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Sam Houston

L I F E
AND
SELECT LITERARY REMAINS
OF
SAM HOUSTON,
OF TEXAS.

TWO VOLS. IN ONE.

BY
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PREFACE.

K. N. June 21-11

IN the year 1865, Mrs. Margaret M. Houston (widow of Gen. Sam Houston), with whom I had become acquainted at Marion, Ala., in August, 1839, when she was Miss Lea, requested me to undertake to write the life and edit and publish the literary remains of her husband. I did not then feel competent to the task, especially as I had only seen the General twice in my life, once at the President's house in 1846, and again on the floor of the U. S. Senate in 1852; on both occasions while I was with our mutual friend, Hon. Stephen Adams, M. C. from Mississippi. With reluctance I consented, in the belief that the parties to whom she referred me for aid and information would give me their assistance. None of these parties have, to this day, given me any aid, except two; to whom due credit has been given in this work. All counselled delay. An extract from one of the gentlemen named as my counsellor and assistant, will account in some measure for delay. It is dated March 23, 1866: "It does not seem to me that there is any pressing urgency to present the Life and Labors of Gen. Houston to the world. It is true that they will possess a paramount interest so long as the Republic, or State, or Country of Texas, whichever it may be, shall possess an interest for men; yet even in this view there is an advantage in bringing out a book in an opportune time. At the present time every mind that thinks is powerfully, often painfully preoccupied with the strange, anomalous, grave condition of our affairs, with the uncertainty of our future and of that of the gigantic Government of the United States." The writer of the letter from which this extract is taken referred me to my old schoolmate and fellow-townsmen in Richmond, Va., Major James W. Scott, of Houston, and Washington D. Miller, Esq., the admirable private secretary of Gen. Houston. Both of these gentlemen have passed away; but each did all he could to put me in possession of needed information.

From Mrs. Houston I had one *positive* injunction; which was, to have at least one chapter setting forth Gen. Houston's religious character; which I have given. I have consulted the following authorities:

1. "Private Records of Sam Houston's Administration of the Presidency of the Republic, from 1841 to 1844." A most important written volume, the most valuable of Houston's literary remains.
2. C. Edwards Lester's "Houston and his Republic."
3. Hon. Ashbel Smith's "Reminiscences of the Texas Republic."
4. Col. V. O. King's "Battle of San Jacinto viewed from American and Mexican Stand-points."

5. Articles in "Texas Almanac" of 1859, viz.: (1) "Compendium of Early History of Texas." (2) Gen. Sam Houston. (3) Life of Stephen F. Austin. (4) Life of Gen. Edward Burleson. (5) Dr. N. D. Labadie's "San Jacinto Campaign and Texan Revolution."

6. Col. Alexander Horton's "Sketch of War of '36," *Eastern Texan*, San Augustine, Aug. 1, 1857.

7. Letters of W. S. Taylor, Esq., and Gen. Sidney Sherman's Correspondence.

8. Correspondence of W. M. Gilleland and R. J. Calder, Esqrs.

9. Correspondence of W. H. Dangerfield, Secretary of the Treasury, and Minister to France.

10. Rev. H. S. Thrall's "History of Texas."

11. Yoakum's "History of Texas."

12. Gen. Waddy Thompson's "Recollections of Mexico."

13. A large mass of letters, pamphlets, and newspapers.

I have been aided by the kind counsels of many gentlemen; especially by the Hon. Ashbel Smith, who prepared the very able chapter on the Finances of Texas during Houston's Presidencies, and the Rev. Geo. W. Samson, D.D., now of New York City, who furnished the chapters on Houston's Congressional Career. Dr. Samson has furnished the main points of speeches which are not placed among the State papers; it would require a dozen volumes to publish every document. Major Moses Austin Bryan has aided me in important verbal statements. Prof. C. H. Wedemeyer and my son, Royston Campbell Crane, also have given very valuable aid. C. Edwards Lester, having written "Houston and his Republic," under the same roof in Washington City with Gen. Houston, and Mrs. Houston having informed me that Gen. H. had told her that Lester's book was the only reliable account of him then written, I have taken his statements without question, and often used his language, although consulting and comparing all varied statements with his points of fact. While I have had the countenance and aid of all Gen. Houston's children, I am especially indebted to his son-in-law, W. L. Williams, Esq., and his lady, Mrs. Maggie Houston Williams, and also to Temple Houston, Esq. I am largely indebted to my lifelong friend, Dr. Samson, already alluded to, for assistance in this work indispensable to its success.

The truth, without fear, favor, or affection, has been the only aim in the preparation of this work. Little reference has been made to the Santa Fé Expedition. Gen. Houston's relation to it was mainly to save it from disaster. Let the people of Texas read this volume with the earnest desire to obtain a satisfactory history of the life, times, and labors of Sam Houston; which it is believed these pages will afford to the candid reader.

WM. CAREY CRANE.

BAYLOR UNIVERSITY, *Independence, Texas, Jan. 26, 1884.*

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CHAPTER I.

EARLY HISTORY OF TEXAS BEFORE THE BATTLE OF SAN JACINTO—THE NAME—SPANISH AND FRENCH EFFORTS AT COLONIZATION—MOSES AUSTIN AND HIS COLONY OF 300 FAMILIES—STEPHEN F. AUSTIN—SAM HOUSTON.

A MAP of North America, with the West India Islands, was published in London, February, 1777. It was laid down according to the latest surveys, and corrected from the original materials of Governor Pownall, member of Parliament. On the region between our north-eastern boundary and the Colorado, as laid down on that map, the name TICAS is found in capital letters. It is assumed by students in aboriginal and Spanish etymology, that Ticas is the same as the present word Texas. The history of the discovery of Texas has been in dispute. Yielding credit to authorities possessed of the best means of giving true information, it will be admitted that early Spanish navigators first discovered Texas, landed on its coast, and laid claim to the country. Previously to 1595 they established settlements on both sides of the Rio Grande. This was nearly one hundred years before La Salle, the French navigator, then in search of the mouth of the Mississippi, was carried by errors of reckoning out of his course, and landed on Matagorda Bay, February 18, 1685. La Salle was a gallant knight, and claimed the country under the name of his master, Louis XIV. Enterprising, firm, talented, he was furnished by his king with a squadron of four vessels, manned by 300 men. Touching land first near Sabine Bay, making no discoveries, and obtaining no information from the Indians, La Salle proceeded westward, sailed through Pass Cavallo, and entered the Bay of St. Bernard, now known by the same name. Wrecking unfortunately one of his vessels in the attempt to land, he succeeded in landing the men of the other three, and formed a camp on the west side, near the entrance of the bay. Game and fish refreshed the new comers. The country charmed them. They saw herds of deer and buffalo grazing on the prairies, and innumerable wild flowers covering the earth. They were cheered by the warbling of wild birds in the trees, and a sky clearer and brighter than Italy smiled upon them. It was not strange that they fancied they had reached an earthly paradise. But troubles with the Indians, supplies failing, sickness thinning their numbers, disagreements between La Salle and his leading men, the desertion of a captain—leaving with a vessel carrying

most of the ammunition back to France—finally determined the colonists to abandon this location and seek a new one on the La Vaca River. Here a fort was erected named St. Louis, in honor of Louis XIV. of France, and La Salle, adventurous in spirit, burning with intense desire to ascertain the exact mouth of the Mississippi River, soon after started to explore the vast regions between Texas and Illinois. Enduring incredible hardships, and meeting with many wild and romantic adventures, he was finally murdered by one of his own men. Hearing of La Salle's death, the Indians attacked Fort St. Louis, killed or scattered all the colonists, and this ended the French attempt to found a colony in Texas. Early in 1686 the Spaniards, holding possession of Mexico, heard of the efforts of the French under La Salle to make settlements in Texas, and determined to drive them out of the country. In 1689, an expedition of one hundred men left the Spanish settlement of Monclova, and reached Fort St. Louis on the La Vaca River. Finding it abandoned they went into the country, where they found two of the French colonists among the Cenis Indians; taking them prisoners they sent them to Mexico, condemned to work in the mines. Returning to Fort St. Louis, the Mission of San Francisco was established, and priests and friars commenced efforts to convert the Indians. The king of Spain was determined to maintain possession of Texas and Cochinla, and appointed a Governor, sent soldiers and priests to establish military posts and missions, taking cattle for farm uses and seed for planting, with them. Settlements were formed on Red, Nechos, and Guadalupe Rivers. These colonies, as well as that of San Francisco, began early to decline. The Indians were hostile, crops failed, and the cattle died. Although a first attempt at a settlement was made at San Antonio de Bexar, by Spaniards, in 1692, all efforts for colonization were abandoned in 1693, and Texas was once more without European settlers. Little was done to settle Texas until 1715. Permanent occupation by Spain may date from this year. La Bahia, or Goliad, was settled in 1716, Nacogdoches in 1732, and Victoria soon afterward. Efforts were made in good earnest to found colonies, to establish missions, and by arms, agriculture, and arts to extend and to establish Spanish influence and laws over the whole country. Prosperity did not attend these efforts and sacrifices; as may be evinced by the fact, that the entire population in Texas in 1745 did not exceed fifteen hundred people, with perhaps an equal number of Indians. The fearful butchery of priests, soldiers, and Indian converts at San Saba, by hostile Indians—not leaving one alive to tell the tale—in 1758, caused Spanish missions in Texas everywhere to decline. Until 1821, the old Spanish settlements continued to be surrounded by savage Indians, and Texas was, for the most part, an

unexplored wilderness. During the American Revolution, of which the 4th of July is the memorial day, the Spanish possessions of Mexico and Texas remained in quiet. Texas was safe from danger; her harbors were almost unknown; her property offered no temptation to pillage, and her scattered population could afford no recruits. The Spanish settlement at Natchez had opened a trade with Texas through Nacogdoches. This road had become familiar to many besides the Spaniards. Traders on their return would make reports to the Americans in and around Natchez, of the advantages of trade in Texas, the surpassing beauty and richness of the country, the abundance of game, and the numerous other attractions to adventurers. Thus, about the beginning of the present century, the tide of trade and travel began to take the direction of this new country. The town of Nacogdoches soon became a place of much importance; many persons of wealth and education emigrated from Louisiana to that place. The old missionary station became a town; arsenal, barracks, and substantial buildings, some of which are still standing, were erected. And, although the Spaniards held the country for upwards of one hundred and fifty years, little now exists in Texas to remind us of their rule, except the names which they gave to many towns and rivers. In 1810 to 1812 there was a military expedition, composed of American volunteers, intended to aid Mexico in its revolt from Spain. This expedition proceeded as far as San Antonio River. Parties passed to and fro from this expedition for more than two years. The founder of the town of Washington on the Brazos, Capt. Jack Hall, was one of the expedition. It is now generally believed that all that part of Texas known in common parlance as the white settlements, was thoroughly explored by American adventurers previous to Austin's colonial enterprise.

Although Mexico was still under the sway of Spain, Moses Austin, a native of Connecticut, for a while a resident in Virginia, then a citizen of Missouri, succeeded, after various rebuffs and adverse courses of action, in concluding a proposition with Don Antonio Martinez, Governor of the province of Texas, for the settlement of three hundred families within the limits of Texas. The Governor had treated Moses Austin, at San Antonio de Bexar, very ungraciously, and even ordered him to leave the province without delay. He retired from the government house resolved to leave San Antonio de Bexar within the hour. As he crossed the plaza he accidentally met a gentleman with whom, many years before, he spent a night at a country tavern in one of the Southern States. This gentleman was the Baron de Bastrop. When together, they had conversed freely, and had thus acquired some knowledge of each other, both being men of enterprise and of much experience. Now, when they unex-

pectedly met on the plaza, their recognition was instant. The Baron invited Moses Austin to his house, where the latter, in a few words, explained to him the object of his visit to San Antonio, and informed him of his interview with the Governor and of its consequences. The Baron entered immediately into the spirit of the enterprise, waited on the Governor, informed him that Austin was his friend, and enlisted the aid of influential citizens. At the end of a week the objections of the Governor were removed, and a promise secured to recommend Austin's proposition to the favorable consideration of the Commandant General, Don Joaquin Arredondo, and the Provincial Deputation of the Eastern Internal Provinces, holding sessions at Monterey, and sharing with the Commandant General the government of the Eastern Provinces of New Spain. These efforts proved successful. Shortly after his return to Missouri he had the pleasure of hearing officially from Governor Martinez, that his propositions had been favorably received at Monterey, and that he was at liberty to commence his settlement in Texas immediately. He commenced preparations to return to Texas, giving notice to all who wished to accompany him, to meet him in Nachitoches, La., in the latter part of May, 1821, and proceed with him on his way to the Brazos and Colorado. But he was taken sick about the first of June, at the house of his daughter, Mrs. James Bryan, well known in Texas as Mrs. James F. Perry, and died in his daughter's arms, on the 10th of June, 1821, in the fifty-seventh year of his age. His family consisted at this time of his wife, who survived him about three years, of his daughter, Mrs. Bryan,* already named, of his son, Stephen F., then in New Orleans, and of a younger son, James Brown Austin, then at school in Kentucky, and afterward well known in Texas. On his death-bed, Moses Austin declared it to be his earnest desire that his son, Stephen F. Austin, should endeavor to have himself recognized by the Spanish authorities in Texas, as his representative, and that he should carry forward the enterprise of colonization. The son undertook the great and noble work of carrying out his father's plans. He was born in Virginia, had been well educated, and had served with Hon. Thomas H. Benton in the Territorial Legislature of Missouri. With the first Anglo-American settlers he arrived on Brazos River, December, 1821. He camped with his party on a small creek, near the present town of Brenham, on the first day of January, 1822, and from that circumstance called the creek New Year's, a name it bears at this time. He explored the country watered by the Guadalupe, Colorado, and Brazos Rivers, and laid out the town of San Felipe de Austin, on the Brazos. He did not succeed in getting

* Mother of Major Moses Austin Bryan and Hon. Guy M. Bryan.

a confirmation at the City of Mexico, after the declaration of Mexican independence, of his authority to locate a colony, until he had, with two or three companions, made the perilous journey* of 1,200 miles, on horseback, to the capital of Mexico, and had been detained there one year during the repeated changes of government, by which all supreme authority in Mexico was agitated and disturbed. From this time settlements began to be made, as fast as lands were designated by the surveyors appointed.

