentioned in the platform, the candidate's declaration against it was equivalent to a party pronouncement. The Democratic

convention was scheduled to meet during the last week of May, also at Baltimore, and Tyler contrived to keep the question before the country by means of special messages in the meantime. On May 15, in reply to a resolution of the senate requesting information whether "any military preparation had been ordered by the president for or in anticipation of war," Tyler sent in a message frankly setting forth that both land and naval forces had been assembled in the neighborhood of Texas in consequence of the declaration of Mexico that ratification of the treaty of annexation would be regarded as a declaration of war. "It is due to myself," continued the president, "that I should declare that, the United States having by the treaty of annexation acquired a title to Texas which requires only the action of the senate to perfect it, no other power could be permitted to invade and by force of arms possess itself of any portion of the territory of Texas pending your deliberations upon the treaty without placing itself in a hostile attitude to the United States and justifying the employment of any military means at our disposal to drive back the invasion. At the same time, it is my opinion that Mexico or any other power will find in your approval of the treaty no just cause of war against the United States, nor do I perceive that there is any serious hazard of war to be found in the fact of such approval." On the same day Tyler sent another message to the senate denying that the messenger who had been dispatched to Mexico had gone for the purpose of obtaining the assent of the Mexican government to the treaty. The next day he sent still another message urging the importance of immediate action on the treaty.

Along with this last-named message Tyler transmit-

ted to the senate a report of the secretary of state which was accompanied by a number of communications calculated to show that unless Texas was annexed without delay she would be driven into the arms of Great Britain. "In my message communicating the treaty with Texas," Tyler wrote, "I expressed the opinion that if Texas was not now annexed it was probable that the opportunity of annexing it to the United States would be lost forever. Since then the subject has been much agitated, and if an opinion may be formed of the chief ground of the opposition to the treaty, it is not that Texas ought not at some time or other to be annexed, but that the present is not the proper time. It becomes, therefore, important, in this view of the subject, and is alike due to the senate and the country, that I should furnish any papers in my possession which may be calculated to impress the senate with the correctness of the opinion thus expressed by me. With this view I herewith transmit a report from the secretary of state, accompanied by various communications on the subject. These communications are from private sources, and it is to be remarked that a resort must in all such cases be had chiefly to private sources of information, since it is not to be expected that any government, more especially if situated as Texas is, would be inclined to develop to the world its ulterior line of policy.

"Among the extracts is one from a letter from General Houston to General Andrew Jackson, to which I particularly invite your attention, and another from General Jackson to a gentleman of high respectability, now of this place. Considering that General Jackson was placed in a situation to hold the freest and fullest interview with Mr. Miller, the private and confidential

secretary of President Houston, who, President Houston informed General Jackson, 'knows all his actions and understands all his motives,' and who was authorized to communicate to General Jackson the views of the policy entertained by the President of Texas, as well applicable to the present as the future; that the declaration made by General Jackson in his letter 'that the present golden moment to obtain Texas must not be lost, or Texas might from necessity be thrown into the arms of England and be forever lost to the United States,' was made with a full knowledge of all circumstances, and ought to be received as conclusive of what will be the course of Texas should the present treaty fail—from this high source, sustained, if it requires to be sustained, by the accompanying communications, I entertain not the least doubt that if annexation should now fail it will in all human probability fail forever. Indeed, I have strong reasons to believe that instructions have already been given by the Texan government to propose to the government of Great Britain, forthwith on the failure, to enter into a treaty of commerce and an alliance offensive and defensive."

The question of the annexation of Texas was thus kept before the people and, in spite of the desire of both the Whigs and the Van Buren Democrats to banish it from the campaign as an issue, it had become the chief topic of public discussion by the time the Democratic convention met. As the convention assembled it was plain to everyone that Van Buren's nomination, which had been regarded as certain less than two months before, was problematical. A number of new candidates had come to the front since the publication of his letter

against annexation and even Tyler was talked of as a possibility. The president's aggressive defense of his proposal to annex Texas had won him many new friends among the Democrats of the South and the possibility of his nomination was made all the more inviting by the fact that a convention of his personal followers from all sections of the country met at Baltimore the same day the Democrats assembled and flung to the political breeze a banner bearing the alliterative slogan, "Tyler and Texas." Tyler had refused to take his chances in the Democratic convention, for the probability of Van Buren's nomination was too great. This independent convention, therefore, nominated him for reelection. If the Democrats named Van Buren, Tyler would thus go before the country as the only candidate in favor of annexation, and in a three-cornered race the outlook for his election would be bright. On the other hand there was nothing to prevent the Democratic convention from nominating Tyler and capturing the support of his personal following.

The most formidable annexation candidate before the Democratic convention was General Lewis Cass of Michigan. He had been a candidate for the nomination for more than a year, but had made very little headway against Van Buren until the publication of the latter's declaration against annexation. Cass immediately made the most of the opportunity thus created and announced that he was decidedly in favor of acquiring Texas. By the time the convention met several state delegations from the West and Southwest had transferred their allegiance from Van Buren to Cass, with the result that much bitterness was engendered among the Van Buren

supporters against him. This was the situation when the convention perfected its organization. A majority of the delegates were pledged to Van Buren, but if the two-thirds rule should be adopted, as had been the case at the two previous Democratic national conventions, this circumstance would be a doubtful advantage. Many of the Van Buren delegates had become convinced that his opposition to annexation was a blunder and that his nomination would make Tyler's candidacy sufficiently formidable to bring about Democratic defeat. They were unwilling to desert Van Buren openly, but they did not hesitate to adopt the method of voting for the two-thirds rule as a means of preventing his nomination. The two-thirds rule was adopted, therefore, by a decisive vote. This meant that neither Van Buren nor Cass could obtain the nomination, for feeling was so strong between the two factions there was no probability of two-thirds of the delegates voting for either candidate. When the convention got down to voting, Van Buren fell thirty-two votes short of two-thirds on the first ballot, and on the second he received less than a majority. Cass made gains and Van Buren lost ground on each succeeding ballot, but when the day was over neither was in sight of the nomination.

In this situation the leaders began to look around for a dark horse, and in the discussion the name of James K. Polk of Tennessee, who had come out strongly for annexation about the time Van Buren's letter was published, and who was a candidate for second place on the ticket, was mentioned with growing favor. When the convention met next day and the calling of the roll on the first ballot was started, it looked as if the process

of the previous day was to be repeated until the name of New Hampshire was called. New Hampshire responded by voting for Polk, thus causing a ripple of excitement among the delegates. The next ballot proceeded in the same way, and again New Hampshire voted for Polk. There was another ripple, but it changed almost immediately into a wave of enthusiasm when New York, Van Buren's own state, also cast its vote for Polk. A stampede for the "band wagon" ensued and the result was that Polk was nominated unanimously. Then the convention named George M. Dallas of Pennsylvania as his running mate.

With an annexation candidate it was inevitable that the Democrats would incorporate an annexation plank in their platform. The question of the boundary between American and British territory in Oregon was still unsettled, the American government having set up a claim to all the region south of a line at $54^{\circ} 40'$ north latitude. The platform, therefore, combined this question with that of the annexation of Texas and adopted the following declaration:

"That our title to the whole of the territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or to any other power; and that the reoccupation of Oregon and the reannexation of Texas at the earliest practicable period are great American measures, which this convention recommends to the cordial support of the Democracy of the Union."

So the presidential campaign of 1844 was launched. The Oregon question figured prominently in it and gave rise to the slogan "Fifty-four-forty or fight," but the

dominant issue soon became that of the annexation of Texas. In such a situation it was unthinkable that the senate would ratify the Texas treaty. The Whigs in the senate, with Clay as the party's candidate, were opposed to ratification. The Democrats for the most part favored annexation, but with Tyler running for the presidency on an independent ticket they dared not give his administration the credit for accomplishing an object which their own platform declared to be desirable. The Democratic convention had hardly adjourned, therefore, when the senate proceeded to get Tyler's treaty out of the way. On June 8, 1844, the vote was taken on the direct question of ratification, and the roll call showed only sixteen ayes to thirty-five noes. Instead of giving it the two-thirds vote necessary to ratify, more than two-thirds of the senators voted against the treaty. All the Whig senators but one voted in the negative and a good percentage of the Democratic senators did likewise. Even a majority of the senators from slave states lined up against annexation. So it was that the senate sought to "take the wind out of Tyler's sails."

But Tyler was prepared for this action of the senate. Weeks before he had worked out plans to keep the question before the country in the event the treaty was rejected. He had come to the conclusion that Texas could be annexed by means of a joint resolution of congress which would require only a majority vote of the two houses, and had decided to recommend this course the moment the senate disposed of the treaty. Three days after the senate's action, therefore, he sent a message to the house of representatives, transmitting all the papers connected with the question, some of

which had not been made public by the senate, and proposed that Texas be annexed by some other method than by treaty. Tyler had no idea that congress would act upon this proposal before the summer recess, but he desired to keep the question of annexation before the people and to offset the action of the senate in killing the treaty. In accordance with this purpose he phrased his message with an eye to its effect upon public opinion. The message read, in part, as follows:

“The treaty negotiated by the Executive with the Republic of Texas, without a departure from any form of proceeding customarily observed in the negotiation of treaties, for the annexation of that republic to the United States, having been rejected by the senate, and the subject having excited on the part of the people no ordinary degree of interest, I feel it to be my duty to communicate, for your consideration, the rejected treaty, together with all the correspondence and documents which have heretofore been submitted to the senate in its executive sessions. The papers communicated embrace not only the series already made public by orders of the senate, but others from which the veil of secrecy has not been removed by that body, but which I deem to be essential to a just appreciation of the entire question. While the treaty was pending before the senate I did not consider it compatible with the just rights of that body or consistent with the respect entertained for it to bring this important subject before you. The power of congress is, however, fully competent in some other form of proceeding to accomplish everything that a formal ratification of the treaty could have accomplished, and I therefore feel that I should but

imperfectly discharge my duty to yourselves or the country if I failed to lay before you everything in the possession of the Executive which would enable you to act with full light on the subject if you would deem it proper to take any action upon it.

“I regard the question involved in these proceedings as one of vast magnitude and as addressing itself to interests of an elevated and enduring character. A republic coterminous in territory with our own, of immense resources, which requires only to be brought under the influence of our confederate and free system in order to be fully developed, promising at no distant day, through the fertility of its soil, nearly, if not entirely, to duplicate the exports of this country, thereby making an addition to the carrying trade to an amount almost incalculable and giving a new impulse of immense importance to the commercial, manufacturing, agricultural, and shipping interests of the Union, and at the same time affording protection to an exposed frontier and placing the whole country in a condition of security and repose; a territory settled mostly by emigrants from the United States, who would bring back with them in the act of reassociation an unconquerable love of freedom and an ardent attachment to our free institutions—such a question could not fail to interest most deeply in its success those who under the constitution have become responsible for the faithful administration of public affairs. I have regarded it as not a little fortunate that the question involved was no way sectional or local, but addressed itself to the interests of every part of the country and made its appeal to the glory of the American name.

"It is due to the occasion to say that I have carefully reconsidered the objections which have been urged to immediate action upon the subject without in any degree having been struck by their force. It has been objected that the measure of annexation should be preceded by the consent of Mexico. To preserve the most friendly relations with Mexico; to concede to her, not grudgingly, but freely, all her rights; to negotiate fairly and frankly with her as to the questions of boundary; to render her, in a word, the fullest and most ample recompense for any loss she might convince us she had sustained, fully accords with the feelings and views the Executive has always entertained.

"But negotiation in advance of annexation would prove not only abortive, but might be regarded as offensive to Mexico and insulting to Texas. Mexico would not, I am persuaded, give ear for a moment to an attempt at negotiation in advance except for the whole territory of Texas. While all the world beside regards Texas as an independent power, Mexico chooses to look upon her as a revolted province. Nor could we negotiate with Mexico for Texas without admitting that our recognition of her independence was fraudulent, delusive and void. It is only after acquiring Texas that the question of boundary can arise between the United States and Mexico—a question purposely left open for negotiation with Mexico as affording the best opportunity for the most friendly and pacific arrangements. The Executive has dealt with Texas as a power independent of all others, both *de facto* and *de jure*. She was an independent state of the confederation of the Mexican Republic. When by violent

revolution Mexico declared the confederation at an end, Texas owed her no longer allegiance, but claimed and has maintained the right for eight years to a separate and distinct position. During that period no army has invaded her with a view to her reconquest; and if she has not yet established her right to be treated as a nation *de facto* and *de jure*, it would be difficult to say at what period she will attain to that condition.

“Nor can we by any fair or any legitimate inference be accused of violating any treaty stipulations with Mexico. The treaties with Mexico give no guaranty of any sort and are coexistent with a similar treaty with Texas. So have we treaties with most of the nations of the earth which are equally as much violated by the annexation of Texas to the United States as would be our treaty with Mexico. The treaty is merely commercial and intended as the instrument for more accurately defining the rights and securing the interests of the citizens of each country. What bad faith can be implied or charged against the government of the United States for successfully negotiating with an independent power upon any subject not violating the stipulations of such treaty I confess my inability to discern.

“The objections which have been taken to the enlargement of our territory were urged with much zeal against the acquisition of Louisiana, and yet the futility of such has long since been fully demonstrated. Since that period a new power has been introduced into the affairs of the world, which has for all practical purposes brought Texas much nearer to the seat of govern-

ment than Louisiana was at the time of its annexation. Distant regions are by the application of the steam engine brought within close proximity.

“With the views which I entertain on the subject, I should prove faithless to the high trust which the constitution has devolved upon me if I neglected to invite the attention of the representatives of the people to it at the earliest moment that a due respect for the senate would allow me so to do. I should find in the urgency of the matter a sufficient apology, if one was wanting, since annexation is to encounter a great, if not certain, hazard of final defeat if something be not *now* done to prevent it. Upon this point I can not too impressively invite your attention to my message of the 16th of May and to the documents which accompany it, which have not heretofore been made public. If it be objected that the names of the writers of some of the private letters are withheld, all that I can say is that it is done for reasons regarded as altogether adequate, and that the writers are persons of the first respectability and citizens of Texas, and have such means of obtaining information as to entitle their statements to full credit. Nor has anything occurred to weaken, but, on the contrary, much to confirm, my confidence in the statements of General Jackson, and my own statement, made at the close of that message, in the belief, amounting almost to certainty, ‘that instructions have already been given by the Texan government to propose to the government of Great Britain, forthwith on the failure [of the treaty], to enter into a treaty of commerce and an alliance offensive and defensive.’ ”

The president then proceeded to call attention to a report by the American minister to Great Britain of a colloquy in the British house of lords in which Lord Aberdeen, in reply to an inquiry on the subject of annexation, had said that it involved quite new and unexampled questions and that the government was giving it the most serious attention. There was nothing new or novel, said Tyler, about the proposed annexation, in proof of which he cited many instances of annexation by Great Britain. He then declared in unmistakable language that the United States would tolerate no interference from Great Britain in the matter. "If annexation in any form occur, it will arise from the free and unfettered action of the people of the two countries," he said; "and it seems altogether becoming in me to say that the honor of the country, the dignity of the American name, and the permanent interests of the United States would forbid acquiescence in any such interference. No one can more highly appreciate the value of peace to both Great Britain and the United States and the capacity of each to do injury to the other than myself, but peace can best be preserved by maintaining firmly the rights which belong to us as an independent community."

In closing his message, President Tyler said that while he had regarded annexation by treaty as the most suitable form in which the object could be effected, should congress deem it proper to resort to any other expedient compatible with the constitution he was prepared to yield the most prompt and active cooperation. "The great question," he said, "is not as to the manner in

which it shall be done, but whether it shall be accomplished or not. The responsibility of deciding this question is now devolved upon you."

Tyler had no expectation that congress would act on this suggestion before the summer recess, though there is evidence that he did hope that public sentiment would become so strong as to warrant the calling of a special session early in September in the very midst of the presidential campaign. In any event congress adjourned within a week after the message was received, without taking action on the question, and the presidential campaign began in earnest. Tyler's message and the papers he submitted with it supplied abundant material for campaign orators, as he had intended they should, and the danger of Great Britain obtaining the upper hand in Texas and abolishing slavery was pictured in impassioned language throughout the country. How Houston had applied the policy of using Great Britain to frighten the United States is clearly shown in Tyler's messages and especially in Jackson's letter which Tyler made so much ado about. There really was no danger of the abolition of slavery in Texas, but there was genuine danger that Texas would be driven into the arms of Great Britain if annexation failed. Indeed, one of Tyler's motives in keeping the question alive was to induce the Texan government to wait a little while longer before despairing of annexation.

As the campaign progressed it became evident that Tyler's candidacy was endangering Polk's chances of election without insuring his own. Another candidate for the presidency, James G. Birney, of Ohio, was put in nomination in August by the Liberty party on an

anti-slavery platform, but this movement was not expected to draw as many votes from Clay as Tyler would draw from Polk. Some of the Democratic leaders, therefore, began to discuss plans to get Tyler out of the race. This object was finally accomplished through the influence of Jackson, and on August 21 Tyler withdrew his name, thus leaving Polk as the only candidate favoring the annexation of Texas. The question was squarely before the American people.

CHAPTER LV.

TEXAS ENTERS THE UNION.

THE manner in which the question of the annexation of Texas had become the subject of bitter political controversy in the United States was not pleasing to the Texans. Houston expressed a widespread feeling among the people when he wrote Van Zandt and Henderson that "whatever the desires of this government or the people are, or might have been, in relation to annexation, I am satisfied they are not ambitious at this time, nor will ever be again, to be seen in the attitude of a bone of contention, to be worried or annoyed by the influence of conflicting politicians." This was written on the eve of the Democratic convention, while the treaty was still pending before the senate. It had already become clear that the treaty would not be ratified, and Houston instructed the two Texas representatives at Washington not to press the question any further. Mexico, of course, had declared the armistice at an end the moment news of the signing of the treaty was received, and had threatened an invasion of Texas. Great Britain and France had expressed keen disappointment over the action of the Texan government, and had shown some annoyance at first, but they soon adjusted themselves to the situation. Lord Aberdeen became indignant, but he cooled off presently and came at last to take a clearer view of the whole matter than he had been able to take previously. He expressed

regret that there had been so much agitation of the abolition of slavery and that more vigorous attention had not been given to the effort to have Mexico recognize Texan independence. But for a while the position of the Texan authorities was rather an embarrassing one, and the almost certain rejection of the treaty served to aggravate it. Houston was irritated by the turn of events, and instructed Henderson to return home. By the time Henderson received these instructions the situation had changed somewhat through the nomination of Polk, and the Texan representative wrote Anson Jones expressing the hope that Houston would await the result of the presidential election before making any further move. Jones's endorsement on this letter reads as follows: "General Houston is not willing to wait the result of the Presidential election. The instructions from the city of Houston were hasty, and not known of by me. I am in favor of following the advice of this letter." Nevertheless, Henderson left Washington. Then Van Zandt sent in his resignation, which was promptly accepted, and Texan affairs at Washington were left in charge of Charles H. Raymond, secretary of the legation. Houston expressed the opinion that "our minister's leaving Washington City will have a favorable influence on the general concerns of Texas." Thus it was for the time being that the Texan authorities left the question of annexation in the hands of the American politicians.

Houston seems to have given up hope of annexation and to have become convinced that Texas would have to turn elsewhere for the support which her isolated condition made necessary. But Jones took a different

view. For example, when the American chargé d'affaires in Texas wrote Jones on May 23 that "all signs of the times, movements amongst the people and politicians in the United States" confirmed him in the belief that the treaty would be ratified, Jones noted on the letter: "I have never believed the senate would ratify the treaty of annexation, but the measure will be accomplished notwithstanding. The storm is up, and nothing but the alliance will now allay it." Jones had a better appreciation of the factors involved in the situation, and had continued to pursue the policy of playing Great Britain and the United States against each other. This is shown by notation on letters received by him during the whole period. Three weeks before the treaty was signed he noted on a letter from the American chargé d'affaires: "The United States are recovering a little from their alarm. I will have to give them another *scare*. One or two doses of *English* calomel and *French* quinine will have to be administered, and the case will be pretty well out of danger." Then a little later, when George W. Hockley, one of the two commissioners treating with Mexico on the question of peace, wrote him that Captain Elliot had "gone off miffed" over the annexation negotiations, and added that he didn't wonder at it, and that the error of opening the negotiations must be reformed, Jones endorsed the letter with the following: "I cannot help Captain Elliot's being 'miffed,' nor can I admit there has been an error in consenting to treat for annexation. We must take care of ourselves. The British government is too slow for their own interests." Finally, after the signing of the treaty, W. D. Miller, secretary to Henderson, wrote

him from Washington: "You may rely upon it that we shall *never* be annexed to this country—they will never receive us. Everything here goes according to party organization, and no party will probably ever be able to command two-thirds of the senatorial branch of congress to ratify the treaty. It can not and will not be done by law, for that will be deemed unconstitutional, or at least irregular." Whereupon Jones wrote the following comment: "If I should live and be elected to the presidency of Texas, I will falsify the predictions of this letter in regard to ultimate annexation."

Jones was at this time a candidate to succeed Houston as president, his chief opponent being Edward Burleson, but because of his position as secretary of state he refrained from making speeches, in fear that a false interpretation might be placed on some campaign utterance. In connection with the anxiety of some of his friends over his political inactivity he noted: "The policy I am now pursuing with the United States, England, France, Mexico, and other powers, in reference to a settlement of our national difficulties, is not ripe for an exposure to the world. A prudent and discreet policy requires I should keep silent for the present, which I could not do were I to go among the people electioneering. The opposition must necessarily have the advantage of this circumstance." The opposition, be it said, made the most of this advantage, and the report was circulated throughout the republic that Jones was really opposed to annexation and was seeking to defeat it by bungling the negotiations. This was the beginning of an almost general misunderstanding of Jones's policy by the people which developed later. In

spite of his failure to make a campaign, however, Jones was elected president by a decisive majority. He remained, therefore, in charge of the foreign affairs of Texas to the last, for he stuck to his post as Houston's secretary of state until the moment of his inauguration.

Meantime, the presidential campaign in the United States was in full swing, and Great Britain was watching the situation closely. As soon as Lord Aberdeen had recovered from the first shock of the news that Texas had signed a treaty of annexation, he informed Ashbel Smith, the Texan minister at London and Paris, that "the British and French governments would be willing, if Texas desired to remain independent, to settle the whole matter by a 'Diplomatic Act' . . . in which Texas would of course participate," which would "ensure the peace and settled boundaries between Texas and Mexico" and "guarantee the separate independence of Texas." Incidentally he also told Smith that nothing more would be said about slavery in Texas. Smith communicated this to Jones in reports of several conversations with Lord Aberdeen. But in the meantime the British minister at Washington warned Lord Aberdeen that activities toward such an end, if they became known in the United States, would tend to bring about the election of Polk, and that the rejection of the treaty must not be interpreted as disposing of the question of annexation. The British foreign minister, therefore, decided to await developments. Smith's dispatches on the subject, however, arrived in Texas in September, and Jones transmitted their contents to President Houston. Houston, who was thoroughly exasperated over the muddled state into which Texas

interests in the United States had been thrown by the maneuvering of American politicians, wrote a memorandum directing Jones to instruct Smith "to complete the proposed arrangement for the settlement of our Mexican difficulties as soon as possible, giving necessary pledges, as suggested in the late dispatch of Dr. Smith on this subject, but adhering to the Rio Grande as a boundary, *sine qua non*." This memorandum was dated September 24, 1844, and the returns of the Texan election, held a few days before, showed that Jones had been elected president. To have obeyed these instructions of Houston would have fastened on Jones's administration, which would begin in December, the policy involved in them. The presidential election in the United States would occur in the meantime and it would be the part of wisdom to adjust Texan foreign policy in accordance with the result of that contest. Besides this, Jones believed, as he said later, that the negotiation of such a "diplomatic act" would have caused a war between the United States and Great Britain. Jones had only one choice as to his course. To have resigned from Houston's cabinet would not only have precipitated a situation that would have been very embarrassing in the existing condition of Texas affairs, but his successor as secretary of state might have begun the negotiation and thus muddled the whole matter before his own administration opened. Jones, therefore, quietly pocketed Houston's memorandum and, instead of obeying its directions, sent instructions to Smith to return at once to Texas. He had already decided to appoint Smith to the post of secretary of state.

On November 12, 1844, the presidential election in

the United States was held, and Polk was elected by a plurality of ninety thousand votes over Clay and a clear majority of more than thirty thousand over both of his opponents. He received one hundred and seventy electoral votes as against one hundred and five for Clay. The people of the United States had decided in favor of the annexation of Texas. Three weeks later, when the regular session of congress convened, President Tyler, in his annual message, called upon it to carry out the will of the people. He reviewed the considerations which had led him to negotiate the treaty of annexation, and referred to the fact that the senate had seen fit to refuse to ratify it.

"One of the chief objections which was urged against it," he continued, "was found to consist in the fact that the question of annexation had not been submitted to the ordeal of public opinion in the United States. However untenable such an objection was esteemed to be, in view of the unquestionable power of the Executive to negotiate the treaty and the great and lasting interests involved in the question, I felt it my duty to submit the whole subject to congress as the best expounders of public opinion. No definitive action having been taken on the subject by congress, the question referred itself directly to the decision of the states and people. The great popular election which has just terminated afforded the best opportunity of ascertaining the will of the states and the people upon it. . . . The decision of the people and the states on this great and interesting subject has been decisively manifested. The question of annexation has been presented nakedly to their consideration. By the treaty itself all collateral

and incidental issues which were calculated to divide and distract the public councils were carefully avoided. These were left to the future to determine. It presented, I repeat, the isolated question of annexation, and in that form it has been submitted to the ordeal of public sentiment. A controlling majority of the people and a large majority of the states have declared in favor of immediate annexation. Instructions have thus come up to both branches of congress from their respective constituents in terms the most emphatic. It is the will of both the people and the states that Texas shall be annexed to the Union promptly and immediately."

In accordance with the recommendation of President Tyler, a joint resolution, providing for the annexation of Texas to the United States, was introduced in the house and gave rise to an extended debate. On January 25, 1845, after various modifications, the resolution was adopted by the house by a vote of 118 to 101. The form in which it was sent to the senate follows:

"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 the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

"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 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, 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, ports and harbors, 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, taxes and dues of every kind which may belong to or be due and owing to 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."

This resolution, it will be seen, differed radically in its provisions from those of the treaty of annexation which had been rejected by the senate. The most important difference was that the treaty had provided for the cession of all public lands to the United States and the assumption of the Texan public debt by the United States, whereas the resolution provided the reverse. There was no provision in the treaty with respect to a future division of Texas into other states, and no reference to slavery. These changes from the terms of the treaty were made in order to secure the votes necessary to pass the resolution.

In the senate the ground was gone over again, and new proposals were brought forward, but as the date for adjournment of congress approached it became evident that if action were not taken a special session might be called by the incoming president. Very few members desired a special session, and a supreme effort was made to bring about an agreement. To this end an amendment was adopted providing that, while the terms of the house resolution were assented to, if the president of the United States should in his judgment and discretion deem it more advisable, he was empowered to negotiate with the Republic of Texas for admission on such terms and conditions as might be agreed upon by the two governments. The effect of this amendment was to leave it to the discretion of the president whether the terms of annexation should be those of the house

resolution or other terms to be arrived at through negotiation and submitted later to congress or the senate.

With this amendment tacked to it, the annexation resolution was adopted by the senate on February 26, the vote being twenty-seven ayes to twenty-five noes. The change of one vote would have prevented action on the resolution. The senate amendment was promptly accepted by the house, and on March 1 President Tyler signed the resolution, thus completing the process of its enactment into law. Tyler then had the choice of two courses before him; he could propose annexation to the Texan government on the terms of the house resolution or he could leave the whole matter to Polk, who would be inaugurated on March 4. He could not, of course, negotiate new terms during the remaining days of his administration. Tyler very naturally was ambitious to complete annexation as nearly as possible before retiring to private life, and on March 3, the day before Polk's inauguration, he directed the American chargé d'affaires to present the matter to the Texan government on the basis of the terms contained in the resolution as it was originally passed by the house. These instructions were confirmed ten days later by James Buchanan, who was appointed by Polk to succeed Calhoun as secretary of state.

Meantime, immediately upon the final passage of the resolution, Almonte, the Mexican minister at Washington, had filed a protest and had asked for his passports. Three weeks later the Mexican government formally severed diplomatic relations with the United States.

The terms upon which annexation was offered to

Texas were not regarded by either the Texan or the American government as equally fair to the young republic with those of the rejected treaty. Both Jones and Houston believed that better terms ought to be granted. The public debt of Texas, which had been incurred chiefly in winning and maintaining independence, had been such a problem to the Texan government that annexation had been looked to as its best solution. Much of this debt was secured by the import duties of the republic and those duties constituted the chief source of revenue for paying it. Under the terms offered, however, the United States did not assume the debt, and if annexation were consummated the tariff laws of the federal government would be substituted for those of the republic, and the revenue would go to the federal government. The public lands were to be retained by Texas, to be sure, but the Texans would have been perfectly willing to give them up if by so doing the public debt of the republic could be liquidated. From the Texan point of view, therefore, the terms were regarded as one-sided and the American authorities acknowledged this to be the case. But they were the best terms that could have been obtained from congress at the time the resolution was pending before it.

President Jones, however, felt that better terms could be obtained by negotiation. But the mere news that the joint resolution had been adopted created such universal enthusiasm among the people of Texas that it was apparent from the first that they would not countenance much delay. For a time Jones had a very difficult situation to handle. The people were in a hurry and they misinterpreted Jones's caution. The campaign

story that he was opposed to annexation presently gained new currency and it was even said that he was dominated by British influence. Great Britain was not very popular among Americans just then, for the dispute over the Oregon boundary had brought the two countries almost to the verge of war. The Texans, for the most part, were pro-American in their sympathies in connection with this dispute, and it was not difficult to arouse them on the subject of Great Britain. In spite of this excited condition of the public mind, however, Jones decided to be neither pro-American nor pro-British in dealing with the annexation question. He proposed to be pro-Texan to the last.

Jones had been inaugurated president of the Republic of Texas on December 9, and had maintained a non-committal attitude toward annexation during the time the resolution was pending before congress. He had promptly made Ashbel Smith secretary of state, sending George W. Terrell, an uncompromising opponent of annexation, to Great Britain in his place. Incidentally, the other members of his cabinet were George W. Hill, secretary of war and navy; William B. Ochiltree, secretary of the treasury, and Ebenezer Allen, attorney general. Allen also acted as secretary of state during Smith's absence on a special mission, and later William G. Cooke succeeded Hill as secretary of war and navy, and John A. Greer succeeded Ochiltree as secretary of the treasury. Thus surrounded by men whom he trusted, Jones managed to keep the American government in the dark as to his attitude toward the proposal to annex Texas on the terms of the house resolution.

The American chargé d'affaires, A. J. Donelson, was

at New Orleans when he received the instructions to present the annexation proposal to the Texan government. He hastened back to Texas and arrived at the town of Washington, the seat of government, on March 30. But already President Jones had taken a step which, had the temper of the people been different, would have been calculated to compel better terms from the United States. For the very day that Donelson arrived, Captain Elliot, the British minister, was dispatched by Jones to Mexico City with a formal proposal that Mexico agree to recognize the independence of Texas as an alternative to annexation. Elliot and Count Saligny, the French minister, had made a proffer of their good offices the previous day, in obedience to instructions from their governments, but without an idea that anything would come of it. The instructions had been sent long before the adoption of the annexation resolution by the American congress, and their chief object was to remove the effect of statements in American newspapers declaring that Great Britain and France were no longer acting together in relation to Texas. Jones, however, recognized in their visit an opportunity to further the interests of Texas, if prompt action could be had, and he surprised the two diplomats by accepting the proffer of their good offices. He proposed to them that, without waiting to communicate with their home governments, they should at once place before the Mexican authorities the proposition that Mexico agree to recognize Texan independence, providing annexation to the United States would be rejected, the people of Texas being given a free choice between independence and annexation. The two ministers consented to un-

dertake the mission, definite terms were agreed upon, and a formal memorandum, embodying these terms, was drawn up. This document was signed by Elliot and Count Saligny, and by Ashbel Smith on the part of Texas, the day before Donelson reached the town of Washington.

The text of the memorandum was as follows:

“Memorandum of a conference held at the state department at Washington, on the Brazos, on the 29th March, 1845, between the Hon. Ashbel Smith, secretary of state of the Republic of Texas, and the chargés d'affaires of their Majesties the King of the French and the Queen of Great Britain, Mons. Saligny and Capt. Charles Elliot.

“After the communication to Mr. Ashbel Smith of the instructions of their respective governments, dated the 17th and 23d January last, the representatives of the two powers invited the government of Texas to accept the good offices of France and England, for an early and honorable settlement of their difficulties with Mexico, upon the basis of the acknowledgment of the independence of Texas by that republic.

“The secretary of state was instructed by the President to express the willingness of this government to accept the intervention of the two powers. But in view of the much more advanced condition of circumstances connected with the affairs of Texas existing now, than could be known in Paris and London at the dates of these despatches, and adverting to the difficulties and risks to which this government is exposed, from causes upon which he need not dwell, the secretary of state was desired by the President to press the urgent necessity that this government should, as speedily as possible,

be enabled to present to the people of this country, for their consideration and action, decisive proofs that Mexico was at once ready to acknowledge the independence of this republic, without other condition than the stipulation to maintain the same.

“The government of Texas, therefore, with a sincere desire to avail themselves of the proffered interposition of the powers, have now authorized the secretary of state to propose to their representatives the following arrangement:

“I. The signature and seal of the secretary of state, or any other minister of the Republic of Mexico, duly authorized by the government thereof, to be procured to the preliminary conditions now submitted to the representatives of the two powers; and the government of Texas pledge themselves, forthwith, after the same shall have been placed in the hands of the President, to issue a proclamation announcing the conclusion of the preliminaries of peace with the Republic of Mexico.

“II. Texas, for a period of ninety days from the date of this memorandum, agrees not to accept any proposal, nor enter into any negotiations to annex itself to any other country.

“The representatives of the two powers, sensible of the peculiar situation of the government of Texas, to which the secretary of state had called their attention, were ready, on the part of their respective governments, to accede to the proposals he had now made, and pledged themselves forthwith to pursue their accomplishment.