Col. Jared E. Groce and Judge John P. Cole were the first to come to the east side of the Brazos in the winter of 1821-1822. Sam Gates, William Gates, Amos Gates (living August, 1881), James Whitesides and Josiah H. Bell came to the Brazos in the year 1822-1823. The first Mexican Civil Government was organized by Don Juan Antonio Sancedo, Political Chief of the Province of Texas. His proclamation, May 20, 1824, issued at San Felipe de Austin, assuming command of the colony is brief and sensible. His duty would be to appoint as many Alcaldes (Justices of the Peace) as may be necessary for the accommodation of the people and to command the militia. He appointed Stephen F. Austin, Political Chief and Judge, until the Ayuntamiento should be organized. The first land titles were issued in July, 1824. The first surveyor was Baron de Bastrop, appointed commissioner to issue land titles by Governor Luciano Garcia, in the summer of 1823. The first settlements in Austin's Colony were made in different places simultaneously, dispersed over a large area, from Burleson County as now laid down upon the map to the Gulf of Mexico, and from the La Vaca to the San Jacinto.

From this period may date the American history of Texas. The Mexican Government passed colonization laws and held out other inducements to citizens of the United States, to settle within the limits of Texas, guaranteeing all rights, liberties, and immunities of Mexican citizens for protection of person and property.

On the 2d of February, 1824, the Federal Constitution of Mexico, similar to that of the United States, was proclaimed as the established policy of the nation, and by a decree of May 7th of the same year, the provinces of Texas and Cochinla were provisionally united to form one of the constituent and sovereign States of the Mexican Confederacy. Under these enactments immigration began to flow and spread itself over the fertile domain of the province of Texas. The forest gave way to the axe of the hardy pioneer; the wild prairie to the plowshare of the husbandman; plantations were opened and

* Austin (as will appear hereafter in this work) made a similar trip in 1835, bearing the Constitution, on which he hoped Texas would become one of the States of Mexico. He was thrown into prison and kept a year, with danger to his life.

villages sprung up on the hunting-grounds of the savage. In nine years from the first settlement of Austin, the Americans had explored the whole southern portion of the province, and redeemed it from the wilderness of the wild beast and the Indian, and covered it with an industrious and thrifty population. The news of Austin's Colony spread rapidly over the Western States, and many adventurers sought to join him. Colonists came faster than provision could be made for their support. Besides suffering greatly from the Corankaw Indians, the first settlers were often reduced to the necessity of living entirely on wild game and clothing themselves with skins. Buckskin was the common dress. Occasionally a strolling peddler would penetrate the wilderness with a piece of domestic or calico, which was esteemed as valuable and elegant as silk and satin are with us now. Letters now extant, give harrowing pictures of the sufferings of women and children for the ordinary necessities of life. Such was the foundation of the goodly heritage now enjoyed by the inhabitants of Texas.

Many other colonies succeeded Austin's in different parts of the country. Victoria was commenced as a new settlement, and Gonzales laid off as a town in 1825.

In 1828, Stephen F. Austin obtained another contract to colonize three hundred families more, on land near the Gulf of Mexico. Texas had now become the point of attraction to thousands of adventurers from all parts of the United States. Men of desperate fortunes and roving habits, speculators in lands, broken-down politicians, refugees from justice, as well as multitudes of a better class, desirous of finding homes for their growing families and increasing slaves,* swelled the tide of Texan immigration. This tide rolling down from the Northern and Western as well as the Southern States, excited the jealousy of the Mexican Government, and finally brought on war with Mexico, which resulted in the victory of San Jacinto and secured the independence of Texas. Mexico was at that time, as unhappily has been its history from the downfall of the Montezumas to the coronation and execution of Maximilian the First, convulsed by political commotions, and harassed by most disastrous civil wars. The Texans, so long as they were unmolested in the enjoyment of their rights, took no part and but little interest in the convulsions of the Mexican Government. Their rapidly growing strength and steady adherence to republican principles began, at length, to attract the notice and arouse the jealousy of the Mexican authorities. On April 6, 1830, an arbitrary law was passed, prohibiting immigration in future, of American settlers into Texas. Military posts were

* Slavery then existed in Texas and the Southern States.

established throughout the province, the civil authorities were trampled underfoot, and the people were subjected to the capricious tyranny of unrestrained military rule. Allusions to these and other facts will appear in the course of the following work. The attention of Gen. Sam Houston was turned to Texas about the time this tyranny was manifested.

What the history of Texas has been, the civilized world knows. What Texas now is, and promises to be, is the theme of the press of English-speaking Christendom, and what it is to be is the vaticination of the political prophet.

Any history of Texas would be incomplete without awarding due honor to Stephen F. Austin. All parts of it, from the Colony to the American State, exhibit his self-sacrifice, patriotism, and ability. The pages which will follow will show what part Sam Houston took in moulding and saving a State. To Houston has been awarded the high honor of giving name to a city which, in no remote future, will be a great commercial centre. To Austin has been assigned the honor of giving name to the present beautiful capital of this great empire State. Let the sculptor do his work, let the painter exert his skill, let the historian exhibit his ability, let the orator speak the truth, Austin will say, "Lector circumspice," and Houston will say, "Exegi monumentum ære perennius."

In the Senate of the United States, in 1836, Hon. T. H. Benton said :

"Heartless is the calumny invented and propagated, not from this floor, but elsewhere, on the cause of the Texan revolt. It is said to be a war for the extension of slavery. It had as well been said that our own Revolution was a war for the extension of slavery. So far from it, that no revolt, not even our own, ever had a more just and a more sacred origin. The settlers in Texas went to live under the form of government which they had left behind in the United States—a government which extends so many guarantees for life, liberty, property, and the pursuit of happiness, and which their American and English ancestors had vindicated for so many hundred years. A succession of violent changes in government, and the rapid overthrow of rulers, annoyed and distressed them ; but they remained tranquil under every violence which did not immediately bear on themselves. In 1822 the republic of 1821 was superseded by the imperial diadem of Iturbide. In 1823 he was deposed and banished, returned and was shot, and Victoria made President. Mentuno and Bravo disputed the presidency with Victoria ; and found, in banishment, the mildest issue known among Mexicans to unsuccessful civil war. Pedraza was elected in 1828 ; Guerrero overthrew him the next year. Then Bustamente overthrew Guerrero ; and quickly, Santa Anna overthrew Bustamente, and, with him, all the forms of the Constitution, and the whole frame of the federative government. By his own will, and by force, Santa Anna dissolved the existing Congress, convened another, formed the two Houses into one, called it a Convention, and made it the instrument for deposing, without trial, the constitutional Vice-President, Gomez Fatias, putting Barragan into his place, annihilating

the State government, and establishing a consolidated government, of which he was monarch, under the retained republican title of President. Still, the Texans did not take up arms; they did not acquiesce, but they did not revolt. They retained their State government in operation, and looked to the other States, older and more powerful than Texas, to vindicate the general cause, and to re-establish the federal constitution of 1824. In September, 1835, this was still her position. In that month, a Mexican armed vessel appeared off the coast of Texas, and declared her ports blockaded. At the same time, General Cos appeared in the West, with an army of fifteen hundred men, with orders to arrest the State authorities, to disarm the inhabitants, leaving one gun to every five hundred souls; and to reduce the State to unconditional submission. Gonzales was the selected point for the commencement of the execution of these orders; and the first thing was the arms, those trusty rifles which the settlers had brought with them from the United States, which were their defence against savages, their resource for game, and the guard which converted their houses into castles stronger than those 'which the king can not enter.' A detachment of General Cos's army appeared at the village of Gonzales, on the 28th of September, and demanded the arms of the inhabitants. It was the same demand, made for the same purpose, which the British detachment, under Major Pitcairn, had made at Lexington, on the 16th of April, 1775. It was the same demand! And the same answer was given—resistance—battle—victory! The American blood was at Gonzales what it had been at Lexington, and between using their arms and surrendering their arms, that blood can never hesitate. Then followed the rapid succession of brilliant events, which in two months left Texas without an armed enemy in her borders, and the strong forts of Goliad and the Alamo, with their garrisons and cannon, the almost bloodless prizes of a few hundred Texan rifles. This was the origin of the revolt; and a calumny more heartless can never be imagined than that which would convert this rich and holy defence of life, liberty, and property, into an aggression for the extension of slavery. Just in its origin, valiant and humane in its conduct, the Texan revolt has illustrated the Anglo-Saxon character, and given it new titles to the respect and admiration of the world. It shows that liberty, justice, valor—moral, physical, and intellectual power—characterize that race wherever it goes. Let our America rejoice, let old England rejoice, that the Brazos and Colorado, new and strange names—streams far beyond the western bank of the Father of Floods—have felt the impress, and witnessed the exploits of a people sprung from their loins, and carrying their language, laws, and customs, their *magna charta* and its glorious privileges, into new regions and far distant climes."

CHAPTER II.

PARENTAGE AND EARLY LIFE—FIRST EFFORTS IN EDUCATION—HIS BOY-LIFE AMONG THE CHEROKEE INDIANS.

NEAR a locality known as Timber Ridge Church, seven miles east of Lexington, in Rockbridge County, Virginia, on the 2d of March, 1793, Sam Houston was born. His birth-day was, in 1836, the natal day of a young Republic, in the achievement of whose liberties he was the chosen leader.

On his father's and mother's side, in both lines, his ancestry is traced to the highlands of Scotland. By the side of John Knox, they fought for "God and Liberty." With a multitude of others they were forced to leave their Scottish homes, and seek a refuge in the north of Ireland. After the siege of Derry, in which they were engaged, they emigrated to Pennsylvania. For more than a century the ancestors of his father and mother were near each other. They had settled in Virginia, in close proximity, many years before the marriage of the father and mother of Sam Houston.

His father was a man of remarkable physique, powerful in frame, lofty in bearing, and of undisputed bravery. His chief passion was for a military life. A soldier of the Revolution, he served successively as Inspector of the Brigades of Generals Bowyer and Moore, and held office with the latter at the time of his death, in 1807, while on an inspecting tour among the Alleghany Mountains. Possessed merely of a comfortable living, he bequeathed to his son only the qualities of soul and body with which he was endowed.

His mother was distinguished in person, manners, and mind. Her countenance was impressive and dignified, her form tall and matronly, her carriage easy and graceful. Beyond most of her sex, her intellectual and moral qualities were conspicuous. And the wild scenes of frontier life, buoyed by unflinching fortitude, purity, and benevolence, illumined her life. So universal was her beneficence that the poor and the suffering gratefully blessed her name. Her son returned from a distant exile to weep by her bedside, when it was her lot to die.

The influence of such parents on Sam Houston was seen in every period of his life.

His early years exhibited a daring independence and self-reliance very remarkable, and to many minds indicated a disastrous rather than a prosperous future. Not until eight years old could he be induced to enter a school-house. In the imperfect schools then existing in Virginia, he learned to read and write, and obtained some skill in arithmetic. Up to the time of his father's death, which occurred when he was thirteen years old, he had hardly been to an "Old Field" school more than six months in all. Through the exertions of his father, the family had been maintained in comfortable circumstances, but at his death the burden of providing for a family of six sons and three daughters fell on Mrs. Houston. Resolute of purpose, she at once sold out her homestead, and sought to establish a new home on the fertile banks of the Tennessee River. Many incidents occurred on her adventurous journey to seek a forest home, more thrilling than ever really transpired near the classic haunts of the old countries of Europe. Heroic in spirit, this family of four females and six males halted not till it had reached the verge of emigrants' wanderings sixty years ago. The Tennessee River was the boundary line between the white men and the Cherokee Indians. Eight miles from this river the Houstons pitched their tents. Here Sam and his brothers soon commenced breaking up soil never before touched by the plow, and providing subsistence for their mother and sisters. Here hard work and Sam Houston first became familiar. For a short time he went to an Academy, which at that time flourished in East Tennessee. Translations of some of the classics which described the ancient heroes, who stood above the ruins of Rome and Greece in immortal glory, fell into his hands, awakening his imagination and stirring his spirit. It is said that he could repeat Pope's Homer's *Iliad* almost verbatim. His anxiety to study the languages of Rome and Greece became intense. He asked for permission to study Latin, and for some strange reason the school-master denied his request. So indignant was he at this refusal, that, turning on his heel, he affirmed deliberately that he never would recite another lesson so long as he lived. It is not unlikely that he kept his word. Students of Homer, Demosthenes, Euripides, Æschylus, or Sophocles, probably never gathered more of classic lore from their authors in the original, than Sam Houston extracted from Pope's translation of the *Iliad*. Achilles and Hector were studied by him with admiring wonder. The contests of Trojans and Greeks infused into his breast an enthusiastic desire for the stirring scenes of martial life, and the renown which gathers around the hero's brow. His brothers did not sympathize with what they regarded as his romantic fancies, threw around him galling restraints, and at length placed him as a clerk in a merchant's store. For such a life he had no relish. Very

soon he was missing. Diligent search was made for him for many weeks, and at last his family learned that he was sojourning, more according to his existing taste, with the Cherokee Indians, who lived across the Tennessee River. Questioned by relatives as to his motives for such a wild choice, he replied, that he "preferred measuring deer tracks to measuring tape—that he liked the wild liberty of the red men better than the tyranny of his own brothers, and if he could not study Latin in the Academy, he could, at least, read a translation from the Greek in the woods, and read it in peace. So they could go home as soon as they liked." Nearly six feet high, and standing straight as an Indian, he commanded the respect and the good-will of the red men and their families. He did not make his appearance among his friends again until his clothes were worn out, and he returned for repairs and refitting. His good mother received him kindly, and his brothers cared for him properly. But he was driven to the woods again at the first exhibition of tyranny. Here, again, he passed months in wild chases, with his Indian mates, after the game of the forest, wandering by the streams with Indian maidens, communing in Nature's language in the period of his life which was fashioning the man for his destiny. He was at a school, learning his lessons, expanding those powers which in after-years were to be tested in associations with the various classes of human nature. No other American has ever had just such an education, and no other one has had just such an occasion for the education which he received. Those who prognosticated the future could see no good in these strange adventures and studies. But he was preparing for the career of a soldier, a general, a diplomatist, a governor, and a benefactor of his country and race. His knowledge of Indian character became complete. His sway over the savage mind was powerful. No Indian tribe violated a treaty with the Republic of Texas while he was its President; a fact which may be traced to his early acquaintance with Indian character. But his career among the Indians entailed upon him a small debt for articles of taste, which he purchased for the Indians. To liquidate this debt he returned to his white friends and proposed to open a school. This was a new surprise to those who knew him, and the enterprise advanced tardily. Persevering, however, in his determination, he soon had more scholars than he could teach, and was compelled to send some away. He raised the price of tuition from \$6 to \$8 per annum, and received it in equal amounts of corn, variegated cotton cloth, and cash. Having made money enough to pay off his debts, he returned to his old school-master and chosen studies. The master gave him Euclid's Elements of Geometry to study; for a few days he carried this unpoetic book back and forth, to and from school,

and then concluded, that as he had not tried to solve a problem, he would not try again to be a scholar.

The following letter, from Miss N. B. Hamilton, one of his blood relatives, gives a running account of his genealogy and entire life :

TUSCUMBIA ALA., *May 19, 1866.*

Rev. W. C. CRANE, D.D. :

Having seen in the Virginia papers your call upon the friends and relatives of the late Gen. Sam Houston, for contributions, I now address you.

Being a native of Rockbridge County, a friend and relative, and having a brief genealogical account of the family, and having been honored for many years by his affectionate interest, and wishing to see justice done to his memory, I will try to send you a few reminiscences of our most pleasant intercourse. For in the social circle he stood pre-eminent. He seemed the inspiration of music, poetry, love, and friendship, that seemed to spread their radiant wings, gilding his delicious intercourse with the glorious rays of Heaven, making his associates forget they were the denizens of earth, until separation struck the wand, bringing them down to the actual. For he was a dreamer, a poet, as well as a statesman, patriot, and warrior.

His letters to me are purely family, and therefore too sacred to bear the light of publication.

The persons that have heretofore sketched his life have fallen into a common American error : that to make a hero they must make him spring from nothing. His fame needs the aid of no such props, and I hope your history will be more just to his honorable ancestry.

The Houstons belonged to the lowlands of Scotland, and were of note enough to possess a Coat of Arms, that you can find registered at the Herald's office in London.

At the time of the Reformation they embraced the tenets of Calvin. They have often been called Puritans. They were of pure Celtic blood, unmixed with either Saxon or Norman. The branch General Houston is descended from was forced to leave Scotland, and take refuge in the north of Ireland, and shared and suffered the woes of the celebrated siege of Derry.

About the year 1689, John Houston and his son John, with many wealthy friends, emigrated from Ireland to America.

Having a large amount of funds with them, and from the actions of the captain and the crew, they were forced to the conclusion that they intended to rob and murder them, so they held a consultation, and determined to seize the captain and crew ; which determination they put into execution, and in eight days afterwards they landed at Philadelphia, and settled there ; where John the second married a

Miss Cunningham. They had two daughters and four sons, John, James, Robert, and Matthew. One of the daughters married a Gillespie, and the other a Montgomery. Their descendants are all of the highest respectability, both in Church and State. They all removed South. Three of the sons and one of the daughters removed to Tennessee, and the remainder settled in Rockbridge County, Va.

Gen. Sam's grandfather, Robert, purchased a plantation on Timberbidge, and married Miss Margaret, daughter of Samuel Davidson and Ann Dunlop, of the Scottish house of Dunlop. They had two sons and five daughters, Mistresses McClung, Hopkins, McKee, Letcher, and Gillespie. John was a magistrate; Major Sam inherited the homestead, and married Miss Elizabeth Paxton, a lady of the highest respectability. Major Houston was a very fine-looking man, and was Brigade Inspector for many years; indeed, he lost his life making his last round.

When his son, Gen. Sam, was a lad not thirteen years old, Aunt Houston removed with her young family to Tennessee. She was a noble woman, and reared her family well, and Sam was a debtor to that mother for much that was great, noble, and good in his character.

From the time he was seventeen history began to write his life.

Much, very much, he said to me in confidence; from all such conversations I shall never lift the veil.

He paid us a visit in Lexington after his celebrated rencounter with the Hon. Mr. Stansberry, of Ohio. I asked him how he felt whilst chastising him: "Meaner than ever I felt in my life; I thought I had gotten hold of a great dog, but found a contemptible whining puppy."

After he had fought for and gained the independence of Texas, he wrote to me to come to Texas, offering me a fine plantation. That was just in character with his profuse liberality. He said they needed the influence of woman to give stability to the government. I jestingly replied he had the example of Romulus; he laughingly said, "he had no doubt if he would send and bring round to Texas a few ship loads of Yankee onion girls, they would thank him for the rape."

At the time of the disturbance of the Mo. Compromise, his sagacious mind intuitively perceived the end. From the beginning he opposed that Pandora's box of evils. He was opposed to violating that Compromise, unjust as he viewed it in the beginning; yet there had been rights secured to the poor red man that he wished to see inviolably carried out. But his greatest fears were realized, for he said the disturbance was virtually putting the knife to the throat of the South.

For the space of a year, or more, before his name was brought before the Baltimore Democratic Convention, in 1856, I had a regular correspondence with him, and I yet think, if he had followed my advice he would have secured the nomination for President. But he would not stoop from what he viewed his lofty position, to secure it.

The winter previous to the meeting of the Convention, the politicians of Virginia began to view him as the available man. Mr. Henry A. Wise, his inveterate enemy, knew the importance of forestalling public opinion, went to Richmond, procured the hall of the House of Delegates, thereby securing the presence of the members, with the ostensible purpose of exposing Col. Benton's treachery to the Democratic party. He took the hour to pour forth his bitterest shafts of satire and malice, against a man that he must have known to be innocent. But his purpose was effected, for the members told me they would never touch Houston, after such an exposé. I wrote to him at Washington city, begging him to come and reply to that speech, in the same place, and before the same audience. In reply, he said, "Virginia had never done anything for him, and he would never stoop to conciliate her."

I wrote to him that I knew a woman's judgment was not worth much, but unless he would come and put himself right before the Legislature, he would lose the support of the State, and in that case fail of receiving the nomination. I urged him then to come and pay me a visit, hoping that if he did his friends would compel him to speak. His reply was like himself; he said, how delighted he would be to see me, and under different circumstances he would come, "that no one would believe I have no ulterior views to serve if I should come to Richmond."

I spent several days with him in Washington, and we parted a short time before the Convention met. He still persisted in the thought that Virginia could not prevent his nomination. He was sanguine of success, for he well knew that if nominated he would sweep over the country like an avalanche.

That winter he was surrounded by a great many female relations. As he was a great whittler, he whittled several small hearts out of pine, and sent one to each of us, which we had set and attached to our watch-chains.

In 1834, he paid us a visit on his return from New York and Washington, where he had been making arrangements for the liberation of Texas. He picked up my album; I said he must contribute something. "Yes," said he, "I will contribute by correcting a mistake." He was surrounded by a roomful, and in the midst of that crowd, and sustaining his part in the conversation, he composed the following lines:

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

"Remember thee?"

Yes, lovely girl;
While faithful memory holds its seat,
Till this warm heart in dust is laid,
And this wild pulse shall cease to beat,
No matter where my bark be tost,
On life's tumultuous, stormy sea;
My anchor gone, my rudder lost,
Still, cousin, I will think of thee."

I send the above lines, not so much for their poetic merit, but merely to illustrate the character of the man whose mind was burdened with the uncertainty of great events, that were to startle the world by their magnitude, yet could turn aside to the call of love or friendship with the graceful ease of a courtier.

Very respectfully,

N. B. HAMILTON.

The Houston family tree, as intimated by Miss Hamilton's letter, embraces the names of Paxton, McClung, Cassidy, Hopkins, McKee, Letcher, Moore, Wallace, Bradstator, Pugh, Guy, Ross, and Hamilton, names connected with the best blood and characteristics of Virginia and the American Union.

Penn

CHAPTER III.

HIS EARLY MILITARY CAREER—COMMON SOLDIER—ORDERLY SERGEANT—ENSIGN—LIEUTENANT—BATTLE OF TOHOPEKA—SERVICE UNDER GEN. COFFEE AND GEN. ANDREW JACKSON.

IN 1813, while the war was progressing between the United States and Great Britain, he enlisted at Marysville, Tennessee, in the United States Army. Friends remonstrated against his becoming a common soldier, and when his resolution was carried into effect, considered him disgraced and unworthy of future notice. But he told them, "You don't know me now, but you shall hear of me." His mother consented, and stimulated him by encouraging words to aim at success by an honorable effort. It was not long before he became a sergeant; then the best drill officer in the regiment. He was first stationed at Fort Hampton, at the head of the Muscle Shoals, on the Tennessee River in Alabama. Here he was promoted to be an ensign, and afterward at Knoxville, aided in drilling and organizing the Eastern battalion of the 39th Regiment of Infantry. For some time he was encamped with his comrades at Ten Islands. Soon after, he took up the line of march to Fort William, where his regiment by the way of the Coosa River, proceeded to Tohopeka, or the horseshoe. For a long time an unsuccessful contest had been waged with the Creek Indians. Open warfare they avoided. They hoped to weary out their foes by "forest ambuscades and stealthy eruptions." In Gen. Andrew Jackson and his army, the enemy had to contend with foemen who excelled in military artifices, and who, with the daring courage of their natures nurtured in forest homes, were eager to enter the strife even at the cost of annihilating their Indian opponents. Encamped at Fort Williams, Gen. Jackson's army contained more than two thousand men; and through the forests, in every direction, his spies and scouts were scattered. Guided by their prophets, the Creek Indians had retreated from village to village and gathered the whole of their available force, the chosen warriors of the nation, one thousand strong, on a bend of the Tallapoosa River, well described by its name Tohopeka, or the horseshoe. Here they resolved to stand and risk their destiny on a single contest. The horseshoe bend is a peninsula, comprising about one hundred acres of land,

which opened to the north. This opening was protected by a huge breastwork, constructed of three tiers of heavy pine logs, with two rows of skillfully arranged port-holes. This breastwork reached both sides of the river, across the peninsula.

On the 27th of March, 1813, Gen. Jackson arrived at the horseshoe bend, or Tohopeka. In a few hours, by a skillful arrangement of his forces, he had completely invested the peninsula and was prepared for action. Gen. Coffee, with all the friendly Indians serving under Gen. Jackson and a body of mounted men, crossed the Tallapoosa River, at a ford two miles below Tohopeka. By drawing up his lines on the south of the bend, at 10 o'clock he had cut off all escape from three sides of the peninsula. The main army advanced to the north side of the bend, the lines were drawn up for battle, and two pieces of artillery began to play upon the pine-log breastworks. From half-past ten to one o'clock, a brisk and apparently ineffectual firing was maintained, the massive timbers proving how harmless were the small cannon shot which were played upon them. The main body of the army had as yet no opportunity to show their valor. But soon from the southern part of the bend there appeared rolling up, a heavy column of smoke, and the sharp crack of a hundred rifles mingled with the rattle of musketry.

A line of canoes half concealed by the bushes on the opposite shore, were discovered by the Cherokees under Gen. Coffee. They swam the stream at once, and in a few minutes brought the canoes across. Richard Brown, the gallant Cherokee chief, followed by his brave warriors, jumped into the canoes, accompanied by Capt. Russell's companies of spies, and crossed the river. The cluster of wigwams near the shore was set on fire. The smoke arose over them, in whose volumes they advanced upon the rear of the thousand Creek warriors, who were sheltered by the breastworks from the artillery of Gen. Jackson's main army on the north.

As soon as the troops of the main army heard the firing and saw the smoke rolling up, they were eager to storm the Indian breastworks before them, as they knew that their companions had crossed the river. They were held steady to their lines, until Gen. Jackson had sent an interpreter to remove the several hundreds of women and children in the bend, to a place of safety beyond the river. Immediately on accomplishing this object, the order was given to storm the breastworks. With a shout the order was received. Col. Williams with the 39th Regiment, and Gen. Doherty's Brigade of East Tennesseans, with loud cries dashed to the onset. A sanguinary struggle ensued. Bayonet met bayonet, muzzle touched muzzle at the port-holes. The first man, Major Montgomery, who sprang upon the breastworks received a ball in his head, and was hurled

back. On the extreme right of the 31st Regiment, about the same time, ensign Houston scaled the breastworks, and called to his brave fellow-soldiers to follow him, as cutting his way he leaped down among the Indians. A barbed arrow struck deep into his thigh while he was scaling the breastworks or soon after he reached the ground. He maintained his position till his lieutenant and men were alongside of him, and the Creeks were recoiling under the terrible onset. After vainly trying to extract the arrow from his side, he called to his lieutenant to make the attempt. The officer failing after two attempts, Houston still holding command with sword uplifted over his head, told the officer to try again, and if he failed, he would smite him down. A desperate effort was made, the arrow was drawn forth, and a stream of blood rushed from the torn flesh. The young hero crossed the breastworks that his wounds might be dressed. The wound was bound up by the surgeon and the blood stanchd. Gen. Jackson came to see who were wounded, and observing the young ensign among the number, firmly ordered him not to return to the contest. He begged the General to let him return to his men. The General gave him positive orders not to cross the breastworks again. Houston was determined to win a hero's name in that battle, or die in the contest. He had enlisted in the recruiting ranks, and marched through the streets of the village where his mother and friends resided. The finger of scorn had been pointed at him. To his scoffers he had said, "And what have your craven souls to say about *the ranks*? Go to with your stuff; I would much sooner honor the ranks than disgrace an appointment. You don't know me, but you shall hear of me." His mother did not desert him then, but handing her boy the musket, had said to him: "There, my son, take this musket and never disgrace it; for remember, I had rather all my sons should fill one honorable grave, than that one of them should turn his back to save his life. Go, and remember, too, that while the door of my cottage is open to brave men, it is eternally shut to cowards." All this young Sam Houston remembered, and dashing once more over the breastworks, he was soon again at the head of his men.