“ASHBEL SMITH,

“A. DE SALIGNY,

“CHARLES ELLIOT.

*“Conditions Preliminary to a Treaty of
Peace Between Mexico and Texas.*

“1st. Mexico agrees to acknowledge the independence of Texas.

“2d. Texas agrees that she will stipulate in the treaty not to annex herself or become subject to any country whatever.

“3d. Limits and other conditions to be matter of arrangement in the final treaty.

“4th. Texas will be willing to remit disputed points, respecting territory and other matters, to the arbitration of umpires.

“Done at Washington on the Brazos, on the 29th March, 1845.

“ASHBEL SMITH,

“Secretary of State.”

In order that there should be no misunderstanding about the agreement that Texas should be left free to accept annexation instead of a treaty on the above terms, should a majority of the people so decide, Ashbel Smith put this feature of the arrangement in writing, and after showing it to Saligny and Elliot, signed it next day. Smith's memorandum was as follows:

“It is understood between the undersigned parties to a memorandum, signed this day, in relation to the affairs of Texas and Mexico, that in view of the representative character of the government of the former, should the people thereof decide upon pursuing the policy of annexation in preference to the proposed agreement with Mexico, then the government of Texas

will notify France and England of the same and, without any breach of faith, be at liberty to consummate the national will so expressed.

"The above memorandum was written by the undersigned secretary of state, in reference to the 'memorandum of the 29th March,' and by him read and submitted to the Count de Saligny and Capt. Elliot, signers of the said 'memorandum,' for their consideration, *previously* to the signing of the same. It was deemed unnecessary to sign the above, as M. de Saligny and Capt. Elliot declared their clear understanding that the government of Texas were held only to the strict and specified terms of the 'memorandum,' and that if the people of Texas should express their preference to pursue the policy of annexation, instead of accepting independence, although fully recognized by Mexico, then the President would be at full liberty to consummate annexation to the United States without any breach of good faith. The undersigned stated to Capt. Elliot and M. de Saligny that he himself would take note of the declarations now formally made to them.

"ASHBEL SMITH.

"Washington on the Brazos, March 30th, 1845."

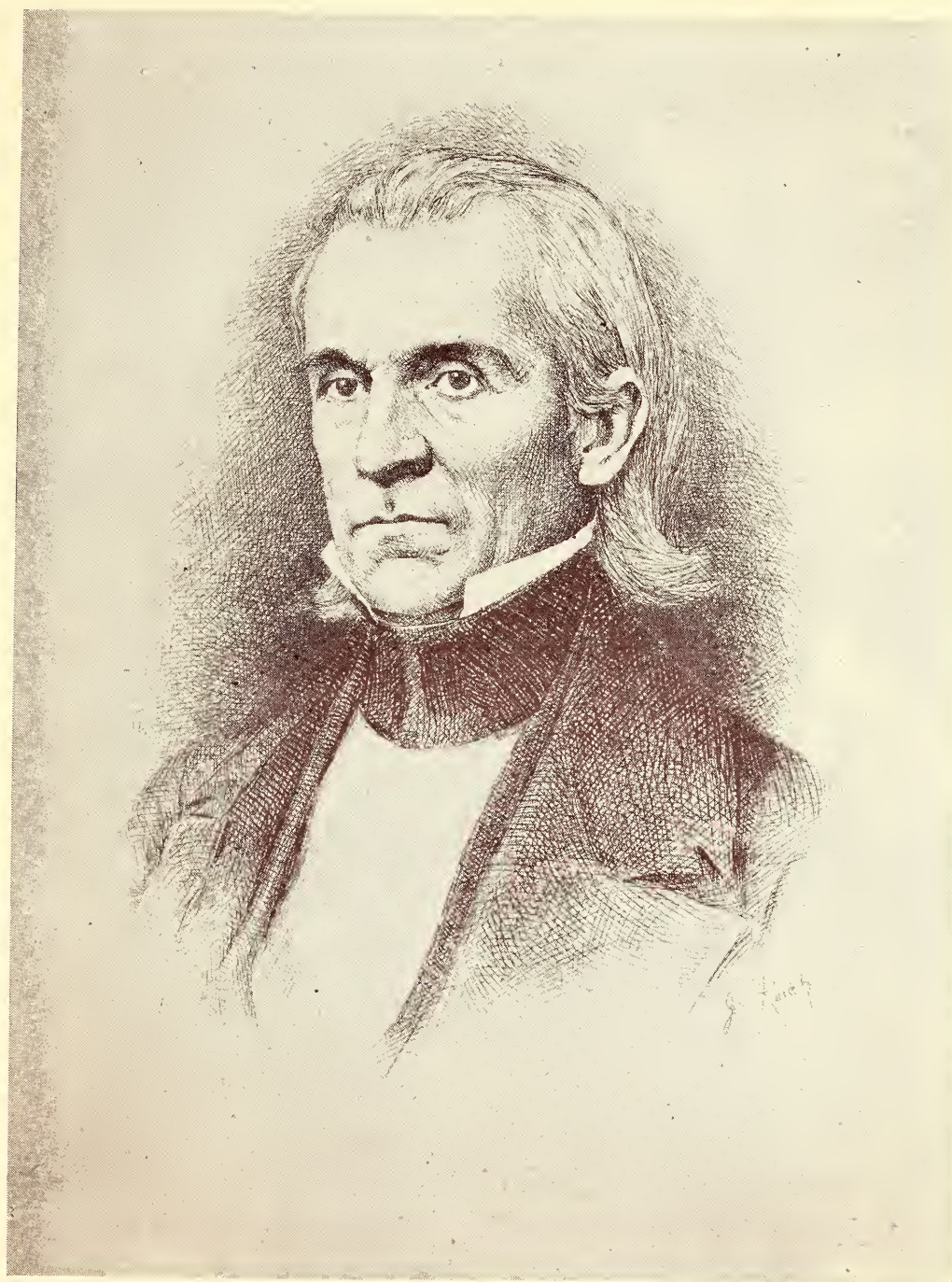
It was decided at the conference that Elliot should at once go to Mexico and present this proposal, and that Ashbel Smith should go to London and Paris, in order to handle the negotiations with the British and French governments. This plan was put into effect without delay, and Ebenezer Allen was named secretary of state during Smith's absence.

Donelson presented the proposals of the United States

to the Texan government the same day Elliot and Saligny left the town of Washington. He sensed that something was under way, but did not learn its precise nature until some time later. No formal reply was given by President Jones as to the attitude of the Texan government toward the terms of the proposal, but in presenting it Donelson took occasion to remark that while the terms were "hard," he believed they would be made more favorable thereafter. Jones planned to have Allen present such a formal reply to the American representative and drew up a memorandum of instructions on the subject, but the clamor of the people caused him to abandon the idea. "The excitement of the time," says Jones, "prevented the contemplated and proper response being made by the state department to Mr. Donelson." Jones's memorandum shows that it had been planned to inform Donelson that, in the matter of annexation, "Texas is passive, not active." But the people were so decidedly "active" as to belie this statement. It had been planned also to ask the United States for "guarantees." Allen was to say to Donelson that Texas was in no danger from foreign influence and could sustain herself. He was to ask the American minister if the United States would insist on the Rio Grande as the boundary. Would the American government assume a proportionate share of the Mexican public debt if Mexico should insist that Texas assume such a share? Would Mr. Donelson stipulate that Texas should be absolutely admitted if she accepted the proposition of annexation. "The President," said the memorandum, "can not accept or reject the proposition. He will act in conformity with the public will.

He must act with prudence and caution. Very grave considerations are involved. . . . He will hasten to convoke an extra session of congress. . . . If Texas is so 'necessary to the welfare, safety and prosperity of the United States,' they should give an equivalent for the boon. . . . Texas may well fear that, if the United States are *close* when wooing, they will prove *niggardly* when *married*. Mr. Donelson thinks the terms are hard, but thinks they will be made more favorable hereafter. The President sees no hope of this. . . . In Mr. Polk's inaugural he expresses an apprehension that Texas may become 'a dependency on some foreign nation.' There is no danger of this. . . . Acceptance on the part of Texas involves a 'revolution' of a modified or particular kind. If matters are not prudently managed, this may prove disastrous to Texas; and if by any means annexation should fail on the part of the United States, our condition would be worse than before."

Under the senate amendment to the annexation resolution, President Polk would have been acting within his authority if he had consented to open a new negotiation with Texas on different terms. Jones seems to have had some idea of forcing such a negotiation, or at least of obtaining an agreement to modify the terms, and had the temper of the people of Texas been different it is probable he would have succeeded in doing this. But the people were enthusiastic over the prospect of annexation on any terms. They began to hold mass meetings and to adopt resolutions in favor of annexation on the terms of the house resolution, and when a report gained currency that Jones and his cabinet were opposed



JAMES K. POLK

to annexation and were negotiating with England and France there was much feeling against the government. There is no doubt today as to Jones's attitude toward annexation. He preferred annexation on favorable terms to independence on the best terms. He had labored for annexation for years and had been chiefly responsible for the policy which had finally brought the United States to the position of suppliant. But it was widely believed in 1845 and subsequently that he was opposed to annexation and he was bitterly denounced, both in Texas and the United States, on this ground. Jones's official attitude was that he would act "in conformity with the public will," and he so informed Donelson. Donelson wrote Secretary Buchanan that while it was believed by some that Jones was hostile to annexation, he never for a moment intimated a wish to interpose an obstacle to the judgment of the people.

Two weeks after receiving the proposal of the United States, Jones issued a proclamation convening congress in special session on June 16 to consider it. Three weeks later he called a convention of representatives of the people to be held at the town of Washington on July 4. Because the representation in congress was very unequal, there having been no redistricting in accordance with the increase of population, he fixed the basis of representation on the existing population of the various counties, instead of following the suggestion of others to leave the matter of calling the convention to congress. Within five weeks after receiving the proposal, therefore, President Jones had started the machinery in motion to permit the people to act on annexation. Meantime, he kept his own counsel and, in spite of public

charges that he was opposed to annexation, said nothing to commit the executive branch of the government one way or the other. "I have now been laboring incessantly more than four years to open the doors of annexation," he wrote in a private memorandum about this time, "and have at last succeeded, while others have slept. Now, noisy demagogues make the public believe *they* are the friends of the measure . . . and I (its chief author) its opposer and enemy."

To complicate and make Jones's task more delicate another form of excitement got abroad among the people during the month of May. This was nothing less than a demand for an expedition against Matamoros. A fleet of four or five American vessels of war was sent to the Texas coast early in that month, and shortly after its arrival at Galveston talk started there in favor of organizing an army of about one thousand volunteers and marching to the Rio Grande. Jones always believed that this talk was started by American secret agents and that Polk desired Texas to come into the Union "with a war." Polk had his eye on California as well as Texas, and it was not difficult to reach the conclusion that he wanted a war with Mexico as a means of obtaining that territory. In justice to Polk, however, it should be said that a consideration of all the factors involved at the moment does not support this conclusion. Whatever its origin, the talk of organizing an expedition of Texans, led by General Albert Sidney Johnston, did get abroad, and an unofficial observer of the American government did urge Jones to countenance such a move. Jones was noncommittal in his replies, but, to use his own words, he had no intention of "manufacturing a war for the

United States." On the contrary he hoped, through the success of the negotiations of Elliot and Saligny, to be able to issue a proclamation declaring a preliminary peace with Mexico, thus insuring against any trouble with that country while annexation was pending. He expressed the belief that such a grave step as the sending of an expedition against Matamoros should not be taken without the action of congress, which would meet in special session on June 16. It was during the last days of May he made this statement and he had reason to believe that, before congress met, Elliot would return with news that Mexico had agreed to the proposed preliminary peace. It was for this he was waiting.

As a matter of fact, Captain Elliot had already arrived at Galveston with a preliminary treaty, signed by the Mexican government, and was on his way to the Texan seat of government at the very moment Jones was being urged to authorize the Matamoros expedition. Elliot had reached Mexico City in the middle of April and had immediately placed the Texan proposals before the government. Santa Anna was temporarily in eclipse again, for the Mexican congress had taken charge of things some months before and was preparing to banish him from the country. General Herrera was acting as president *ad interim* and Luis G. Cuevas, a very able man, was minister of foreign relations. Cuevas was favorably impressed by the plan Elliot presented, but informed him that inasmuch as it involved the alienation of national territory it would be necessary to get the consent of congress. The matter was laid before the Mexican congress on April 21, 1845, and a few days later the chamber of deputies, by a vote of

41 to 13, passed an act authorizing the recognition of the independence of Texas on the terms proposed. The measure then went to the senate and after much discussion that body also passed it by a vote of 30 to 6. President Herrera promptly approved it and on May 19, 1845, the Mexican foreign minister, Cuevas, delivered to the British and French ministers a signed document recognizing the four articles proposed by Jones as "the preliminaries of a formal and definite treaty." Elliot hastened back to Texas with this document and handed it over to President Jones on June 4, 1845. Jones immediately issued a proclamation declaring the establishment of a preliminary peace with Mexico. It was in this way that he answered the demand for an expedition against Matamoros. Incidentally, the same day the Texan government concluded a treaty with the last Comanche chief whose tribe had been at war with it, and Jones noted in his memorandum book, "Now my country for the first time in ten years is *actually at peace with all the world.*"

Because of the excitement of the time and the universal anxiety of the people to see annexation consummated, the full significance of Jones's success in negotiating a preliminary treaty of peace with Mexico, contingent upon the action of the voters of Texas, was not appreciated by the Texans. Indeed, instead of recognizing the great service Jones had performed in placing his people in the position where they could exercise a free choice between annexation and independence, the Texans very widely criticized him for dealing with Mexico at all. It was said that he had yielded to the influence of Great Britain and France and was attempt-

ing to defeat annexation. The moral value of Mexican recognition of Texan independence and the practical value of the insurance against war while annexation was pending were both lost sight of in the general excitement. Even the fact that the action of Mexico, through British and French influence, tended to increase the zeal of the United States and thus to make annexation doubly certain was not recognized by many.

"To make annexation sure," wrote Jones, "I have had to make great personal sacrifices, and probably no less than to be misunderstood and abused for the remainder of my life, though I trust truth will ultimately prevail and posterity judge correctly; at all events, I shall be in a few years beyond the reach of injustice. I had a difficult task to perform, to secure the success of this great measure, by exciting the rivalry and jealousy of the three greatest powers in the world, and at the same time so to act as to effect my object and maintain the perfect good faith of Texas towards all these powers. The people were and are impatient; they have been ground down by years of adversity, poverty and war; and they look to but one object—escape from the manifold evils of the past. They would not, perhaps, break the national faith wantonly, but it is a far-off consideration to them, compared with annexation. The cry has been, and is, annexation at once, at any price and at any sacrifice. But I have been unwilling to break the national faith in order to gratify this unfortunate impatience."

The special session of the Texan congress met on June 16 and Jones laid the American proposal before it. He explained that he had called a convention of

representatives of the people to meet on July 4 and that congress would be expected only to give "the consent of the existing government to the proposed annexation. To the representatives of the people in this convention the question of annexation and the adoption of a state constitution would properly belong. "They will determine," he said, "the great question of the nationality of Texas as to them shall seem most conducive to the interest, happiness and prosperity of the people whom they will represent."

President Jones also remarked that he would lay before the senate, for its advice and consent, the articles preliminary to a treaty of peace with Mexico, and he called attention to the fact that Texas was at peace with all the world and that the people had placed before them for their free choice the alternatives of annexation or independence. Privately Jones requested his friends among the members of the senate to take no action on the preliminary treaty, but to leave the matter open for the convention.

The members of congress, however, were of one mind. They wanted annexation on any terms as quickly as it could be had. It has been said that practically every one of them had been promised a federal job by agents of the United States, in the event of annexation, and that great promises had also been made with respect to the improvements the federal government would set under way in Texas. Unquestionably there was much upon which to base this statement. But it can hardly be said that this circumstance affected the action of congress. The people were practically unanimous for immediate annexation and the members of congress only

reflected the sentiment of their constituents. Many of them sincerely believed that President Jones was seeking to defeat annexation in the interest of Great Britain and they were impatient of all delay. On June 21, 1845, therefore, a joint resolution, giving the consent of the existing government to annexation on the terms of the American proposal and approving the call for the convention, was adopted unanimously. Then the senate, instead of yielding to Jones's wish that the Mexican peace proposal be held over, rejected the preliminary articles by a unanimous vote. The senators were not willing even to leave the choice to the convention. Indeed, some of the members of congress were afraid to trust Jones with the direction of the government until annexation should be consummated and a proposal was brought forward to depose him and set up a provisional government in the meantime. Such action would have been absolutely unconstitutional and would have brought about a condition of chaos. It would have defeated the very thing its advocates were seeking to accomplish—legal transference of Texas to the United States. But the cooler heads prevailed and the proposal was voted down. However, when the friends of President Jones then introduced a resolution thanking him for his services that, too, was voted down. Congress then adjourned.

Meantime, at the suggestion of the American chargé d'affaires, a body of American troops under Gen. Zachary Taylor crossed the Sabine into Texas and took up a position on the Nueces river. President Jones had an understanding with the American authorities that troops should not be sent beyond the Nueces, inasmuch as the

territory between that stream and the Rio Grande was claimed by Mexico to be outside of Texas. Incidentally, President Jones subsequently declared that no point was so well understood between himself and Donelson as that the United States, in negotiating the boundary with Mexico, would insist upon the Rio Grande to its source and that the American government would purchase the territory around Santa Fe from Texas. But this boundary was to be established later by negotiation. While he remained at the head of the Texan government Jones insisted that troops should not cross the Nueces.

On July 4, 1845, the convention of delegates met at Washington on the Brazos and without delay adopted an ordinance providing for annexation to the United States. This measure, after setting forth that the congress of the United States had adopted an annexation resolution, that the said resolution had been submitted by the President of the United States to the Texan government and that the existing Texan government had assented to the proposals thus made, proceeded to quote the American resolution in full as embodying the terms of annexation. It then concluded with the following enacting clause:

“Now, in order to manifest the assent of the people of this republic, as is required in the above recited portions of said resolutions, 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 resolution of the congress of the United States aforesaid.”

This ordinance was adopted by a vote of fifty-five to one, the lone member voting in the negative being Richard Bache, a delegate from Galveston, who was a great-grandson of Benjamin Franklin. After registering this protest, however, Bache signed the ordinance with the other delegates.

Having thus provided for annexation, the convention then took up the task of drafting a state constitution. This document was completed on August 28, 1845, after nearly two months of labor, and was submitted to the people at a special election to be held on the second Monday in October. It was provided that in the event of its adoption the president of the republic was directed to call an election of state officers on the third Monday in December.

This program was carried out in due course. The constitution was adopted and the state election was held. J. Pinckney Henderson was elected governor over Dr. J. P. Miller by a vote of 7,853 to 1,673, and Albert C. Horton was chosen lieutenant governor over N. H. Darnell by a close vote. A legislature was also elected. On December 29, 1845, the acceptance of the constitution of the new state by the American congress was approved by President Polk and Texas was formally admitted into the Union. On February 16, 1846, the new state officials were inaugurated, and thus the Republic of Texas ceased to exist and the State of Texas came into being.

In handing over the reins of government, President Jones took occasion to point out the greatly improved condition of affairs in Texas at the moment of the transition from republic to state. "I am happy to congratulate you, gentlemen," he said, "upon the univer-

sally prosperous condition of the country at the present time. Our foreign relations have been closed in a manner satisfactory, I believe, to all governments with which we have had intercourse. The frontier is quiet and secure, and the husbandman sows and reaps his harvest in peace. Industry and enterprise have received new guarantees and a new impulse; a market is found at home for nearly everything our citizens have to dispose of, and a large and very desirable immigration to the country is now taking place. The expenses of the government since I have been in office have been paid in an undepreciated currency, a very considerable amount of debt incurred by previous administrations has been paid off, and a surplus of available means sufficient to defray the expenses of the government, economically administered, for the next two years at least, is left at the disposal of the state."

"The Republic of Texas is no more," said President Jones, as he hauled down the Texan colors and the Stars and Stripes were hoisted to take their place. The ceremony was an affecting one and there were many tear-dimmed eyes in the vast audience that witnessed it. No parallel for it can be found in the annals of history, for there is no other record of a free and independent country voluntarily laying down its sovereignty and submitting to the authority of another nation. There were men in that audience who had faced death in order to establish the Republic of Texas, and there were others whose relatives and friends had given their lives for it. That such men could witness their national emblem hauled down to give place to that of another nation, thus symbolizing their renouncement of the one and their al-

legiance to the other, constituted the highest tribute that could be paid to the institutions of that other nation. There have been many episodes in the history of the United States illustrative of the supreme worth of the principles of government which it embodies. But there has been nothing to parallel the free act of the people of the Republic of Texas in voluntarily consenting to annexation. Among the Texans there was regret that the separate existence of their country was at an end, but there was a throb of pride in every breast because of the realization that once more they were all citizens of the United States.

Governor Henderson and the legislature immediately set about organizing the state government. The governor appointed David G. Burnet to be secretary of state; John Hemphill, chief justice of the supreme court; Abner S. Lipscomb and Royall T. Wheeler, associate justices of the supreme court, and John W. Harris attorney general. The offices of comptroller and treasurer had not been filled at the first election, and the legislature named James B. Shaw and James H. Raymond, respectively, to fill those places. District judges for the whole state were appointed by the governor and the legislature elected the district attorneys. Provision was made for an election to name two members of congress, and finally the legislature completed the organization of the new government by electing Sam Houston and Thomas J. Rusk, who had fought side by side at the battle of San Jacinto, to be the first United States senators from Texas.

Anson Jones retired to private life. For the time being he was in eclipse and he received neither state nor

federal office. The part he had played in "opening the door of annexation" and the great service he had performed in obtaining for the Texans a free choice between annexation and independence and in bringing Texas into the Union peaceably were not understood by the people. The action of the Texan congress in refusing to give him a vote of thanks for his services was never rectified. Just as Stephen F. Austin, at the very moment of the culmination of his labors for Texas, was repudiated by the people whose interests he had served so faithfully, being regarded by many of them as pro-Mexican, so also was Anson Jones, at the very moment of the fruition of his plans for the future of Texas, rejected by the mass of the people as an enemy of the very cause he had labored to promote. There are few instances in the annals of history which supply such striking proof of the blindness and injustice of popular clamor. Austin died within a few months after his defeat, but died in harness. Jones lived on for twelve years, taking very little part in public affairs and giving his attention to the oversight of his farm in Washington county. Only once was he enticed from his retirement to stand for public office. In 1857, when extreme slavery and anti-slavery advocates were threatening the very existence of the Union by their uncompromising attitudes toward each other, Jones, because of his well-known conservatism and moderate views, was induced to become a candidate for the United States senate. Popular clamor was again too much for him and he was decisively defeated. A few months later he died—and by his own hand. On January 7, 1858, he was at the old Capitol hotel in Houston. He seemed in

low spirits and, in a sad tone, remarked to a friend, "Here in this house, twenty years ago, I commenced my political career in Texas as a member of congress, and here I would like to close it." An hour later a pistol shot was heard in his room and Anson Jones was found in a dying condition. So passed the "architect of annexation."

On March 8, 1846, three weeks after the inauguration of Governor Henderson, Gen. Zachary Taylor began to move his army from Corpus Christi, where it had been encamped for several months, to the Rio Grande. This advance into the disputed territory between the Nueces and the Rio Grande was in accordance with an order directly from the American war department which had been dispatched to Taylor shortly after the completion of the legislative process admitting Texas into the Union. Its purpose was to effect possession of the boundary to be claimed by the United States in negotiations with Mexico which it was hoped to open in a short time.

At the moment the order was given, an American envoy was in Mexico City attempting to open such negotiations. Word had come to the American state department that General Herrera's government was willing to treat with a view of settling all the differences existing between the United States and Mexico. So far as the American government was concerned those differences consisted chiefly of a large number of unpaid claims of American citizens against Mexico, involving an enormous sum of money, and, of course, of the question of the boundary between the two countries. Mexico was in no condition to satisfy the American claims,

nor was there any prospect that she would be better able to pay them in the near future. But, inasmuch as the settlement of all differences would not be possible without the satisfaction of the claims, which had been a source of much irritation for a number of years, the American government responded to the Mexican overture by linking the questions of the claims and the boundary. Accordingly, John Slidell of New Orleans was dispatched to the Mexican capital with instructions to offer the assumption of the claims by the United States and even the payment of an additional cash consideration in exchange for the Rio Grande boundary and the cession to the United States of the territory of upper California. It was particularly desired to obtain California, for the American government feared that there was danger of its falling into the hands of Great Britain or France. The Oregon boundary dispute with Great Britain had just reached an acute stage and war seemed imminent, and this circumstance made the acquisition of California without delay all the more important.

Slidell had been in Mexico on this mission since December 6 and had made very little progress. He found Herrera's government facing overthrow by the latest "revolution" which very evidently was approaching a climax, and consequently its members were unwilling to endanger their position further by negotiating with the United States. Official reception was denied Slidell and he settled down to await developments. In the course of a few weeks Herrera was ousted and General Paredes became president. Slidell was no more successful with the new government, however, for the prospect of a war

between Great Britain and the United States had put Mexico in a belligerent mood. Slidell's mission, therefore, failed. But he was still making the effort to obtain the ear of Paredes's government when Taylor started for the Rio Grande.

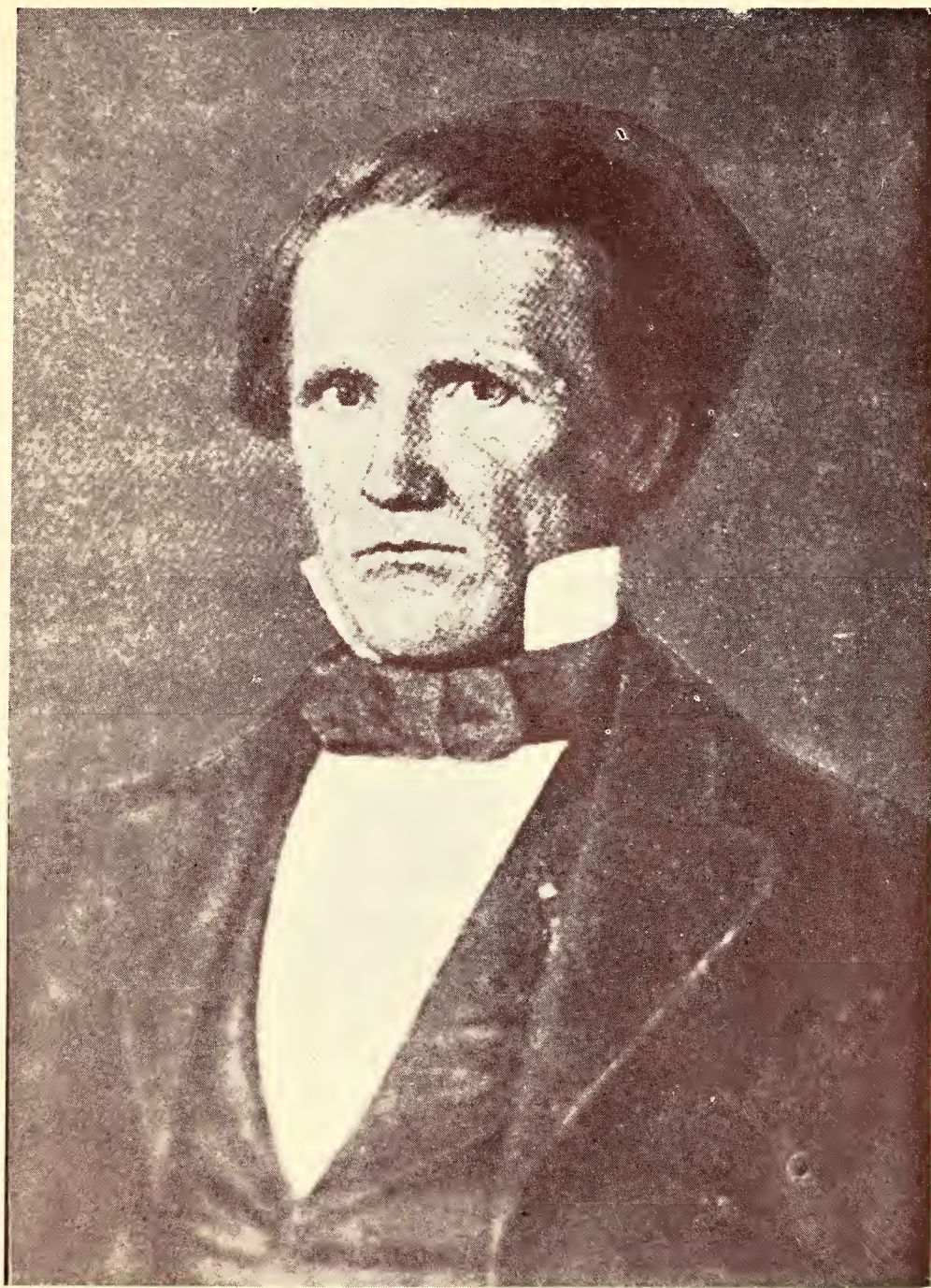
Taylor arrived opposite Matamoros on March 28 and proceeded at once to entrench. On April 11 a large Mexican force under Gen. Pedro Ampudia reached Matamoros, and the next day Ampudia addressed a formal demand to Taylor giving him twenty-four hours to break camp and retire to the east bank of the Nueces. "If you insist on remaining on the soil of the department of Tamaulipas," he wrote, "it will clearly result that arms, and arms alone, must decide the question; and in that case I advise you that we accept the war to which, with so much injustice on your part, you provoke us." Taylor refused to comply with this demand, saying that the question of boundaries was subject to adjustment between the two governments, and that an American envoy was at the Mexican capital seeking to obtain such an adjustment. Taylor then arranged with the American naval force at the mouth of the Rio Grande to blockade the river. Ampudia, seeing his source of supply from the sea thus cut off, protested, but Taylor refused to lift the blockade.

This was the situation when President Paredes issued a proclamation on April 23, 1846, directing that a "defensive war" against the United States be begun. He called attention to the "invasion" of Mexican territory by American troops and declared that the defense of that territory was an urgent necessity. "My responsibility before the nation would be immense," he said, "if

I did not order the repulse of forces which are acting as enemies, and I have so ordered. From this day defensive war begins and every point of our territory which may be invaded or attacked shall be defended by force."

Paredes had already ordered Gen. Manuel Arista to Matamoros to take command and carry out the purpose announced in this proclamation. Arista arrived on April 24 and notified Taylor that hostilities could be considered as having begun. He immediately started moving his army across the Rio Grande, and the next day a contingent of Mexicans had a skirmish with an American scouting party under Captain Thornton. Several Americans were killed and the rest of the party captured. So it was that war between Mexico and the United States was inaugurated. On the afternoon of May 8 Taylor and Arista fought a battle at Palo Alto, a prairie between the present town of Brownsville and the mouth of the Rio Grande, and the next day the Americans routed the Mexicans at Resaca de la Palma and sent the remnants of Arista's army fleeing across the river in a panic. On May 18 Taylor took possession of Matamoros, which Arista had abandoned several days before. By this time the war was on in dead earnest, for on May 13 President Polk had signed a resolution of the American congress declaring a state of war to exist between the United States and Mexico.

A history of the Mexican war is no proper part of the story of Texas. It lasted nearly two years and resulted, as might have been foreseen, in the complete defeat of Mexico on her own soil. Governor Henderson left the executive chair to serve in the war as a major-



GEORGE T. WOOD
Second Governor of Texas

general of the volunteers, and a number of other Texans distinguished themselves as officers during the conflict. Among them were Albert Sidney Johnston, Mirabeau B. Lamar, Edward Burleson, W. P. Lane, J. C. Hays, S. N. Walker, George T. Wood, P. H. Bell, M. Chevalie, H. L. Kinney, E. McLane, Edward Clark, C. E. Cooper, Ben McCulloch and others. Texas supplied a greater quota of men, in proportion to population, than any other state in the Union, the records of the adjutant-general's office showing a total of 8,018 enlistments.

The treaty of peace was signed at Guadalupe Hidalgo, near Mexico City, on February 2, 1848. Under its terms Mexico renounced all claim to Texas and agreed to the Rio Grande as the boundary. For a consideration of fifteen million dollars she also ceded to the United States the vast territory now comprising the states of California, Nevada, Utah and Arizona, and part of New Mexico, Colorado and Wyoming. Thus had the course of "manifest destiny" continued westward. The process which had been set in motion when Moses Austin crossed the Sabine in the autumn of 1820 had finally carried Anglo-American civilization to the Pacific coast.

CHAPTER LVI.

FIFTEEN YEARS OF STATEHOOD.

THE story of Texas from wilderness to statehood has now been told. As an account of the expansion of Anglo-American civilization into the country west of the Sabine it is complete in itself. Had events taken an ordinary course there would be little left to tell except the establishment of the boundaries of the state, the paying off of the public debt, the subduing of the Indians and the settlement of the frontier. Then the record from year to year of the growth in population and wealth and the development of the resources of the state would complete the picture entirely. But events did not take an ordinary course. If the people who clamored so impatiently for annexation to the United States in 1845 could have looked ahead fifteen years they probably would have hesitated a long time before surrendering their independence. The warning sounded by Mirabeau B. Lamar that joining the American Union meant to expose the Texans to the distractions arising from conflicting interests and irreconcilable prejudices among the state of the confederation was amply justified by events. For after only fifteen years as a state of that Union the people of Texas felt compelled to withdraw from it; and another fifteen years were to pass after that, and many sons of Texas were to shed their blood on the battlefield, before the connection was re-established on a fair and amicable basis. The story of

those thirty years, therefore, is an integral part of the record of the transition of Texas from wilderness to commonwealth.

Within two years after the signing of the treaty which closed the Mexican war, Texas was put to the necessity of threatening to withdraw from the American Union in order to uphold her rights. In negotiating for the annexation of Texas the American representatives had pledged the United States to insist upon the Rio Grande to its source as the boundary. "There was no subject more explicitly agreed upon, understood and settled, between Major Donelson and myself, in 1845," wrote Anson Jones, "than that the Rio Grande, from its mouth to its source, was the true and rightful boundary of Texas (as defined in the act of 1836), and that the United States would never agree to any other adjustment of the boundary with Mexico than the one defined by said act. On the part of the United States that boundary was fully recognized; no other one was ever dreamed of." Under the treaty of Guadalupe Hidalgo that boundary was recognized by Mexico and the territory within it, as well as other territory specified, was renounced by that country. A map attached to the treaty showed the boundary of Texas as the Rio Grande from its mouth to its source.