The battle raged fiercely. Over two thousand were contending hand-to-hand. The action was general. The yells of the Indian savages, and the groans of the dying rang throughout the peninsula, while arrows, spears, and balls flew, and swords and tomahawks gleamed in the sun. Some months before, all the villages of the Creek Indians had been visited by a brother of Tecumseh; he had stirred up the passions of these thousand chosen Creek warriors for blood and revenge, and had announced to the Indian prophets, that the Great Spirit had commanded him to go on this occasion; to as-

semble the "braves" of their nation in battle array against the "pale-faces," and make one final struggle for the destruction of their foes. The mystery of this strange mission served to arouse the superstition and inflame the malignity of the nation. Although warriors by hundreds were falling, they still believed their prophets; who assured them that they would win the day and gain a victory over the pale-faces. With a storm of wrath, they believed that the Great Spirit would sweep away their enemies, and that a cloud from heaven would be His signal. Even when the struggle was decided, while Gen. Jackson was issuing an order to cease from the carnage, while an interpreter was on his way to tell the Indians that their lives would be spared if they would surrender, a cloud suddenly spread over the sky. Believing this to be the signal promised by the prophets for their redemption, they fired upon the interpreter who delivered the message, and again began the action. A gentle shower of rain fell from the clouds, but deliverance did not come to the trusting brave savages. Tohopeka was covered with the dead and dying, hundreds fallen weltered in their gore; multitudes attempting to swim the river, were shot or drowned. Civilization reckoned the battle to be over; but civilization reckoned in vain. The old prophets gazed on the skies and stood firm; warriors, assured in their extremity that relief would at length come, clustered around them. When the last prophet and the last warrior at his side yielded their lives with an expiring groan, then only hope expired within them. Even then, the bloody work was not ended. Another work of slaughter and the victory of Andrew Jackson at Tohopeka would be complete.

Constructed over a ravine in the form of the roof, a house pierced with narrow port-holes was a part of the breastworks where a large party of Indians had secreted themselves. Hence, a murderous fire could be directed against their assailants whenever they should show themselves. In this place were assembled the last remnant of the Creek warriors of the Horseshoe bend. Cannon could not be brought to bear upon the place. Only a bold charge, which probably would cost the lives of the courageous men who should make it, could dislodge them from their position. These brave, desperate Indians had sealed their fate by rejecting with contempt the offer of life, on condition of their surrender. Gen. Jackson called for volunteers to make the charge. The lines, unmoved, stood silent. No order was given. No officer volunteered to lead on so hopeless a task. Houston waited in expectation that some captain would lead his company forward, but he waited in vain. He called to his platoon to follow him, as he rushed down the steep descent toward the covered ravine. His men hesitated. He seized a musket from one of them and with a desperation only incident to such occasions he led the way,

ordering his soldiers to follow him. To charge through port-holes bristling with rifles and arrows was the only way of attack which could prevail. A rapid, simultaneous plunge could succeed. Stopping to rally his men, and levelling his musket within five yards of the port-holes, "he received two rifle balls in his right shoulder, and his arm fell shattered to his side." Disabled himself totally, turning he called once more to his men, and urged them to make the charge. They could not be induced to advance. There he stood till he saw that standing there in his own blood would do no good. Going then beyond the range of the bullets, exhausted, he sank to the ground. And not until the covered ravine was set on fire were the Indians dislodged from the final resort. The last rays of the setting sun shone on the ruins of the Creek nation. Volumes of dense smoke rose heavily over the bodies of painted warriors and the burning ruins of their log fortifications. Of the thousand brave warriors, the flowers of Indian chivalry, there were none to scowl on death and their assailants at Tohopeka.

Young Houston, then about twenty years old, displayed amid the perils of this hard-fought engagement such heroism as excited the admiration of the entire army. The wounds which he received remained unhealed to the day of his death. He was carried from the field of the dead and wounded, and placed in charge of the surgeon. As the surgeon said that he could not survive till the next morning, after extracting one ball, he made no effort to extract the other, as he thought it unnecessary to torture the suffering young hero. He spent a night of wretchedness with few, even, of the comforts of a soldier's knapsack. Little was done for him by his comrades, as they regarded him as a dying man, and thought that all they could do should be done for such only as were likely to live. The most brilliant day of his life was succeeded by its darkest night. Racked with the torturing pains of his many wounds, deserted in what he believed was his dying hour, stretched on the damp earth, the hours of that dreary night were an age to that young soldier. But these scenes of excitement and heroism were a part of his education. He was in training for the grand destiny which his young life presaged. He was under tuition for the leadership of that brave band of pioneers who through fierce struggles and sufferings triumphed in the peaceful enjoyment of a liberated Republic. The eye of Andrew Jackson was upon him, and the courage and daring exhibited on that bloody day at Tohopeka secured the life-long regard of the hero of New Orleans, warmly exhibited in the earnest sympathies which attended him through the fortunes of his life. Thirty years thereafter, about to pass from mortality to immortality, in the last months of his existence, Gen. Jackson, the hero of New Orleans, sent for

Gen. Houston, the hero of San Jacinto, to see the victor at New Orleans become the victor over man's last enemy.

The day after the battle of Tohopeka the young officer was placed on a litter with others wounded, and started for Fort William, sixty or seventy miles distant. Neglected and exposed, suspended between life and death, he remained here for a considerable time. The other regular officers were all removed to Fort Jackson or the Hickory Ground. A part of the time he was cared for by Gen. Johnson, father of Cave Johnson, Postmaster-General under President Polk. Another part of the time he was taken care of by Col. Cheatham, and at length he was taken to the Ten Islands. Gen. Dougherty, who commanded the brigade from East Tennessee, conveyed him from the Ten Islands through the Cherokee Nation to his mother's house in Blount County, Tennessee, which he reached in the latter part of May, nearly two months after the battle of the Horseshoe Bend. This long journey was made on a litter borne on horses, while helpless and enduring excruciating agony. He was destitute of medical aid, had not the simplest remedies capable of alleviating his sufferings, and subsisting on the coarsest diet. Through forests, compelled to camp out, and often without any shelter, his toilsome journey was made to his mother's home. His recovery was expected by no one. So much like a skeleton was he that when he reached his mother's home she declared that she would not have recognized him as her son, except for his eyes, "which retained something of their wonted expression." Failing to recover strength at home with his mother, he repaired to Marysville for medical aid. His health continuing to decline at Marysville, he went to Knoxville, sixteen miles eastward. He was in so low a state that the physician to whom he applied refused to take charge of him, saying that he would live only a few days. But when, after a few days, the physician observed that he not only survived, but was somewhat improving, he offered his services. From this time he began slowly to recover, and when strong enough to ride on horseback he set out by short journeys for the city of Washington. Shortly after the burning of the Capitol he reached the seat of Government. Indignant because of the ruin wrought by the British army, he experienced bitter pangs of regret that his right arm should be disabled while a foe was prowling through the country. Suffering still from festering wounds, and as the winter advanced, he travelled to Lexington, Va., and remained till the early spring. Having sufficiently recuperated his strength to be able to do duty in some situations, he prepared again to cross the mountains. Reaching Knoxville, on his way to report himself for duty, he received the glorious news of the battle of New Orleans. Peace was soon proclaimed; he was placed near Knoxville at the can-

tonment of his regiment. After the army was reduced, his services as lieutenant were retained ; and, attached to the first regiment of infantry, he was stationed at New Orleans. His voyage to New Orleans was commenced in a skiff on the Cumberland, with two young men, one of whom afterward was distinguished as E. D. White, Governor of Louisiana. Passing down the Cumberland, smoothly gliding over the waters of the Ohio, they floated on the mighty waters of the Mississippi for many weary miles through a vast solitude. A Bible, Houston's mother's gift, Pope's translation of the Iliad, the same which had kept him company in his wild life among the Indians, Shakespeare, Akenside, Robinson Crusoe, Pilgrim's Progress, and the Vicar of Wakefield were the travelling companions of that skiff's company, but they were the effective stimuli to the warm fancy of the young hero and his companions communing with those sublime wilds of nature. Turning a bend of the Mississippi, they saw what they supposed to be a vessel on fire, making headway on the stream without sails, and emitting heavy columns of smoke. It proved to be the first steamer which ever went up the Mississippi River. The party exchanged their narrow quarters on the skiff for the steamboat, and eight days thereafter Lieutenant Houston, reaching New Orleans, reported for duty. Here once more he had his wounds operated upon, and came near losing his life. After most completely shattering his right arm just below its juncture with the shoulder, the rifle-ball had passed around and lodged itself near the shoulder-blade. His iron constitution, however, sufficed to endure an amount of suffering which few could have survived. Well-nigh did the last surgical operation come of depriving him of his remaining strength. But the indomitable will which sustained him triumphantly throughout all the struggles of a stormy life prevailed through all ills physical, mental, spiritual, and political.

In April of the following year, after a winter of great suffering, he sailed for New York, and spent there several weeks, with some slight improvement in his health. Passing through Washington city, he visited his friends in Tennessee, and then reported for duty to the Adjutant-General of the Southern Division, at Nashville, and was detailed on duty in the Adjutant's office, stationed at Nashville from the first of January, 1819. He was occupied in the office till the following November, when he was detailed on extra duty as a sub-agent among the Cherokees, to carry out the treaty just ratified with that nation. Notwithstanding his feeble health made it perilous for him to face the exposures incident to such an agency, still, as Gen. Jackson could procure no other person in whom he could repose such entire confidence, and as his life-long friend considered that the public service required that he should make the effort, Lieut. Houston

yielded to the importunities of his commander, and entered upon the new duties with zeal, and performed them with eminent ability. Unfit for public service when he commenced this line of duties, and offered a furlough if he should decline the agency, he was successful beyond his own expectations. Conducting, however, a delegation of Indians to Washington during the same winter, arrived at the seat of Government he learned with amazement that efforts had been put forth to lower him in the estimation of the Government for "having prevented African negroes from being smuggled into the Western States from Florida," which at that time was a province of Spain. Friends of the smugglers then in Congress had circulated these reports. He appeared before President James Monroe, and the Secretary of War (Hon. John C. Calhoun), and vindicated himself, proving that he had only striven to secure respect for the laws of the country in all that he had done. Occupied most laboriously in his new and difficult mission, discharging its duties with marked ability, he was still suffering severely from the painful wounds which he had received in the service of his country. Gen. Jackson and all who understood the position and services of Houston thought that he should have received some warmer recognition for his great services and sacrifices for the State than the full and complete exculpation from blame which was freely accorded to him. Sensitive under a sense of slight, he resigned his first lieutenancy in the army at a period when his precarious health made it extremely doubtful in what way he was thereafter to obtain a livelihood. In accordance with the convictions of his life, and acting on the principles which always had governed and animated him, he threw up his commission in the army, returned with the delegation to the agency on the Hiwassee, and then resigned his commission as sub-agent among the Cherokee Indians, and went to Nashville to commence the reading necessary to practice law. Few young men had ever had such a preparatory drill in the hard service of life, beginning as Sam Houston. Of academies and colleges, of professors and libraries he had small acquaintance, but with wild human nature, with toil, struggle, weariness, hunger, pain, danger, and suffering he had been familiar from his early erratic boyhood up to the time when he bade farewell to the army of the United States, and determined to qualify for the honorable duties of a lawyer.

MEMORANDUM FOUND AT WAR DEPARTMENT.

"Sam Houston entered 7th infantry as a Sergeant; became ensign in 39th infantry 29th July, 1813; was severely wounded in battle of Horse Bend under Maj. Gen. Jackson 27th March; made Third Lieut. Dec., 1813; promoted as Second Lieut. in May, 1814; retained May 15th in 1st infantry; became First Lieut. Mar. 1st, 1818, resigned May 17th."

CHAPTER IV.

STUDIES LAW—ADMITTED TO THE BAR—LETTERS OF J. V. DRAKE AND F. GOLLADAY—
DISTRICT ATTORNEY—MAJOR-GENERAL—MEMBER OF CONGRESS—GOVERNOR—FIRST
MARRIAGE—REASONS FOR LEAVING HIS FIRST WIFE—DEPARTURE TO THE INDIANS.

HE began his legal studies in June, 1818. He was then in his twenty-fifth year. Experience and observation had enriched his mind. In the national struggle just closed he had gained a hero's name. With the hardships of the school of the soldiers he had become thoroughly conversant. Artificial life had exhibited to him its chill and deceit. From the wild sons of the forest he had received lessons nowhere else imparted. His pay in the army had been inadequate to meet his necessities while wandering to recover his health. He began the study of law burdened by a load of debt, to liquidate which he sold his last piece of property, and paid its avails to meet these debts. The balance of debts still unpaid, amounting to some hundreds of dollars, he soon after discharged. Under such circumstances Sam Houston, the soldier of fortune, the child of destiny, commenced his studies.

When he entered the office of his law preceptor, Hon. James Trimble, at Nashville, he was informed that it would require eighteen months of hard study to secure a license to practice at the bar. He read thoroughly a few of the standard works prescribed in a course of legal studies. The principles of the science were grasped and tenaciously fixed in his mind. His original cast of mind relied on the fundamental principles of truth, not on its details. Axioms not requiring proof, causes clearly effective, effects undoubtedly linked to causes, principles clear as sunlight took possession of his great mind, and were more effective in securing his conclusions and inducing conclusions with others than a full library of precedents and authorities. He was not, therefore, a learned student in the sense of taxing his memory with mere legal opinions, but he was a profound thinker on law principles.