But American forces had occupied Santa Fe and taken possession of the whole of New Mexico shortly after the Mexican war commenced, and at the conclusion of the war the United States continued to hold all the territory claimed by Texas west of the 100th meridian. At the time of the occupation of Santa Fe, Governor Henderson had promptly sent a protest to the

American state department, pointing out that the rights of Texas were thus violated and asserting the jurisdiction of Texas over the region. Assurances were given that the rights of Texas were in no danger and that the provisional government which had been established was only temporary. But when the second legislature of Texas created the county of Santa Fe and the eleventh judicial district in the territory, the officers of the United States refused to recognize Texan jurisdiction over it. Judge Spruce M. Baird was sent to Santa Fe to hold court in the district, but he was prevented from doing so by the American officials.

This occurred in the spring of 1849. The administration of President Polk was nearing its close and Gen. Zachary Taylor, hero of the Mexican war, had been elected to succeed him. George T. Wood, who had succeeded Henderson, was governor of Texas. When Governor Wood received news of the action of the United States officers at Santa Fe he addressed protests to both President Polk and General Taylor. Neither the retiring president nor the president-elect deigned to take any notice of Governor Wood's communications. The Texan state government was made to feel very keenly the subordinate position it now occupied as compared with the former position of the government of the Republic of Texas.

The truth was that Texas already was beginning to encounter the anti-slavery influence in American politics. Part of the territory claimed, including the town of Santa Fe, was below the Missouri compromise line, and the terms upon which Texas had been annexed provided that its territory south of that line might be

erected into new slave states. The anti-slavery forces were setting up the contention that all the territory acquired under the treaty of Guadalupe Hidalgo, with the exception of Texas, was closed to slavery, on the ground that slavery had been previously abolished in the region by Mexican law. If the region surrounding Santa Fe was within the boundaries of Texas it was slave territory under the terms of annexation. If it was outside of Texas, the anti-slavery men contended, it was free territory under Mexican law. Anti-slavery influence, therefore, was brought to bear to compel the federal government to maintain the claim that all the territory west of the 100th meridian was outside of Texas.

This claim involved such a flagrant breach of faith on the part of the American government and the failure of both Polk and Taylor to reply to Governor Wood's communications showed such disrespect for the dignity of the state, that great indignation was felt by the people of Texas. On November 6, 1849, Governor Wood sent a fiery message to the legislature recommending that all the resources of the state be placed at the disposal of the executive, to be used in maintaining the rights of the state should that become necessary. "The bare denial of justice involved in an attempt to wrest from us this portion of our state," said Governor Wood, "is reproach enough; to succeed in that attempt would be a reproach still deeper; and for Texas passively to submit to such despoilment would be the deepest reproach of all. . . . I would therefore recommend that ample power be conferred on the executive of the state, and ample means be placed at his disposal, and that it

be expressly required of him to raise the proper issue and contest it, not by demonstrating in argument the justness of our claim, nor by reference to our statutes, but with the whole power and resources of the state."

There was approval of this stand throughout Texas. "If the general government will place itself in the position that Mexico occupied before annexation," declared the *Telegraph* of Houston, the most widely read newspaper in the state, "Texas will be forced by circumstances beyond her control to assume her old position. She was then at war with Mexico, and if the general government assumes the position of Mexico, Texas will be at war with her. The result is inevitable." This newspaper put the whole case in a single sentence when it declared, "The title of Texas to Santa Fe (before annexation) was as valid as its title to Point Isabel, Laredo and the intermediate towns on the Rio Grande." That was so palpably true that it could not be disputed, for the only argument that could be made against the Texan title to Santa Fe was that Santa Fe had never been within the state of Coahuila and Texas, nor within the province of Texas under Spanish rule, and that the Republic of Texas had never established jurisdiction over it. The same could be said of Point Isabel and Laredo and of the soil in which the battles of Palo Alto and Resaca de la Palma had been fought. The territory between the Nueces and the Rio Grande had been part of the state of Tamaulipas before the revolution and the government of the Republic of Texas had never exercised jurisdiction over it, though claiming it from the first. But to contend that it was not Texan soil at the moment of annexation would be to condemn President Taylor

himself and the American government. It would be to contend that Taylor's march from the Nueces to the Rio Grande was an invasion of Mexican territory and thus justify the action of the Mexicans in attacking him. The federal government, therefore, could not put forth that claim, but it did claim, nevertheless, that Santa Fe was "conquered territory" and not part of Texas. In the face of such incongruity the Texans evinced a determination to support Governor Wood in the stand he took. The *Telegraph* declared, "We hope the legislature will promptly comply with the recommendations of Governor Wood, and we are confident that the people of Texas will to a man sustain them with the whole resources of the state. The banner of the Lone Star shall again be unfurled—not for offence, but for defense, and those who were foremost to cry aloud for annexation will be foremost to sever the country from the Union that embraces but to crush and destroy."

Before any action was taken on Governor Wood's recommendations, his administration came to an end. P. Hansborough Bell, the third governor of Texas, was inaugurated on December 21, 1849. Governor Bell was a little more temperate as to the means to be employed, but he was none the less determined than Governor Wood to enforce the rights of Texas. He was willing to employ force if that became necessary, but he proposed to try other means first. The legislature, acting in the spirit of peace, instructed the governor to appoint a commissioner to organize the counties of Presidio, El Paso, Worth and Santa Fe, and Governor Bell appointed R. S. Neighbors to perform this duty. Neigh-

bors arrived at Santa Fe in April, 1850, but again the United States authorities there refused to recognize the jurisdiction of Texas over the territory. Instead, the military commander of the territory made an extraordinary move and issued a call for a convention to petition for the erection of New Mexico into a state. It was proposed that this convention should make a pronouncement against slavery, thus indicating that even though the section claimed by Texas were acknowledged to be open to slavery should the people decide to adopt it, the fact was that the people were opposed to slavery. It was argued eloquently that this action was necessary in order to "save the Union."

The Texan commissioner returned home and reported all this to the people. Governor Bell sent another protest to President Taylor, and again no reply was received. Whereupon the governor convened the legislature in special session and recommended the adoption of "such measures as are necessary for the occupation of Santa Fe with a force ample to quell the rebellious spirit now prevailing there, and to enable us to firmly establish the jurisdiction of the state over it."

Meantime the question came up in the American congress and Sam Houston eloquently defended the right of Texas to Santa Fe and attacked President Taylor on the ground that he was and always had been violently prejudiced against the Texans. He warned the senators that Texas would enforce her rights. "Texas is loyal and devoted," he declared, "but she is sensitive, too. She always appreciates her adversaries, she loves her friends, and when duty bids her take her stand she never counts her enemies. The army of the United

States, marched there to enforce a wrong upon her, would be weak and powerless. She will not submit to wrong; she asks for nothing but what is right." Incidentally, on this occasion Houston made one of his early declarations against secession. He referred in passing to certain expressions of political gatherings threatening secession and declared Texas did not countenance such doctrine. "Think you, sir," he asked, "after the difficulties they have encountered to get into the Union, that you can whip them out of it? No, sir. New Mexico can not whip them out of it, even with the aid of United States troops. No, sir!—no, sir! We shed our blood to get into it, and we have now no arms to turn against it. But we have not looked for aggression upon us from the Union. We have looked to the Union of these states and its noble course to vindicate our rights, and to accord to us what in justice we claim—what we have ever claimed—and less than which we can never claim."

At this juncture a new complication arose, which, for a short time, served to alarm the Texans. In his first message to the legislature, Governor Bell had recommended the establishment of some agency to investigate the titles and claims to lands between the Nueces and the Rio Grande. A state of confusion existed with respect to these titles and claims, due to various causes, including the manner in which the region had passed from the jurisdiction of Tamaulipas to that of Texas. The suggestion of the governor caused much excitement among the people of the region, however, and agitators encouraged the idea that the government's purpose was to take their lands away from them. The

argument which had been put forward to support the Santa Fe claim—that is, that the claim to Santa Fe was as good as the claim to the territory between the Nueces and the Rio Grande—was seized upon by these agitators and the people were told that the region was not a part of Texas. On February 2, 1850, a meeting was held at Brownsville and preliminary steps were taken to organize the region into a “territory” of the United States. “The authorities of Texas,” this meeting declared in an address, “seek to annul the titles in real estate. . . . It is a fatal blow to our future prosperity, and will involve the country in litigation, ruinous and endless. . . . With a territorial government, land titles would at once be quieted. . . . A territorial government is now within our reach.”

The radical abolitionists in the United States had contended throughout the Mexican war that it was a war in the interest of slavery and that the Polk administration had deliberately provoked it by an invasion of Mexican territory. The “Mexican territory” referred to, of course, was the region between the Nueces and the Rio Grande, and the abolitionists now contended that this region was not a part of Texas, but was “conquered territory,” ceded to the United States by Mexico, in which slavery had been prohibited by Mexican law. Indeed, the answer of the abolitionists to the Texan claim to Santa Fe was that none of the territory outside the former province of Texas was part of the state of Texas. In view of this well-known circumstance the first thought that occurred to the Texans in connection with the Brownsville meeting was that it had been brought about by abolitionist agitators from the North who were

planning to despoil Texas of that region as well as of Santa Fe. The fear was very natural and it caused genuine alarm.

However, there seems to have been no ground for this fear, the truth being that the chief agitators were speculators who did not look with favor on Governor Bell's suggestion to investigate land titles. Governor Bell issued an address "to the people of the Rio Grande," and the movement died down in due course. But for a time the move to organize the "territory of Rio Grande" caused a ripple of excitement in political circles throughout the United States, especially in the South.

By the time the special session of the Texas legislature convened in August a proposal had been introduced in congress to fix the boundaries of the territory of New Mexico so as to include all the region claimed by Texas west of the 100th meridian and to pay Texas a cash consideration in settlement of her claims. Governor Bell referred to this proposal in his message and declared that, however willing Texas might be to dispose of a portion of her northwestern territory, upon fair, equitable and honorable terms, he could not believe many would be found among her citizens "willing to accept a proposition so degrading to the character and dignity of the state." However, the germ of the settlement that was finally made was to be found in this proposal. Governor Bell himself had previously recommended to the legislature that the territory north of the Missouri Compromise line be sold to the United States, and meantime the question of the payment of the Texan public debt had come to the foreground. The creditors holding claims which had been secured by the im-

port duties of the Republic of Texas contended that the "debt was transferred with the security" and importuned the United States government to see that they were paid. The Texan government had scaled down the debts to a basis in keeping with the amounts which the government of the republic had received in incurring them. The whole subject had been in controversy for some time, and when the question of the Texan claim to Santa Fe had about reached a crisis, the creditors contrived to have its settlement connected up with the payment of the Texas debt. On the eve of the convening of the special session of the Texan legislature, President Taylor died, and President Fillmore, who succeeded him, hastened to take a more conciliatory attitude toward Texas. Fillmore abandoned the position which Taylor had taken with respect to the power of the executive to deal with the question, and he and his secretary of state, Daniel Webster, held that the matter rested with congress. He sent a special message to congress urging a prompt settlement of the controversy on an amicable basis. This action quieted the excitement in Texas, the legislature adjourned and talk of resistance ceased. Then congress passed the Pearce bill, which provided for the cession to the United States by Texas of all her territory lying north of the Missouri Compromise line and the territory in controversy lying west of the 103d meridian. The consideration was fixed at ten million dollars in United States bonds. Texas subsequently accepted the terms of this law and in this way the controversy was settled and the present boundaries of the state of Texas established. Due to errors in surveying, some aspects of the boundary between the states

of Texas and New Mexico are still in dispute. The territory ceded by Texas to the United States now forms part of the states of Wyoming, Colorado, Kansas, Oklahoma and New Mexico.

The law providing for the settlement of the boundary dispute also contained a clause under which five million dollars of the bonds was retained in the United States treasury to be devoted to the payment of the part of the Texan debt secured by the import duties of the republic. This arrangement was subsequently modified during the administration of Elisha M. Pease, who was elected fourth governor of Texas in 1853, but by the end of 1856 the public debt of Texas was entirely liquidated. The legislature of Texas promptly appropriated for this purpose two million dollars of the five millions of bonds turned over to the state, and the United States government liquidated the rest of the debt. Thus within twenty years after the adoption of the declaration of independence the public debt of Texas was paid off.

With such suddenly acquired wealth Texas embarked upon a campaign of building. A capitol was built at Austin, which town again had been made the seat of government by a vote of the people in 1850, and a new land office building, a governor's mansion, a hospital for insane, a school for the blind, a school for the deaf and an orphans' home were provided out of the proceeds of the indemnity bonds. For six years, from 1852 to 1857, nine-tenths of the state taxes were remitted to the counties to be used in building courthouses and jails and in providing other improvements, and the one-tenth of the taxes not remitted was assigned to the

school fund. Cotton and woolen factories were installed at the state penitentiary at Huntsville and other "internal improvements" were undertaken. In addition to this all the expenses of the state government during the period were borne out of the proceeds of the bonds. Whether the money was wisely spent is an open question, but it should be noted in this connection that in April, 1861, when Texas was facing the war between the states, there was a deficiency in the state revenue of nearly a million dollars.

The claim to Santa Fe and the public debt were not the only matters that occasioned disputes with the federal government and served to emphasize the changed status of Texas as a result of annexation. The defense of the frontier against Indian attacks became the duty of the federal government when Texas was incorporated within the bounds of the United States, and for a number of years this was a source of much irritation. Anson Jones's surmise that a suitor who was close in wooing might prove niggardly after marriage, was borne out to such a degree in connection with frontier defense that the officials of Texas were driven more than once to the point of exasperation by the stupidity of bureaucrats at Washington and the red tape of the war department. How serious this question became to the Texans may be judged from the fact that during the year 1849, according to a report of a joint legislative committee, one hundred and seventy-one persons were killed, seven wounded and twenty-five carried off into captivity by hostile Indians. Governor Wood and Governor Bell both found it necessary to call companies of Texans into service to provide anything like adequate defense

of the frontier, but when the federal government was asked to provide for their support all kinds of technicalities were raised. The Texan officials were informed that the additional troops were "unauthorized," that they were not needed and that the reports of Indian depredations were exaggerated. "The volunteer companies thus organized," wrote the secretary of war to Governor Bell, "without sanction, and contrary to the judgment of the authorities properly charged with the defense of the country, have a tendency to create hostilities, and rather endanger the peace of the frontier."

This situation was not entirely cured during the first fifteen years of statehood, though at times there was some improvement. The federal troops sent to Texas for frontier service were frequently entirely unfitted for the task, and instances of incompetency which would have been amusing if they had not been exasperating, such as the pursuit of fleeing Indians by soldiers in wagons drawn by Missouri mules, were not rare. In the face of this condition there was no choice before the Texan government but to supplement the inefficient federal protection by protection of its own. This cost a great deal of money and much of the expense of frontier defense was met out of the proceeds of the bonds received for the northwestern territory. In 1855 the federal government made a beginning toward establishing the reservation system in Texas, but for a time this was the source of further trouble with the Indians, rather than otherwise. In after years the federal government reimbursed Texas for money spent in providing frontier defense during this period, but at the time little hope was held out that it would be repaid, and



P. HANSBOROUGH BELL

Third Governor of Texas

federal performance fell so far short of the fair promises made when urging the acceptance of annexation that many Texans came to believe that entrance into the American Union was a mistake. It should be recorded, for what it is worth, that during the period from annexation until the war between the states Texas was given little reason to love the Union.

In addition to Indian depredations on the frontier there was frequent trouble with Mexicans along the border and in South Texas. The chief source of this trouble was the widespread prejudice against Mexicans, which was a heritage from the revolution and the Mexican war. But this prejudice was accentuated by the suspicion that Mexicans were frequently active in assisting negro slaves to escape across the border. The fact that Mexico would not restore such fugitives to their owners served to aggravate this condition. In August, 1856, a plot among the slaves of Colorado county to murder their masters and then fight their way to the Mexican border was discovered, and a committee of citizens, which investigated the matter, reported that "without exception every Mexican in the county was implicated." The Mexicans were ordered to leave the county within five days and never return again.

"We are satisfied," the committee reported, "that the lower class of the Mexican population are incendiaries in any country where slaves are held, and should be dealt with accordingly. And, for the benefit of the Mexican population, we would here state that a resolution was passed by the unanimous voice of the county, forever forbidding any Mexican coming within the

limits of the county." Matagorda county took similar action with respect to Mexicans, and other South Texas counties placed restrictions upon them.

Several months after this the so-called "cart war" broke out in the region between San Antonio and the coast. In July, 1857, the Mexican cartmen engaged in transporting goods to San Antonio were seized by armed bands of unknown persons on three different occasions. Six Mexicans were wounded, one American killed, the wheels of the carts were rendered useless and some of the goods confiscated. It was believed that the agitation of the Know-Nothing party against foreign-born persons had some connection with the incidents, but the sympathy of the people of the region was with the perpetrators of the outrages. A meeting of citizens at Goliad declared that the practice of employing Mexicans in transporting goods was responsible for the situation and that it ought to be discontinued. "We declare the sentiment of this meeting, and we believe of the whole people throughout this section, to be that the continuance of the greasers or peon Mexicans as citizens among us is an intolerable nuisance and a grievance which calls loudly for redress."

This was the situation when a train of carts loaded with United States government supplies was attacked in Karnes county on September 12, 1857, and one Mexican cartman was killed and several wounded. Governor Pease then took a hand and called out the militia to provide protection to the cartmen. In retaliation depredations on private property of Mexicans were committed, and the citizens of the region, finally realizing that such a reign of lawlessness could not be counte-

nanced, started a counter move to deal with the perpetrators of these new outrages. After a number of lynching parties were held, order was restored and the "cart war" passed into history.

An outbreak of a more serious character, however, occurred during the last half of 1859, when Juan N. Cortina, a daring border chieftain, declared war against the authorities of Brownsville and the vicinity over alleged mistreatment of Mexicans. This trouble began when Cortina shot and wounded the sheriff on the streets of Brownsville, while the latter was in the act of arresting a Mexican. This occurred on July 13, 1859. On September 28 Cortina returned to Brownsville at the head of a band of mounted men and killed several individuals who were said to have been guilty of outrages against Mexicans. He then retired to his ranch and issued a proclamation declaring a war of vengeance. The authorities of Brownsville were joined by those of Matamoros in dealing with Cortina and his followers, and finally the Texas rangers and the United States regulars were called in. At one time during the progress of the trouble Cortina had as many as five hundred Mexican residents of Texas under his command. But the band was finally defeated, Cortina escaped across the Rio Grande and the "revolt" was brought to an end.

It should not be inferred from the foregoing narrative that the period immediately following annexation was one only of border troubles, Indian depredations and disputes with the federal government. Quite the opposite was the case. It was a period of great progress and of rapid increase in population and wealth. The

border troubles were confined to the extreme southern section of the state and the Indian depredations to the western parts. The settled sections of the state were undisturbed by these occurrences and were occupied with problems of progress and development. An unprecedented immigration movement continued throughout this period and there was a great influx of capital. Between 1846 and 1860 the white population of Texas increased from 102,961 to 421,411, and the slave population from 38,753 to 180,682. During the same period the taxable values of the state increased from thirty-four million dollars to two hundred and ninety-four million. In ten years—from 1853 to 1862—four hundred and fifty miles of railroads were built and there was a corresponding development in other lines. The Texas cotton crop, for example, increased from 39,774 bales in 1848 to 421,463 bales in 1860, and the number of cattle in the state increased from 382,783 head in 1846 to 3,786,443 head in 1860. All of the staple crops showed similar growth. It was a time of great progress and every man's face was toward the future.

The progress was not confined to material development, however. It was during this period that the educational system of Texas was given its first great impetus. Prior to 1854 some state aid was provided for education, but tuition was charged in all of the schools thus aided. The school fund, which had been previously established, amounted to \$128,668 at the beginning of 1854. To this amount there was added that year two million dollars of the bonds received from the United States in exchange for the northwestern terri-

tory. The first public free school in the state was opened at San Antonio during that year and from that point forward the system developed rapidly.

Thus in forty years—from 1820 to 1860—a complete wilderness had been transformed into a center of civilization. The growth of Texas was one of the marvels of the time. But marvelous as that growth was universally admitted to be, its future growth—the inevitable development of its practically untouched resources—was expected to surpass it. The “lone star” which had been added to the American flag by the annexation of Texas seemed destined to become the brightest in the constellation.

CHAPTER LVII.

HOUSTON OPPOSES DOUGLAS.

WHEN Stephen A. Douglas, United States senator from Illinois, drafted the so-called Kansas-Nebraska bill in the latter part of 1853, he started a sequence of events which ultimately plunged the country into civil war and prostrated the South for a generation. It is clear today that Douglas's motive was chiefly that of furthering his ambition to become president. Instead of making Douglas president, however, the Kansas-Nebraska bill, with its doctrines of "popular sovereignty" and "nonintervention" brought about renewed agitation against slavery, contributed to the sudden rise of the Republican party, brought Abraham Lincoln into national prominence, wrecked the Democratic party, made possible Lincoln's election to the presidency and finally culminated in disunion and the war between the states.

It may be freely admitted that inflammable tinder in abundance was already lying about and that the Kansas-Nebraska bill merely supplied the spark that ignited it and started the conflagration. It may be true, as is frequently contended, that the slavery question could never have been settled peaceably and that the war between the states was bound to come sooner or later. But no one today, and especially no Southern man, will deny that support of the Kansas-Nebraska bill by the Democrats of the South was a blunder. For it is certain that

the war was made inevitable by a chain of events which, by a process of natural development, followed the enactment of Douglas's measure into law.

The policy of controlling the spread of slavery by agreement and compromise had been followed successfully since the adoption of the Missouri Compromise in 1820. The Missouri Compromise line had maintained a *status quo* with respect to the extension of slavery in the Louisiana Purchase territory for more than thirty years. When Texas was annexed the line had been extended to the western boundary of that state, but a proposal to extend it to the Pacific coast, after the Mexican war, had been voted down. In 1850, by a series of compromises, which included the purchase of the northwestern territory from Texas, the strengthening of the fugitive slave law, the prohibition of the slave trade in the District of Columbia, the admission of California as a "free" state and the creation of the territories of New Mexico and Utah with no regulation of slavery, all of the unsettled region of the United States had been covered in an arrangement controlling the spread of slavery. As the arrangement stood then, four new slave states could be created by a division of Texas, slavery was excluded from the remaining territory of the Louisiana Purchase by the Missouri Compromise and the region comprising the territories of New Mexico and Utah was left to a future decision of the people settling there. The exact wording of the New Mexico and Utah acts was as follows: "That the said territory . . . shall be admitted into the Union, with or without slavery, as their constitution may prescribe at the time of admission." It was widely recog-

nized, both in the North and the South, that New Mexico and Utah were not suited to slavery, and it was taken for granted that slavery would never exist in that region. Only by the division of Texas, therefore, was it likely that new slave states would be added to the Union. The prestige of the "free" states in relation to the federal government would be increased with the admission of each new state from the remaining unsettled territory. This situation had been accepted by the South and up to the middle of 1853 there was little genuine fear that it would materially affect the institution of slavery within the older states, and certainly there was no general belief that the abolition movement would succeed. There had always been doubt of the legal force of such agreements as the Missouri Compromise and of the power of congress to prohibit slavery permanently in any part of the national domain. But the slaveholders of the South, for the most part, were willing to abide by such agreements in order to keep down agitation against slavery as an institution. The effect of these agreements had been to keep the agitation within bounds. There had been some resistance to the enforcement of the fugitive slave law in a few Northern states, but the power of the federal government was on the side of enforcement of the law and, while incidents of an irritating character had occurred, the outlook was that the law would be enforced. When Franklin Pierce was inaugurated in March, 1853, the extreme abolition movement was waning and anti-slavery agitation seemed destined to die out. Indeed, Pierce remarked upon this situation

in his inaugural address, and pledged himself to do nothing during his administration to disturb the peaceful condition then existing.

Then Douglas hurled his bolt. Of the territory still remaining to be erected into states, that which was most suitable for agriculture and a system of slave labor was Kansas, which joined Missouri on the west. Just north of Kansas was the region known as Nebraska, which was regarded as unsuited to slavery. Both were part of the Louisiana Purchase and both, of course, were north of the Missouri Compromise line. In the natural course of events both ultimately would enter the Union as "free" states. At the session of congress which closed in the spring of 1853 a bill to establish territorial government in Nebraska had been introduced. It contained no hint of an intention to disturb the *status quo* with respect to the extension of slavery and attracted very little attention. When congress reconvened, however, Douglas, as chairman of the committee on territories, brought in a bill providing for territorial government in both Kansas and Nebraska, and setting forth the doctrines of "popular sovereignty" and "non-intervention by congress" with respect to slavery. These doctrines were simply that slavery might be legalized or excluded as the majority of the people of either territory should decide, and that there should be no interference by the federal government one way or the other. They involved, of course, the repeal of the Missouri Compromise. Douglas contended that the Missouri Compromise conflicted with the principles of the compromise of 1850, as embodied in the New Mexico and Utah acts, but the truth was that up to the

moment he brought forward the Kansas-Nebraska bill no one had regarded the Missouri Compromise as in any manner disturbed by the legislation of 1850. The Missouri Compromise might have been unconstitutional, to be sure, in which case it would never have had any legal force. But as a working agreement among the states it was still in force, and Douglas's proposal was nothing less than that the whole method of controlling the spread of slavery by such agreements be abandoned. It was a proposal that the pledge that slavery should be excluded from Kansas, which representatives of the South had given when Missouri was admitted as a slave state, should be repudiated. The ground for such proposed repudiation was that the equilibrium had been destroyed by the annexation of new territory, but this could hardly be said to change the character of the repudiation. It was an aggressive move on the part of slavery—a move to claim territory which had been accepted by both sides as “free” territory for more than thirty years.

In its inception the Kansas-Nebraska bill was neither a party nor an administration measure. It was Douglas's own. It was his platform as a candidate for the Democratic nomination for the presidency. Neither President Pierce nor the Democratic leaders in the senate had been consulted beforehand. There had been no demand for such a measure by the people of the South, and no proposal resembling it had been discussed on the political rostrum or mentioned in party declarations. Douglas was the originator of the idea and was careful that he should get full credit for it. He, a Northern man, representing a “free” state in the United States

senate, came forward with this proposal which would make it possible to establish slavery in Kansas. For this service the slaveholding South was expected to be grateful, and as a reward it might bestow the presidency upon the man responsible for it. Some of the democratic senators from the South recognized that the effect of the measure would be to stir up anew anti-slavery agitation and questioned if the price that would be paid in the end for Kansas might not be too great. For a time President Pierce hesitated about supporting the measure. But the gift offered by Douglas proved too attractive to be spurned and in due course the full force of the Democratic party and of Pierce's administration was placed behind the Kansas-Nebraska bill. Indeed, even the Southern Whigs were whipped into line by public sentiment among their constituents.

There was one Southern Democrat, however, who was so impressed with the dangerous character of the bill, and so filled with the conviction that dire consequences would be almost certain to follow its enactment into law, that he opposed it vigorously. That Democrat was Sam Houston, the senator from Texas. Houston's opposition to the bill was based upon his recognition that it would reopen the whole question of the extension of slavery, plunge the country into an agitation from which the South could gain nothing, and even endanger the very existence of the Union. "If the republic be not shaken," he exclaimed, "I will thank heaven for its kindness in maintaining its stability."

"What is to be the effect of this measure if adopted, and you repeal the Missouri Compromise?" he asked. "The South is to gain nothing by it; for honorable gen-

tlements from the South characterize it as a miserable, trifling little measure. Then, sir, is the South to be propitiated or benefited by conferring upon her a miserable, trifling little measure. Will that compensate the South for her uneasiness? Will it allay the agitation of the North? Will it preserve the union of these states? Will it sustain the Democratic and Whig parties in their organization? No, sir; they all go to the wall. What is to be the effect on this government? It is to be most ruinous and fatal to the future harmony and well-being of the country. . . . My word for it, we shall realize scenes of agitation which are rumbling in the distance now."

"This is an eminently perilous measure," he continued, "and do you expect me to remain here silent, or to shrink from the discharge of my duty in admonishing the South of what I conceive the results will be? I will speak in spite of all the intimidations, or threats, or discountenances that may be thrown upon me. Sir, the charge that I am going with the abolitionists or free-soilers affects me not. The discharge of conscientious duty prompts me often to confront the united array of the very section of the country in which I reside, in which my associations are, in which my personal interests have always been, and in which my affections rest. When every look of the dying sun carries me to the bosom of a family dependent upon me, think you I could be alien to them? Never! Never!"

Referring to the claim that President Pierce, who had not yet declared himself openly, favored the bill, Houston said that he declined to admit for a moment that it met with the sanction of the president. "All

his antecedents are in the face of it," he declared. "Supporting him as I did, I must believe him consistent and truthful. He is upon record as an opponent to agitation of this kind, whether in the halls of congress or anywhere else. He is pledged to keep down and resist agitation, as far as is in his power, and that the institutions of the country shall sustain no 'shock' during his administration. If this bill passes, will there be *no shock*? Depend upon it, Mr. President, there will be a tremendous shock; it will convulse the country from Maine to the Rio Grande. The South has not asked for it. I, as the most Southern senator upon this floor, do not desire it. If it is a boon that is offered to propitiate the South, I, as a Southern man, repudiate it. I reject it. I will have none of it."

Houston went into an extended examination of the Missouri Compromise and recalled a tribute he had paid to Henry Clay, its author, on a previous occasion, when disagreement existed in 1850. "Well," he continued, "we subsequently obtained peace and harmony. Let us preserve it. And there is no mode by which we can so effectually accomplish that object as by rejecting the proposed measure. I had fondly hoped, Mr. President, that having attained to my present period of life, I should pass the residue of my days, be they many or few, in peace and tranquillity; that as I found the country growing up rapidly, and witnessed its immeasurable expansion and development, when I closed my eyes on scenes around me I would at least have the cherished consolation and hope that I left my children in a peaceful, happy, prosperous and united community. I had hoped for this. Fondly I had cherished the

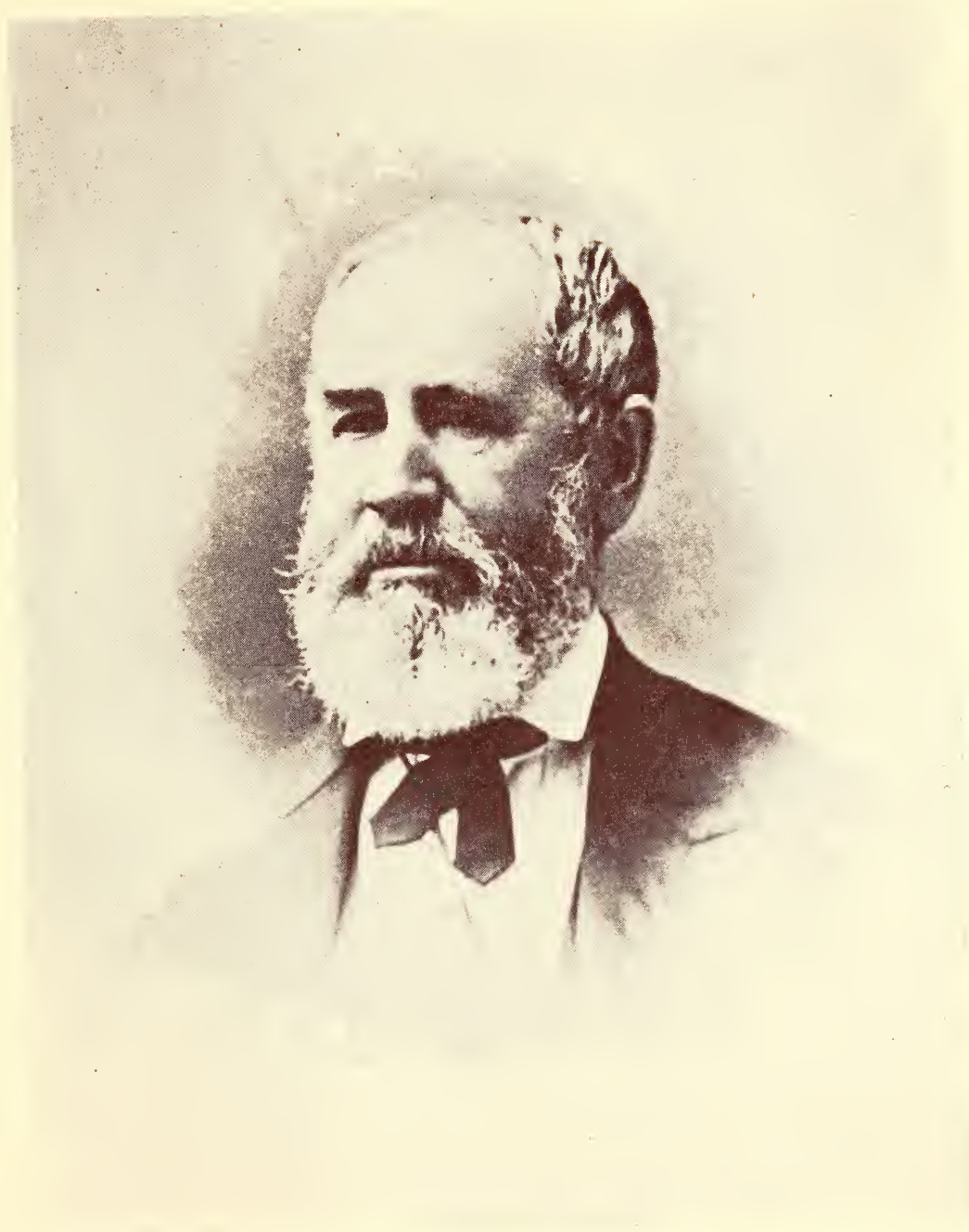
desire and the expectation from 1850 until after the introduction of this bill. My hopes are less sanguine now. My anxieties increase, my expectation lessens. Sir, if this repeal takes place, I will have seen the commencement of the agitation; but the youngest child now born, I am apprehensive, will not live to witness its termination. Southern gentlemen may stand up and defend this measure. They may accept it from the Northern gentlemen who generously bestow it; but if it were beneficial to the South it would have been asked for. It was not asked for—nor will it be accepted by the people. It furnishes those of the North, who are enemies of the South, with efficient weapons to contend with.”

In closing his attack on the bill, Houston called attention to the circumstance that the senate chamber still was draped in mourning in memory of departed senators who had assisted in composing differences over the question of the extension of slavery. “What would their emotions be,” he asked, “if they could now be present and see an effort made to undo their work, and to tear asunder the cords that they had bound around the hearts of their countrymen? They have departed. The nation felt the wound; and we see the memorials of woe still in this chamber. The proud symbol (the eagle) above your head remains enshrouded in black, as if deploring the misfortune which has fallen upon us, or as a fearful omen of future calamities which await our nation in the event this bill should become a law. Above it I behold the majestic figure of Washington, whose presence must ever inspire patriotic emotions, and command the admiration and love of every Ameri-

can heart. By these associations I adjure you to regard the contract once made to harmonize and preserve this Union. *Maintain the Missouri Compromise! Stir not up agitation! Give us peace!*

"This much I was bound to declare—in behalf of my country, as I believe, and I know in behalf of my constituents. In the discharge of my duty I have acted fearlessly. The events of the future are left in the hands of a wise Providence."

Houston's warnings were unheeded by his Southern colleagues, and the Kansas-Nebraska bill was passed by the senate. The original measure was sidetracked in the house, but a similar measure was passed under pressure from the combined forces of the administration, the Democratic party organization and the party press. The doctrines of "popular sovereignty" and "non-intervention" were taken up as party doctrines for the moment, though it was to be found later that the seed of party division was hidden in the former. Houston was denounced as an apostate and a traitor to the interests of the South, and these denunciations were not mitigated by the circumstance that the storm of agitation in the North, which he had predicted, began long before the Douglas doctrines were enacted into law. In Texas the legislature adopted a resolution condemning his vote against the Kansas-Nebraska bill, and he was put on full notice by the Democratic party of the state that he need not expect to be returned to the senate when his term should expire. Here and there, outside of the South, he received a word of praise. The general committee of the Democratic party of New Hampshire, for example, adopted a resolution suggesting him as



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"the people's candidate" for the presidency. The New Jersey state convention of the Republican party, in recommending the election of Fremont as president, declared that such election would "sustain and justify such Southern patriots as Houston." But these were exceptions. The New Hampshire suggestion, of course, was ignored, and the praise bestowed upon him by the "black Republicans" of New Jersey was quoted to his discredit in Democratic councils. Houston soon found himself an outcast from the party of Andrew Jackson.

The Texas state Democratic convention, which met at Austin in January, 1856, not only condemned Houston's vote on the Kansas-Nebraska bill, but adopted a declaration of principles which put the party unequivocally on record for the doctrine of "non-intervention," while it repudiated the doctrine of "popular sovereignty" as Douglas understood it. The implications of the latter doctrine were already coming to be recognized by Southern Democrats.

The declaration on the Kansas-Nebraska act and "non-intervention" was as follows:

"The Democracy of the state of Texas regards the passage of the Kansas-Nebraska act as a triumph of the constitution over fanaticism and sectional madness, and would regard its repeal as a violation of the spirit of the constitution, and an outrage upon the rights of the Southern states of the Union; they insist upon the old Democratic doctrines of states' rights, and a strict construction of the Constitution, as cardinal principles of the Democratic faith; that the principle of non-intervention by the federal government is a doctrine of the constitution, alike applicable to states and terri-

tories; and any attempt on the part of congress to prohibit slavery in any territory that may hereafter be organized, or to restore the Missouri Compromise, or to repeal the fugitive slave law, or to refuse to admit any new state that may hereafter apply for admission into the Union on account of slavery being recognized in its constitution, or to impose any restriction on the subject of slavery on any new state so applying, not imposed on the original thirteen states, or to impose any restriction upon the trade and intercourse between the slave states, or to abolish slavery in the District of Columbia, would be a violation of this principle, and should be regarded as an attempt to trample on the constitution and dissolve the Union, and should be resisted at every hazard and to the last extremity."

The declaration which repudiated Douglas's interpretation of his doctrine of "popular sovereignty," which was now derisively referred to as "squatter sovereignty," was as follows:

"That the citizens of the Southern states have the indefeasible right to carry their slaves into any territory belonging to the United States and there to exercise and enjoy all the rights of ownership and property, as freely and fully as in the state from which they emigrate; and that any interference with, or obstruction to, the enjoyment and exercise of their rights as Southern citizens, by the government of the United States, or by the inhabitants of such territory, would be a violation of the rights of the Southern states, which they possess as sovereign states, and coequal members of the American confederacy."

These declarations undoubtedly reflected the senti-

ment of the mass of the people of Texas. An overwhelming majority of the people of the state were Democrats and regarded the interests of the state and of the South as identical with those of the party. There were more than one hundred and fifty thousand slaves in Texas, constituting an amount of wealth sufficient to make important its protection and security under the law. It is needless to say that slaves, under the law, were property like any other property, and had been recognized as such since the founding of the nation. Slavery had been abolished in the Northern states because wage labor proved to be more profitable and better suited to the conditions existing in those states. The people of the North were not fundamentally different from the people of the South. Slavery was profitable in the South, so profitable, indeed, that it had become the very foundation of the South's economic system. Protection of property in slaves, therefore, was practically synonymous with economic security. The constitution of the United States recognized and protected property in slaves and the people of the South very naturally resented the constant criticism by agitators in the North of the institution so recognized and protected. The population of Texas was composed chiefly of persons from other slave-holding states, who had grown up among surroundings in which slavery was taken as a matter of course. The popular point of view in the state, therefore, was like that of the people of other Southern states. It was a point of view so alien to that of the extreme abolitionist of the North that the average Texan could not comprehend the latter's estimate of slavery. Douglas's introduction of the Kansas-

Nebraska bill came as a clarion call to have done with compromise in dealing with such people. The argument that such a course might endanger the Union had less influence upon the Texans than upon the people of any other state, for the reason that Texas had been only recently an independent republic, and the prospect of withdrawal from the Union was not so novel to them as to people of the older states. It was inevitable, therefore, that Houston's course would be condemned, and that the trend of public opinion in Texas during the agitated times that followed the passage of the Kansas-Nebraska act would be the same as in other slave-holding states.

The truth was that already the two points of view had become well-nigh irreconcilable, and that the abandonment of the policy of compromise had headed the country toward civil war. Houston was one of the few leaders who recognized the true situation in all of its aspects, and who sought to prevent the calamity. But he was as a voice crying in the wilderness. His pleading and his warning fell on deaf ears. He continued to speak out, nevertheless, in spite of all criticism. Nothing in his whole career served to better illustrate the truly great qualities he possessed than his course throughout this period. The quality of his vision was surpassed only by the quality of his courage.

Finding himself cast out by the Democratic party, with no prospect of reelection to the senate by the Democrats, Houston first turned to the Know-Nothing party, which had shown surprising growth in Texas. But that party proved ephemeral in character and not fitted to be the instrument with which to carry on his

battle. When he decided to test his strength before the people, therefore, he was compelled to do so as an independent. Accordingly, in 1857, he announced himself as a candidate for governor against the regular Democratic nominee, Hardin R. Runnels. The campaign which ensued was bitterly fought. Runnels himself did not take the stump, but the Democratic organization worked strenuously to defeat Houston. The result was that, in spite of the hold which Houston, as the hero of San Jacinto, had on the affections of the people, Runnels was elected by a vote of 32,552 to 23,628. The repudiation of Houston by the people of Texas was complete.

Meantime, Houston's predictions as to the effect of the abandonment of the Missouri Compromise were being borne out. Kansas became the arena of a conflict for possession between the slavery and anti-slavery forces. "Immigration" movements, organized to send armed men into the territory, were launched in both the North and South. "Bleeding Kansas" became the dominant topic of public discussion. The abolition movement took on new life and the Republican party rapidly gained in strength. The Whig party went to pieces and signs of disintegration and strife made their appearance in the Democratic party. James Buchanan, the Democratic candidate for president, was elected in 1856, but he fell far short of a majority of the popular vote. Pierce and Douglas became involved in a controversy over the application of the doctrines of "popular sovereignty" and "nonintervention" to Kansas and the quarrel ended by their parting company. Douglas announced his opposition to the admission of

Kansas into the Union as a state on the ground that its constitution, which legalized slavery, had not been properly adopted by the people. About the same time the United States supreme court handed down the Dred Scott decision, which was interpreted to mean that, in spite of "popular sovereignty," the people of a territory could not exclude slavery from its boundaries, and this whipped the anti-slavery crusade to a fever heat. Then Douglas was compelled to go back to Illinois and face the fight of his life for reelection to the senate. The Republican party had nominated a lawyer from the town of Springfield named Abraham Lincoln, and he had challenged Douglas to debate. Douglas accepted and there ensued a series of debates on the doctrines of the Kansas-Nebraska act, and on the whole question of slavery, that commanded the attention of the entire country. Douglas was reelected to the senate, but Lincoln emerged from the campaign a national leader of the Republican party. When the Texas legislature gathered on November 2, 1857, after the defeat of Houston by Runnels, the national Democratic party was facing disintegration through internal strife over interpretations of the Douglas doctrines and the Republican party was making amazing gains in all of the "free" states.

Governor Pease, the retiring executive, took occasion to call attention to this situation. "Our relations with the federal government and with the several states composing it," he said, in his message to the legislature, "are a subject of deep anxiety to every patriot. The rapid strides made in the last few years by a party in the Northern states, organized with the avowed object

of endeavoring to effect the abolition of slavery as it now exists in fifteen states and some of the territories, has very justly excited fears for the perpetuity of the Union. . . . The people of Texas are attached to their domestic institutions; they ask nothing from the federal government but those rights guaranteed by the constitution, and any infringement of those rights will never be submitted to."

In his inaugural address, Governor Runnels reviewed the whole history of the struggle over the extension of slavery from the adoption of the Missouri Compromise to the trouble in Kansas. "Year by year," he said, "the South is becoming weaker, the North growing stronger. The equilibrium has been destroyed which afforded the only sure and permanent guarantee or protection against abolition innovation. . . . For the future to the North must be left the management and control of a question which involves union or dissolution, peace or war. . . . There is now but one reasonable hope for preserving the Union and maintaining the rights of the states in it, and that is upon a rigid adherence to a strict construction of the federal constitution."

These declarations reflected the prevailing sentiment of the people and of the legislature. The legislature had before it the task of electing two United States senators, due to the death of Senator Rusk and the expiration of Houston's term. Again it registered its disapproval of Houston's course in the senate by promptly refusing to reelect him. J. Pinckney Henderson was chosen to succeed Rusk and John Hemphill was elected in place of Houston.

The burning question of the moment was the Kansas constitution, which was pending before congress, and which was being opposed by Douglas and other Northern Democrats. The Democratic party of the South, which had hailed Douglas as a great leader and had denounced Houston for opposing him only four years before, was now up in arms against him. The party was facing a split on sectional lines, an event which would isolate the South politically, and secession was being openly talked of as the only recourse of the Southern states in such an emergency. This was the situation when the Texas state Democratic convention met at Austin on January 8, 1858, while the legislature was in session. The convention adopted the following resolutions:

“Resolved, That recent events in the United States senate create in our minds a serious apprehension that the great doctrine of nonintervention . . . is in danger of being repudiated by congress through the instrumentality of members of the national Democratic party, . . . and that we now consider it our duty to set forth to the country the course that we shall be compelled to take in that serious and deplorable emergency.

“Resolved, That we request the representatives of the people of Texas, in legislature assembled, to provide at the present session for the executive of the state appointing suitable delegates to a convention of Southern states, which may be hereafter assembled for the purpose of consultation and advice for the general welfare of the institutions of the South.”

In accordance with this resolution, Governor Runnels sent a special message to the legislature on January 20, recommending that the request be complied with. “It

is my deliberate judgment," he said, "that if congress refuses to admit Kansas as a state with the constitution she now presents, for any other cause than that said constitution is not Republican in character, the time will have come when the Southern states should look to themselves for the means of maintaining their future security."

Whereupon the legislature, by a unanimous vote in the house and a vote of twenty-three to five in the senate, adopted the following joint resolutions:

"1. Be it resolved . . . , That the governor of this state is hereby authorized to order an election for seven delegates, to meet delegates appointed by other Southern states, in convention, whenever the executives of a majority of slave-holding states shall express the opinion that such a convention is necessary to preserve the equal rights of such states in the Union. . . .

"2. That should an exigency arise, in the opinion of the governor, in which it is necessary for the state of Texas to act alone, or by convention representing the sovereignty of the state, he is hereby requested to call a special session of the legislature to provide for such state convention."

These resolutions reveal that in the spring of 1858 the state government and the Democratic party of Texas practically had decided on the course of action which subsequently was taken by all the Southern states. The right of a citizen of the South to take his slaves into any territory of the United States not yet admitted as a state was insisted on, and the doctrine of "popular sovereignty," in accordance with which the people of such territory would have the right to exclude slavery,

was denied. The power of congress to exclude slavery from such territory also was denied, in accordance with the doctrine of "nonintervention," but it was insisted that it was the duty of the federal government, under the constitution, to protect the slave property of a citizen of the South moving into such territory. It was denied further that congress had power to refuse a state admission into the Union on the ground that slavery was permitted by its constitution. The Democrats of the North, under Douglas's leadership, dissented from the Southern view to the extent of denying the unrestricted right of a slaveholder to the protection of the federal government in taking his slaves into a territory where a majority of the people opposed slavery. The Democrats of Texas, in common with the Democrats of other Southern states, had already decided in the spring of 1858 to split with the Northern Democrats rather than submit to this interpretation of the doctrines of "popular sovereignty" and "nonintervention." Such a split of the Democratic party would probably mean the election of a Republican president. Abraham Lincoln had aroused the North by the declaration, during his debates with Douglas, that the slaveholders were determined to legalize slavery in every state in the Union. He had pointed out that all that was needed was a decision of the supreme court of the United States decreeing that a slaveholder had the right, under the constitution of the United States, to take his "property" into any state, that the federal government was bound to protect him in his right and the free states were without power to prevent him from exercising it. He had declared that such a decision could be expected in due course.

It was on this basis that he had laid down the proposition that the issue was whether the United States was to be all slave territory or all free. The Republican party's policy, therefore, was to restrict slavery as much as possible with a view to its ultimate extinction. The election of a Republican president was regarded as an event which the slaveholding states could not endure. In facing the prospect of this event as the probable result of a split in the Democratic party, the Democrats of Texas had already decided to meet it with the extreme course of secession from the Union. Rather than submit to the doctrines of the Douglas Democrats of the North, therefore, the Democrats of the South were prepared to secede. To such a pass had the leadership of Douglas brought the Democratic party in four years. The predictions of Houston had been abundantly borne out.

From this time onward secession became a live topic of public discussion. Sam Houston, in spite of his defeat by the people, now set his face against the talk of secession. The Democratic party, at a convention at Houston on May 2, 1859, nominated Runnels for reelection as governor, and reaffirmed its declarations with respect to the doctrines of "popular sovereignty" and "nonintervention." The platform contained the following resolutions:

"That the Democracy of Texas recognize in the opinion of the Supreme Court of the United States in the Dred Scott case a true and just exposition of the constitutional powers and duties of the federal government in the territories and the limitations thereupon, and declare that nothing less than uniform execution

of those powers and duties, and the continual observance of the limitations thereupon, can do justice to all the states and preserve their equality.

“That we deny the possibility of the existence of the power of the legislature of any territory, whilst the constitution prevails, by unfriendly legislation or otherwise to defeat the rights of property in slaves, or practically refuse protection thereto, but declare it is entitled to adequate protection from the general government.”

Within thirty days after the adjournment of this convention, Houston announced that he would again be a candidate for governor against Runnels. “The constitution and the Union embrace the principles by which I will be governed if elected,” he declared. “They comprehend all the old Jacksonian Democracy I ever professed or officially practiced.” Runnels’s administration had become unpopular in many sections of the state because of Indian depredations which neither the federal nor state government had been able to hold in check. This circumstance brought immediate support to Houston’s candidacy among the citizens of the frontier. It also led other independents to announce as candidates for other state offices, Edward Clark coming forward as the opponent of Frank R. Lubbock for lieutenant-governor. The issue of secession, however, was emphasized by Houston in his campaign, and it brought to his support many prominent men, including former Governor Pease, James W. Throckmorton and others. Houston was conscious that he was making a last stand, and he threw himself into the campaign with all his energy. Some of the ultra-secessionists had pointed out

that even the slave trade could be revived if the Southern states withdrew from the Union, and cited this as one of the desirable things to be obtained through secession. Houston made the most of this argument and charged Runnels with holding such views. He denounced the slave trade and declared that the desire to revive it was typical of the motives which were behind the secession movement. He made a plea for the preservation of the Union at all hazards, and declared that chaos would follow secession. It was a bitterly fought campaign and resulted in a remarkable victory for Houston. The verdict which the people had given two years before was completely reversed. Houston received 36,257 votes, a gain of more than twelve thousand over his vote in 1857, and Runnels received 27,500 votes, a loss of five thousand compared with his vote at the previous election. It was a great personal triumph for Houston, but events soon were to demonstrate that it was little more.

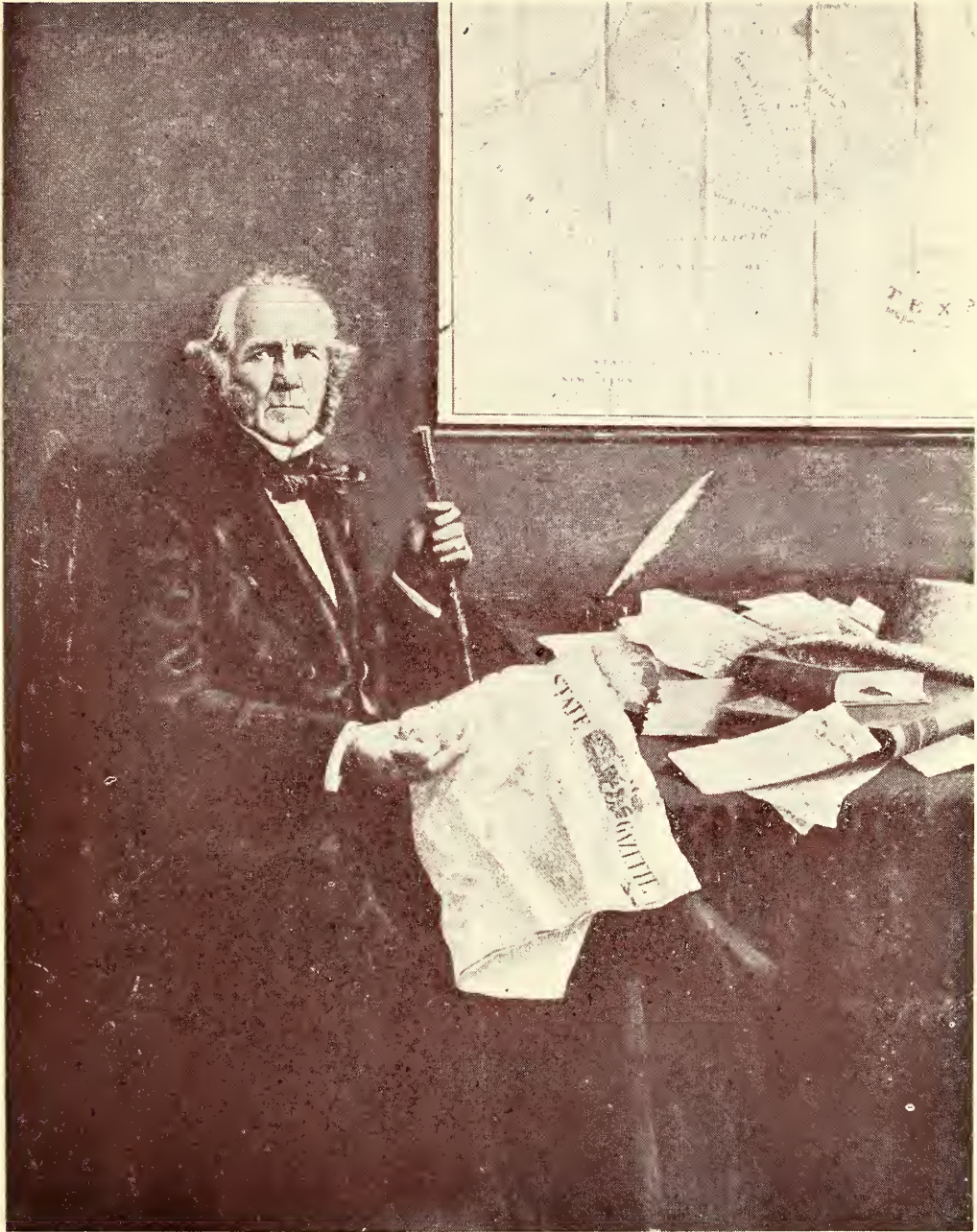
Houston, however, chose to assume that his victory meant that Texas was opposed to secession. But the legislature demonstrated without delay that it had not been changed in temper by the election, for in filling the office of United States senator, made vacant by the death of J. Pinckney Henderson, it elected Louis T. Wigfall, an ultra-secessionist who had opposed Houston in his recent campaign. Houston held that the legislature did not represent the sentiment of the people, and he discarded all precedent by declining to deliver his inaugural address before a joint session of the legislature. Instead, he elected to address himself directly to the people from the portico of the capitol. An

immense audience gathered on the capitol grounds to hear the address, and the occasion was a memorable one. In his address Houston declared that the office he was about to assume was the gift of the people themselves, that he was independent of any caucus or party, and he appealed to the whole people to sustain him. "When Texas united her destiny with that of the United States," he said, "she entered not into the North, nor South. Her connection was not sectional, but national. . . . When our rights are aggressed upon let us be behind none in repelling attack, but let us be careful to distinguish between the acts of individuals and those of a people."

Houston sent his first general message as governor to the legislature on January 13, 1860. It was devoted almost entirely to the internal problems of the state, but he touched upon the national situation by pointing to signs that the mass of the people of the North were determined to curb the activities of fanatical abolitionists. The conviction and execution of John Brown, who had attempted a slave rebellion, and had led a raid on Harper's Ferry, had just taken place, and there had been other evidences that the federal government was determined to give protection to the institution of slavery. "I can not refrain from congratulating the legislature," said Houston, "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 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 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 ravings of deluded zealots, or the impious threats of fanatical disunionists, the love of our common country still burns with the fire of the olden time 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 to represent them in Congress will bear their rights safely through the present crisis, they feel no alarm 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."

At the moment those words were spoken, a communication from the governor of South Carolina, inviting Texas to participate in a concerted move of the slaveholding states toward secession, was on its way to Governor Houston. Houston was face to face with the final great battle of his life.



SAM HOUSTON AS UNITED STATES SENATOR

CHAPTER LVIII.

DEMOCRATIC PARTY COLLAPSES.

SOUTH CAROLINA had adopted an ordinance in 1852, affirming her right to secede from the Union, but postponing such action "from considerations of expediency only." The immediate cause of the adoption of that ordinance had been the compromise measure of 1850, which had been accepted by the other slaveholding states. In December, 1859, the legislature of South Carolina adopted a set of resolutions, reaffirming the ordinance of 1852, and inviting the other Southern states to send delegates to a convention to work out a plan of joint secession. Under date of December 30, 1859, the governor of South Carolina transmitted a copy of these resolutions to Governor Houston of Texas, accompanying them by the following communication:

"I have the honor to enclose certain resolutions which passed unanimously both branches of the legislature of South Carolina, in one of which is an earnest request that your state will appoint deputies, and adopt such other measures as will promote a meeting of slaveholding states in convention. You will see by the preamble to the resolution that South Carolina, as a sovereign state, claims the right to secede whenever she may think it expedient to do so, but she much prefers concerted action, and is willing to follow any lead. Be

pleased to submit the resolutions to your legislature at the earliest moment."

The resolutions enclosed were as follows:

"WHEREAS, The State of South Carolina, by her ordinance of A. D. 1852, affirmed her right to secede from the confederacy whenever the occasion should arise, justifying her, in her judgment, in taking that step; and, in the resolution adopted by her convention, declared that she forbore the immediate exercise of that right from considerations of expediency only: And whereas, more than seven years have elapsed since that convention adjourned, and in the intervening time the assaults upon the institution of slavery, and upon the rights and equality of the Southern States, have unceasingly continued with increasing violence and in new and more alarming forms: Be it therefore

"1. *Resolved*, unanimously, That the State of South Carolina, still deferring to her Southern sisters, nevertheless announces to them that it is the deliberate judgment of this general assembly, that the slaveholding States should immediately meet together to concert measures for united action.

"2. *Resolved*, unanimously, That the foregoing preamble and resolution be communicated by the Governor to all the slaveholding States, with the earnest request of this State that they will appoint deputies, and adopt such measures as will, in their judgment, promote the said meeting.

"3. *Resolved*, unanimously, That a special commissioner be appointed by his Excellency the Governor, to communicate the foregoing preamble and resolutions to the State of Virginia, and to express to the authorities

of that State the cordial sympathies of the people of South Carolina with the people of Virginia, and their earnest desire to unite with them in measures of common defense.

"4. *Resolved*, unanimously, That the State of South Carolina owes it to her citizens to protect them and their property from every enemy, and that for the purpose of military preparation, for an emergency, the sum of one hundred thousand (\$100,000) dollars be appropriated for military emergencies."

When Houston received these resolutions and the request to submit them to the legislature of Texas for action, he decided to make them the occasion for grappling with the whole question of secession. Accordingly, he transmitted the resolutions to the legislature and with them submitted a message in which he made an extended argument against secession and recommended that the request to send deputies to a convention be denied. He transmitted the resolutions, he said, "in accordance with the spirit of courtesy which should actuate the executive of one state in his intercourse with that of another." "At the same time," he added, "I deem it due to myself, as well as to your honorable body, to enter my unqualified protest against, and dissent from, the principles enunciated in the resolutions."

Houston's message, which was a masterful argument against the doctrine of the right of secession and a searching criticism of the whole secession movement, continued as follows:

"The reasons assigned seem too insufficient to justify the measures recommended, unsupported as they are by facts to establish their soundness. They appear to be

the affirmation of the ordinance adopted by South Carolina in 1852, well known to be based upon the adoption by Congress of the compromise measures of 1850. These measures were indorsed by the people of Texas through their popular voice at the ballot-box; and as no recent incentive to action on the part of South Carolina appears other than that 'the assaults upon the institution of slavery, and upon the rights and equality of the Southern States, have unceasingly continued,' the Executive is led to believe that these measures, so emphatically indorsed by the people of Texas, were one, if not the chief, of the 'assaults' enumerated.

"Were there no constitutional objections to the course suggested by the resolutions I can not perceive any advantage that could result to the slave-holding States, or any one of them, in seceding from the Union. The same evils, the same assaults complained of now, would still exist, while no constitution would guarantee our rights, uniting the strength of a Federal Government able and willing to maintain them; but an insuperable objection arises in my mind. The course suggested has no constitutional sanction, and is at war with every principle affecting the happiness and prosperity of the people of each individual State, as well as their right in their national capacity.

"For years past, the doctrines of nullification, secession and disunion have found advocates in Southern States as well as Northern. These ultra theories have, at different periods, raged with more or less violence, and there have not been wanting persons to fan the flame of discord, and to magnify imaginary evils into startling realities. Confounding the language of indi-

viduals with the acts of Government itself, they who desire disunion at the South are not satisfied with the Constitution fairly and honestly interpreted by the highest court in the country, and the law faithfully and impartially administered by the Federal Government (even to the exercise of all its powers) to protect the rights of property and guarantee the same, but are ready to seek relief from abolitionism in disunion.

“It is not to be supposed that the people of the South regard the institution of slavery as possessing so little moral strength as to be injured by the ‘assaults’ made upon it by a fanatical element of northern population, who so long as they stay at home do us no harm, and but excite a pity for their ignorance and contempt for their ravings. So long as a government exists, ready and willing to maintain the Constitution, and to guard every citizen in the enjoyment of his individual rights, the states, and the citizens of the states, may rest secure. Ungenerous and uncharitable as are the assaults made by a class of the North upon the peculiar institutions of the South, they would exist from like passions and like feelings under any government; and it is to the Constitution alone, and the Union possessing strength under it, that we are indebted for the preservation of those separate rights which we see fit to exercise. No matter to what extent these passions may go, the Federal arm is to be stretched forth as a barrier against all attempts to impair them.

“It is to be presumed that the raid upon Harper’s Ferry, by Brown and his miserable associates, has been one of the causes which have induced these resolutions by the Legislature of South Carolina. In my opinion,

the circumstances attending that act have furnished abundant proofs of the utility of our present system of government; in fact, that the Federal powers have given an evidence of their regard for the constitutional rights of the states, and stood ready to defend them. It has, besides, called forth the utterance of the mighty masses of the people, too long held in check by sectional appeals from selfish demagogues, and the South has the assurance of their fraternal feelings. The fanatical outrage was rebuked and the offenders punished. Is it for this that the Southern States are called upon to dissolve the fraternal ties of the Union, and to abandon all the benefits they enjoy under its ægis, and to enter upon expedients in violation of the Constitution and of all the safeguards of liberty under which we have existed as a nation nearly a century? In the history of nations, no people ever enjoyed so much national character and glory, or individual happiness, as do today the people of the United States. All this is owing to our free Constitution. It is alone by the union of all the states, acting harmoniously together in their spheres under the Constitution, that our present enviable position has been achieved. Without a Union these results never would have been consummated and the states would have been subject to continual distraction and petty wars. Whenever we cease to venerate the Constitution, as the only means of securing free government, no hope remains for the advocates of regulated liberty.

“Were the Southern States to yield to the suggestion of South Carolina, and, passing over the intermediate stages of trouble, a Southern Confederacy should be established, could South Carolina offer any guarantee for

its duration? If she were to secede from the present Union, could one be formed with a Constitution of more obligatory force than the one that has been formed by our fathers, in which the patriots and sages of South Carolina bore a conspicuous part? Sever the present Union—tear into fragments the Constitution—stay the progress of free institutions which both have sustained, and what atonement is to be offered to liberty for the act? From whence is to come the element of a “more perfect Union” than the one formed by the men of the Revolution? Where is the patriotism, the equality, the republicanism, to frame a better Constitution? That which South Carolina became a party to in 1788 has to this period proved equal to all the demands made upon it by the wants of a great people and the expansive energies of a progressive age.

“Neither in peace nor in war has it been found inadequate to any emergency. It has in return extended the protection which union alone can give. The States have received the benefits of this Union. It is left to them to abandon it at their pleasure—to desert the Union which has cherished them, and without which they would have been exposed to all the misfortunes incident to their weak condition?

“The Union was intended to be a perpetuity. In accepting the conditions imposed prior to becoming a part of the confederacy, the State became a part of a nation. What they conceded comprises the powers of the Federal Government; but over that which they did not concede their sovereignty is as perfect as is that of the Union in its appropriate sphere. They gave all that was neces-

sary to secure strength and permanence to the Union—they retained all that was necessary to secure the welfare of the state.

“Texas can not be in doubt as to this question. In entering the Union, it is not difficult to determine what was surrendered by an independent republic. We surrendered the very power, the want of which originated the Federal Union—the right to regulate commerce with foreign nations. As an evidence of it we transferred our custom-houses, as we did our forts and arsenals, along with the power to declare war. We surrendered our national flag. In becoming a state of the Union, Texas agreed ‘not to enter into a treaty, alliance, or confederation, and not, without the consent of Congress, to keep troops or ships of war, enter into any agreement or compact with any other state or foreign power.’ All these rights belonged to Texas as a nation. She ceased to possess them as a state; nor did Texas, in terms or by implication, reserve the power to stipulate for the exercise of the right to secede from these obligations, without the consent of the other parties to the agreement acting through their common agent, the Federal Government. The Constitution of the United States does not thus provide for its own destruction. An inherent revolutionary right, to be exercised when the great purposes of the Union have failed, remains; but nothing else.

“Might not South Carolina, if a new confederacy were formed, at any time allege that an infraction of the new Constitution, or some deviation from its principles had taken place? In such an event, according to the principles now laid down by her, she would then

exercise the same power which she now assumes. Grant her assumption of the right of secession, and it must be adopted as a general principle. Massachusetts may then nullify the fugitive slave law by virtue of her right as a sovereign state, and when asked to obey the Constitution, which she would thus violate, quietly go out of the Union.

“It has been remarked by a statesman of South Carolina, when commenting upon the alleged aggressions of the North upon the South, that ‘many of the evils of which we complain were of our own making.’

“If we have suffered from our own bad policy in the Union—from giving control of affairs to men who have not calculated well as to results—the Union has enabled us to retrieve many of these false steps, and at no time, since the history of our government, have so many of the safeguards of law been thrown around our peculiar institution. It is for us to sustain it and every other right we possess in the Union. Sustained by the Federal arm and the judiciary, we may rely upon the maintenance of these rights which we know we possess. Whenever these are taken from us, the Constitution has lost its power. There will be no Union to secede from, for in the death of the Constitution the Union likewise perishes; and then comes civil war, and the struggle for the uppermost.

“If the present Union, from which we are asked to secede, does not possess in itself all the conservative elements for its maintenance, it does seem to me that all political wisdom and binding force must be set at naught by the measures proposed.

“So long as a single state reserves to herself the right

of judging for the entire South as to the wrongs inflicted, and the mode of redress, it is difficult to determine to what extent the theory would be carried.

“Texas is a border State. Indians ravage a portion of her frontier. Mexico renders insecure her entire western boundary. Her slaves are liable to escape, and no fugitive slave law is pledged for their recovery. Virginia, Missouri and Kentucky are border states, and exposed to abolition emissaries. Have they asked for disunion as a remedy against the assaults of abolitionism? Let dissolution come, and the terrible consequences will fall upon all those first, and with double force. South Carolina, from her central position, the sea upon one side, and a cordon of slave states between her and danger, has but little reason for apprehension. Those who suffer most at the hands of the North seem still to bear on for the sake of the Union. When they can bear no longer they can judge for themselves, and should their remonstrances fail to call the enemies of the Constitution back to duty, and the Federal Government cease to protect them, the pathway of revolution is open to them.