His preceptor had prescribed eighteen months' study. He was recommended to apply for a license to practice in one-third of the time. He passed a searching examination most honorably to himself and the profession of the law, after six months' study. Purchasing a small library on credit, he opened a law office in Lebanon,

thirty miles east of Nashville, and began the practice of his profession. Of his career at Lebanon, the following extracts furnish interesting reminiscences :

“LEBANON, Tenn., *April 30, 1867.*

“Lebanon, where I am now stopping, is the town where Gen. Houston first put out his ‘shingle’ as an attorney-at-law. He had studied law either three or six months at Nashville, and being short of funds, was under the necessity of doing something. He came up here, without means, a stranger among strangers. Mr. Isaac Golladay, a merchant of this place, and also P. M., furnished Mr. Houston an office at one dollar per month ; sold him clothes on credit ; credited him for his postage, each letter being then charged twenty-five cents ; and recommended him to the people. This was about the year 1818-19. How long Mr. Houston remained at Lebanon I do not know, but long enough to get a respectable practice, pay out of debt, gain the favorable opinion of the people, and to show them that he was a man of more than ordinary promise. When he was about to leave Lebanon he made a speech—a sort of farewell address—to the people, on some public day, at the Court House. I have myself heard some of the old men who were present speak of this speech. In substance he said : ‘Gentlemen,—The time has come when I must bid you farewell. Although duty calls me away, yet I must confess that it is with feelings of sincere regret that I leave you. I shall ever remember with emotions of gratitude the kindness which I have received at your hands. I came among you poor and a stranger, and you extended the hand of welcome, and received me kindly. I was naked, and ye clothed me ; I was hungry, and ye fed me ; I was athirst, and ye gave me drink, etc.’ His speech, continued in this strain, was so emphatically true, and withal delivered in so pathetic a style that its effect was to cause many of the people to shed tears. He carried away with him the good-will and kind wishes of the people of Wilson County, and afterward, when he had begun to ascend the ladder of political fame, the people of Lebanon and Wilson County supported him for Governor with almost unequaled unanimity. As regards his ‘first marriage,’ the version you gave me at Brenham is the one most current here, and is doubtless the true one. Be particular to notice that Sam Houston commenced the practice of law at Lebanon, Tenn. He is not the only man who has gone from Lebanon and become famous ; still Lebanon is justly proud of Sam Houston, and would not have this fact omitted.

“Very respectfully,

I. V. DRAKE.”

The son of Isaac Golladay alluded to in Mr. Drake’s letter furnished that gentleman with the following statement, which exhibits how Gen. Houston remembered the friends of his early manhood :

“I was travelling in Texas in the year 1853. Arrived at the town of Huntsville, Walker Co., on Sunday, about 11 o’clock. The good people of the town and vicinity were passing on to church as I rode up to the hotel. I was very sick ; had a high fever on me when I dismounted. I told the landlord I was very sick, and wanted a room ; he assigned me a room, and was very kind in his attentions. I took a bed immediately, and, while talking to him, asked him in what part of the State Sam. Houston lived. He replied, ‘He lives about one and a half miles from town, and his family and he have just passed, going to church, in his carriage.’

To this I said : ' Please keep on the look-out, and when he returns from church let him know that a Golladay, of Tennessee, was lying sick there.' After the church hour was over, say 12 or 1 o'clock, a large, portly, elegant-looking man, came walking into my room and to my bedside. I knew, from the description which I had had of him, that it was Gen. Houston, although I had never seen him. I called him by name. He asked me if I was a son of his old friend, Isaac Golladay, of Lebanon, Tennessee. I replied, I was. He then asked, which one ? I told him I was Frederick. He said that he knew my older brothers, but he had left Lebanon before I was born, but added, ' If you are the son of Isaac Golladay I recognize you as the child of an early and true friend. I went to Lebanon, where your father, Isaac Golladay, resided, a poor young man ; your father furnished me an office for the practice of law ; credited me in his store for clothes ; let me have my letters, which cost then 25 cents postage, from the office of which he was postmaster ; invited me to his house, and recommended me to all the good people of his large general acquaintance.' He then said : ' You must go out to my house ; I will come in my carriage for you in the evening.' I replied, with thanks, that I was too sick to go, but he insisted on coming for me the next morning, to which I consented. Early the next morning he came for me ; being better, I went out to his house with him. He placed me in a room in his yard, saying that Mrs. H—— was confined to her room with an infant at the time. My fever rose and kept me confined. He sent for a physician. I was sick there for about ten days or two weeks. He made a servant-man stay and sleep in the office with me, to wait on me all the while, but often would come to see me and spend much of his time with me. One night, especially, while I was sick, the doctor had left orders for my medicine to be given through the night, and my feet bathed in warm water ; he staid all night with me. He had the vessel of warm water brought, pulled off his coat, rolled up his sleeves, to wash my feet. I objected, the servant being present. He replied, ' My Master washed His disciples' feet, and I would follow His glorious example,' and insisted that he should do so. During the time which he spent with me in my sick-room he gave me much of his early history. He gave me an account of the affecting scene when, in a brief address, he took leave of his friends in Lebanon, to which Mr. Drake alludes, and in recounting which many old citizens say that the emotions of his audience were so excited that there was not a dry eye in the whole assembly. He was very much beloved by all while he resided in Lebanon.

FREDERICK GOLLADAY."

Young Sam. Houston, with characteristic earnestness, pursued his legal studies at Lebanon ; practiced his profession so faithfully, that he rose rapidly at the bar ; and in October of the same year in which he commenced to practice he was elected District Attorney of the Davidson District. This made it necessary for him to take up his residence at Nashville. About this time he was appointed Adjutant-General of the State, with the rank of Colonel, and in 1821 he was elected Major-General by the field officers of the division which comprised two-thirds of the State. Removed to Nashville from Lebanon, he was confronted by the legal mind of one of the ablest bars in the Western States. He was about twenty-six years old. There were veteran lawyers with whom he was obliged to come into collision,

who tried severely his remarkable powers. The path of prosecuting attorney was new to him, but it is said that he rarely failed in his prosecutions. If twitted upon the suddenness of his legal promotion, or berated for want of experience in the practice, his retorts were so well turned and applied that he was neither twitted for his *freshness*, nor *berated* for his inexperience again. His practical sense and keen insight into human genius made ample amends for want of legal reading and long experience. He labored unceasingly in the duties of District Attorney. At the end of twelve months he was compelled to resign, as the fees of the office were too inconsiderable for his support. Resuming the regular practice, business crowded upon him, and rapidly promoted him to high distinction. Only powers of the highest order could have advanced a young man so rapidly at the capital of Tennessee, and in the presence of some of the most distinguished men of the Union. Had he confined himself to the bar he would have placed his name and fame among the first jurists of the world. But political life had its attractions for him, and in 1823, when thirty years of age, his friends urged him to submit his name to the voters of his district as a candidate for the U. S. House of Representatives. Every station, so far, in life, had been worthily filled, and had inspired his fellow-citizens with the highest respect. His career as a lawyer displayed true native genius. Self-made as to education, of commanding address and imposing personal figure, a favorite of the Old Chieftain of the Hermitage, he was elected to Congress without opposition.

The following letter is rare for its writer, its object, and the person to whom it is addressed :

" HERMITAGE, Oct. 4th, 1823.

" THOMAS JEFFERSON, Esq.,

" Monticello, near Charlottesville, Virginia.

" DEAR SIR :—This will be handed to you by Gen. Sam. Houston, a representative to Congress from this State, and a particular friend of mine, to whom I beg leave to introduce you. I have known General Houston many years, and, entertaining for him the highest feelings of regard and confidence, recommend him to you with great safety. He has attained his present standing without the extrinsic advantages of fortune or education, and has sustained, in his various promotions from the common soldier to the Major-General, the character of the high-minded and honorable man. As such I present him to you, and shall regard the civilities which you may render him as a great favor.

" With a sincere wish that good health and happy days are still yours,

" I remain,

" Your friend, and very obliged servant,

" ANDREW JACKSON."

Some of the most eminent men who have ever held a seat in the National Councils were members of Congress at this time. Henry

Clay was Speaker, and orators and statesmen, completed or nascent, were the law-makers of the memorable period of the candidacy for the Presidency of John Quincy Adams, Andrew Jackson, Henry Clay, and Wm. Henry Crawford.

The first term of Sam. Houston in Congress was amid exciting events, but his course was so faultless, so acceptable to his constituents, that they showed the warmth of their approval by returning him a second time by a nearly unanimous vote. His second term raised him still higher in the esteem of the people of Tennessee. Their confidence knew no bounds. Few men have risen so rapidly in popularity. In 1827 he was elected Governor of the State by a majority of over 12,000. His career as Governor was popular. The duties of the office were discharged with stern fidelity to the Constitution, and in earnest sympathy with the people and their interests. But an event occurred in the zenith of his popularity, when no man except General Jackson exercised greater influence over the popular sentiment and affections, which suddenly threw a shadow over his character, and terminated his political career in Tennessee.

In January, 1829, he was married to a young lady of reputable connections and gentle character. Her kindred were personal and political friends of Gen. Houston, and had zealously supported him in his political canvasses. The whole country was taken by surprise when, about three months after the marriage, a separation took place. No publication, either from Gen. Houston or the lady, has ever furnished the reason for this remarkable proceeding. Unfounded reports, born of bitter malignity, were scattered through Tennessee, and the popular feeling was so completely inflamed that, in this strange excitement, the State was divided into two hostile parties. His name was denounced; impertinent disturbers of the peace, curiosity-hunting busybodies, whom human laws rarely reach, yet criminals against the peace and dignity of society, and the laws of God and man, did not hesitate to charge him with every species of crime ever committed by man. He offered no denial of these allegations, and to his dying day ever spoke of the young lady in terms of unqualified respect and great kindness. He never authorized any explanation of this singular event, but was wont to say, as a reply to all inquiry, as has been published, "This is a painful, but it is a private affair. I do not recognize the right of the public to interfere in it, and I shall treat the public as though it had never happened. And remember, that whatever may be said by the lady or her friends it is no part of the conduct of a gallant or generous man to take up arms against a woman. If my character can not stand the shock, let me lose it. The storm will soon sweep by, and time will be my vindicator." Over fifty years have elapsed since this strange event oc-

curred, and, possibly, it can not do any party to this strange affair aught of injustice to make the only statement known to have been made by him to another. It is well known that between the second Mrs. Houston and General Houston there was the most perfect sympathy, a devotion of the one to the other, a chivalric respect for each other's feelings and peculiarities, a Christian regard for all the responsibilities of the marital relation, which made their union a blessed one, over which no breath of suspicion ever floated. Nearly two years after his death, and about two years before her own death, the second Mrs. Houston, whose history will form a chapter in this volume, gave the writer the only clue to his separation from his first wife which ever escaped his lips. It can be summed up in a few words, and then dismissed to the shades of oblivion. The first Mrs. Houston, three months after their marriage, in a conversation with General Houston, admitted that at their marriage he had not won her heart, and that he did not possess it then. There was no admission of infidelity on her part, and no charge of the same on his part. She plainly intimated that, although married to him, her affections had never been transferred from another to him. (To a man of grand physique, attractive manners, heroic nature, poetical temperament, rare conversational powers, and a natural speaker; a man who had rapidly ascended the ladder of fame, and was the idol of the multitude; a man of fervid impulses, and knightly attachment to woman's virtues—to such a man, such an admission was overwhelming. The moral courage which had faced poverty, the heroism which had dared death on the battle-field, the fortitude which had endured the excruciating pains of unhealed wounds, were all insufficient for such an ordeal, and he succumbed.

Almost by acclamation he had been elected Major-General, District Attorney, Member of Congress, and Governor of a great State, but he determined to surrender all his brilliant prospects of future distinction in Tennessee, and immediately resign the office of Governor. His decision was that indicated by the reasonings of a philosophic mind, and not the suggestions of a guilty nature. Odium was cast upon him, the journals of the day denounced him, malignity untiring vented its spleen upon him, and threats of violence were made against him. Amid all, he exhibited no craven spirit, nor sought for the world's sympathy. He defied human malice and violence. Although enemies were vehement and threatening, his friends gathered around him, and were his shield of defence. Bloody scenes would have forever disgraced Nashville, had any of the threats of personal violence been executed, and, to this hour, there are none more willing to vindicate Sam Houston than the survivors of that period and the children of his early friends in Nashville. He re-

solved upon exile. On that resolution hung a future which has filled up with some of the most memorable events of modern times. Had that first marriage resulted happily, the history of the Indian nations in the Southwest, and of Texas, would have had other events, and even the map of the United States might have been different. For one to throw away the robes of office just as the wreath of glory was twining around his brow, to exchange the fascinations of political leadership in civilized life for the obscurity of the wilderness, was an uncommon event rarely witnessed. Voluntarily, after the wrath of his enemies had diminished and his real strength appeared greater than ever, to drown the reflections which harrowed his heart he exiled himself. It was the leading of Divine Providence, mysteriously shaping his future life, and leading him by strange forest paths to be the founder of a new empire, ultimately to become one of our grand cordon of American States. Agencies and instruments are needed for great occasions, for a great work. Human sagacity does not descry the future, nor apprehend how these agencies and instruments are to be provided. An erratic boyhood, a wild life among uncivilized men, a soldier's hard fare, and a hero's fate, contest with enmity, trial in station under difficulties, constitute the ordeal through which one remarkable agent was called to pass. That agent was Sam Houston, a name which forms no common part of American history.

CHAPTER V.

LIFE AMONG THE INDIANS—WRONGS DONE THEM—HIS CONDEMNATION OF SUCH WRONGS—
THE DIFFICULTY WITH HON. MR. STANSBERRY, OF OHIO—THE CANING—TRIAL
BY HOUSE OF REPRESENTATIVES AND COURTS OF THE DISTRICT OF COLUMBIA.

WHILE a runaway boy among the Cherokee Indians in the Hi-Wassee Country, Sam Houston was adopted as his son by Oolooteka, the chief, who gave him shelter and protection. In the course of events this Cherokee chief had removed to Arkansas and had become principal chief of his tribe, resident there. Tokens of fond recollection passed between this chief and the subject of this memoir. Eleven eventful years had passed, but their attachment knew no abatement. Resigning the gubernatorial chair of Tennessee he determined to wend his way to the wigwam of the old Cherokee chief. That chief was his adopted father, and he was assured that he would greet and welcome him with a hearty blessing. Embarking on a steamer on the Cumberland River, he separated from his devoted friends amid evidences of warm affection, presenting a scene of touching tenderness. The chief honors of the State had crowned him. He had filled its highest stations. In the strength and vigor of early manhood, he stood forth in his thirty-fifth year, a man of the people, toward whose future promotion all his friends had looked with eager anticipations of a brilliant career. Nor were they to be disappointed, for that career, although it did not culminate among the mountains and plains of Tennessee, still it reached the acme of its glory amid the grandeur of Texan scenery.