“To guide us in our present difficulties, it is a safe rule to borrow experience from the sages and patriots of the past. Beginning with the father of our country, and great apostle of human liberty, George Washington, I am happy to find my opinions on this subject have the sanction of all those illustrious names which we and future generations will cherish so long as liberty is a thing possessed or hoped for. In his farewell address, he says:

“The unity of government which constitutes you

one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence—the support of your tranquillity at home and your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken—many artifices employed, to weaken your minds in the conviction of this truth; as this is the point in your political fortress against which batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual and immovable attachment to it, accustoming yourself to think and speak of it as the palladium of your political safety and prosperity—watching for its preservation with jealous anxiety—discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate one portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.’

“It must be recollected that these sage admonitions were given to a people, and to the sacred cause of liberty, to which a long life of arduous toil and unselfish devotion had been given. Temporary excitement, fanaticism, ambition, and the passions which actuate demagogues, afforded no promptings to his fatherly teachings. They were those of a mind which felt that it was

leaving a rich heritage of freedom to posterity, to whom was confided the worthy task of promoting and preserving human freedom and happiness.

“Next among the patriot statesmen who devoted their lives to the achievement of our independence as a nation, is to be mentioned the venerated name of Thomas Jefferson. In relation to the subject of secession and disunion, we find the following expression of his patriotic feelings. In June, 1798, at a time when conflicting elements seemed, in the estimation of many, to portend disunion, he wrote:

“ ‘In every free and deliberating society, there must, from the nature of man, be opposite parties, and violent disunions and discords; and one of these, for the most part, must prevail over the other for a longer or a shorter time. Perhaps this party division is necessary to induce each to watch and debate to the people the proceedings of the other. But if, on the temporary superiority of the one party, the other is to resort to a scission of the Union, no Federal Government can ever exist. If, to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there? Suppose the New England States alone cut off, will our nature be changed? Are we not men still, to the south of that, and with all the passions of men? Immediately we shall see a Pennsylvania and a Virginia party in the residuary confederacy, and the public mind will be distracted with the same party spirit. What a game, too, will the one party have in their hands, by eternally threatening the other that unless they do so and so they will join their Northern neighbors! If we reduce our Union to Virginia and

North Carolina, immediately the conflict will be established between the representatives of these two states, and they will end by breaking into their simple limits.'

"And again, after a lapse of nearly twenty years, when the Hartford Convention announced the doctrine of nullification and secession as an ultimate remedy, which we are today called upon to indorse, he wrote to the honored Lafayette, who from his home in France began to look with doubt upon the success and perpetuity of the Union which his blood had been spilt to establish:

" 'The cement of this Union is in the heart-blood of every American. I do not believe there is on earth a government established on so immovable a basis. Let them in any state, even in Massachusetts itself, raise the standard of separation, and its citizens will rise in mass, and do justice themselves on their own incendiaries.'

"The particular attitude of Massachusetts at that period called forth these determined expressions from this great champion of American freedom. They are equally applicable to our present condition. The Legislature of South Carolina may have as much mistaken the character of the masses of South Carolina as did the Hartford Convention the character of the masses of Massachusetts. The Hartford Convention became a byword and a reproach. The sons of the men of Lexington and Bunker Hill stamped it with infamy. The people of South Carolina are descendants of those who felt all the throes incident to the Revolution. Her gallant heroes are among the historic names to be revered and cherished. Their generations will not forget the cost of liberty, or the blessings of the Union which it created.

“At the time these expressions were used by Jefferson he had retired, and his fame had elevated him far above party politics and partisan feelings. He thought and spoke as one friend would to another, who had passed through the severe ordeal for the attainment of human freedom. He had in truth filled the measure of his country’s glory. Such feelings well deserve a place in every true American heart. His teachings surely can not be lost upon the present enlightened generation; nor do we find that other sages and patriots are silent on these topics. In the writings of Mr. Madison we find that after all the arduous toils of a statesman and patriot, when treating upon the subject of the Union and the relative rights and powers of the states, he lends his great light to guide posterity in the pathway of regulated government. Being one of the authors of the Constitution, his exposition comes to us with double force. In a letter to Joseph C. Cabell, written September 16, 1831, he says:

“‘I know not whence the idea could proceed that I concurred in the doctrine that although a state could not nullify a law of the Union, it had a right to secede from the Union. Both spring from the same poisonous root.’

“In his letter to Mr. N. P. Trist, written December 23, 1832, he says:

“‘If one state can, at will, withdraw from the others, the others can, at will, withdraw from her, and turn her *noientem volentem* out of the Union.’

“And in writing to Andrew Stevenson February 4, 1833, he says:

“‘I have received your communication of the 29th

ultimo, and have read it with much pleasure. It represents the doctrines of nullification and secession in lights that must confound, if failing to convince, their patrons. We have done well in rescuing the proceedings of Virginia in 1798-99, from the many misconstructions and misapplications of them. Of late, attempts are observed to shelter the heresy of secession under the case of expatriation, from which it essentially differs. The expatriation party moves only his person and his movable property, and does not incommode those whom he leaves. A seceding state mutilates the domain and disturbs the whole system from which it separates itself. Pushed to the extent in which the right is sometimes asserted, it might break into fragments every single community."

"These views clearly show that this great expounder of the Constitution did not recognize the right of a single state to break the harmony of the nation, and destroy its unity by seceding at its pleasure. Nor was he less earnest in his desire to perpetuate the Union and guard against the heresy by which it might be endangered. In one of his celebrated state papers, written in September, 1829, he thus pictures in language at once solemn and truthful the consequences of disunion:

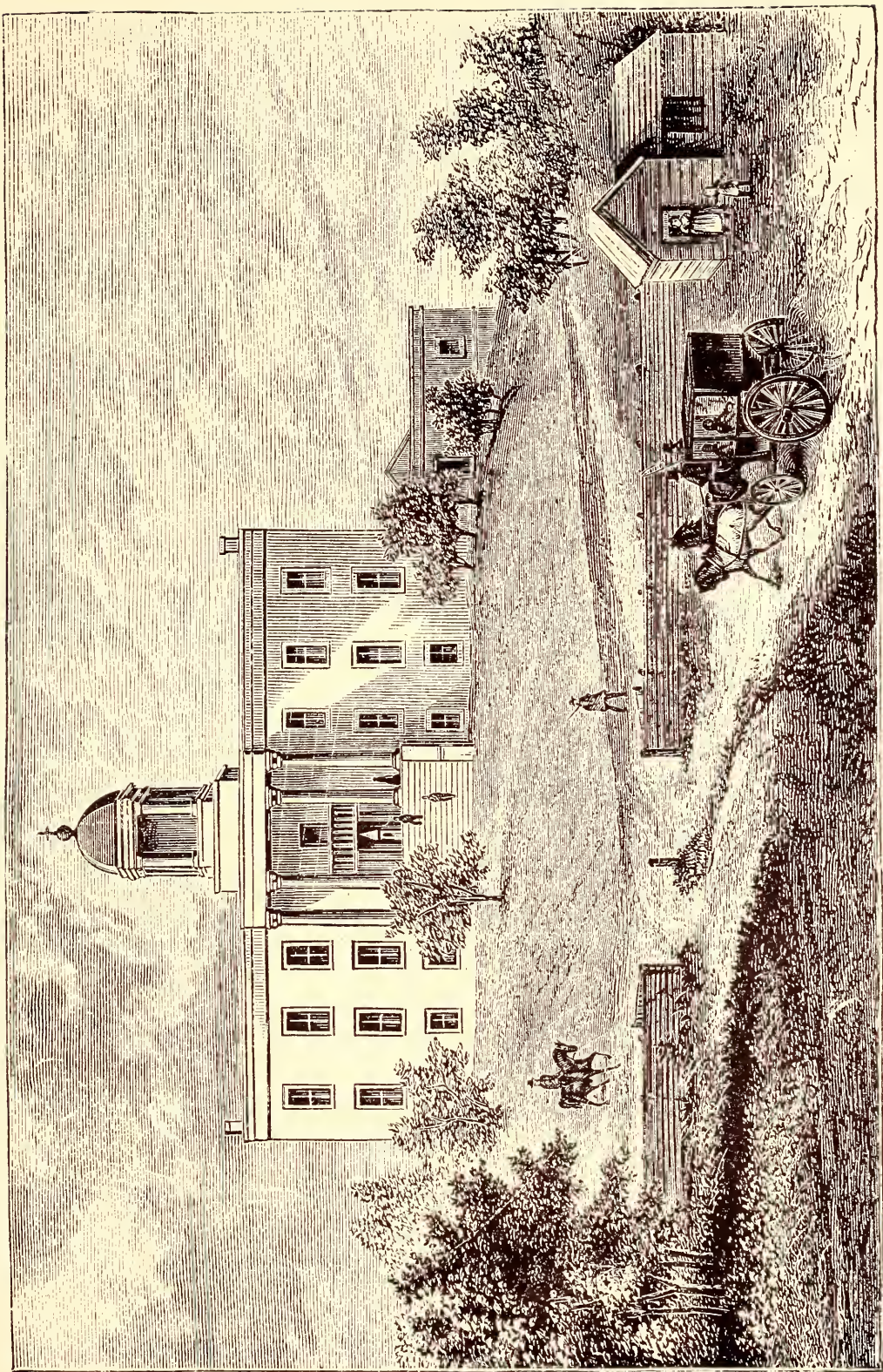
" 'In all the views that may be taken on questions between the state governments and general government, the awful consequences of a final rupture and dissolution of the Union should never be lost sight of. Such a prospect must be deprecated—must be shuddered at by every friend of his country, to liberty, to the happiness of man. For, in the event of a dissolution of the Union, an impossibility of ever renewing it is brought

home to every mind by the difficulties encountered in establishing it. The propensity of all communities to divide when not pressed into a unity by external dangers is a truth well understood. There is no instance of a people inhabiting even a small island, if remote from foreign danger, and sometimes in spite of that pressure, who are not divided into alien, rival, hostile tribes. The happy union of these states is a wonder, the Constitution a miracle, their example the hope of liberty throughout the world. Woe to the ambition that would meditate the destruction of either.'

"Who that has a heart that throbs for freedom can disregard the wisdom and admonition of patriots whose lives have been devoted to the service of their country, and who, turning away from the appeals of wealth, have felt rich in the enjoyment of the boon of free government and the possession of an humble competency!

"After leaving the sages who participated in the formation of our Union, we find that the distinguished patriots of latter days likewise offer their testimony to the value of the Union, and against the doctrine of secession. Andrew Jackson, the President of the masses, the man to whose bravery in battle, and whose firmness in council, the country owes much for its present prosperous condition, was called upon to meet this question under circumstances the most embarrassing. His giant will encompassed it all, and a grateful people now revere him for the act. The position assumed by South Carolina in her ordinance of November 24, 1832, called forth his proclamation of the 10th of December following. The following extract will suffice:

" 'The Constitution of the United States then forms



SECOND CAPITOL AT AUSTIN
(Completed 1856 - Burned 1881)

a government, not a league; and whether it be formed by compact between the states or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly upon the people individually, not upon the states—they retained all the power they did not grant. But each state having expressly parted with so many powers as to constitute, jointly with the other states, a single nation, can not from policy possess any right to secede; because secession does not break a league, but destroys the unity of a nation; and an injury to that unity is not only a breach which would result in the contravention of a compact, but it is an offense against the whole Union. To say that any state may at pleasure secede from the Union, is to say that the United States are not a nation; because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without morally committing any offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they make a revolution, or incur the penalties consequent on a failure.'

"Again, in his message of January, 1832, after fully discussing the issues forced upon the country, he adds:

" 'The right of a people of a single state to absolve themselves at will, and without the consent of the other states, from their most solemn obligations and to hazard the liberties and happiness of the millions composing

this Union, can not be acknowledged. Such authority is believed to be utterly repugnant to the principles upon which the general government is constituted, and to the object which it is expressly formed to attain.'

"This great man of the people has been gathered to his fathers. Over his grave at the Hermitage let the American nation declare in his own emphatic language: 'The Union—it must and shall be preserved.'

"These are not all the mighty names which can be arrayed in behalf of the Union, and against the doctrines of secession. When did the ardent and enlightened mind of Henry Clay, when his attention was drawn to the subject of the Union, fail to offer his tribute to its worth, decline to render the most scathing rebuke to those who dared for one moment to depreciate its value? Nor am I disposed to close this message, without citing another illustrious name, who, without regard to party, boldly planted his feet on the platform of the Constitution and the Union—a man who faced all the fury of the fanatical passions of his own section in behalf of the compromise measures of 1850, which guaranteed the equality of the South under the Constitution. I allude to Daniel Webster. He was a man whose heart was great enough to embrace the whole Union, and whose intellect could span the globe.

"The sentiment which he leaves on record I repeat:

" 'Liberty and Union, now and forever, one and inseparable.'

"With such teachings and such lights from those of the past and of modern time, can Texas forget her duty to herself? These were the men who formed the first structure of perfect liberty and self-government in the

world. We have the exposition of the principles upon which this sublime structure of self-government was based. Are we to cast them all away? Are we to quit our haven of safety, in which we are secure, happy, and prosperous, and risk our all upon the uncertainty of an untried experiment, which seems only to open the door to revolution and anarchy? Could we for a moment entertain such a maddened thought, we need only extend our imagination across the Rio Grande, and there, exemplified to a small extent, behold the effects of secession and disunion. A disregard for constitutional government has involved Mexico in all the horrors of civil war, with robbery, murder, rapine, unrestrained. There it is simply civil war, brother armed against brother, partisan against partisan; but to us it would be all these, added to the combined efforts of the powers of tyranny to crush out liberty.

“A responsibility rests upon us, because our advantages, arising from self-government, and a more perfect freedom than any ever enjoyed, render us the more accountable.

“I need not call the attention of the Legislature to a period so recent as the annexation of Texas to the American Union. The feeling that prevailed in the community in anticipation of that event, and the ardent desire for its consummation in almost every heart in Texas, can testify to the sincerity of our people when they took upon themselves the duties of citizens of the United States. A generation has not half passed since the great object was accomplished; and are we to be seduced already into any measures fraught with principles that would involve us in the inconsistency of im-

pairing the integrity of our formation, and that, too, when it would involve us, in my opinion, in the crime of raising our hands against the Constitution and the Union, which have sheltered and defended us, and which we are solemnly bound to support and maintain?

“The good sense of the nation can not overlook the fact that we are one people and one kindred; that our productions, occupations, and interests are not more diversified in one section of the Union than another. If the vain hope of a Southern Confederacy would be realized upon the basis of all the slave states, there would soon be found enough diversity of northern and southern interests in both sections to accomplish another division, all the more eagerly sought, because of a recent precedent.

“Indeed, if peaceable separation were possible, no confederacy could be formed upon any other principle than that of leaving domestic institutions—where the Constitution of the United States now leaves them—to the states individually, and not to a central government.

“I have been no indifferent spectator of the agitations which have distracted our councils, and caused many patriots to despair of the republic. But I am yet hopeful, and have an abiding confidence in the masses of the people. I can not believe that they will suffer scheming, designing, and misguided politicians to endanger the palladium of our liberties. The world is interested in the experiment of this government. There is no new continent on earth whereon to rear such another fabric. It is impossible that ours can be broken without becoming fragmentary, chaotic, and anarchical. I know

of no confederacy with other states which could hold out greater inducements or stronger bonds of fraternity than were extended to us in 1844. The people of Texas are satisfied with the Constitution and the Union as they are. They are even willing to enlarge it by further wise, peaceful and honorable acquisitions. If there is a morbid and dangerous sentiment abroad in the land, let us endeavor to allay it by teaching and cultivating a more fraternal feeling.

"I would therefore recommend the adoption of resolutions dissenting from the assertion of the abstract right of secession, and refusing to send deputies, for any present existing cause, and urging upon the people of all the states, North and South, the necessity of cultivating brotherly feeling, observing justice and attending to their own affairs."

The recommendation to adopt resolutions dissenting from the assertion of the abstract right of secession was a challenge to the secessionists in the legislature. A majority of the members of both houses believed in the abstract right of secession, though the vote of the people in electing Houston had had a sobering effect upon some of them in the matter of advocating the exercise of that right. But Houston had a small group of supporters in each house and they proceeded to make a fight to carry out his recommendations. The question was debated at length in committee, and in both houses majority and minority reports were brought in. In the senate, where the debate was heated, James W. Throckmorton led the fight for the minority report, which followed the arguments of Houston's message. F. S. Stockdale, author of the majority report, made a

vigorous defense of the right of secession and declared the people should be told to prepare for such action. A majority of both houses, however, felt that the legislature should not express itself upon such a question in the absence of direct instructions from the people. The opponents of secession argued that the people had given direct instructions by electing Houston governor. The result was that Houston won a rather empty victory by seeing both reports voted down and no action taken with respect to sending deputies to the proposed convention.

It was an empty victory for the reason that an overwhelming majority of the members of the legislature were in favor of secession and in spite of Houston's election they represented the prevailing sentiment of the people. An outline of the Stockdale report to the senate, therefore, may be regarded as an index of the opinions of a majority of the people at the time. It was as follows:

"This legislature unequivocally declares: That the system of government, instituted by our state and federal constitutions, is efficient for the objects of its creation, . . . security to political liberty and the protection of persons and property. That it is our firm resolution to maintain and defend the constitution of the United States, which is the cement of the Union, as well in its limitations and reservations as in its authorities and powers, and to support the constitution of this state and to require that the rights, authorities and powers existing in and reserved to this state and the people thereof be respected. . . . That consistently with the forego-

ing it is our fixed determination to adhere to and support the Union of these confederated states, and to defend the same from all aggressions.

“Regarding the Union, upon the principles of the constitution, as an unmixed blessing and its preservation upon those principles as the highest duty of the states and the people thereof, we deem it our duty further to declare: That the statutes of several of the non-slaveholding states, nullifying the fugitive slave laws, . . . the purpose of the dominant political party in the non-slaveholding states, called the Black Republican party, to use, if it can get possession of the Federal government (with the view that party has of the extent of those powers) for the extermination of African slavery in the states by reorganizing the supreme court of the United States, . . . by prohibiting . . . slavery in the territories, . . . by refusing to admit any new state in the constitution of which . . . slavery is recognized, by refusing to exercise such powers as are constitutionally delegated to the federal government, where it has jurisdiction, for the protection of all property, . . . by creating new states so as to get the requisite number to change the constitution, . . . are all in violation of the spirit and principles of the constitution, dangerous to the Union and at war with those institutions which, at all hazards, it is our duty to defend.

“Seeing, as we can not avoid seeing, there is imminent danger that the said Black Republican party will get possession of all the departments of the federal government, and exercise all the powers of the same, and others not delegated, for the effectuation of the unconstitutional purposes named, and believing that such an

event would result in the destruction of all barriers between the states and an arbitrary, consolidated government of an irresponsible section, we solemnly appeal to the people of the other states to prove by their political action, in the ensuing state and federal elections, their devotion to the constitution and the Union and to the sovereignty and equality of the states, and do not make the appeal without the hope of a patriotic answer; but in case our appeal is disregarded, and in view of the possibility of such an event, we earnestly commend the whole subject of our present and probable exigencies to the profound consideration of the people of the state, the sovereignty of Texas, that they may devise the ways and means of maintaining, unimpaired, the authorities, rights and liberties reserved to and existing in the states, respectively, and the people of the same."

Put into everyday language what this report proposed was to appeal to the people of the Northern states not to vote for a Republican president at the forthcoming national election, but at the same time to warn the people of Texas that the election of a Republican was probable and that in such event they should be prepared to secede from the Union. So far as warning the people of Texas was concerned, that purpose was accomplished by the debate on the report, and political leaders throughout the state already were telling the people that Republican success at the polls should be met by secession. The Democratic party leaders in Texas, in common with those of the other Southern states, were determined not to submit to the leadership of Douglas and the Northern Democrats, even though they split the party by following this course, and in making this decision they were

fully conscious that they would thus open the way for the election of a Republican. At the previous presidential election John C. Fremont, the Republican candidate, had polled 1,391,555 votes, as compared with 1,927,995 polled by Buchanan, the Democratic candidate. Fremont had received 174 electoral votes, an enormous number for a party to obtain in the first national election in which it participated. The Republicans had continued to make gains, and with the prospect of a split in the Democratic party, their success in 1860 seemed practically certain. It was recognized that it would require the full strength and the united effort of the whole Democratic party, North and South, to cope with such a rapidly growing organization as the Republican party, but in spite of this the Democratic leaders of the South were resolved to split the party rather than accept Douglas and his doctrine of "squatter sovereignty." On the other hand, the Democrats of the North were equally determined to nominate Douglas for the presidency, even in the face of the probable election of a Republican in consequence and the threats of the Southern states to secede from the Union.

After the adjournment of the Texas legislature, the issues involved in the situation were kept uppermost in the public mind by the circumstance that the state Democratic convention was scheduled to be held at Galveston on April 2, 1860, and delegates to that meeting had to be elected. The chief business to come before the Galveston meeting would be the naming of the Texas delegation to the national Democratic convention to be held at Charleston, S. C., on April 23. It was regarded as important, therefore, that the delegates to the Gal-

veston convention should be tried and true men of undoubted soundness of opinion with respect to the issues involved.

The state convention met as scheduled and an overwhelming majority of the delegates were advocates of no compromise with the Northern Democrats on the Douglas doctrine of "squatter sovereignty." The convention adopted the following resolutions:

Resolved, 1. That the Democratic party of the state of Texas reaffirm and concur in the principles contained in the platform of the national Democratic convention, held at Cincinnati in June, 1856, as a true exposition of their political faith and opinion, and herewith reassert and set forth the principles therein contained as embracing the only doctrines which can preserve the integrity of the Union and the equal rights of the states, and most unequivocally deny the Squatter Sovereignty interpretation given to that platform; and that we will continue to adhere to and abide by the principles of the Virginia and Kentucky resolutions of 1798 and 1799, and Mr. Madison's report relative thereto.

"2. That in order to give greater emphasis to these principles, as applicable to the present political issues and exigencies, we further and specifically declare,

"First, That Texas, as an independent and sovereign state, joined the confederacy of the United States, thereby entering into a compact with each and all the states, the terms and conditions whereof are embraced in the constitution of the United States, one of them being, in effect, that the state of Texas, being a member of the confederacy, should exercise through the government of the United States certain powers which belong to her

as a sovereignty, and which she had exercised through her own government. That in becoming a member of the confederacy, Texas parted with no part of her sovereignty, but merely changed the agent through whom she should exercise some of the powers appertaining to it. That should these powers be used at any time to her injury or wrong, or should the government to which they are confided usurp powers not delegated to it by her, or should that government fail to exercise the powers which are delegated in good faith for the maintenance of her rights and the rights of her people, or should the compact she has entered into with the other states, through the bad faith of any of them, fail to accomplish the objects for which it was formed in any of these cases, of the existence of which she alone can judge for herself, the state of Texas possesses the full right as a sovereign state to annul the compact, to revoke the powers she has delegated to the government of the United States, to withdraw from the confederacy, and resume her place among the powers of the earth as a sovereign and independent nation.

“Second, That it is the right of every citizen to take his property of every kind, including slaves, into the common territory belonging equally to all the states of the confederacy, and to have it protected there under the federal constitution. Neither congress, nor a territorial legislature, nor any human power has any authority, either directly or indirectly, to impair those sacred rights, and they having been affirmed by the supreme court of the United States in the Dred Scott case, we declare it is the duty of the federal government, the common agent of all the states, to establish such gov-

ernment and to enact such laws for the territories, and to change the same from time to time, as may be necessary to insure the protection and preservation of those rights, and to prevent any infringement of the same. The affirmation of this principle of the duty of congress to simply protect the rights of property is in no wise in conflict with the heretofore established and still recognized principles of the Democratic party, that congress does not possess the power to legislate slavery into the territories or exclude it therefrom.

“Third, That while we declare our unabated attachment to the constitution and Union of these states, our own self-respect demands of us as a party to affirm that this Union can only be held sacred so long as it secures domestic tranquillity and all the guarantees of the constitution are preserved inviolate. That we regard with great aversion the unnatural efforts of a sectional party at the North to carry on an ‘irrepressible conflict’ against the institution of slavery, and whenever that party shall succeed in electing a president upon their platform, we deem it to be the duty of the people of the state of Texas to hold themselves in readiness to cooperate with our sister states of the South in convention to take into consideration such measures as may be necessary for our protection, or to secure out of the confederacy that protection of their rights which they can no longer hope for in it.

“Fourth, That this government was founded for the benefit of the white race, that political power was placed exclusively in the hands of men of Caucasian origin, that experience has taught these self-evident truths that the enforced equality of the African and European

tends not to the elevation of the negro but to the degradation of the white man, and that the present relation of the blacks and whites in the South constitutes the only true, natural and harmonious relationship in which the otherwise antagonistic races can live together and achieve mutual happiness and destiny. That we view with undisguised aversion and with a determined resolution to resist the designs openly proclaimed by the leaders of sectionalism in the North, 'to abolish these distinctions of races—peaceably if we can; forcibly if we must.' We regard any effort by the Black Republican party to disturb the happily existing subordinate condition of the negro race in the South as violative of the organic act guaranteeing the supremacy of the white race, and any political action which proposes to invest negroes with equal social and political equality with the white race as an infraction of those wise and wholesome distinctions of nature which all experience teaches were established to insure the prosperity and happiness of each race."

Besides adopting these resolutions, the convention elected the following delegates to the national Democratic convention: Hardin R. Runnels, Frank R. Lubbock, E. Greer, F. F. Foscue, R. B. Hubbard, Josiah F. Crosby, Guy M. Bryan and F. S. Stockdale.

When the national Democratic convention met at Charleston, S. C., on April 23, it was found that Douglas had sufficient votes to prevent the nomination of any other man for the presidency, and in this situation the Southern delegates decided that if they had to accept Douglas as the candidate it would not be on his own platform. Accordingly a struggle ensued over the plat-

form declaration with respect to "popular sovereignty" and "nonintervention." Two reports were brought in from the platform committee, one declaring unequivocally for the right to take slave property into the territories, under protection of the federal government, and denying the power of congress or the territorial legislatures to exclude slavery from the territories, and the other simply declaring that the Democratic party would abide by the decisions of the United States supreme court on the question. The first report was defeated by a vote of 165 to 138, whereupon Southern delegates representing fifty votes in the convention withdrew and held a convention of their own. The main convention then adopted the declaration to abide by the decisions of the supreme court, and proceeded, under the two-thirds rule, to ballot for the presidential nominee. Fifty-four ballots were taken without a decision. Douglas led on every ballot, his vote ranging from 145 to 151 out of a total of 253 votes still remaining in the convention. Failing to agree on a nominee, the convention adjourned to meet again on June 18 at Baltimore. Meantime the Southern bolters held a short session at Charleston, adopted the declaration affirming the right to take slave property into the territories, and adjourned to meet again at Richmond, Va., on June 10. The Democratic party seemed hopelessly split.

Two days before the Charleston convention met, a remarkable meeting was held in Texas. A convention of supporters of Sam Houston, among whom were a number of veterans of the battle of San Jacinto, gathered on the San Jacinto battlefield on April 21, the anniversary of that battle, and presented the name of

Houston to the country as "the people's candidate" for the presidency. The meeting was presided over by Isaac L. Hill, of Fayette county, and the following were named vice-presidents: James Morgan, Andrew Daly, Michael McCormic, Sam Paschal, Ellis Benson, Thomas Martin, G. W. Jones, William McFarland, C. O. Kelly, H. G. Pannell, Fenton W. Gibson and Jesse White, all of Harris county; Andrew Montgomery and J. M. Greenwood, of Grimes county; M. C. Rodgers, of Walker county; John M. Brown, of Washington county; Hambleton Ledbetter of Fayette county; Stephen Southwick and William Dunbar, of Galveston County; G. H. Love, of Freestone county; W. S. Taylor, of Montgomery county; T. H. Mundine, of Burleson county; and A. C. Hyde, of El Paso county. Andrew Daly and John Brashear were elected secretaries.

A committee on resolutions was named as follows: D. D. Atchison, chairman; A. M. Gentry, H. H. Allen, A. McGowan, A. N. Jordan, John H. Manley, Stephen Southwick, J. C. Smith, Andrew Daly and D. J. Baldwin.

This committee drafted the following resolutions, which were unanimously adopted:

"Assembled as we are on the battle-ground of San Jacinto, a spot consecrated by the blood and valor of those who periled their everything in their country's cause, we deem this occasion and the place as well fitted to utter a few words to our fellow-citizens upon the great questions which lay at the foundation of our national prosperity and happiness. We have fallen upon evil times. Political jobbers have maneuvered

and squabbled, when they should have labored for the public good; they have invented new questions to distract the public mind; they have arrayed one section of our common country against another; they have sown discord where confidence and good will would have prevailed but for their wicked efforts, until the glorious fabric of good government which has secured an unexampled prosperity to our people has been greatly endangered if not well-nigh demolished.

“We are tired of being bartered off, and ‘compromised’ by party conventions and cliques, and think it high time that the voters of the United States of America should for once, at least, take the matter of choosing their chief magistrate into their own hands without consulting sectional or partisan leaders from any quarter. The time has now arrived when all conservative men of whatever section who love their country should unite on a common platform of reciprocal justice for the preservation of the constitution and the perpetuity of the Union; therefore, be it *resolved*:

“1. That the present attitude of the two leading parties of the United States, standing upon opposite geographical divisions and respectively seeking success by appeals to sectional prejudices, creates an imminent necessity for the people of all the states to rally around some presidential candidates of national character, whose public services have been devoted to the best interests of the whole country, and whose name shall inspire confidence in the hearts of all Union-loving patriots; under whose banner they can *form* from every portion of our beloved Union, forgetting sectional and

partisan rancor and coming up shoulder to shoulder to sustain and perpetuate our liberties as did the patriots of old to establish them.

"2. That we recommend to the conservative people of the nation our distinguished fellow-citizen, General Sam Houston, as the people's candidate for the presidency, assured that his devotion to the constitution and the Union, his illustrious life and great public services give a better guarantee for the wisdom and patriotism of his administration than any platform that parties can construct. The people know him to be a true and safe man who loves his country and rejoices in the advancement of every part of it; one of the few left of the old school of patriots and statesmen who would exert all of his power to arrest the growth of the spirit of disunion and check the increasing tide of extravagance and corruption now so rapidly undermining the principle upon which our government was founded. Under such an administration tranquillity and confidence must be restored at home, respect commanded abroad, while political freedom, social happiness, and material prosperity, the fruits of peace and order, will be assured to our distracted neighbor Mexico, under a judicious American protectorate, alike demanded as a measure of salvation to a rapidly decaying government, ready to lapse into barbarism, or fall a prey to European despotism, and for the preservation of our political and commercial interests on this continent.

"3. That we call upon all conservative men, of all parties, and in all sections of our Union, whether assembled in conventions or otherwise, to weigh well

the present condition of the country and to unite with us in crushing out every species of fanaticism, in an earnest and sincere effort to recall the nation to a sense of impending dangers, and invoke their assistance by falling in line with us under the constitution and the Union.”

The meeting named George W. Smyth, of Jasper county, and M. T. Johnson, of Tarrant county, to be voted on for electors-at-large, with Sam Bogart, of Collin county, as elector for the eastern congressional district, and Jesse Grimes, of Grimes county, as elector from the western congressional district. A permanent committee of correspondence was appointed as follows: John H. Manley, A. M. Gentry, H. H. Allen, D. J. Baldwin, Stephen Southwick, Jesse White, E. F. Williams, A. N. Jordan, A. Daly and John W. Harris. So the movement was launched to present Governor Houston to the country as “the people’s candidate.”

Houston was formally notified of the action of the meeting in a communication signed by D. D. Atchison and J. W. Harris and, in a reply dated May 24, 1860, he consented to the plan. “In reply to your letter of the 14th instant,” Houston wrote, “I will say that I have responded to the people at San Jacinto, and consented to let my name go before the country as the people’s candidate for president.

“In yielding to the call of my fellow citizens of Texas, in June last, to become a candidate for governor, I said: ‘The constitution and the Union embrace the principles by which I will be governed if elected. They comprehend all the old Jackson national Democracy I

ever professed or officially practiced.' These have ever guided my action. I have no new principles to announce."

Meantime, however, two other national party conventions had been held. The Constitutional Union party, composed of men of views similar to those of Houston, met at Baltimore on May 9. A. B. Norton and John H. Manley attended the meeting as delegates from Texas and presented Houston's name as a candidate for the presidency, though without his authority. On the first ballot Houston received fifty-seven votes and former United States Senator John Bell, of Tennessee, the only other Southern senator who voted against the Kansas-Nebraska act, received sixty-eight. Bell was nominated on the second ballot and a platform was adopted declaring for "the Union, the constitution and the enforcement of the laws."

The Republican convention met at Chicago on May 16 and on the fourth ballot nominated Abraham Lincoln, of Illinois, who had been Douglas's opponent for the senate in 1857. The platform declared that slavery could not legally exist in the territories and denied that congress possessed power to legalize it.

When the Democratic delegates who had withdrawn from the Charleston convention met at Richmond on June 10, the opinion prevailed that no nomination for the presidency should be made until after the result of the main convention, which was to meet again at Baltimore on June 18, could be known. Accordingly it was decided to adjourn to meet again on the same date and at the same place as the main convention. The two adjourned Democratic conventions, therefore, were

called to order again at Baltimore on June 18. Some of the states, whose delegates had withdrawn at Charleston, had elected new delegates to replace them, and when these appeared to take their seats in the main convention there was an immediate outcry from the Douglas camp. When they were denied seats in the convention, the remaining Southern delegates, representing the states of Virginia, North Carolina, Tennessee and Kentucky, withdrew and joined the ranks of the Charleston bolters. Whereupon the Massachusetts delegation, headed by Caleb Cushing, chairman of the convention, also withdrew and went home. The remaining Northern delegates then proceeded to nominate a candidate for president, and Douglas was named on the second ballot. They adopted a platform reaffirming the Democratic platform of 1856, but declaring that the party would abide by the decision of the supreme court on the question of slavery in the territories, and also condemning all state laws in conflict with the fugitive slave law. The convention of Southern delegates then nominated John C. Breckinridge, of Kentucky, as its candidate for the presidency, and United States Senator John Lane, of Oregon, for vice-president. This convention adjourned on June 28.

So it was that the lines were drawn. All of the militant anti-slavery forces of the North were united under the leadership of Lincoln, the Republican candidate; the Democrats were split into two camps over the single question of slavery in the territories—the Douglas doctrines of “popular sovereignty” and “non-intervention”—with Douglas leading one faction and Breckinridge the other; and the conservative Union

men, who were seeking to save the country from the consequences of the clash between the radicals on both sides of the slavery question, were united under Bell. Houston, who realized that his own candidacy could serve no purpose other than to split the vote of the conservatives, withdrew his name and announced his support of Bell. The country looked forward to election day—November 8, 1860—with a consciousness of the fact that the nation was facing the greatest crisis in its history.

CHAPTER LIX.

TEXAS LEAVES THE UNION.

“THE great question that is agitating the public mind of the South is, ‘What shall be done if Lincoln is elected?’ The general sentiment in Texas . . . is against submission to the black Republican administration. . . . Such a submission . . . involves the loss of everything, and if consummated will end in the prostration of the Southern states.”

This declaration, made by a Texas newspaper in the midst of the presidential campaign of 1860, gives an idea of how the prospect of Lincoln’s election was regarded among the people of the state. The voters of the state were overwhelmingly for Breckenridge, though there was a strong minority for Bell. Douglas was without support of any consequence, and all were against Lincoln. There was no hope, of course, of electing Breckinridge. Long before the campaign was over, this was recognized throughout Texas. It soon became clear also that there was no hope of electing Bell. Could Douglas be elected without the support of the slaveholding states? It hardly seemed probable. The extreme Southern Democrats were sure he could not be elected. They did not think there were enough voters in the North who believed in slavery to elect Douglas. It seemed certain, therefore, that Lincoln would be elected, and campaign speakers throughout Texas, as in other Southern states, boldly declared that

if this turned out to be the case the Southern states should secede. Secession and the right of secession soon were the burden of most of the campaign speeches, and the prospect of a Southern Confederacy, composed only of slaveholding states, was held up before the voters as more desirable than the American Union under Republican rule.

It should be remarked here, in passing, that the division of the country into sectional parties was inevitable from the moment the policy of compromise was abandoned by the passage of the Kansas-Nebraska act by the senate in 1854. It was that action which made the rise of the Republican party, a purely sectional organization, possible. And the rise of a sectional party in the North made inevitable the rise of a sectional party in the South. In order to understand the intensity of feeling among the people of the South with respect to Lincoln's election, the fact that the Republican party was purely a sectional organization must be borne in mind. For the Republican party to get control of the federal government seemed to mean that one section of the country—the North—would rule the other section, the South. It was not the success of a mere political party which the Southern speakers made the basis of secession, therefore, but the prospect of domination of the Southern states by the Northern states through the control of the federal government by the latter. Rather than submit to this, which seemed the beginning of tyranny, the Southern leaders advised secession. This was the view taken in Texas in common with most of the other slaveholding states.

As the campaign progressed, Governor Houston

heard such expressions with increasing alarm. He was opposed to the sectional Republican party as much as any other Southerner could be. But he was opposed to it chiefly because it was sectional, and he was opposed to the sectional Democratic party of the South on the same ground. He saw the rise of sectionalism in both North and South as the chief menace to the welfare of the entire country. He had foreseen the danger of it in 1854, and he was now beholding the realization of his worst fears. Houston was sixty-seven years old during the campaign of 1860, and his health was failing. It would have been impossible for him to have made a vigorous campaign, such as he had been capable of when younger. He gave his support to Bell and did what he could to promote the interests of the Union ticket, though he knew there was no hope of success for that ticket in Texas. But for Texas to vote for Breckinridge was one thing—to secede from the Union in the event of Lincoln's election was quite another. It was against this latter proposal that he raised his voice with an eloquence that surpassed that of any other utterances of his life.

On September 22, 1860, a mass meeting was held in Austin in the interest of the Union ticket. Houston had been announced as the chief speaker of the occasion, but it became known a few days before the date of the meeting that he was ill and confined to his bed, and that his physician had advised against his attempting to make the scheduled address. On the day of the meeting, however, Houston left his sick-bed, intending only to make his appearance and say a few words excusing his inability to keep his promise. He felt that

his absence would be misunderstood, and that the cause of the Union would be injured thereby. Having arrived at the meeting, he abandoned the idea of excusing himself and delivered an address which, because of the disturbed condition of the times, and the subsequent course of history, proved to be one of the most remarkable of his career. The wounds of the nation are sufficiently healed today, when the descendants of the men of the North and the South of that time are now a united people, for modern Texas to read that address in a different spirit from that in which the vast majority of Texans received it when it was spoken. As an adequate exposition of the motives which animated Houston's whole course during the stormy days which marked the close of his administration as governor of Texas, it is given here in full. Houston spoke as follows:

“Ladies and Fellow-Citizens: I had looked forward and with many pleasing anticipations to this occasion, as I always do to a meeting with my fellow-citizens, hoping that no untoward circumstance would arise to prevent my giving full utterance to my sentiments on the political topics of the day; but ill-health has overtaken me, and I have, against the advice of my physician, arisen from a sick-bed to make my apology for not being able to fill my appointment; but being here, I will endeavor to say a few words in behalf of the Union, and the necessity of union to preserve it, which I trust will not fall unheeded. The condition of the country is such, the dangers which beset it are so numerous, the foes of the Union so implacable and energetic,

that no risk should be heeded by him who has a voice to raise in its behalf; and so long as I have strength to stand, I will peril even health in its cause.

"I had felt an interest in this occasion, on many accounts. It is said a crisis is impending. The clamor of disunion is heard in the land. The safety of the government is threatened; and it seemed to me that the time had come for a renewal of our vows of fidelity to the constitution and to interchange, one with the other, sentiments of devotion to the whole country. I begin to feel that the issue really is upon us which involves the perpetuity of the government which we have received from our fathers. Were we to fail to pay our tribute to its worth, and to enlist in its defense, we would be unworthy longer to enjoy it.

"It has been my misfortune to peril my all for the Union. So indissolubly connected are my life, my history, my hopes, my fortunes, with it, that when it falls, I would ask that with it might close my career, that I might not survive the destruction of the shrine that I had been taught to regard as holy and inviolate since my boyhood. I have beheld it, the fairest fabric of government God ever vouchsafed to man, more than a half century. May it never be my fate to stand sadly gazing on its ruins! To be deprived of it, after enjoying it so long, would be a calamity, such as no people yet have endured.

"Upwards of forty-seven years ago, I enlisted, a mere boy, to sustain the national flag and in defense of a harassed frontier, now the abode of a dense civilization. Then disunion was never heard of, save a few discordant notes from the Hartford convention.

It was anathematized by every patriot in the land, and the concocters of the scheme were branded as traitors. The peril I then underwent, in common with my fellow-soldiers, in behalf of the Union, would have been in vain, unless the patriotism of the nation had arisen against these disturbers of the public peace. With what heart could these gallant men again volunteer in defense of the Union, unless the Union could withstand the shock of treason and overturn the traitors? It did this; and when again, in 1836, I volunteered to aid in transplanting American liberty to this soil, it was with the belief that the constitution and the Union were to be perpetual blessings to the human race, that the success of the experiment of our fathers was beyond dispute, and that whether under the banner of the Lone Star or that many-starred banner of the Union, I could point to the land of Washington, Jefferson, and Jackson, as the land blessed beyond all other lands, where freedom would be eternal and the Union unbroken. It concerns me deeply, as it does everyone here, that these bright anticipations should be realized; and that it should be continued not only the proudest nationality the world has ever produced, but the freest and the most perfect. I have seen it extend from the wilds of Tennessee, then a wilderness, across the Mississippi, achieve the annexation of Texas, scaling the Rocky Mountains on its onward march, sweeping the valleys of California, and laying its pioneer footsteps in the waves of the Pacific. I have seen this mighty progress, and it still remains free and independent. Power, wealth, expansion, victory, have followed in its path, and yet the ægis of the Union has been broad enough

to encompass all. Is not this worth perpetuating? Will you exchange this for all the hazards, the anarchy and carnage of civil war? Do you believe that it will be dissevered and no shock felt in society? You are asked to plunge into a revolution; but are you told how to get out of it? Not so; but it is to be a leap in the dark—a leap into an abyss, whose horrors would even fright the mad spirits of disunion who tempt you on.

“Our forefathers saw the danger to which freedom would be subjected, from the helpless condition of dis-united states; and to “form a more perfect Union,” they established this government. They saw the effect of foreign influence on rival states, the effect of dissensions at home, and to strengthen all and perpetuate all, to bind together, yet leave all free, they gave us the constitution and the Union. Where are the evidences that their patriotic labor was in vain? Have we not emerged from an infant’s to a giant’s strength? Have not empires been added to our domain, and states been created? All the blessings which they promised their posterity have been vouchsafed; and millions now enjoy them, who without this Union would today be oppressed and downtrodden in far-off foreign lands!

“What is there that is free that we have not? Are our rights invaded and no government ready to protect them? No! Are our institutions wrested from us and others foreign to our taste forced upon us? No! Is the right of free speech, a free press, or free suffrage taken from us? No! Has our property been taken from us and the government failed to interpose when called upon? No, none of these! The rights of the states and the rights of individuals are still maintained.

We have yet the constitution, we have yet a judiciary, which has never been appealed to in vain—we have yet just laws and officers to administer them, and an army and navy ready to maintain any and every constitutional right of the citizen. Whence, then, this clamor about disunion? Whence this cry of protection to property or disunion, when the very loudest in the cry declared under their senatorial oaths, but a few months since, that no protection was necessary? Are we to sell reality for a phantom?

“There is no longer a holy ground upon which the footsteps of the demagogue may not fall. One by one the sacred things placed by patriotic hands upon the altar of our liberties, have been torn down. The Declaration of our Independence is jeered at. The farewell counsels of Washington are derided. The charm of those historic names which make glorious our past has been broken, and now the Union is no longer held sacred, but made secondary to the success of party and the adoption of abstractions. We hear of secession—‘peaceable secession.’ We are to believe that this people, whose progressive civilization has known no obstacles, but has already driven back one race and is fast Americanizing another, who have conquered armies and navies, whose career has been onward and never receded, be the step right or wrong, is at last quietly and calmly to be denationalized, to be rent into fragments, sanctioned by the constitution, and there not only be none of the incidents of revolution, but amid peace and happiness we are to have freedom from abolition clamor, security to the institution of slavery, and a career of glory under a Southern Confederacy, which we can

never attain in our present condition! When we deny the right of a state to secede, we are pointed to the resolves of chivalric South Carolina and other states; and are told, 'Let them go out and you can not whip them back.' My friends, there will be no necessity of whipping them back. They will soon whip themselves, and will not be worth whipping back. Deprived of the protection of the Union, of the ægis of the constitution, they would soon dwindle into petty states, to be again rent in twain by dissension or through the ambition of selfish chieftains, and would become a prey to foreign powers. They gravely talk of holding treaties with Great Britain and other foreign powers, and the great advantages which would arise to the South from separation are discussed. Treaties with Great Britain! Alliance with foreign powers! Have these men forgotten history? Look at Spanish America! Look at the condition of every petty state, which by alliance with Great Britain is subject to continual aggression! And yet, after picturing the rise and progress of abolitionism, tracing it to the Wilberforce movement in England, and British influence in the North, showing that British gold has sustained and encouraged Northern fanaticism, we are told to be heedless of the consequences of disunion, for the advantages of British alliance would far overestimate the loss of the Union!

"How would these seceding states be received by foreign powers? If the question of their nationality could be settled (a difficult question, I can assure you, in forming treaties), what do you suppose would be stipulations to their recognition as powers of the earth? Is it rea-

sonable to suppose that England, after starting this abolition movement and fostering it, will form an alliance with the South to sustain slavery? No; but the stipulation to their recognition will be *the abolition of slavery*. Sad will be the day for the institution of slavery when the Union is dissolved and with war at our very doors we have to seek alliances with foreign powers. Its permanency, its security, are coequal with the permanency and the security of the Union under the constitution.

“When we are rent in twain, British abolition, which in fanaticism and sacrificial spirit far exceeds that of the North (for it has been willing to pay for its fanaticism, a thing the North never will do), will have none of the impediments in its path now to be found. England will no longer fear the power of the mighty nation which twice has humbled her, and whose giant arm would, so long as we are united, be stretched forth to protect the weakest state, or the most obscure citizen. The state that secedes, when pressed by insidious arts of abolition emissaries, supported by foreign powers, when cursed by internal disorders and insurrections, can lay no claim to that national flag which, when now unfurled, ensures the respect of all nations and strikes terror to the hearts of those who would invade our rights. No! Standing armies must be kept—armies to keep down a servile population at home, and to meet the foe which at any moment may cross the border, bringing in their train ruin and desolation. Do you wish to exchange your present peaceful condition for the day of standing armies, when all history has proved that a standing army in time of peace is dangerous to liberty? Behold Cuba, with her 20,000 lazy troops, eating the



SAM HOUSTON AS GOVERNOR

(From a Painting by W. H. Huddle in the Capitol at Austin)

substance of the people and ready at the beck of their masters to inflict some new oppression upon a helpless people; and yet, without a standing army, no state could maintain itself and keep down its servile population.

“It is but natural that we all should desire the defeat of the black Republican candidates. As Southern men, the fact that their party is based upon the one idea of opposition to our institutions, is enough to demand our efforts against them; but we have a broader, a more national cause of opposition to them. Their party is sectional. It is at war with those principles of equality and nationality upon which the government is formed, and as much the foe of the Northern as of the Southern man. Its mission is to engender strife, to foster hatred between brethren, and to encourage the formation here of Southern sectional parties equally dangerous to Southern and Northern rights. The conservative energies of the country are called upon to take a stand now against the Northern sectional party, because its strength betokens success. Defeat and overthrow it, and the defeat and overthrow of Southern sectionalism is easy.

“I come not here to speak in behalf of a united South against Lincoln. I appeal to the nation. I ask not the defeat of sectionalism by sectionalism, but by nationality. These men who talk of a united South know well that it begets a united North. Talk of frightening the North into measures by threats of dissolving the Union! It is child’s play and folly. It is all the black Republican leaders want. American blood, North nor South has not yet become so ignoble as to be chilled by threats. Strife begets strife, threat begets threat,

and taunt begets taunt, and these disunionists know it. American blood brooks no such restraints as these men would put upon it. I would blush with shame for America if I could believe that one vast portion of my countrymen had sunk so low that childish threats would intimidate them. Go to the North, and behold the elements of a revolution which its great cities afford. Its thousands of wild and reckless young men, its floating population, ready to enter into any scheme of adventure, are fit material for demagogues to work upon. To such as these, to the great hive of working population, the wily orator comes to speak in overdrawn language of the threats and the words of derision and contempt of Southern men. The angry passions are roused into fury, and regardless of consequences they cling to their sectional leaders. As well might the abolitionists expect the South to abandon slavery, through fear that the North would go out of the Union and leave it to itself. No, these are not the arguments to use. I would appeal rather to the great soul of the nation than to the passions of a section. I would say to Northern as well as Southern men, 'Here is a party inimical to the rights of the whole country, such a party as Washington warned us against. Let us put it down;' and this is the only way it can be put down.

"The error has been that the South has met sectionalism by sectionalism. We want a Union basis, one broad enough to comprehend the good and true friends of the constitution at the North. To hear Southern disunionists talk, you would think the majority of the Northern people were in this black Republican party; but it is not so. They are in a minority, and it but needs

a patriotic movement like that supported by the conservatives of Texas, to unite the divided opposition to that party there and overthrow it. Why, in New York, Pennsylvania and New Jersey alone, the conservatives had a majority of over 250,000 at the last presidential election, and in the entire North a majority of about 270,000. Because a minority at the North are inimical to us, shall we cut loose from the majority, or shall we not rather encourage the majority to unite and aid us?

"I came not here to vindicate candidates or denounce them. They stand upon their records. If they are national, approve them; if they are sectional, condemn. Judge them by the principles they announce. Let past differences be forgotten in the determination to unite against sectionalism. I have differed with all three of the candidates; but whenever I see a man at this crisis coming boldly up to the defense of the constitution of the country, and ready to maintain the Union against its foes, I will not permit old scores to prejudice me against him. Hence I am ready to vote the Union ticket, and if all the candidates occupy this national ground, my vote may be transferred to either of them. This is the way to put Mr. Lincoln down. Put him down constitutionally, by rallying the conservative forces and sacrificing men for the sake of principles.

"But if, through division in the ranks of those opposed to Mr. Lincoln, he should be elected, we have no excuse for dissolving the Union. The Union is worth more than Mr. Lincoln, and if the battle is to be fought for the constitution, let us fight it in the Union and for the sake of the Union. With a majority of the people in favor of the constitution, shall we desert the govern-

ment and leave it in the hands of the minority? A new obligation will be imposed upon us, to guard the constitution and to see that no infraction of it is attempted or permitted. If Mr. Lincoln administers the government in accordance with the constitution, our rights must be respected. If he does not, the constitution has provided a remedy.

“No tyrant or usurper can ever invade our rights so long as we are united. Let Mr. Lincoln attempt it, and his party will scatter like chaff before the storm of popular indignation which will burst forth from one end of the country to the other. Secession or revolution will not be justified until legal and constitutional means of redress have been tried, and I can not believe that the time will ever come when these will prove inadequate.

“These are no new sentiments to me. I uttered them in the American senate in 1856. I utter them now. I was denounced then as a traitor. I am denounced now. Be it so! Men who never endured the privation, the toil, the peril that I have for my country call me a traitor because I am willing to yield obedience to the constitution and the constituted authorities. Let them suffer what I have for this Union, and they will feel it entwining so closely around their hearts that it will be like snapping the cords of life to give it up. Let them learn to respect and support one government before they talk of starting another. I have been taught to believe that plotting the destruction of the government is treason; but these gentlemen call a man a traitor because he desires to sustain the government and to uphold the constitution.

“Who are the people who call me a traitor? Are they

those who march under the national flag and are ready to defend it? That is my banner! I raised it in Texas last summer, and when the people saw shining amid its stars and stripes, 'THE CONSTITUTION AND THE UNION,' they knew it was no traitorous flag. They rallied to it; but these gentlemen stood aloof. I bear it still aloft; and so long as it waves proudly o'er me, even as it has waved amid stormy scenes where these men were not, I can forget that I am called a traitor.

"Let those who choose, add to my watchword, 'the enforcement of the laws.' If they maintain the constitution and the Union, the enforcement of the laws must follow.

"But, fellow-citizens, we have a new party in our midst. They have deserted the old Democracy and, under the lead of Mr. Yancey, have started what they call a Southern Constitutional party. They say they could not get their constitutional rights in the national Democracy; and because the platform was adopted which they all indorsed and under which they all fought in 1856, they seceded. It will be recollected that I objected to that platform in 1856; but I was declared to be wrong. They all denounced me then; but now they suddenly see that the platform won't do, and they secede to get their constitutional rights. They are the keepers of the constitution; they don't want anything but the constitution, and they won't have anything but the constitution. They have studied it so profoundly that they claim to know better what it means than the men who made it. They have nominated Southern Constitutional candidates, and have men traveling about the country expounding the constitution; and yet there is scarcely

one of them but will tell you that, notwithstanding the fact that Mr. Lincoln may be elected in the mode pointed out by the constitution and by a constitutional majority, they will not submit. You hear it from the stump, you read it in the papers and in their resolutions, that if Mr. Lincoln is elected the Union is to be dissolved. Here is a constitutional party that intends to violate the constitution because a man is constitutionally elected president. Here is a constitutional party that proclaims it treasonable for a man to uphold the constitution. If the people constitutionally elect a president, is the minority to resist him? Do they intend to carry that principle into their new Southern Confederacy? If they do, we can readily conceive how long it will last. They deem it patriotism now to overturn the government. Let them succeed, and in that class of patriots they will be able to outrival Mexico.

“But who are the teachers of this new-fangled Southern Constitutional Democracy? Are they not men like Yancey and Wigfall, who have been always regarded as beyond the pale of national Democracy?—transplants from the South Carolina nursery of disunion? Whenever and wherever the spirit of nullification and disunion has shown itself, they and their coadjutors have been found zealously at work. They have been defeated time and again; but, like men who have a purpose, they have not ceased their efforts. No sacrifice of pride or dignity has been deemed too great if it assisted in the great purpose of disunion. What if they assailed the compromise of 1850? They indorsed it in the platform of 1852. From nonintervention they turn to intervention! From the peculiar advocates of state rights,

denying the jurisdiction of the supreme court, they become the advocates of the supreme court as an arbiter, and shout for the Dred Scott decision. Anything for disunion! They can as readily dissolve the Union upon one issue as another. At the Nashville convention they determined to dissolve it unless the Missouri Compromise line was extended to the Pacific. In 1854 they deemed the existence of this line a cause of separation, and demanded its repeal. The admission of Kansas was the next ultimatum, and now it is the election of Mr. Lincoln. Should they fail, it will then be the adoption of the slave code and the repeal of the laws making the slave trade piracy.

"These men of convenient politics intend to hang the peaceable and law-loving citizens of the country if they take office under Lincoln. You are to have no postmasters, no mails, no protection from the United States army, no officers of the government in your midst, for fear of these Southern Constitutional Democrats. One of them, Colonel Wigfall, your illustrious senator, said upon the northern line of Virginia some time since that if Lincoln was elected I would be one of the men who would take office, and have to leave Texas to keep from being 'tarred and feathered.' And this is the kind of talk by which men are to be driven into resisting the constituted authorities, and yielding their liberties into the hands of these Southern Constitutional Democrats. Now let me ask whether the most humble citizen, who deems it his duty to obey the laws, has not an equal claim to consideration with these men? Whenever the time comes that respect for the constitution of our fathers leads to the scaffold or the block, he who falls a martyr

in its defense will have a prouder fate than those who survive its destruction to share the ruin that will follow.

“What do these men propose to give you in exchange for this government? All are ready to admit their ability to pull down, but can they build up? I have read of the glory of a Southern Confederacy, and seen the schemes of rash enthusiasts; but no rational basis has been presented—none that would sustain a government six months. They take it for granted that because the Union has self-sustaining powers they need but call a Southern convention, secede, set up for themselves, and all will go on smoothly. But where are their Washingtons, their Jeffersons, and Madisons? Where is the spirit of sacrifice and patriotism which brought the Union into existence, and maintained it amid privation and danger? Look at the men who are crying out disunion, and then ask yourselves whether they are the men you would choose to create a new government? Do they combine that wisdom, prudence, and patriotism which would inspire you with confidence and lead you to trust the destinies of a nation in their hands? Where are the proofs of their patriotism? Point to one of them, leading this secession movement, who has ever raised his arm or bared his bosom to the foe, in defense of the honor of his country, save Jefferson Davis; and even he, whose chivalrous bearing in battle does not excuse trifling with the safety of the Union, is thrown in the background by the impetuous Yancey, Wigfall, Keitt and Rhett.

“If the wisdom of the past century combined has not sufficed to perfect this government, what hope can we have for another? You realize the blessings you have: give them up and all is uncertainty. Will you have

more protection to your property—more rights, and have them better protected? We now have all that we ever could have under any government and, notwithstanding all the complaints we hear, they are as perfect as at any time since the formation of the government. Because we carry the question of niggerism into national politics, and it engenders bad feeling, it is no reason for believing that our rights are invaded. We still have the institution of slavery. All the legislation on the subject for the past twenty years has been to secure it to us, so long as we may want it. It is our own, and the North has nothing to do with it. The North does not want it, and we have nothing to do with that. Their customs are their own. They are guaranteed to them just as ours are to us. We have the right to abolish slavery—they have the right to establish it. It is our interest to have it. Climate, soil, association—all make the institution peculiarly suited to us. If it were to their interest, the people of the North would have it. Even in Massachusetts, as I told them a few years since in Boston, they would have it yet, but for the fact that it would not pay. Now, when the ‘cotton states’ are ‘precipitated into a revolution,’ and the Southern Confederacy is formed, is the idea of state rights to be maintained, or is there to be a centralized government, forbidding the states to change their institutions, and giving peculiar privileges to classes? I warn the people to look well to the future. Among the unsatisfied and corrupt politicians of the day, there are many who long for title and power. There are wealthy knaves who are tired of our simple republican manners; and they have

pliant tools to work upon in the forum and with the pen. So long as the Union lasts, the masses need not fear them—when it falls, aristocracy will rear its head.

“Whenever an encroachment is made upon our constitutional rights, I am ready to peril my life to resist it; but let us first use constitutional means. Let us resist, as our fathers did, with right on our side. They exhausted all legal means of remedy first. When submission to tyranny or revolution was all that was left to them, they tried revolution. It was the same in Texas. The people fought to uphold the constitution of 1824. When it was again violated, they sent petitions to the central government. Their agent was imprisoned, and an army was sent to disarm them. Then they raised the standard of revolution. In the share I have borne in these things I claim nothing more than the right to love my country in proportion as I have done my duty to it; but I may ask, what higher claim have these men, who would inaugurate revolutions before their time?

“My weak condition warns me against giving vent to feelings which will come up when I behold the efforts of whipsters and demagogues to mislead the people. Here in Texas they convert the misfortunes of the people into political capital. Property has been burned in some instances, and here and there a case of insubordination has been found among the negroes. Occasionally a scoundrel has attempted to run a negro off to sell him; and all these things are charged to abolitionism. Terrible stories are put afloat of arms discovered, your capitol in flames, kegs of powder found under houses, thousands of negroes engaged in insurrectionary plots, wells poisoned, and hundreds of bottles of

strychnine found. Town after town has been reported in ashes and, by the time the report has been found to be false, some new story to keep up the public excitement has been invented. The people of the South have been filled with horror by these accounts and, instead of Texas being looked upon as the most inviting spot on earth, they turn from it as from a land accursed. Who will buy land here, so long as these things continue? What Southern planter will emigrate with his slaves to such a country? If there was a cause for it, we could bear it without a murmur; but there has been no cause for the present state of feeling. We all know how every occurrence has been magnified by the disunion press and leaders and scattered abroad, and for no other purpose than to arouse the passions of the people and drive them into the Southern disunion movement; for if you can make the people believe that the terrible accounts of abolition plots here are true, they will be ready for anything, sooner than suffer their continuance. Who are the men that are circulating these reports, and taking the lead in throwing the country into confusion? Are they the strong slaveholders of the country? No; examine the matter and it will be found that by far the large majority of them never owned a negro, and never will own one. I know some of them who are making the most fuss, who would not make good negroes if they were blacked. And these are the men who are carrying on practical abolitionism, by taking up planters' negroes and hanging them. They are the gentlemen who belong to the duelling family that don't fight with knives, but choose something that can be dodged. Some of them deserve a worse fate than Senator Wigfall

would visit on me; and, sooner or later, when the people find out their schemes, they will get it. Texas can not afford to be ruined by such men. Even the fact that they belong to the Simon Pure Constitutional Democracy will not save them.

“I look around me and behold men of all parties. I appeal to you old line Whigs, who stood by him of the lion heart and unbending crest, gallant Henry Clay. I ask you, did you ever hear from his lips a word disloyal to the constitution and the Union? Did he ever counsel resistance to the laws? Gallantly he led you on, inspired you with devotion to his fortunes and principles. When defeat overwhelmed you and him, did he ever seek to plunge the country into a revolution? In all that glorious career did Henry Clay ever utter a word of treason? No! There was a broad spirit of nationality pervading his life. While unbending, so far as his political views were concerned, there was a conservatism in his character which elevated his patriotism above considerations of party and made him a man for the whole country. You may say I was opposed to Clay while he lived. True, I was on questions of ordinary politics; but the barriers of party never divided us when the good of the country was at stake. There were national issues when his great mind bent all its energies for but one end, and that the glory and perpetuity of the Union. There were common sentiments, which had come down from the patriots of the revolution and the founders of our government, to which he and I could subscribe. Whenever these were at issue, I beheld him the champion of the Union, driving back its foes by the power of his eloquence. Would that the tones of that voice of

his could once more fall upon the ear of the people and thrill the national heart. Treason, secession, and disunion would hide themselves as of yore. He was the Ajax whose battle-axe glistened aloft in the thickest of the fight for the compromise of 1850. Whenever we saw his helmet plumes proudly waving, we knew that the battle was going well. Old Whigs recollect who were his foemen then! Behold them now swelling the ranks of disunion! With the memory of your gallant leader before you, will you go with them? I stood with Clay against Yancey and his coadjutors. The same illustrious Wigfall, who now denounces me as a traitor upon my native soil, then proclaimed Houston and Rusk as traitors for their support of that measure. But the people condemned them, just as they will condemn them now. The conservatism of the land rose against them just as it is rising now. They were rebuked, and the country had peace until the Nebraska and Kansas bill came—that charmer, which was to bring peace, security, and power to the South. Scarce a ripple was seen on the popular current when it came. I saw the storm gathering as it passed and strove to arrest it. Would that I could have been successful! But yet you cast me off. I do not taunt you with the results. My last prediction has been fulfilled. It has broken up the party. Those who denounced me as a traitor for voting against it were the first to deny the bargain they had made to break with their Northern friends in reference to its construction, when its construction was as well known at the time of its passage as then. I proclaimed my opposition to it on account of the power it conferred on the territories. And yet the men who then denounced

me now denounce their Northern friends for holding them to the bargain. They denounced me for voting with the abolitionists; but it was forgotten that the illustrious men of the South stood side by side with Seward, Hale, Giddings, and the rest, against Henry Clay, in the battle for the compromise. I saw then how extremes could meet. Their affiliations were so close that I was reminded of the Siamese twins; and yet they were never branded as traitors.

“I have appealed to the old Whigs. Let me now invoke the shade of Andrew Jackson and ask Democrats whether the doctrines which in these latter days are called Southern Constitutional Democracy, were Democracy then? Men of 1832, when flashed that eagle eye so bright, when more proudly stood that form that never quailed, as when repelling the shock of disunion? Jackson was the embodiment of Democracy then. He came forth in the name of the people and fought these heresies which are now proclaimed here as Democracy. Democrats, you remember! Whigs, you remember! how Clay and Webster aided Jackson to put down nullification and secession! Will you stand back now, when both are openly avowed by sectionalists North and South?

“I invoke the illustrious name of Jackson and bid you not prove recreant to his memory. To those who plot the ruin of their country, North or South, that name brings no pleasant remembrances; but to the national men of long service, to the young men who have been reared to love that name, I appeal. The same issue is upon you that was upon him. He stood with the constitution at his back and defied disunion. Let the peo-

ple say to these abolition agitators of the North, and to the disunion agitators of the South, *'You can not dissolve this Union. We will put you both down; but we will not let the Union go!'*

"Now, mark me, I do not call those Democrats who are in the ranks of this Southern Constitutional party. I do not proclaim their candidates to be disunionists. You have their records and present declarations, and can judge for yourselves. There are good and loyal men to be found in this party, and I would not charge them wrongly.

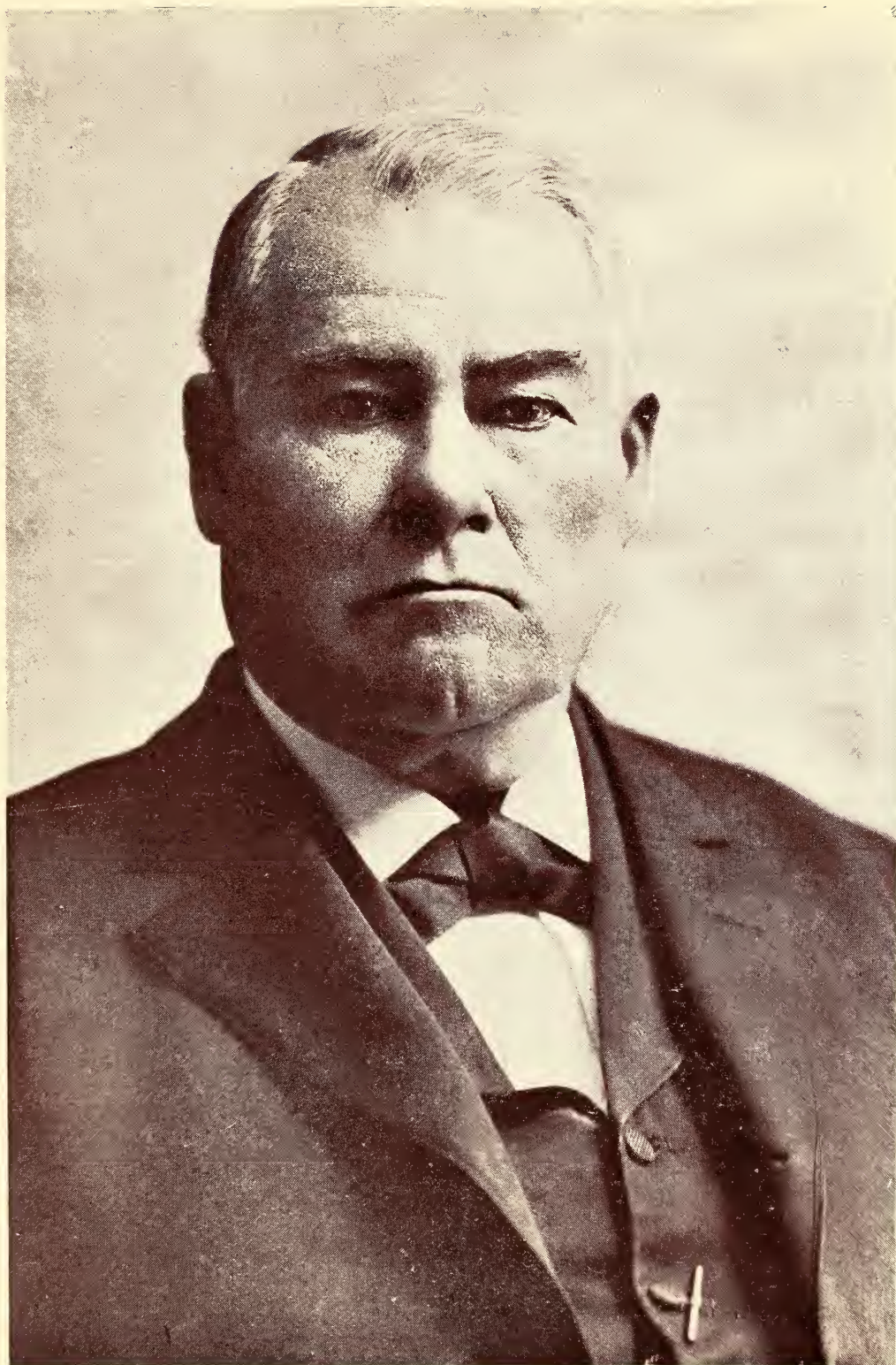
"No, my fellow-citizens, I do not say that all these Southern Constitutional Democrats are disunionists; but I do say that all the Southern disunionists are Southern Constitutional Democrats.