From Nashville he went, by steamer, to Little Rock, Arkansas, thence four hundred miles to the north-west, to the falls of the Arkansas. He travelled alternately by land and water. Near the mouth of the Illinois, on the east side of the Arkansas, the old Chief Oolooteka had built his wigwam. Above Fort Smith, on both sides of the river, the Cherokees were settled. The falls were two miles distant from the chief's dwelling. It was night when the steamboat reached the landing. A message was sent to the old man as the boat passed the mouth of the river, that Coloneh (the Rover, the Indian name given Sam Houston on his adoption,) was on board. Bringing with him all his family, he came to meet his adopted son. Throwing his arms around him and embracing him with great affection: "My

son," said he, "eleven winters have passed since we met. My heart has wondered often where you were, and I heard you were a great chief among your people. Since we parted by the falls as you went up the river, I have heard that a dark cloud had fallen on the white path you were walking, and when it fell in your way you turned your thoughts to my wigwam. I am glad of it ; it was done by the Great Spirit. There are many wise men among your people and they have many councillors in your section. We are in trouble, and the Great Spirit has sent you to us to give us counsel and take trouble away from us. I know you will be our friend, for our hearts are near to you, and you will tell our sorrows to the great father, General Jackson. My wigwam is yours ; my home is yours ; my people are yours ; rest with us." Such a greeting took largely from his breast the bitter gloom and sorrow of the past few weeks. He was at home ; the wanderer had rest. The chief possessed a large plantation, ten or twelve servants, and not less than five or six hundred head of cattle. Living like a patriarch, simply, abundantly, his wigwam and bountiful board were welcome to visitors, and he always entertained numerous guests with princely hospitality. The venerable chief was six feet high, and although about sixty-five years of age, his eyesight did not fail him, nor did he exhibit the feebleness of age. With courtly carriage he moved among the people of his race and at their council fires presided with the peerless grace of a king upon his throne. With him Sam Houston remained till manifest destiny called him to Texas.

The Indians, oppressed and outraged, had the sympathy of Houston. He knew their wrongs, and his untiring and magnanimous efforts in their behalf form some of the finest pictures of the lights and shadows of forest life. Domiciled among them, he determined to care for their interests and protect them in their rights. He had studied the mysteries of nature among their wigwams, around their council fires, and in the silent virgin forests. By an Indian he had never been betrayed or deceived, and the Indians on this continent never had a better friend than Houston. White men had wronged them, introduced discord at their council fires, robbed them of their forests and game, driven them from the graves of their fathers, and enticed them from their happy hunting grounds by deceitful bribes of trinkets and rifles. White men had introduced among them their vices and loathsome diseases. For their peltry they gave them whiskey and cards ; thus by these accursed agencies they had degraded their powers, bowed the strength of their aboriginal nature, and humbled their sublime chivalry. Stern chieftains had become idiotic sots. Tribes had melted away. The remnants of tribes once indomitable, but magnanimous, knew no other sentiment than revenge toward those who

had wronged them in violation of every treaty, and usurped the fair lands over which their forefathers had once roamed, undisputed monarchs, chainless and free.

Knowing that General Jackson, who was then President, and who was his life-long personal friend, would sympathize with him in his efforts to benefit the Indians, he resolved to scrutinize the actions of the Indian agents and sub-agents, and report the result to the President. He never entered the councils nor joined in the deliberations, although he was at all times invited to take part in the councils of the Cherokees. The manifest injustice and cruel oppressions inflicted upon this people by the agents charged with the conduct of their affairs on their migration to the Indian country, were matters of history detailed to him by the old chief. One instance of the outrageous wrong done them may suffice. By treaty, they were to receive twenty-eight dollars *per capita* in exchange for the lands which they had on the Lower Arkansas. This aggregated a very large sum in money. Under pretence that they had no money, the agents issued certificates. The Indians received these certificates, and as they had always considered paper worthless, they were easily persuaded to part with their paper to the merchants, who were in collusion with the agents, and who purchased the certificates fraudulently, for a trifling sum, inducing the Indians to believe that it was doubtful whether the Government would ever be able to send them the money. For the sacred obligations of our Government, made under the sanctions of a treaty, these deceived exiles often received a "Mackinaw blanket, a flask of powder, or a bottle of whiskey." It is doubtful whether a fifth part of the money secured to them by sacred treaty ever passed into their hands, and even this fifth was wrung from them for whiskey, or in gambling. Preyed upon by abandoned speculators, whole tribes were robbed of the munificent grants of Congress.

General Houston had for more than a year a trading establishment between the Grand River and the Verdigris, and although at that time far from being a practical temperate man himself, he never permitted traffic in destructive drinks, and made unceasing efforts to prevent the introduction of ardent spirits among the Indians. Occasionally he indulged in intoxicating drinks to excess, at Fort Gibson and other white settlements, but his love for the red men and sense of right, forbade that he should ever be a party to the traffic or use of poisonous liquids to contribute to their crimes or misfortunes.

Holding no official station himself, and mingling freely with them, with no selfish aims, a voluntary exile to their wigwams, a witness of intolerable acts of outrage on the rights of a generous people, he determined to report these outrages to the General Government, that

their perpetrators might be immediately removed. Accordingly, early in 1832 he went to Washington city and presented such a statement as resulted in an investigation of the conduct of no less than five agents and sub-agents and their prompt removal. These agents and sub-agents had powerful friends in Congress. Instigated by mortified pride, they crowded the journals of Arkansas with infamous libels upon Houston's character. They never forgave him the crime of tearing away the mask from a band of leagued land pirates, and they lavishly used their money with a venal press to overwhelm him with infamy. A hostile majority controlled Congress at that time and used the most strenuous exertions to crush General Jackson; but the heroic old man smiled on the shafts of calumny which were hurled harmlessly at him ; and 'midst the waves of malignity which surged around him, untouched, unscathed, he calmly gazed upon the futile efforts of his political foes. But a young hero was the sworn friend of the President. If they could not strike General Jackson directly, they might injure him through his personal friend. All the foes of General Jackson were successfully rallied against him. He had proved incontrovertibly against them some startling facts. The agents had been contractors for furnishing Indian rations. To multitudes only a scanty and insufficient supply of food had been supplied, and through their neglect or cupidity, some of the Indians had actually died of starvation. As there was but one point in the two nations (Creeks and Cherokees) where rations were issued, the emigrants, as they could not make a crop, were compelled to locate in a most unhealthy district of country, where only their rations could be obtained. The exposure of this grievous wrong aroused the fiercest malignity of the desperate men, determined on injuring General Jackson and crushing General Houston.

The truth of history requires that names shall not be suppressed. Hon. Wm. Stansberry, of Ohio, a gentleman remarkable at that time for his personal animosity toward General Jackson, was selected as the file leader of the crusade against General Houston. He had been elected as a friend of the President, but was induced to become the instrument of wiser, if not better men, to make the onslaught. In his place, as representative of Ohio in the House of Representatives, he boldly charged General Houston with an attempt to obtain a contract for Indian rations fraudulent in character and design, and as boldly insinuated that the then Secretary of War and even General Jackson were involved in the attempt to defraud.

All sorts of calumny had been heaped upon Houston. He had hitherto borne all in silence ; but his forbearance now forsook him. That the integrity of his best personal and political friend should be assailed by a member of Congress, without shadow of evidence, was

Hermitage October 24th 1823

Dear Sir,

This will be handed you by Genl Saml Houston, a representative to Congress from this State, and a particular friend of ~~mine~~ mine to whom I beg leave to introduce you. I have known Genl Houston many years, and entertain for him the highest feelings of respect & confidence, recommend him to you with great safety.

He has attained his present standing without the extensive advantages of fortune & education, and has sustained in his various promotions from the common Soldier to the Major General the character of the high-minded & honorable man - as such I present him to you, and shall regard the civilities which you may tender him as a great favor.

With a sincere wish that good health and happy days are still yours, I remain your friend and very obliged servant.

Andrew Jackson

Thomas Jefferson Esq^r

too much for endurance. He determined—and we do not pretend to say that his course was in this case a wise one—to chastise the member for his cowardly insolence to the President. The member ascertained Houston's purpose and avoided him, but learning one evening that Houston was unarmed, he crossed to the side of Pennsylvania Avenue where Houston was walking, to make an attempt upon his life, as there is the best reason to suppose; for it was proved in the trial that Stansberry was armed and Houston had no weapon with him but a hickory cane. Recognizing his antagonist by the moonlight, Houston asked him if he were Wm. Stansberry, of Ohio. No sooner had the answer escaped Stansberry's lips than Houston, as he was unarmed and had no time to close, levelled him to the ground, shivering his hickory cane upon his head. A pistol, held to the breast of Houston by the member from Ohio, had snapped, but missed fire, or he had been a dead man. Houston spared the forfeited life, speaking after the manner of "a false code of honor," and the humbled member of Congress betook himself to the bed which he kept for some days.

Four processes were commenced against Houston by the chastised member. He expected to disgrace and crush the General forever by these methods. *First*: The House of Representatives resolved itself into a judicial tribunal, directed the Sergeant-at-Arms to arrest Gen. Houston, and bring him to its bar, to be tried on the "charge of violation of the rights of one of its members, whom Houston had held responsible for words uttered in debate." For nearly thirty days the Court sat, and to condemn the accused man no means were spared. His friends argued with great ability that the House had no jurisdiction in the case; that Congress, by the Constitution, had been made a Legislative Assembly; that it possessed no judicial powers over American citizens. In this view, some of the political opponents of Gen. Jackson concurred. Houston spoke in his own defence on the trial, at great length, with consummate ability and eloquence. But as the matter dragged wearily for a month, his foes became tired of the prosecution, and the people were becoming indignant that the business of the country should be abandoned by the Congress, to prosecute a soldier who had bled in the service of his country, and who was unfortunately self-exiled. He had been four years a member of the body before which he was arraigned; he had been Governor of Tennessee; he bore in his body unhealed wounds received in fighting for the flag which then floated over the Capitol. Popular feeling turned in his favor; as it was understood that he had only repelled the attack of an armed coward, and chastised one who had boldly charged the President of the United States with fraud because he thought he would be protected by his privilege as a member of the House in so doing. Houston became dear to the people as

they learned that his torture was the consequence of earnest and devoted love for Gen. Jackson, the then President of the Union. The trial closed with a party vote, instructing the Speaker, Hon. Andrew Stevenson, of Virginia, to reprimand the prisoner at the bar of the House. The reprimand was delivered so delicately and courteously, that all over the Union it was regarded as a signal triumph, and carried more the tone of approval than of reprimand.

The *second* method was the appointment of a committee to investigate the charge which the member from Ohio had made, that Houston was guilty of fraud, in an attempt to procure a contract for furnishing Indian rations. Houston, in conscious innocence, advocated this measure. The committee was appointed,—Stansberry, of Ohio, was appointed its chairman. Thus armed, he conducted a tedious and thorough investigation. But after examining every circumstance which could be adduced, the committee was compelled, finally, to report that they had not found the slightest evidence with which to support the charge.

The *third* method was by resolution for ever to exclude him from the lobby of the House, where as an Ex-Member of Congress and Ex-Governor of a State, he was privileged to go. The resolution was not adopted.

The *fourth* method was indictment by the Grand Jury of the District of Columbia. He was held to bail in a criminal process of \$20,000. He stood the bail, which resulted in a fine of \$500 and costs, but no attempt to enforce the sentence of the Court was ever made, and the last act but one of Gen. Jackson's administration was to remit the fine. Houston was triumphant over all his foes. Seldom has so malignant a persecution ever been waged against a man in public life. He had invited scrutiny. He showed no cowardice. His foes retired from the contest loaded with chagrin and contempt. He returned to his voluntary exile—a home in the distant wigwam of the old Indian chief. For a year he had endured the persecution of men of pretended civilization, and now, wherever he went, especially in Tennessee, he was received with enthusiastic demonstrations of regard. State pride asserted itself among Tennesseans, to protect and honor a citizen who had passed through such cruel and undeserving persecutions. Though posts of honor offered, no emoluments tendered by his friends, or by Gen. Jackson particularly, could persuade him from once more returning to the forest. He resided, in all, nearly three years among the Cherokees. Of the manner in which the Indians were wronged, Gen. Houston once said: "During the period of my residence among the Indians in the Arkansas region, I had every facility for gaining a complete knowledge of the flagrant outrages practiced upon the poor red men, by the agents of the Government. I saw every year vast sums

squandered and consumed without the Indians deriving the least benefit, and the Government, in very many instances, utterly ignorant of the wrongs that were perpetrated. Had one-third of the money advanced by the Government been usefully and wisely applied, all those tribes might have been now in possession of the arts and enjoyments of civilization. I care not what dreamers and politicians and travellers and writers may say to the contrary. I know the Indian character, and I confidently avow, that if one-third of the many millions of dollars our Government has appropriated within the last twenty-five years, for the benefit of the Indian population, had been honestly and judiciously applied, there would not at this time be a single tribe within the limits of our States and Territories, but would have been in the complete enjoyment of all the arts and all the comforts of civilized life. But there is not a tribe that has not been outraged and defrauded; and nearly all the wars we have prosecuted against the Indians, have grown out of the bold frauds, and the cruel injustice, played off upon them by our Indian agents and their accomplices. But the purposes for which these vast annuities and enormous contingent advances were made, have only led to the destruction of the constitutions of thousands, and the increase of immorality among the Indians. We can not measure the desolating effects of intoxicating liquors, among the Indians, by any analogy drawn from civilized life. With the red man the consequences are a thousand times more frightful." Were Gen. Houston now living, he could have added to this statement from the *London Examiner* :

"When Captain John Smith, and his swash-buckling cavaliers landed in the 'Empire of Virginia,' the aborigines of the United States, judging from the traces which they have left behind, could not have been less than four or five millions in number. We question if, at the present moment, they number five hundred thousand. Driven from bank to wall, and from wall to ditch, they have contested every foot-breadth of the weary road over which they have had to retreat, to make way for the Anglo-Saxon flood. Disease, whiskey, misery untold, and villainous saltpetre have civilized them off of the face of the earth, once their own. Once, all the region east of the Mississippi, from Maine to Louisiana, was thickly peopled with the prosperous villages of those whom the old travellers called 'the savages.' No part of America now shows so thickly populated a country, or so joyous a savage race as those who there hunted in the woods, and paddled their birch canoes, or Mandan coracles. With the exception of a few all but civilized fragments of tribes in one or two of the States, there is not now one single Indian who owns the name, in all that wide region. A swarthy, keen-eyed lawyer, pleading in the Supreme Court of New York, or a very dark-haired gentleman who sits next to you in a general's uniform at a State dinner in the White House, are, to the keenest ethnological eye, about the only signs of the now thickly peopled States, covered with cities and towns, having been once inhabited only by dwellers in wigwams, who fished the salmon, and hunted the bear and the deer, with no man to make them afraid."

CHAPTER VI.

TEXAS—STRUGGLING—HOUSTON'S FIRST VISIT TO TEXAS—LETTER TO GEN. JACKSON—
LETTER OF JOHN VAN FOSSEN TO HOUSTON—CONVENTION AT SAN FELIPE DE AUSTIN
—EFFORTS TO FORM TEXAS INTO A CONSTITUTIONAL STATE OF MEXICO—HOUSTON IN
THE CONVENTION—AUSTIN AS MESSENGER TO MEXICO—HIS ILL-SUCCESS.

AFTER three years of forest life among the Indians in Arkansas, Gen. Houston conceived the idea of becoming a herdsman. He was in the morning of life, and in the full vigor of his powers. The history of American struggles for occupancy of Texan soil had been studied by him, and stirred his interest in the cause of his suffering fellow-citizens. Gen. Jackson had requested him to confer with the Comanche Indians, and induce them to send a delegation to Fort Gibson, on the Arkansas, with the purpose of afterward visiting Washington city. The Choctaws, Chickasaws, and Creeks dreaded the Comanches. Their power and hostile disposition prevented the emigration of other tribes, and it was thought that if a treaty of peace could be secured, that emigration, with peaceful results, would ensue.

A short distance from the junction of the Grand River and the Arkansas, and on the margin of a prairie between the Verdigris and Grand River, was the wigwam of Gen. Houston. On the 1st of December, 1832, with a few companions, he set out on a journey through the wilderness to Fort Towson. He reported himself soon thereafter to the authorities at Nacogdoches, Texas, thence went on, after a few days, to San Felipe de Austin, then the seat of government of Austin Colony. Governed by the request of Gen. Jackson, he continued his journey to San Antonio de Bexar, where he had an interview with a delegation of Comanche Indians. The objects contemplated by his secret mission, it is supposed, were accomplished at San Antonio de Bexar. Having fulfilled his mission to the Indians, with two companions he returned to San Felipe de Austin. The following letter is a key to the most important events in the subsequent history of Texas :

“NATCHITOCHES, LA., *February 13, 1833.*

“GEN. JACKSON :

“*Dear Sir :—*Having been so far as Bexar, in the province of Texas, where I had an interview with the Comanche Indians, I am in possession of some information which will doubtless be interesting to you, and may be calculated to forward

your views, if you should entertain any, touching the acquisition of Texas by the Government of the United States. That such a measure is desired by nineteen-twentieths of the population of the province, I can not doubt. They are now without laws to govern or protect them. Mexico is involved in civil war. The Federal Constitution has never been in operation. The Government is essentially despotic, and must be so for years to come. The rulers have not honesty, and the people have not intelligence. The people of Texas are determined to form a State Government, and separate from Cohahuila, and unless Mexico is soon restored to order, and the Constitution revived and re-enacted, the Province of Texas will remain separate from the Confederacy of Mexico. She has already beaten and repelled all the troops of Mexico from her soil, nor will she permit them to return ; she can defend herself against the whole power of Mexico, for really Mexico is powerless and penniless to all intents and purposes. Her want of money taken in connection with the course which Texas *must and will adopt*, will render a transfer of Texas to some power inevitable, and if the United States does not press for it, England will, most assuredly, obtain it by some means. Now is a very important crisis for Texas. As relates to her future prosperity and safety, as well as the relations which it is to bear to the United States, it is now in the most favorable attitude, perhaps, that it can be, to obtain it on fair terms. ' England is pressing her suit for it, but its citizens will resist, if any transfer should be made of them to any power but the United States. I have travelled nearly five hundred miles across Texas, and am now enabled to judge pretty correctly of the soil and resources of the country, and I have no hesitancy in pronouncing it the finest country, for its extent, upon the globe ; for the greater portion of it is richer and more healthy than West Tennessee. There can be no doubt that the country east of the river Grand, of the North, would sustain a population of ten millions of souls. My opinion is that Texas, by her members in Convention, will, by 1st of April, declare all that country as Texas proper, and form a State Constitution. I expect to be present at the Convention, and will apprise you of the course adopted, as soon as its members have taken a final action. It is probable that I may make Texas my abiding-place. In adopting this course *I will never forget* the country of my birth. I will notify from this point the Commissioners of the Indians at Fort Gibson of my success, which will reach you through the War Department. I have, with much pride and inexpressible satisfaction, seen your message and proclamation,—touching the nullifiers of the South, and their 'peaceable remedies.' God grant that you may save the Union ! It does seem to me that it is reserved for you, and you alone, to render to millions so great a blessing. I hear all voices commend your course, even in Texas ; where is felt the liveliest interest for the preservation of the Republic. Permit me to tender you my sincere thanks, felicitations, and most earnest solicitude for your health and happiness, and your future glory, connected with the prosperity of the Union.

"Your friend and obedient servant,

"SAM HOUSTON."

This letter is invaluable as connected with the history of annexation, and the estimate and important part which Gen. Houston bore in its development and accomplishment. Standing upon the banks of the Red River in 1833, in imagination he saw a line drawn from

the great northern lakes to the Gulf of Mexico, which separated civilized, cultivated, and enlightened man from savages, or from no less unfortunate people, those who were devoted soul and body to civil and religious despotism. He saw the flood of emigration reducing the wilderness, and planting civilization, the arts and letters where desolation had reigned for ages. His imagination caught fire with the prospect of making a double conquest of Texas. "Coming events cast their shadows before them." He then feared, as he all along feared, British influence, and his fears and jealousy of that power were founded upon an enlarged comprehension of British politics. The views and policy which ever governed Gen. Houston in all his relations to the question of annexation are sagaciously unfolded. That Texas would be free, would be peopled by sons and daughters of freedom and that civilization and intelligence would career westward on this continent, and only stop with the waters of the Pacific were matters encompassed by the vast energies of Gen. Houston's mind. American soldiers coming in collision with Mexicans breathed new life into the dead body of Mexican politics, and departing left behind a spirit of freedom that tore down the altars of anarchy and bigotry.

A letter of an earlier date will show what influences in the United States were stimulating Houston's mind in his plans for Texas. The writer of this letter was a U. S. postmaster.

"LIVONIA, Livingston Co., N. Y., *Aug.* 3, 1832.

"DEAR GEN.:—I reached home on the 30th ult., and found all well; but have been so much engaged since my return that I have not found a moment to devote to your service till to-day. Before this reaches you Major Flowers will have informed you of the fate of my application to Congress on behalf of the witnesses in the Stansberry inquiry. The committee reported favorably, but it was so late in the session that it was impossible to get the House to consider it. Matters remained at Washington much as when you left, except that it was nearly cleared of its transient as well as resident population. I was informed by Col. Shote, with whom I parted at Baltimore on my way home, that there was reason to fear that your friends in New York would fail of their engagement to furnish the means of prosecuting your Texas enterprise. I hope it will not prove true, for I had indulged the expectation of hearing of, if I could not witness and participate in, the most splendid results from this undertaking. I do not believe that that portion of country will long continue its allegiance to the Mexican Government, and I would much rather see it detached through your agency, as the consequences could not fail to be highly favorable to your interest, than to learn that the object had been effected through any other means, or even to learn that it had become the property of the United States on the most favorable terms of purchase. I shall feel uneasy until I learn from you how the matter has resulted. I have a large and dependent family to provide for and protect, and a cold and heartless world to grapple with under circumstances that at present are rather unpropitious, and next to my own deliverance from the embarrassments which surround me, it would give me pleasure to know that the clouds which have hung over and dimmed your

horizon have been dissipated, and that your sun again shines forth in all its wonted grandeur. It has been your fortune to engross more of public attention than any other private individual in this nation, and I am asked daily a hundred questions about that extraordinary man, Gen. Houston; and I most ardently hope that I may ere long be able to say that you have triumphed over every obstacle that interposed against the accomplishment of *your wishes*, not doubting but that I shall be able to add with honest and commendable pride that those wishes have shown themselves worthy of a high-minded and honorable American.

"I am negotiating for a contract to furnish several thousand stands of arms for the Government. If successful, I think, with the advantages I have of water-power and machinery, I can not fail to make it profitable. If I get the contract I will content myself with endeavoring to manage it to the best advantage. Our Anti-Masons and Nationals have leagued together to defeat Van Buren and the Regency in this State. It is a contest in which I can not participate. I think the result doubtful. Pennsylvania will go for the old General, veto and all, though I think it equally certain that she will not give Van Buren a vote. The General will be re-elected, and I think P. I. Barbour will be the Vice-President, which is all I ask for. As I feel a deep interest in your movements, let me enjoin it on you to write to me particularly and as often as you have leisure and can find amusement in so doing. Several copies of your letter to me of the 7th June last have been sent to Ohio, Michigan, etc., and if any apology offers I intend to publish the whole correspondence. I have no doubt that letter will be published in Ohio for the benefit of Stansberry. May the smiles of Heaven attend your undertaking and cheer you, wherever your lot may be cast.

"Yours, JOHN VAN FOSSEN.

"To GEN. SAM HOUSTON, Cantonment Gibson, Arkansas Territory."

In 1832 the people of Texas, in the vicinity of Nacogdoches, openly and generally expressed themselves in favor of inviting either Gen. Sam Houston or Gen. Wm. Carroll to come among them, and take the lead of any revolutionary movement which might be determined upon. While, therefore, Gen. Houston was passing through Nacogdoches on his way to San Antonio de Bexar, he was warmly importuned by the people of the former place to take up his residence among them, and to permit them to use his name as a candidate for election to the convention which was called to meet in the April following. The people appeared at once to recognize the great qualities of civil and military leader which his history and character shadowed forth. On his return from San Antonio de Bexar to Nacogdoches he learned that by an unanimous vote he had been elected a member of the convention. After so generous and cordial a greeting he took up his residence among his new constituents. The convention met in a rude, narrow apartment at San Felipe de Austin, April 1st, 1833. Wm. H. Wharton was chosen president. The assembly, composed of over fifty members, entered immediately upon the object of their meeting, and as each delegate had to pay his own expenses, the business of the convention was completed in thirteen

days. A State Constitution was framed,—a model of its kind. A memorial was also adopted by the convention, and each document was signed by all the members present. The memorial was addressed to the Supreme Government of Texas, and set forth reasons why Texas should become one of the States of Mexico. It was urged that Texas, as a State of the Confederacy, could establish her rights to land promised previously by the General Government, and also negotiate treaties with the hostile Indian tribes. On the Indian territory encroachments had been made. And subsequently to these wrongs against the Indians, the Mexican soldiers stationed at Nacogdoches, Velasco, and Anahuse had come to an open rupture with the colonists in the summer of 1832, caused by the difference between Bustamente and Santa Anna. Bustamente undertook to subvert the Constitution of 1824, in which he was supported by the military stationed throughout Texas. Santa Anna announced himself as the friend and supporter of the Constitution. In the civil revolution which began in Mexico and spread into Texas, the colonists sided with Santa Anna, and expelled the military despotism to whose usurpations, without murmuring, up to that time they had submitted. The colonists did not doubt that their Constitution would be received with favor, and ratified by the Federal authorities. Stephen F. Austin, Wm. H. Wharton, president of the convention, and James B. Miller were appointed commissioners to bear the Constitution and memorial to the Federal authorities of Mexico.

Stephen F. Austin went alone to the City of Mexico. Very little encouragement was given to his mission, although he was received with some formality. The only reason which could have been urged against ratifying the Constitution was that Santa Anna also had resolved on establishing a military despotism.

Great pains had been taken to construct a Constitution acceptable to the Federal Government. Under the Constitution of 1824, in organizing States the provinces of Texas and Cohahuila were formed into one State, reserving the right to Texas to constitute herself a separate State whenever her population was sufficient to justify the measure. The policy pursued toward Texas, both by Cohahuila and the Federal Government, made it necessary for her to become a distinct State as soon as possible. Her territory had been given away in large tracts, under the pretext of raising funds to aid Mexico in defending her frontiers from the Indians. Not a dollar had ever been appropriated to that object. Whenever troops were stationed in Texas they were sent to towns near the seaboard, where there was slight danger of hostile attacks from the savages. But another point could be gained: the support of the Government, otherwise not likely to be given, might be extorted in the face of a military force overawing

the citizens of the place. Fifteen or twenty tribes of hostile Indians made incursions at will, and the colonists were compelled either to go without protection or protect themselves with any means in their power.