"I can speak but little longer; but let my last words be remembered by you. When I look back and remember the names which are canonized as the tutelar saints of liberty, and the warnings they have given you against disunion, I can not believe that you will be led astray. I can not be long among you. My sands of life are fast running out. As the glass becomes exhausted, if I can feel that I leave my country prosperous and united, I shall die content. To leave men with whom I have mingled in troublous times, and whom I have learned to love as brothers—to leave the children of those whom I have seen pass away, after lives of devotion to the Union—to leave the people who have borne me up and sustained me—to leave my country, and not feel that the liberty and happiness I have enjoyed would still be theirs, would be the worst pang of death. I am to leave children among you to share the fate of your children.

Think you I feel no interest in the future for their sakes? We are passing away. They must encounter the evils that are to come. In the far distant future, the generations that spring from our loins are to venture in the path of glory and honor. If untrammelled, who can tell the mighty progress they will make? If cast adrift—if the calamitous curse of disunion is inflicted upon them, who can picture their misfortunes and shame?"

The public mind was in such a condition of agitation that such counsel as Houston gave in this address was unheeded. Three-fourths of the people of the state were supporters of Breckinridge, and this support carried with it the determination not to submit to Republican rule should Lincoln be elected. About one-fourth of the people shared Houston's views, and among them were many of the most substantial men in the state. The time for compromise had passed. Both in the North and the South the sectionalists were in a majority.

On October 19, 1860, three weeks before election day, John H. Reagan, a congressman from Texas, issued a letter to the public in which he suggested a convention of the Southern states for the purpose of endeavoring to obtain guarantees from the free states that the constitutional rights of the slaveholding states would not be invaded in the event of Lincoln's election. This convention, he proposed, should submit to the free states "propositions requiring a renewal of the original guarantees of the constitution in favor of our rights in such specific form as to settle forever the question as to the extent and character of the rights of the slave states and the owners of slave property." "One of the



JOHN H. REAGAN

conditions," he wrote, "should be that we would not continue our political connection with any state which would not repeal all its laws intended to hinder the recapture of fugitive slaves; another should be to demand an equal participation in the settlement and occupation of the common territory, and a safe guarantee for the admission of future slave states into the Union; another should be the suspension of the agitation of the question about abolishing slavery in the District of Columbia, the forts, docks, etc.; and another that the interstate slave trade should not be interfered with by congress. If they would agree to these, we should remain in the Union and support and cherish it as heretofore."

Reagan subsequently defended this plan in a speech in congress, in which he declared, "If there is a Southern state, or a Southern man even, who would demand, as a condition for remaining in the Union, anything beyond the clearly specified guarantees of the constitution of the United States as they are, I do not know it. I can speak for my own state. They have never dreamed of asking more than their constitutional rights. They are, however, unalterably determined never to submit to less than their constitutional rights."

This proposal came to nothing. The Republicans denied the right of secession and would make no concessions. Senator Wigfall of Texas correctly described the situation when he declared, "The North will not yield an inch. They will not give us what we are entitled to. They will not agree to leave us what we have. The constitution as it stands could not now be ratified in a single Northern state, with our construction of it."

Election day came and Lincoln was elected. The

popular vote was as follows: Lincoln, 1,857,610; Douglas, 1,365,976; Breckinridge, 847,953; Bell, 590,631. Lincoln carried eighteen free states with an electoral vote of 180; Breckinridge carried eleven slave states with an electoral vote of 72; Bell carried the states of Kentucky, Tennessee and Virginia, with an electoral vote of 39; and Douglas received twelve electoral votes, carrying Missouri and New Jersey. Breckinridge received 47,548 votes in Texas to 15,463 for Bell. There were no votes for Lincoln nor Douglas in Texas.

Lincoln, it will be seen, had fallen far short of a majority of the popular vote. The combined vote of Douglas and Breckinridge was 356,000 in excess of Lincoln's, and in addition to this Bell had polled 590,000 votes. The sectional character of Lincoln's victory was emphasized by the circumstance that though a million more people had voted against him than for him, he would have lost only two states, California and Oregon, had the combined vote of his opponents been cast for a single candidate. He did not poll one hundred thousand votes outside the states which he carried. Lincoln, therefore, was elected by a group of free states and more than nine-tenths of his vote was in those states. He was not elected by the "people" of the United States as distinguished from the "states." In addition to this circumstance, the Republicans failed to get control of either house of congress. There was a majority of eight against them in the senate and a majority of twenty-one against them in the house.

Instead of this situation encouraging the slaveholding states to postpone radical action, it served to con-

vince the advocates of secession that such a move offered the only means of escaping sectional domination. It proved the sectional character of the Republican party and seemed to make sectional government at Washington a certainty. And it was as an alternative to sectional government that secession had been advocated. Within a week after election day, the legislature of South Carolina called a convention to meet on December 17 to consider the question of secession, and on December 20 South Carolina seceded from the Union.

In Texas, immediately after the result of the election was known, petitions were circulated and sent to Governor Houston requesting him to call a special session of the legislature. Houston, however, was determined to do everything possible to prevent secession and refused to grant the request. He devised another plan to deal with the situation, which he hoped might secure the rights of the slaveholding states inside the Union. It will be recalled that the legislature, during Governor Runnels's administration, had adopted a resolution authorizing the governor to call an election for the purpose of naming seven delegates to meet delegates from the other slaveholding states in convention "to preserve the equal rights of such states in the Union." The election had never been called and the resolution was still the law. Houston now decided to act under this resolution and to propose a Southern convention of the character suggested by Reagan.

But events moved too rapidly for him. Early in December a group of state officials drafted a call for a convention and, after some modification, this was signed by

leading men in all sections of the state. It fixed January 8 as the date for an election to name delegates and January 28 as the date for the holding of the convention at Austin. Realizing that the convention would be held in spite of his opposition, Houston issued a proclamation on December 17 convening the legislature in special session on January 21, one week prior to the date fixed for the meeting of the convention. The leaders of the movement for a convention, however, went ahead with their plans and the election was held. Meantime, Houston issued a proclamation calling an election to name the seven delegates to a proposed Southern convention for the first Monday in February. By the time the special session of the legislature met, however, five Southern states had formally seceded from the Union, and a convention to form a new confederacy, composed of slaveholding states, had been called to meet at Birmingham, Alabama. Houston now saw that secession could not be headed off, so he agreed to sign a resolution authorizing the state convention which would meet on January 28, provided its only business would be to submit to the people the question of secession. He insisted that the people should be given the opportunity to pass on everything the convention did. In his message to the legislature he repeated his declaration that the situation did not justify secession.

“The election of the Black Republican candidate to the Presidency,” he said, “has involved the issue of the permanency of the government upon the basis laid down by the founders.

“The principles of their party as developed in the

passage of laws in many of the states, subversive of our rights and in continual aggressions upon our institutions have at last obtained a foothold in the government itself.

“The struggle has been long, and the encroachment gradual, and at last, through our own folly and dissension alone, has resulted in placing one department of the government in the hands of those who have aggressed upon us. The question presses itself upon our consideration, whether 'tis best to abandon the government, and acknowledge that our constitution is a failure, or to maintain in the Union every constitutional right guaranteed to us.

“The grievances of which we complain have thus far originated with the states and not with the federal government. They have, disregarding their constitutional obligations, interposed to obstruct the federal government in its efforts to administer the government in accordance with the constitution; and though the government has not in all cases been successful in its efforts in our behalf, yet there has been no lack of willingness on its part. The prospect, however, of the government going into the hands of a party whose disregard of the constitution is its sole bond of union, leads to the belief that federal aggression is inevitable unless such means are adopted as will not only restrain the dominant party within the bounds of the constitution, but lead it to abandon all designs of perverting the power of government to serve its unconstitutional aims.

“Were government formed in an hour, and human liberty the natural result of evolution, less responsibility would attach to us as we consider the momentous ques-

tion before us. A long struggle amid bloodshed and privation secured the liberty which has been our boast for three-quarters of a century. Wisdom, patriotism, and the noble concessions of great minds framed our constitution. Long centuries of heroic strife attest the progress of freedom to their culminating point. Ere the work of centuries is undone, and freedom, shorn of her victorious garments, is started out once again on her weary pilgrimage, hoping to find, after centuries have passed away, another dwelling place, it is not unmanly to pause and at least endeavor to avert the calamity.

“The executive feels as deeply as any of your honorable body the necessity of such action on the part of the slaveholding states as will 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 can not 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. . . . 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.”

The governor referred to the fact that he had called an election to name delegates to a Southern convention, and said that, although a number of the states had seceded since he acted, he still looked forward to the assembling of such a convention.

“Whatever may be the course of Texas,” continued

Houston, "the ambition of her people should be that she should take no step except after calm deliberation. A past history, in which courage, wisdom 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 our course as when we merged from an independent nation into one of the states of the Union. Holding ourselves above 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 evoke 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 freemen 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 at the ballot box."

The legislature promptly passed a resolution giving legal status to the forthcoming state convention and providing, in accordance with Houston's recommendation, that its acts should be submitted to the people for ratification. The convention met on January 28 and proceeded immediately to draft an ordinance dissolving

the connection with the United States. On January 30 the completed draft was presented to the convention. It was as follows:

“An Ordinance to Dissolve the Union between the State of Texas and the other States, united under the compact styled, ‘The Constitution of the United States of America.’

“SECTION 1. Whereas, the Federal Government has failed to accomplish the purposes of the compact of Union between these states in giving protection either to the persons of our people upon an exposed frontier, or to the property of our citizens; and, whereas, the action of the Northern States of the Union is violative of the compact between the States and the guaranties of the Constitution; and, whereas, the recent developments in Federal affairs make it evident that the power of the Federal Government is sought to be made a weapon with which to strike down the interests and prosperity of the people of Texas and her sister slaveholding States, instead of permitting it to be, as was intended, our shield against outrage and aggression, therefore, we, the people of the State of Texas, by Delegates in Convention assembled, do declare and ordain that the Ordinance adopted by our Convention of Delegates on the fourth (4th) day of July, A. D., 1845, and afterwards ratified by us, under which the Republic of Texas was admitted into the Union with other States, and became a party to the compact styled, ‘The Constitution of the United States of America,’ be and hereby is repealed and annulled.

“That all the powers which, by the said compact,

were delegated by Texas to the Federal Government, are revoked and resumed. That Texas is of right absolved from all restraints and obligations incurred by said compact, and is a separate sovereign state, and that her citizens and people are absolved from all allegiance to the United States or the government thereof.

“Sec. 2. This ordinance shall be submitted to the people of Texas for their ratification or rejection by the qualified voters, on the 23d day of February, 1861; and, unless rejected by a majority of the votes cast, shall take effect and be in force on and after the second day of March, A. D. 1861; Provided, that in the representative district of El Paso said election may be held on the 18th day of February, 1861.

“Done by the people of the State of Texas, in Convention assembled, at Austin, this first day of February, A. D. 1861.”

The date on which the second section of the ordinance made it effective—March 2—was the anniversary of the adoption of the Texan declaration of independence. A minority report proposed to eliminate this section, making the ordinance effective immediately without submission to the people. It was argued that nothing could be accomplished by such delay, as the people were overwhelmingly in favor of immediate secession. This was rejected, however, by a vote of one hundred and forty-five to twenty-nine.

Everything being in readiness for the final vote on the ordinance, it was decided to make the occasion one of formal ceremony. The time was fixed as February 1, at noon. Governor Houston and the other state officials were invited to be present and public announce-

ment of the event was made. An immense crowd, which filled the galleries to standing room, gathered long before the hour fixed for taking the vote. The president, O. M. Roberts, called the convention to order and there was a general stir of expectancy. A committee arrived at the door and announced, "The governor of the state!" Houston was conducted to the platform, amid a storm of applause, and President Roberts addressed him, saying, "The people of Texas, through their delegates in convention assembled, welcome the governor of the state into this body." Other officials were conducted to the platform in the same way and finally the order of business was begun. The ordinance was read by the secretary of the convention, the chairman put the question and the roll call commenced.

As the roll call proceeded, and vote after vote was recorded in the affirmative, the spectators in the gallery broke into applause. Seventy delegates responded "aye" before there was a single negative vote. Then the name of Thomas P. Hughes of Williamson county was called. "No!" came the response. The effect was electrical. Immediately there was a demonstration of disapproval among the spectators, but order was quickly restored and the roll call proceeded. The next three votes were in the affirmative and there was applause. The secretary then called the name of William H. Johnson of Lamar county. He voted "no," and again there was a demonstration of disapproval. Quiet was no sooner obtained, however, than the name of Joshua Johnson of Titus county was called, and he, too, voted in the negative. A roar of disapproval went up, but the chairman demanded order and the next name was called.

The response was in the affirmative and the crowd applauded. Then there were sixty-four "ayes" in succession before another negative vote was cast. The spectators applauded popular favorites as they announced their votes. Reagan, the brilliant member of congress, was cheered. There were cheers also for Runnels, the former governor, whom Houston had defeated at the previous election. And so it went. Finally the secretary called out, "Shuford!" This was A. P. Shuford of Wood county. He voted in the negative and there was a flutter of disapproval. Eight more affirmative votes came next, and then the secretary reached the name of James W. Throckmorton of Collin county. Throckmorton arose. "Mr. President," he said, speaking in tones that were audible throughout the hall, "in view of the responsibility, in the presence of God and my country—and unawed by the wild spirit of revolution around me, I vote 'no'." For the first time the Unionists in the audience found their voices, and there was scattered cheering. But the expressions of disapproval were more pronounced and hisses came from all parts of the gallery. Throckmorton again addressed the chair. "Mr. President," he said, "when the rabble hiss, well may patriots tremble!" A mighty shout went up from the gallery. Only a small percentage of the crowd was Unionist in sentiment, but, small as it was, it spontaneously responded to Throckmorton's declaration. Above the hoots and jeers there was prolonged cheering, and it was with extreme difficulty that President Roberts restored order. Two other delegates, L. H. Williams and George W. Wright, both of Lamar county, voted "no" before the close of the roll call. Then the result was announced and both the delegates and the spectators

broke into cheers. Out of one hundred and seventy-four delegates, only seven had voted against the ordinance. An impromptu procession, which included a number of ladies, entered the hall, led by George M. Flourney, who carried a beautiful Lone Star flag. A wild frenzy of cheering followed, and it continued for several minutes as the flag was installed in a place of honor over the platform. Texas had taken the first step toward reassuming her independent station.

The news got abroad in the town, and everywhere there was wild enthusiasm. Only the few who disapproved the action and who felt that evil days were ahead failed to join in the rejoicing. Among the latter were the seven delegates who voted against the ordinance. It had taken a superior order of courage for them to face that unfriendly crowd and vote their convictions, for they could not fail to know that the attitude of the crowd represented the attitude of an overwhelming majority of the people of the state. They were conscious of the fact that they had participated in a historic proceeding and had made themselves conspicuous by the part they had played. They believed the time would come when their votes would be judged otherwise than they were judged by the crowd that jeered them. In order to leave a lasting record of the event, therefore, they decided to have themselves photographed in a group. This they did in due course. The photograph is reproduced in this volume (see page 342), thus being printed in a book for the first time, sixty-six years after the event it commemorates.

The convention continued its labors three days longer. A committee composed of John Henry Brown, George

Flournoy, John A. Wilcox, Malcolm D. Graham and A. P. Wiley drafted a "declaration of causes which impel the state of Texas to secede from the federal Union," and all the delegates, save those opposed to secession, signed it. It concluded with an appeal to the voters to ratify the ordinance of secession at the election on February 23. The leaders of the Union party present at Austin also issued an address to the voters, appealing to them to defeat the ordinance. This address was signed by State Senators M. D. Hart, I. A. Paschal, Emery Rains and J. W. Throckmorton, Representatives M. L. Armstrong, Sam Bogart, L. B. Camp, William A. Ellett, B. H. Epperson, John Hancock, J. L. Haynes, J. E. Henry, T. H. Mundine, A. B. Norton, J. M. Owens, Sam J. Redgate, Robert H. Taylor and G. W. Whitmore, and by the following delegates to the convention: J. F. Johnson, W. H. Johnson, J. D. Rains, A. P. Shuford, L. H. Williams and G. W. Wright.

The following delegates to the convention of Southern states at Birmingham were named: Louis T. Wigfall, John H. Reagan, John Hemphill, T. N. Waul, John Gregg, W. S. Oldham and William B. Ochiltree.

A committee of public safety of twenty-one members, with John C. Robertson as chairman, was elected, and to this body was delegated the task of freeing Texas from the twenty-eight hundred United States soldiers stationed at frontier posts in Texas and of taking possession, in the name of the state, of all ammunition, stores and other United States property within the borders of the state. The committee was given the oversight of all arrangements to complete the act of secession by

March 2, when the convention would meet again and proclaim the result of the election. There was not the least doubt as to what that result would be.

Immediately after the convention adjourned the committee of public safety appointed three sets of commissioners to obtain the surrender of the military posts at San Antonio, on the northwestern frontier and along the Rio Grande. It also appointed a commissioner to procure funds for the committee and a commissioner to procure arms in Louisiana. The committee called upon Governor Houston and laid all their plans before him. He agreed to their necessity in the circumstances and assured the members of the committee that the state authorities would do nothing to interfere with them. A commission, composed of T. J. Devine, P. N. Lockett, S. A. Maverick and James H. Rogers, was appointed to confer with Gen. D. E. Twiggs, commanding the department of Texas, with regard to the surrender of all stores, arms, ammunition and other property under his charge. The commissioners were empowered to agree to a postponement of the surrender until after March 2, provided General Twiggs specifically agreed to this. Meantime, Ben McCulloch was appointed military officer under the direct orders of the committee of public safety.

A conference with General Twiggs yielded no satisfactory results, and on the night of February 16 a company of Texan volunteers entered the city of San Antonio and occupied positions commanding the army post there. General Twiggs then capitulated and as a result all the military posts in Texas were surrendered without bloodshed. During the latter part of February

the Texans took formal possession of those posts, and wherever the American flag was hauled down the Lone Star flag of Texas was hoisted in its place. There was great enthusiasm over these ceremonies and a movement was started to organize Lone Star associations throughout the state advocating the reestablishment of the republic. This move was in opposition to joining the Southern Confederacy. It is said that during this period many men called upon Governor Houston and placed themselves at his disposal should he decide to establish the republic by force of arms. Houston's policy throughout, however, was to permit the people to do whatever a majority of them decided. He let it be known that he had not changed his mind about secession and that he was opposed to joining the Southern Confederacy, but he did not interfere with the activities of the people.

The election was held on February 23 with the result that 46,129 votes were cast in favor of secession and 14,697 against it. The convention reconvened on March 2, canvassed the returns and proclaimed the result. On March 5 the vote was taken on an ordinance providing for immediate union with the Southern Confederacy and it was adopted by one hundred and nine to two. The convention then formulated the oath for state officials, providing that the phrase, "the Confederate States of America," be substituted for "the United States of America," and requiring that all existing state officials should take the oath immediately. Wherever an official refused to take the oath his office was to be declared vacant.

This last provision brought Governor Houston face

to face with the problem of his future course. His policy so far had been to permit the people to do whatever a majority decided. But the requirement that state officials should take the oath of allegiance to the Confederacy placed upon him the necessity of acting himself. He had already made up his mind, however, and promptly refused to take the oath. He held that he had taken an oath to support the constitution of the United States and, while he was powerless to prevent his state from seceding from the Union, he could not bring himself to violate the oath he had already taken. Upon receipt of the information that such was Houston's attitude, the convention declared his office vacant and that the executive powers devolved upon the lieutenant-governor. Houston continued to occupy the executive office for two days after this action was taken, but on the third day Lieutenant-Governor Clark reached the capitol before him and took possession of the office. Houston made no resistance. He contented himself with sending a special message to the legislature, which had reconvened, protesting against the manner of his removal. This was his last act as governor. Some time later he went quietly to his home at Huntsville, where he remained in retirement until his death.

For a time there was talk of the federal government placing troops at Governor Houston's disposal to sustain him in office, but he declined such assistance when he heard of the proposal. On March 29, 1861, he sent the following communication to Colonel Wait of the United States army, who was still at San Antonio:

"Dear Sir: I have received intelligence that you have received, or will soon receive, orders to concentrate



THE SEVEN WHO VOTED AGAINST SECESSION

*Top row, left to right—A. P. SHUFORD, JAMES W. THROCKMORTON, LEMUEL H. WIL-
LIAMS, JOSHUA JOHNSON. Bottom row, left to right—WILLIAM H. JOHNSON,
GEORGE W. WRIGHT AND THOMAS P. HUGHES.*

United States troops under your command at Indianola, in this state, to sustain me in the exercise of my official functions. Allow me most respectfully to decline any such assistance from the United States government, and most earnestly to protest against the concentration of troops or fortifications in Texas, and request that you remove all such troops out of this state at the earliest day practicable, or, at any rate, by all means take no action toward a hostile movement till further ordered by the government at Washington City, or particularly of Texas."

Although Houston refused to take the oath of allegiance to the Confederacy, he consented for his eldest son to enter the Confederate army. Many of those who opposed secession, including Throckmorton, also joined the Southern army and fought throughout the war.

Houston died at his home at Huntsville on July 26, 1863, in his seventy-first year. Three months later the Texas house of representatives adopted appropriate resolutions declaring that "his public services through a long and eventful life, his unblemished patriotism, his great private and moral worth, and his untiring, devoted and zealous regard for the interests of the state of Texas command our highest admiration, and should be held in perpetual remembrance by the people of this state."

CHAPTER LX.

TEXAS DURING THE WAR.

DURING the period between the submission of the secession ordinance to the people of Texas for approval and the date on which the ordinance went into effect, a group of seceded states, in convention at Birmingham, Ala., organized the Confederate States of America. A constitution was drafted and on February 9 Jefferson Davis of Mississippi was elected president of the new federal republic thus brought into being. Texas was received as a state of the Confederacy immediately after the final adjournment of the secession convention and members of the first congress and two senators were elected from Texas. Louis T. Wigfall and William S. Oldham were the senators named and President Davis appointed John H. Reagan as a member of his cabinet, assigning him to the portfolio of postmaster general. Thus was the plan of "peaceful secession" carried out and thus did Texas take her place in the Confederacy.

But the secession of the Southern states was not to remain peaceful very long. Lincoln was inaugurated president of the United States on March 4, and he and his cabinet took the position that the states had no power to sever their connection with the Union in this fashion and that the authority of the United States government over them would be maintained. The Confederate government, on the other hand, decided that all United

States troops must leave Confederate territory. It was this situation which brought about the fatal clash which ushered in the war between the two sections. There was some talk at first of attempting to compose the differences between the South and the Federal government, but this was without result. Fort Sumter, in the harbor of Charleston, S. C., was occupied by United States troops and a formal demand for its surrender was made by the Confederate authorities. The demand was refused and on April 12, 1861, Confederate forces fired on the fort. Two days later Fort Sumter was surrendered to the Confederacy, and the next day, April 15, President Lincoln issued a call for volunteers to "preserve the Union" by force of arms. The war was on!

The struggle thus commenced lasted four years and resulted in the defeat and total prostration of the Southern states. During its progress slavery was abolished by presidential proclamation as a "war measure" and after its close the federal constitution was amended, forever prohibiting slavery in all the states and giving the former slaves the status of citizens. The Southern states lost all for which they contended and the economic system upon which the prosperity of the South rested was totally destroyed. The wealth of the Federal government and the superiority of numbers on the side of the North were too much to overcome. Before the struggle ended the Northern states had put more than two million men into the field, whereas the Southern states, by drawing upon their population to the utmost, were not able to muster as many as a million. It was one of the most terrible conflicts in history, especially in view

of the fact that it was fought by men of the same blood and of the same country. The whole world stood aghast at the spectacle.

Today, only a little more than a half-century after its close, the descendants of the men who participated in that conflict are a united people and constitute the greatest nation in the world. The nation's wounds have long since healed and the scars which they have left now serve to knit the American people more closely together than ever. And the heroic struggle which the men of the South made to defend their right to govern themselves and to resist the tyranny of government of one section of the country by another is as much a heritage of the whole American people as the struggle of the men of the North to preserve the Union. The lesson of the South's resistance has been learned by the whole nation and the blood poured out for the "lost cause" was not shed in vain. For it was not nationalism in government that the South resisted. It was sectionalism. Whether the danger of sectional rule was as great as the men of the South believed it to be is a question which may be left open. In any event it was believed to be great enough to warrant resistance to the point of prostration. And today it is an integral part of American tradition that sectional tyranny, no matter by which section it may be threatened, should be resisted with like courage and that the right of self-government should be maintained with like devotion. That is the contribution which the Southern men who died on the battlefields of the war made to American ideals. That is the gift of the South to the nation.

Texas played a part in the war of which this and all

future generations of Texans may be justly proud. Its people gave their full measure of courage and devotion to the cause. The commonwealth which, in the short space of forty years, had developed from a little group of three hundred families in the midst of a complete wilderness, sent more than seventy thousand men to the defense of the bonnie blue banner of the Confederacy. One hundred and thirty-five officers above the rank of lieutenant-colonel in the Confederate army were from Texas. Among these was one full general, Gen. Albert Sidney Johnston, who fell at Shiloh in April, 1862; one lieutenant-general, John B. Hood; three major-generals, Samuel B. Maxey, John A. Wharton and Tom Green, the latter killed at Blair's Landing in April, 1864; thirty-two brigadier-generals and ninety-seven colonels. Of the thirty-eight generals of the above grades, thirty-three were promoted during their service from lower rank. This fact in itself is a tribute to the mass of the soldiers from Texas, for it was the exploits of the men which won promotion for the officers who led them. Besides this, Texas contributed an enormous quota of military supplies and provisions for the armies of the South. The state government spent more than three and a half million dollars at home for military purposes and paid more than thirty-seven million dollars of taxes, in Confederate notes, to the Confederate government. The whole population was put on a war basis throughout the conflict and all of the state's resources were unreservedly drawn upon to the limit to support the cause of the South.

News of the firing on Fort Sumter was received at Austin on April 17, 1861, and immediately Governor

Clark took steps to prepare for the war. He provided for the organization, equipment and instruction of volunteer companies in every county in the state. Lieut.-Col. John R. Baylor took possession of the army posts west of San Antonio, occupying the Rio Grande into New Mexico. Col. William C. Young raised a cavalry regiment and captured Forts Arbuckle, Washita and Cobb, in the Indian territory beyond Red river, and compelled the Federals to retire into Kansas. A clash occurred between Texas forces and the Federals concentrated on the coast from the various posts, before the state was completely free of United States troops, but finally the embarkation of the latter was accomplished.

Governor Clark required all the ammunition carried in stock by merchants to be turned over to the state, but the amount was not very great. Officers in each county were directed to ascertain the quantity of arms in the possession of private individuals, with the result that forty thousand guns of every description were reported. Thirty-two brigadier-generals were appointed to organize the militia, one for each militia district. In short everything possible was done to put the state in a condition of defense.

Within a week after the fall of Fort Sumter the Confederate government made requisition on Texas for eight thousand infantry and these were promptly furnished. In July Texas was called upon for twenty companies for service in Virginia, the enlistment to be for the period of the war, and thirty-two companies responded. They later became famous as Hood's Texas Brigade. In his message to the legislature on Novem-

ber 1, 1861, Governor Clark reported that "twenty thousand Texans are now battling for the rights of our new-born government."

The regular state election was held in Texas in August, 1861, while the war fever was at its height. Francis R. Lubbock was elected governor on a platform declaring for unstinted support of the Confederacy in the prosecution of the war. Lubbock carried out his campaign pledge in this respect with a zeal that earned the undying gratitude of the much-harassed and perplexed Confederate officials. Before his inauguration as governor, Lubbock made a special journey to the seat of the Confederate government at Richmond, Va., to confer with President Davis and his cabinet on the question of how Texas could best serve the cause of the South. Lubbock realized that success depended upon quick and decisive action, for delay would mean that the superiority of numbers in the North would be felt in the contest. Upon taking up the reins of the government, therefore, he urged upon every able-bodied man to enlist. It was now clear that the struggle was to be of greater proportions than anybody had dreamed, and Lubbock did all in his power to place the whole strength of Texas behind the Confederacy. Compared with other Southern states Texas was safe against invasion by the Federal forces, and the battles fought in other states were keeping Union soldiers from Texan soil. It was fitting, therefore, in Lubbock's opinion, that every able-bodied man in the state should join the armies of the South. He succeeded in this effort to such an extent that within fifteen months more than 68,000 Texans were under arms.

“From the most accurate data,” he said in his message to an extra session of the legislature on February 5, 1863, “Texas has furnished to the Confederate military service thirty-three regiments, thirteen battalions, two squadrons, six detached companies, and one legion of twelve companies of cavalry; nineteen regiments, two battalions of infantry, and one regiment and twelve light batteries of artillery—thirty regiments of which (twenty-one cavalry and nine infantry) have been organized since the requisition of February 3, 1862, for fifteen regiments, being the quota required of Texas to make her quota equal to the quota of other states, making 62,000 men, which with the state troops in actual service, viz., 6,500 men, form an aggregate of 68,500 Texans in military service, constituting an excess of 4,773 more than her highest popular vote, which was 63,727. From the best information within reach of this department, upon which to base an estimate of the men now remaining in the state between the ages of sixteen and sixty years, it is thought that the number will not exceed 27,000.”

In spite of all this there were calls for more men from Texas, and in November, 1863, Governor Lubbock suggested to the legislature that no exemptions from the operation of the draft law, which had been previously put into effect, should be permitted. He said that every male person, from sixteen years old and upwards, not totally unfit, should be declared to be in the military service of the state and no exemptions should be allowed, except those recognized by the constitution, and that no one should be permitted to furnish a substitute. “I am clearly of the opinion,” he de-

clared, "that exemptions and the right to furnish substitutes are working great injury to the country, and should be abolished, both by the state and Confederate government."

It was thus that Texas strained every nerve to give the Confederate government all support possible; and, in addition to this, Texas had a vast frontier to protect against the Indians. Under the Confederate constitution the protection of the frontier was the duty of the Confederate government, just as it had been the duty of the Federal government under the Union. But Governor Lubbock recognized that the central government had more than it could do to meet the demands of the war, and he excused it from supplying troops. It was expected that the Confederate government would defray the expense of such frontier protection, however, but this expectation, of course, was never fulfilled.

Brig.-Gen. P. O. Hebert was placed in command of the military department of Texas by the Confederate government, and some of his measures caused much resentment among the people. By an order issued on May 30, 1862, he put the state under martial law, practically usurping the powers of the state government. He appointed a number of provost marshals, whose powers were almost unlimited and who were responsible only to him, and the acts of some of these petty officers exasperated the people. In November, 1862, General Hebert issued another order which increased this discontent. It prohibited the exportation of cotton, except by the authorized agents of the government. Texas ports were blockaded by the United States navy from July, 1861, until the end of the war, and Mexico was

the only outlet for Texas cotton. The new order increased the difficulties of the people of the state with respect to sale of their cotton and it was very widely resented. On November 29, 1862, Brig.-Gen. J. Bankhead Magruder succeeded General Hebert, and it was thought that the change would improve conditions. But within a few months General Magruder issued a new order, imposing additional restrictions upon the exportation of cotton across the Rio Grande. The outcry against this order became so great that in April, 1863, all cotton orders were revoked and for a short time planters were permitted to export cotton without restriction. New restrictions, however, were soon placed upon the cotton trade, but they were not so severe as those which Hebert and Magruder had previously put into effect.

The war and the blockade brought about an economic revolution in Texas, for both the exportation and importation of goods stopped altogether, except for the limited trading that could be done through Mexico and by "blockade runners." The absence of most of the able-bodied men in the army threw the whole burden of providing the necessities of life upon the women, who, with the assistance of the slaves, produced both food and clothing from the raw material to the finished products. "By the first of 1862," says O. M. Roberts, "the people in most parts of the state set about providing themselves with the necessities of life. From that time to the end of the war a person traveling past houses on the road could hear the sound of the spinning-wheel and of the looms at which the women were at work to supply clothing for their families and for their

husbands and sons in the army. Thus while the men were struggling valiantly with all their martial efforts in camp and in battle, the work of the women was no less heroic and patriotic in their homes. Nor was that kind of employment all; for many a wife or daughter of a soldier went out on the farm and bravely did the work with plow and hoe to make provisions for herself and little children. Shops were extensively established to manufacture domestic implements. Wheat and other cereals were produced, where practicable, in large quantities; hogs and cattle were raised more generally; and before the passage over the Mississippi was closed by the Federal gunboats, droves of beef cattle and numerous wagonloads of bacon and flour were almost constantly passing across the river from Texas to feed the soldiers of the Confederate army.

“An almost universally humane feeling inspired people of wealth as well as those in moderate circumstances to help the indigent families of soldiers in the field and the women who had lost their husbands and sons by sickness or in battle. There were numerous slaveholders who had only a few slaves, such as had been raised by themselves or by their parents as part of the family, and so regarded themselves. In the absence of the husband in the service, the wife . . . assumed the management of the farm and the control of the negroes on it. It was a subject of general remark that the negroes were more docile and manageable during the war than at any other period, and for this they deserve the lasting gratitude of their owners in the army. . . .

“At most of the towns there were posts established

by officers for the collection of the tithes of farm products under an act of congress for the use of the army, and wagons were used continually for their transportation to different places where the soldiers were in service. In addition, wagons under private control were constantly running from Texas to Arkansas and to Louisiana loaded with clothing, hats and shoes, contributed by families for their relatives in the army in those states. Indeed, by this patriotic method the greater part of the Texas troops in those states were supplied with clothing of all kinds.

"Salt being a prime necessity for family use, salt works were established in eastern Texas in Cherokee and Smith counties, and at Grand Saline in Van Zandt county. . . . In the west, salt was furnished from the salt lakes. Iron works were established for making plows and cooking vessels near Jefferson, Rusk and Austin. . . . At jug factories in Rusk and Henderson counties were made rude earthenware dishes, plates and cups. . . . At other shops wagons were made and repaired, and in small domestic factories chairs, tables and other furniture were made. Shoe shops and tailor shops were kept busy all over the country. Substitutes for sugar and coffee were partially adopted, but without much success. . . .

"The penitentiary at Huntsville, under the control of the state government, was busied in manufacturing cotton and woolen cloth, and made each year over a million and a half yards of cloth, which, under the direction of the government, was distributed first to supply the soldiers of the army, second to the soldiers' families and their actual consumers."

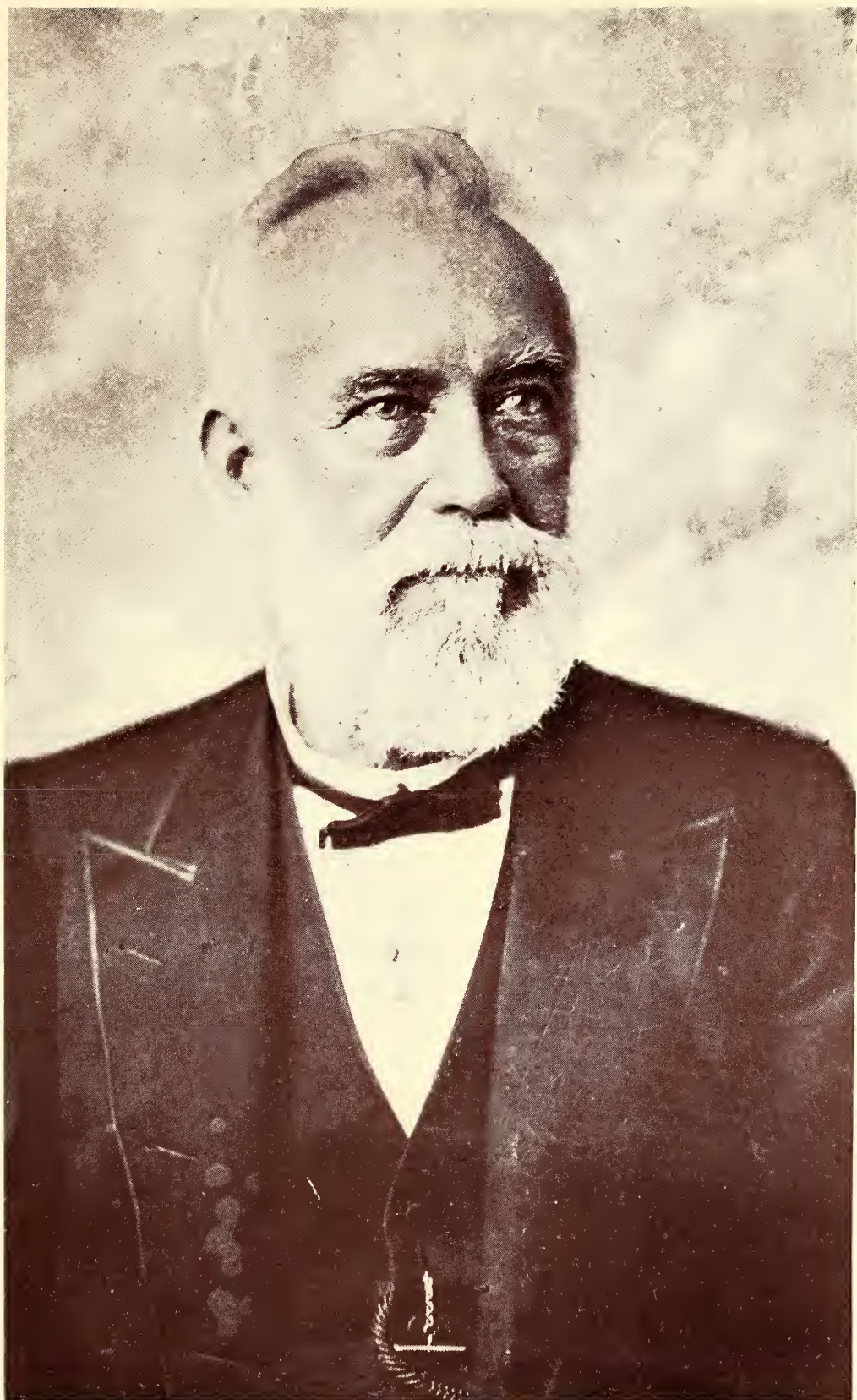
The factory at the Huntsville penitentiary was not the only activity of the state government in the matter of manufacturing. A military board, composed of the governor, comptroller and treasurer, took charge of a good part of the commerce of the state and established a gun and a cap factory at Austin. It encouraged the establishment of other factories by private individuals and was generally active in maintaining the economic organization of the state. One of its memorable achievements was the importation of forty thousand pairs of cotton and wool cards from Europe, which it distributed to families throughout Texas to be used in the home manufacture of cotton and woolen cloth. It purchased cotton from the farmers, through its agents, and exported it to Mexico, using the proceeds to buy arms, munitions and machinery. The total amounts received and disbursed by this board have been estimated at two million dollars.

In the very nature of things there was much destitution and privation among the families of the soldiers, and relief of these soon became a problem. At first the counties afforded relief, but the burden became too great for local resources and in 1863 the legislature, in response to a recommendation by Governor Lubbock, appropriated six hundred thousand dollars for state relief of the dependants of soldiers. The practice thus started was kept up during the remainder of the war. Near the end of 1864 the number of dependants assisted by the state, including women and children, was about seventy-four thousand.

As has been indicated, Texas was well-nigh free from military operations by the enemy throughout the

period of the war. The state proved to be impregnable against invasion and the attempts made by the Federals failed. These attempts were directed at four points—at Galveston, at Sabine Pass, at Brownsville and by way of Red River—but in each case no important progress was made. On October 4, 1862, the Federals who had been maintaining the blockade of the gulf coast made an attack on Galveston. The Confederate troops on the island were not strong enough to put up a defense, so they withdrew, without a struggle, to the mainland. The town of Galveston thus fell into the hands of the Federals, but it was not to remain in their possession long. When General Magruder assumed command of Texas two months later, one of the first things he determined upon was the recapture of Galveston. Preparations were secretly made for an expedition against the island. Two steamboats, the *Neptune* and *Bayou City*, on Buffalo bayou, were converted into "cottonclads" by erecting breastworks of cotton bales around their decks, and these were manned by Sibley's brigade, a body of tried troops, under command of Gen. H. H. Sibley, which had just returned from a campaign in New Mexico. Two other vessels, the *Lucy Gwinn* and the *John F. Carr*, were put into service as tenders. On December 29, 1862, General Magruder arrived at Virginia Point to direct the expedition in person. The plan of attack was for Magruder and a body of land forces to enter the town of Galveston from the mainland, while the boats under command of Sibley engaged the Federal vessels by sea. There were four Federal vessels in the harbor, the steamer *Harriet Lane*, which was at the wharf; the brig *Westfield*, the gun-

boat *Owassee*, and the transport *Clifton*. On the night of December 31 the movement was begun. Magruder and the land forces proceeded from Virginia Point to the island and took a position in the town, in preparation for an early morning attack next day. Before daybreak on New Year's day, 1863, Magruder opened fire on the Federals and drove them to the extreme northern end of the island. The cottonclads, in the meantime, arrived in the harbor and attacked the *Harriet Lane*. The Confederate boat *Neptune* was sunk in shallow water, but the *Bayou City* approached the *Harriet Lane* so close that she became entangled in the latter's rigging. The Confederates leaped on board the Federal vessel and a hand-to-hand struggle ensued. After a stubborn resistance, during which the principal officers of the *Harriet Lane* were killed, the Federals surrendered. The *Westfield*, in attempting to leave the harbor, ran aground and, in order to prevent her from falling into the hands of the Confederates a train was laid to blow up the vessel and the crew abandoned her. There was some delay in the explosion and fifteen Federals were sent back on board to investigate and remedy the defect. They had no sooner reached the *Westfield* than the explosion occurred, and all of the party were killed. The Federals on the island surrendered to Magruder and the *Owassee* and the *Clifton* escaped from the harbor and joined the fleet outside. Thus Galveston was recaptured in brilliant fashion. Col. Tom Green, Colonel Steele, Lieutenant-Colonel Scurry, Col. William P. Hardeman and Col. H. M. Elmore distinguished themselves in this expedition. General



FRANCIS R. LUBBOCK
The War Governor of Texas



Magruder and all who took part in the exploit were specially thanked by President Davis for restoring Galveston to the Confederacy.

In September, 1863, the Federals made the second attempt to gain a foothold in Texas. An expedition was organized in New Orleans, which was in possession of the Federals, and an army of five thousand men was sent by sea to enter Texas by way of Sabine Pass. The plan was then to advance on Beaumont and Houston and, with those two places in Federal hands, Galveston would be taken as a matter of course. Sabine Pass was guarded by a little garrison of forty-seven men, under command of Lieut. Dick Dowling, and it seemed an easy matter to overcome this small force and then proceed with the campaign. Accordingly, on September 6, 1863, three or four of the Federal vessels entered the harbor and commenced bombarding the fort which was manned by Dowling's little garrison. Dowling waited until the Federal vessels came within good range and then opened fire on them. In a few minutes two of the Federal boats, the *Sachem* and the *Clifton*, were disabled, and the others left the harbor quickly to escape a similar fate. The two disabled boats, their crews, consisting of three hundred and fifty men, and all their armaments were captured. The rest of the Federal fleet sailed back to New Orleans without making further attempt to effect a landing. Dick Dowling's defense of Sabine Pass was one of the brilliant exploits of the war, not only because of its entire success against such overwhelming odds, but because it undoubtedly saved Texas from a formidable invasion which might have made the state the scene of an extended campaign.

The third attempt to invade Texas was more successful, but it caused no inconvenience to the thickly settled parts of the state. Indeed, its purpose was not primarily to subjugate Texas. The French had just seized Mexico and, inasmuch as the United States, under the Monroe doctrine, was opposed to French plans in connection with that seizure, it was feared by the Federal government that France might join forces with the Confederacy and thus complicate the war. In order to prevent any direct assistance from the French through Mexico, the Federals decided to occupy the Texas coast near the Mexican border. In November 5, 1863, therefore, an army of six thousand Federals, under General Banks, took possession of Brownsville, the small force of Confederates there retiring without resistance. During the next two months Banks extended his operations by occupying Corpus Christi, Aransas Pass, Mustang island, Pass Cavallo, St. Joseph's island, Indianola and Lavaca. After the French scare passed off, however, it was decided to attempt an invasion of Texas by way of Red river, and all of the Federal forces along the southern coast were withdrawn, except a small body of troops which occupied Brownsville. An expedition started from New Orleans with the idea of invading East Texas, but it was defeated by Confederate forces before reaching the Texas border. Later the small force at Brownsville was withdrawn and Texas remained free from the menace of Federal invasion during the rest of the war.

Governor Lubbock was offered a place on the staff of President Davis when his term of office should expire, and he announced, therefore, that he would not be a

candidate for reelection. Two candidates appeared as aspirants to succeed him, these being Pendleton Murrah and T. J. Chambers. Murrah received 17,511 votes, Chambers 12,455, and 1,070 votes were cast for unimportant candidates. Murrah was inaugurated on November 5, 1863, the day Banks took Brownsville. He came into office at a time when the fortunes of war had begun to go against the Confederacy, and when the feeling of the people of Texas had begun to change. At the beginning of the war the great mass of the people cheerfully and enthusiastically sustained the newly-formed Confederacy and promptly submitted to every law and every order deemed necessary to success. "A great majority," writes Thrall, "looked upon the establishment of the Confederacy as an accomplished fact; and believed that its recognition by the governments of Europe, and the United States itself, was only a question of time. But the events of two years—the surrender of New Orleans in 1862, and the fall of Vicksburg in 1863, began to beget doubts of final success. Again—at first the farmers obeyed, without a protest, the various 'cotton orders' as they were issued from 'headquarters.' But observation of the working of these changing 'orders' created a suspicion that they operated to the injury of the planter, and inured more to the benefit of speculators than the Confederate government; and this without impugning the motives of the commanding generals. Again, the conscript law and the confiscation laws were enforced a little too vigorously. Some in feeble health were pushed into the army, who ought to have been at home under the care of a doctor, and with their friends and fam-

ilies. In some instances persons who had spent a lifetime in Texas were accidentally in the North, and did not, or perhaps could not, return to their homes. Their property was seized by the receivers and confiscated. But the subject of most dissatisfaction was the proclamation of martial law, and the manner of its enforcement. It was not intended, originally, to interfere with men in legitimate business. But under the rulings of young lieutenants, citizens were prohibited from going to a neighboring county seat without a passport. Venerable men, who had spent forty years in Texas, felt humiliated when they had to travel a considerable distance to obtain from a young lieutenant permission to visit a relative, or transact some item of business in a neighborhood out of their county. While many complied with the requirements of the 'order' for the good of the cause, others thought it an intolerable infringement of the rights of freemen. One editor, for his severe strictures upon this measure, was threatened with arrest and imprisonment."

Governor Murrah was representative of this changed sentiment and he was in constant controversy with the Confederate government and the military authorities in an effort to preserve some of the powers of the state and the rights of the people. His messages to the legislature are filled with complaints of usurpation of the state's powers and violation of the people's rights. The truth was that the situation was becoming so desperate for the South that extreme measures were frequently adopted, such as the last conscript law of the Confederate government, which did not show a too scrupulous regard for either the powers of the state

or the rights of the people. Everything was being subordinated to the main task of "winning the war." Indeed, it soon became the task of postponing defeat.

Another cause of perplexity was the question of finances. The state had nearly brought about its own bankruptcy in support of the war and the Confederate government had finally come to a condition of desperation in financing the armies in the field. The Confederate notes depreciated almost to the vanishing point as the fortunes of the cause waned, and there was no prospect of an improvement of the credit of either the state or Confederate government. Governor Murrah and the legislature did their best to deal with this problem, but no solution of a practicable character could be discovered. The finances of both the state and the Confederacy were on the way toward collapse and there was no hope of preventing the crash.

In January, 1864, Gen. J. Kirby Smith was placed in command of the trans-Mississippi department for the Confederacy, and it was under his able direction that the invasion of East Texas was prevented in the spring of 1864. But on March 12, 1864, Gen. U. S. Grant was made commander in chief of the Union forces and his plan of campaign did not include active operations in the trans-Mississippi department. The theater of war was removed entirely from the Southwest, and two concentrated Federal armies were set in motion toward the goal of capturing Richmond and Atlanta. In this situation General Magruder was transferred to duty under General Smith in Arkansas and Gen. J. C. Walker was placed in command of Texas. The war now was in its last stage. In a year's

time Grant's plan of campaign was worked out to success and on April 9, 1865, Gen. R. E. Lee, the Confederate commander, surrendered at Appomattox. During the next thirty days other departments of the Confederacy were surrendered and on May 30, 1865, Gen. J. Kirby Smith and General Magruder went on board a Federal vessel and surrendered the trans-Mississippi department.

Five days before the surrender of the department, Governor Murrah issued three proclamations. In one he commanded all civil officers throughout the state to preserve public property; in another he called a special session of the legislature, and in the third he ordered an election to name delegates to a convention of the people. But chaos had already begun to set in. The Confederate soldiers in the state disbanded without orders, and as they had not received any pay for months they took with them such public property as they could carry. A condition of disorder and confusion ensued. The patriotic appeals of military and civil officers alike were unheeded. The cause being lost, a great many of the soldiers, who had bravely endured hardships during the war, now adopted the rule of every man for himself. Armed bands of highwaymen began to commit depredations and lawlessness increased throughout the state. When the last vestige of Confederate authority vanished by the surrender of the department by Smith and Magruder, wild rumors got abroad picturing the punishment that would be inflicted upon those who had taken any prominent part in the affairs of the state or the Confederacy. Many became panic-stricken, and others declared they would not live under the rule of

the Yankees. An exodus across the border into Mexico began. The high officials of the state, including Governor Murrah himself, were among those who fled. Former Governor Clark, General Smith, General Magruder and many others followed their example. Government disappeared entirely and, by the time Gen. Gordon Granger landed at Galveston with a force of Federal troops on June 19, the chaos was complete.

General Granger had been appointed to command the department of Texas immediately after its surrender. His instructions were to establish order and to assist in setting up a provisional government which should remain in power until the state adjusted itself to the new order of things. President Lincoln had been assassinated on April 14, and President Andrew Johnson, who had succeeded him, had devised a plan of reconstruction by which the states of the conquered Confederacy might be restored to the Union. On May 29 President Johnson had issued a proclamation granting amnesty, with certain exceptions, to persons who had participated in the war on the side of the South, upon complying with specified conditions. On June 17 he appointed A. J. Hamilton, a former United States congressman from Texas, who had remained loyal to the Union, to be provisional governor of Texas, but pending Hamilton's arrival General Granger was in full charge. General Granger's first act upon landing at Galveston was to issue a proclamation declaring all the slaves to be free and invalidating all laws enacted since secession. It is for this reason that June 19, the date of the proclamation, is observed by the negroes in Texas as Emancipation day.

Provisional Governor Hamilton arrived in Texas in July and on July 25 he issued a proclamation outlining his policy and inviting loyal men from every part of the state to come to Austin to confer with him. His instructions from President Johnson were that he should arrange for the holding of a convention for the purpose of reestablishing civil government and restoring constitutional relations between the state and the federal government. Governor Hamilton, who was a very able man, entered upon these duties in a manner which indicated an early reestablishment of order. In spite of the gloom of the moment the prospect for the future of Texas began to brighten a little. The war was over. The tasks of peace were at hand. Many Texans who had supported the Confederacy throughout the struggle now came forward to assist in restoring the broken fortunes of the state. But, as shall be seen in due course, nearly a decade was to pass before Texas would again be a self-governing commonwealth. The dark days of reconstruction were at hand.

APPENDIX

*VIII. THE TREATY OF GUADALUPE
HIDALGO.*

IX. CAUSES OF SECESSION.

§ 8.

THE TREATY OF GUADALUPE HIDALGO.

The treaty of Guadalupe Hidalgo, entered into between the United States and Mexico at the close of the Mexican war, is one of the charter documents of Texas, for by signing it Mexico relinquished all claims to Texas. The full text of the treaty, therefore, is reproduced below.

TREATY OF PEACE, FRIENDSHIP, LIMITS AND SETTLEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES, CONCLUDED AT GUADALUPE HIDALGO, FEBRUARY 2, 1848; RATIFICATION ADVISED BY SENATE, WITH AMENDMENTS, MARCH 10, 1848; RATIFIED BY PRESIDENT MARCH 16, 1848; RATIFICATION EXCHANGED AT QUERETARO MAY 30, 1848; PROCLAIMED JULY 4, 1848.

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony and mutual confidence wherein the two people should live, as good neighbors, have for that purpose appointed their respective plenipotentiaries, that is to say:

The President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and

the President of the Mexican republic has appointed Don Luis Gonzaga, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said republic;

Who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following:

Treaty of Peace, Friendship, Limits and Settlement between the United States of America and the Mexican republic.

ARTICLE I.

There shall be firm and universal peace between the United States of America and the Mexican republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ARTICLE II.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general in chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be reestablished, as regards the political, administrative and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICLE III.

Immediately upon the ratification of the present treaty by the Government of the United States, orders

shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the Government of the Mexican republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican republic to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenience to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be despatched to the persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the Government of the Mexican

republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican republic, as about to be established by the following article, shall be definitely restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the Government upon the signature of this treaty. To this end, immediately upon the signature of this treaty, orders shall be dispatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in

the above stipulation, as regards the restoration of artillery, apparatus of war, etc.

The final evacuation of the territory of the Mexican republic by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican Government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the General in chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season shall be understood to extend from the first of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the

government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ARTICLE V.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence northward, along the western line of New Mexico, until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled, "*Map of the United States, as organized and defined by various acts of the congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell;*" of which map a copy is added to this

treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper and Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by **Don Juan Pantoja**, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners *Sutil* and *Mexicana*; of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each, in conformity with its own constitution.

ARTICLE VI.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado, below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.

The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be

free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States.

But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X.

(Stricken Out.)

ARTICLE XI.

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whenever this may be necessary; and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics; nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them

to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And, finally, the sacredness of this obligation shall never be lost sight of by the said government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth

article of the present treaty, the government of the United States engages to pay to that of the Mexican republic the sum of fifteen millions of dollars.

Immediately after the treaty shall have been duly ratified by the government of the Mexican republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican republic, under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three; so that the Mexican republic shall be absolutely exempt,

for the future, from all expenses whatever on account of the said claims.

ARTICLE XIV.

The United States do furthermore discharge the Mexican republic from all claims of citizens of the United States, not heretofore decided against the Mexican government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive; provided that, in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth article of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners or of the claimants, any books, records, or documents, in the possession or power of the government of the Mexican republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as congress may designate, make an application in writing for the same, addressed to the Mexican minister of foreign affairs, to be transmitted by the secretary of state of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents so specified, which shall be in their possession or power (or authenticated copies or extracts of the same) to be transmitted to the said secretary of state, who shall immediately deliver them over to the said board of commissioners; provided that no such application shall be made by or at the instance of any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

ARTICLE XVII.

The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty

may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right; at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby engaging and pledging its faith to establish and vigilantly to enforce all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation, which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tri-

bunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico, whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

(1) All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

(2) The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

(3) All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or imposts of every kind, under whatsoever title or denomination. Nor shall they be there subject to any charge whatsoever upon the sale thereof.

(4) All merchandise, effects, and property, described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

(5) But if any merchandise, effects, or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

(6) The owners of all merchandise, effects, or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same; exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ARTICLE XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after day of signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects and property, the rules established by the preceding article shall apply.

ARTICLE XXI.

If unhappily any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves, using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression,

or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ARTICLE XXII.

If (which is not to be expected, and which God forbid) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world to observe the following rules; absolutely where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

(1) The merchants of either republic then residing in the other shall be allowed to remain twelve months (for those dwelling in the interior), and six months (for those dwelling at the seaports) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to

conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficial purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

(2) In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are pro-

vided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distrib-

ute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided and during which its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the senate thereof; and by the President of the Mexican republic, with the previous approbation of its general congress; and the ratifications shall be exchanged in the city of Washington, or at the seat of government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits and settlement, and have hereunto affixed our seals, respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST (L. S.)

LUIS P. CUEVAS (L. S.)

BERNARDO COUTO (L. S.)

MIGL. ATRISTAIN (L. S.)

§ 9.

CAUSES OF SECESSION.

The convention that adopted the ordinance of secession and submitted it to a vote of the people, also drafted "A Declaration of the Causes Which Impel the State of Texas to Secede from the Federal Union." All the delegates, except those opposed to secession, signed this declaration and it was circulated among the people as a campaign document. As a clear statement of the grievances which caused the people of Texas to secede from the Union it is given below in full, together with a list of the signers.

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 coequal 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 December, 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 tranquillity 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 reimbursement 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 recapture, 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 protect-

ing 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 establishment; 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 others 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,
W. A. ALLEN,
T. S. ANDERSON,
RICHARD L. ASKEW,
WM. C. BATTE,
JOHN BOX,
JAS. M. BURROUGHS,
S. E. BLACK,
AMUI BRADSHAW,

L. A. ABERCROMBIE,
JAS. M. ANDERSON,
JAS. R. ARMSTRONG,
W. S. J. ADAMS,
S. W. BEASLEY,
H. NEWTON DURDITT,
JOHN I. BURTON,
W. T. BLYTHE,
R. WEAKLEY BRAHAN,

A. S. BROADDUS,
LEWIS W. MOORE,
WM. MCINTOSH,
THOS. M. MCCRAW,
ALBERT N. MILLS,
THOS. C. MOORE,
B. F. MOSS,
THOS. J. NASH,
T. C. NEEL,
JAMES F. NEWSOM,
JOHN HENRY BROWN,
LEWIS F. CASEY,
T. J. CHAMBERS,
JOHN LITTLETON,
OLIVER LOFTON,
P. N. LUCKETT,
JESSE MARSHALL,
WILLIAM DIAMOND,
JOS. H. DURHAM,
H. H. EDWARDS,
JNO. N. FALL,
JNO. H. FEENEY,
SPENCER FORD,
THOS. C. FROST,
CHAS. GANAHL,
ISHAM CHISUM,
J. A. CLAYTON,
A. G. CLOPTON,
JAMES E. COOK,
A. H. DAVIDSON,
THOS. J. DEVINE,
MALCOLM D. GRAHAM,

JAMES M. MAXEY,
WM. MCCRAVEN,
GILCHRIST MCKAY,
WM. GOODLOE MILLER,
THOS. MOORE,
CHARLES DE MONTEL,
JOHN MULLER,
A. NAUENDORF,
ALLISON NELSON,
N. B. CHARLTON,
ROBERT C. CAMPBELL,
WM. CHAMBERS,
JOHN GREEN CHAMBERS,
M. F. LOCKE,
THOS. S. LUBBOCK,
HENRY A. MALTBY,
JAS. J. DIAMOND,
JNO. DONELSON,
EDWARD DOUGHERTY,
ELBERT EARLY,
DRURY FIELD,
GEO. FLOURNOY,
JNO. S. FORD,
AMOS. P. GALLOWAY,
GEO. W. CHILTON,
WM. CLARK, JR.,
CHAS. L. CLEVELAND,
RICHARD COKE,
JNO. W. DANCY,
C. DEEN,
THOS. G. DAVENPORT,
PETER W. GRAY,

JNO. A. GREEN,	JNO. GREGG,
WM. P. HARDEMAN,	JNO. R. HAYES,
PHILEMON T. HERBERT,	A. W. O. HICKS,
THOS. B. J. HILL,	ALFRED M. HOBBS,
JOSEPH L. HOGG,	J. J. HOLT,
W. M. NEYLAND,	E. B. NICHOLS,
A. J. NICHOLSON,	E. P. NICHOLSON,
CHARLES STEWART,	F. S. STOCKDALE,
WM. H. STEWART,	PLEASANT TAYLOR,
B. F. TERRY,	NATHANIEL TERRY,
JAMES HOOKER,	EDWARD R. HORD,
RUSSELL HOWARD,	A. CLARK HOYL,
THOS. P. HUGHES,	J. W. HUTCHESON,
JNO. IRELAND,	THOS. J. JENNINGS,
F. JONES,	W. C. KELLY,
T. KOESTER,	C. M. LESUEUR,
ROBT. GRAHAM,	J. C. ROBERTSON,
J. B. ROBERTSON,	WILLIAM P. ROGERS,
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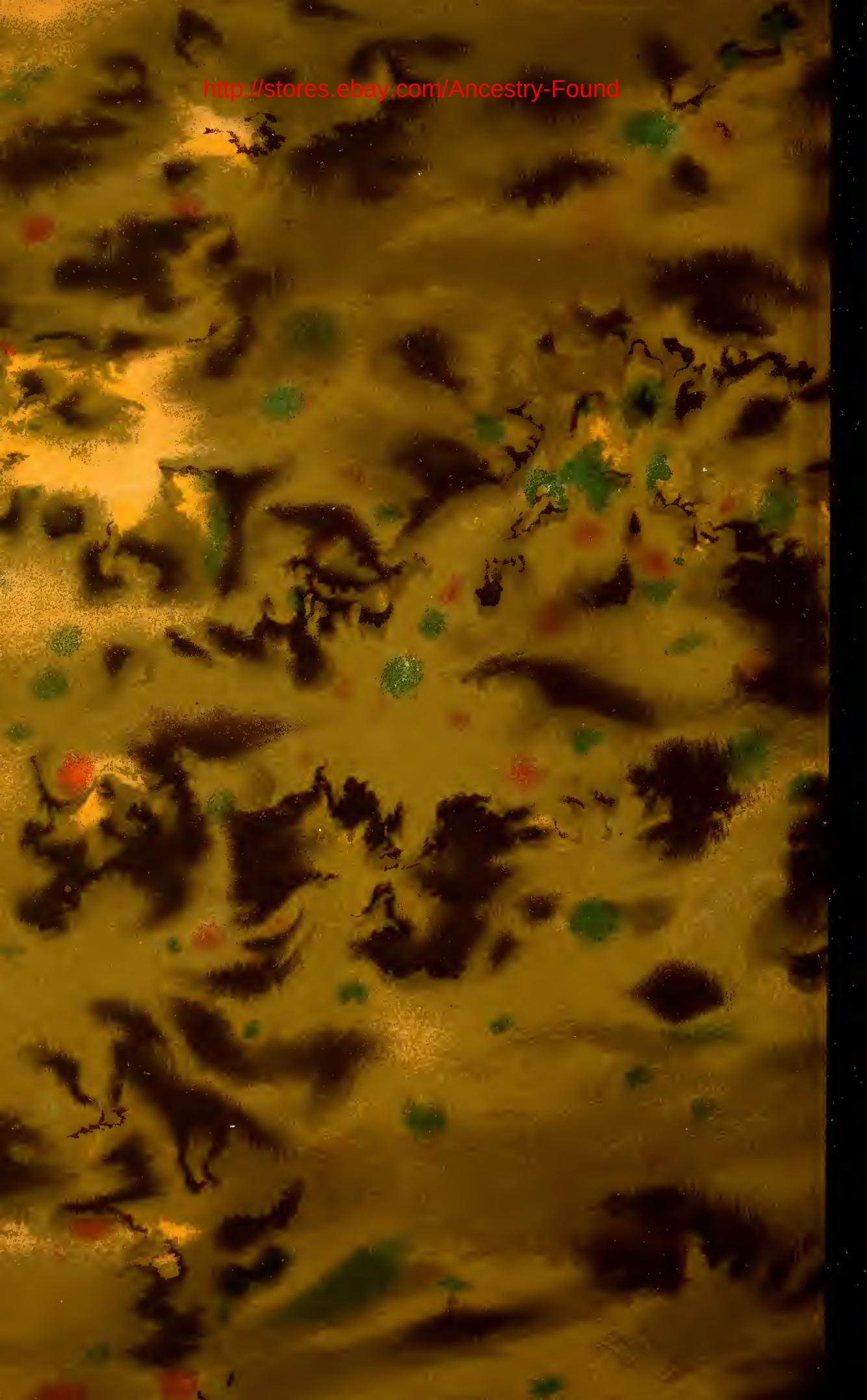
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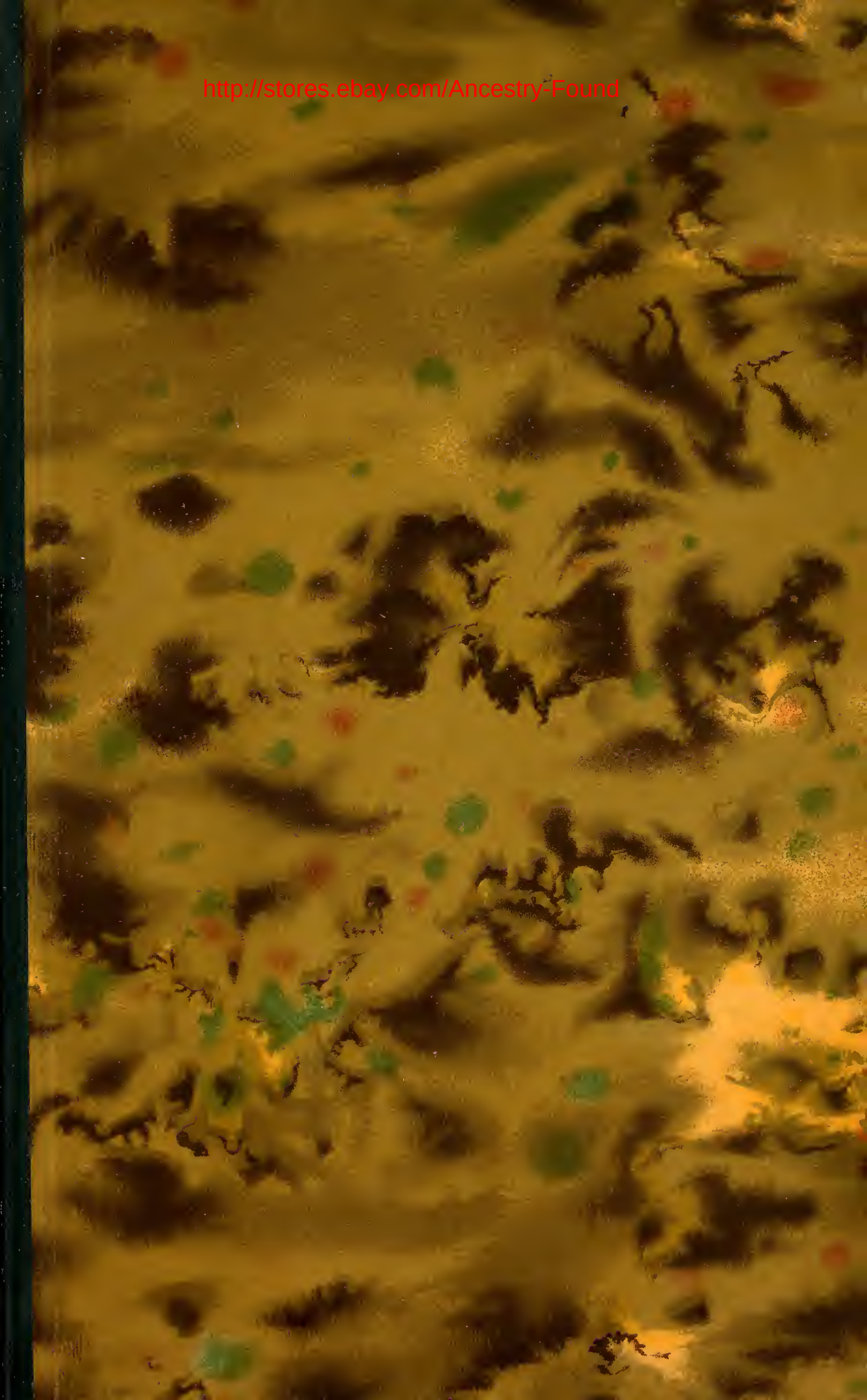
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