In the new Constitution it was proposed by Branch T. Archer, a distinguished son of Virginia, that there should be a clause authorizing the State of Texas to create a bank, or banks. Mexico had no banks. The principal men of the convention supported Archer's proposition to place a clause in the Constitution authorizing banks. Houston opposed it. He was in principle opposed to any system of banks, except such a system as brought its power within very narrow limits. In the infancy of the State he could not hope for a sound banking system, as human cupidity and stringent times would be stronger than constitutional provisions. Policy also, in Houston's opinion, forbade the institution of banks. Their creation, or the power to create them, would be an innovation upon the legislation of the General Government. If Texas wished or hoped for success as a distinct State she must defer to the prejudices and institutions of Mexico. Jealousies and suspicions should be avoided. Mexico would find in the bank clause of the Constitution a valid reason for the rejection of the Constitution. Thus reasoned Houston with great eloquence and ability. He succeeded not only in causing the article in dispute to be stricken out, but another clause inserted, forbidding the establishment of all banks and banking corporations for a period of ninety-nine years, which clause was adopted by a large majority in the convention. Gen. Houston's policy, in these early struggles of Texas to obtain the full prerogatives of an American Commonwealth, was profoundly wise. He was cool, calm, and deliberative in every emergency; even in the strangest events of his life, an imperturbable discretion did not desert him. Upon all the questions of State or National policy Houston's sagacity saw the end from the beginning, and placed him on the side which ultimately won success. The influence which chiefly moulded the action of the convention, and toned the political feelings and events which succeeded, was the result of the wise counsels and shrewd speeches of Gen. Houston. It is supposed by some of the ablest patriots of Texas that had Houston's wise counsels always governed the Republic or the State, the independence of Texas would have been secured with slight loss of life or treasure. If all Houston's associates had been as truly noble in purpose and spirit as Stephen F. Austin, whose share in the great work of freeing Texas from tyranny and establishing it as a State was hardly inferior to Houston's, much sacrifice and suffering would have been spared to the people. Austin, failing to secure the ratification of the Constitution, determined to

return to Texas. But while on his way home he was pursued by order of the Government, carried back to the City of Mexico, and there thrown into a dungeon, where he passed many months of gloom and suffering. A purer patriot never trod Texan soil. Amiable, enlightened, excellent, he was respected and beloved by the colonists, and ever will his incorruptible virtues and unsullied fame be treasured by the people of Texas. The stories of his sufferings in his long imprisonment reached Texas, and a deep sensation was produced everywhere. The only press in Texas, then located at Brazoria, gave utterance to the indignation of the colonists ; which was roused to the rage of a single man. The population of Texas did not at that time exceed 20,000 souls ; and yet indiscreetly they spoke of the wrongs which they endured, and the rights secured to them under the Constitution of 1824. These unrestrained ebullitions of feeling were likely to plunge Texas into a sanguinary struggle with Mexico before she was prepared for such a struggle. Houston, as eager as any man for the political redemption of Texas, discouraged these unwise developments of feeling. Without the form of a trial, with no definite accusation brought against him, Austin had been thrown into a prison. Santa Anna had great confidence in Austin. On all occasions Austin had been loyal to recognized principles, and was the friend of order under all circumstances in Texas. Carrying out the design of his father, Moses Austin, who died in the incipency of the colony, he had migrated with 300 families, colonists, and was the first to introduce the materials of the magnificent political structure which presented subsequently such form and beauty. Liberated at length by Santa Anna, and permitted to return home, he found public indignation aroused and expressed freely in municipal meetings. But when few, if any, orderly meetings were meditating extreme measures, and public feeling against him was subsiding, Santa Anna proved manifestly that he could be satisfied with nothing short of absolute power.

CHAPTER VII.

TEXAS TRIUMPHING—STRUGGLES UNDER AUSTIN AND HOUSTON—CONSULTATIONS—COLLISIONS IN COUNCIL—HOUSTON APPOINTED COMMANDER-IN-CHIEF—COMMISSION REVOKED—GRANT'S EFFORT TO CAPTURE MATAMORAS—TROUBLES CONNECTED WITH GOVERNOR HENRY SMITH'S ADMINISTRATION—SIEGE AND CAPTURE OF SAN ANTONIO BY GENERAL EDWARD BURLESON—DECLARATION OF INDEPENDENCE—HOUSTON AGAIN APPOINTED COMMANDER-IN-CHIEF.

TAXATION had become oppressive. Commerce was placed under the most oppressive restrictions. The administration of the customs was committed to the worst men. All attempts to secure justice had been baffled. The people had improved their lands. Their titles were guaranteed by the Mexican Government, and still large sums of money had been extorted from them in obtaining titles. The disapprobation of the Mexican Government evidently had settled upon the colonists, and yet they were ruled by Mexican laws, and were governed by beings who blindly carried out Mexican edicts. Alarmed, the colonists undertook precautionary measures. But when an edict of Santa Anna commanded the people to surrender their private arms—thus exposing their wives and children to the rage of savage Indians, as well as to the horrors of starvation, for many families depended on wild game for their daily food—the final stroke of tyranny which rends the will of the subject from the will of the despot, had been delivered; and no other thought occupied Texan minds but freedom from Mexican despotism and misrule. On the eastern bank of the Guadalupe, about seventy miles from San Antonio de Bexar, is situated Gonzales, which was originally the capital of De Witt's colony. Almost weekly incursions of the Indians had made it necessary for the defence of the place, that it should have a piece of artillery. Santa Anna commanded Ugartchea, a Colonel commanding several dragoons in the Mexican army, to march from San Antonio de Bexar to Gonzales, to carry off this four-pounder. Inconsiderable skirmishing took place, as the people flocked to the place to hold possession of the little field-piece. A great point was, however, gained: *the Mexican army had fired the first shot.* Swords drawn from their scabbards that day were no more to be sheathed, until every link of Mexican fetters, then encircling the youthful form of Texan liberty, should be burst asunder, and Texas stand free and unfettered by despotism among the nations of the earth.

Stephen F. Austin repaired to Gonzales and was chosen commander of the forces. The little army, animated by his leadership, rescued their four-pounder, and resolved to pursue the foe to San Antonio, and drive from the soil the miserable tools of the tyrant, Santa Anna. Texas rose everywhere, like one man. As far as the eastern boundary, where the people—believing that rumors were exaggerated—were disposed to be tranquil the tocsin of war was sounded and the torch of war was lighted.

A partial organization of militia was effected and committees of vigilance and safety constituted in the municipalities of Nacogdoches and San Augustine. At the same time, Sam Houston was chosen General of Texas, east of the Trinity River. The people of Brazoria, well satisfied that there was little to hope for from Santa Anna, the despot of Mexico, invited the other municipalities to co-operate with them in electing delegates to meet for a general consultation, for the purpose of providing means of safety in case of imminent danger. General Austin with the forces under his command advanced to San Antonio de Bexar and invested the place. Eight hundred armed men from all parts of the province flocked to his standard. These occurrences took place in October, 1835; early in which month, fifty-six delegates met in consultation at Washington. After a brief conference on their first meeting, they changed their place of deliberation to San Felipe de Austin; at which place they were invited by General Austin to meet him at San Antonio, assuring them, that on their compliance, he would reduce the place in three days. Citizens, residing near Victoria and Matagorda, after his advance upon San Antonio under the command of Captain Collinworth, formed a company, advanced on Goliad, reduced and obtained possession of the town. On the first meeting of the delegates in consultation, General Austin sent a message to General Houston to send forward his division of troops. General Houston, immediately on receipt of the message, took the only five dollars he possessed, gave it to a good rider with dispatches to his division, which, as soon as received, caused the East Texans to march to the scene of war. Houston, with the major party of the consultation, immediately after receiving General Austin's invitation, proceeded, without delay, to General Austin's camp, at the Salada, within three miles of San Antonio.

Gen. Austin, soon after the union of the two divisions, proposed to surrender his command to Gen. Houston. All personal considerations weighed nothing in the mind of Austin, when balanced with love of country. Houston declined the offer. He had good reasons for declining. Diffidence, not want of bravery nor patriotism, had influenced Austin. But the troops then in the field had marched to the

camp in obedience to his requisition; they had elected him their commander. General Houston rightly thought that a change of commanders at that time would afford a pretext to the seditious and disaffected to abandon the service, and thus defeat the objects of the campaign; but he cordially offered to aid General Austin in any way in his power, in organizing and drilling the command.

A council of war was held; the principal officers and members of the consultation were present. Should a Provisional Government be formed? If so, ought not the delegates to the consultation to be reassembled at San Felipe de Austin? How were these questions which were started to be answered? To answer them the council of war determined to refer them to the army. Accordingly, on the day after the council of war, the troops were drawn up and their vote taken. The army unanimously decided that the consultation should reassemble and form a Provisional Government, to adopt measures to give to Texas credit beyond her limits, and to provide means to maintain the army then in the field.

The army was conducted by General Austin to the Mission of Espada, some ten or twelve miles distant, and the members of the consultation reassembled at San Felipe, reorganized and renewed their deliberations. A provisional declaration, establishing an organic law for the Provisional Government of the Province of Texas, organizing a temporary administration, and exhorting all Mexicans to unite in maintaining the Constitution of 1824, and to pledge their lives, property, and sacred honor in support of its principles, was enacted.

General Houston served on the committee to frame the provisional declaration. Some of the committee advocated a declaration of absolute independence, and succeeded at first in adopting a resolution to this effect. Houston regarded a declaration of absolute independence at that time as ill-judged and ill-timed, and prevailed on one of the majority to move a reconsideration of the vote. The reconsideration was carried. A considerable majority, influenced by one of the ablest efforts of Houston's life, voted in favor of a provisional declaration.

The deliberations which issued in forming the first government of Anglo-Saxon pattern on the soil of Texas, were held in a small framed house of one room, without ceiling or plaster. The costume of the members of that political conference was rude and unsightly, yet they were dressed as well as their means and misfortunes allowed. Houston had worn the costume of the Indian race, among whom he took up his abode, ever since he had entered upon his exile. In dress, he was then an Indian. His friend, Andrew Jackson, commenting upon his strange freak of dress, said he "thanked God that there was one man in Texas who was made by the Almighty and not by

the tailor." Appearances are not always decisive. Dress indicates either strength or weakness of human character. So reasoned Sam Houston at that time, while he, adopted as a son by the chief of an Indian tribe, continued to cherish a free and courageous spirit under cover of an Indian blanket. In the elections by this primitive convention, he refused to accept any civil office. A Governor and Lieutenant-Governor were appointed. One member chosen by each municipality, made up the council, which was to continue in session till superseded by officers elected by the people. Other officers requisite for the administration of such a government were chosen. Henry Smith was chosen Provisional Governor, and J. W. Robinson Lieutenant-Governor; but the event which certainly decided the destiny of Texas was the election of Sam Houston, by a vote among fifty members lacking only one of unanimity, to be **COMMANDER-IN-CHIEF OF THE ARMIES OF TEXAS**. He was born to command. He possessed the great qualities with which gifted leaders are usually invested. The appointment was accepted; for, having promised to do whatever was possible for him to do, he had no alternative. He immediately proceeded to appoint his staff. All the necessary measures were taken for raising and organizing a regular army, as well as originating a competent militia system.

Texas was without money, and there were few men then living who properly considered the importance of the early movements for its redemption from Mexican misrule, or forecasted the wonderful changes fifty years would witness. Stephen F. Austin, W. H. Wharton, and B. F. Archer were appointed commissioners to visit the United States to procure a loan wherewith to sustain the colonists under the strong pressure of their bold undertaking. Houston, looking upon Texas as dependent upon her own resources, based on her intrinsic values and the individual generosity of her citizens and their sympathizers, issued a proclamation inviting five thousand volunteers to join in maintaining the cause of Texas. In the interval between the departure of Gen. Austin to the United States as a commissioner and the assumption of command by General Houston, the army was under the command of General Edward Burleson, an early settler of Texas, a worthy man and an estimable civilian. Some military events transpired, irregular in their character, yet indicative of great personal heroism on the part of the volunteers. Before Austin left the army, Cols. Fannin and Bowie sustained with about one hundred Americans a gallant action with five hundred Mexicans at the Mission Conception. Leaving some dead on the field and carrying away with them many wounded, the Mexicans retreated and the Americans in triumph marched to the vicinity of San Antonio and posted themselves above the place. About two hundred Americans acceded to the

proposition of Colonel Benjamin R. Milam, then without command in the army, to enter and storm the place. Milam was a gallant and chivalric soldier, inspiring confidence in those under his lead. With his brave followers he entered the town at night, obtained possession of certain buildings, and forced his way from house to house through the walls by means of crowbars. Milam, after performing many acts of great bravery for several days, fell in the heart of the place, pierced by a rifle-ball. The troops, shortly after their leader's fall, obtained entire possession of the town, and compelled the enemy's fortress (the Alamo) to capitulate. Not often has such a scene been witnessed or was presented the morning after the capitulation. A little band of less than two hundred Texans was drawn up in martial array, and not less than eleven hundred Mexican soldiers passed before them and laid down their arms. On their parole of honor, they were released; and, led by Gen. Cos, marched to Mexico. Cos violated his faith, and the next year appeared in arms at San Jacinto. The main body of forces, consisting chiefly of colonists, was now discharged, and marched home to the pursuits of ordinary life. The gallant company mainly instrumental in reducing the Alamo, was alone detained. It should here be noted that during the siege of San Antonio, volunteers from the United States arrived; a company called the New Orleans Grays, under Captain Morris, and another company from Mobile, under Captain Breeze; who bore a gallant part in the memorable siege and reduction of San Antonio in 1835.

Events now transpired which did not harmonize with Gen. Houston's views. A plan was conceived of capturing Matamoras; but it was more out of hatred to Mexicans than in earnest sympathy with the best interests of Texas. A Scotchman, Dr. Grant, who had been engaged with an English mining company at Parras, fell under the displeasure of the Mexican Government, and was compelled to fly. He possessed more than ordinary capacity, but not the usual shrewdness of the Scotch people. After General Burleson had retired with most of the army, he claimed, as one of the aids of General Austin, the command of the remaining troops. Under this assumed authority he induced the New Orleans Grays and Captain Breeze's company from Mobile, to take up their march for Matamoras, by way of Goliad. There were men in the General Council, utterly destitute of moral principle, then occupied in machinations which terminated most disastrously for Texas. With these malcontents, Dr. Grant opened a correspondence, and induced the Military Committee of the General Council to coincide with him in his plan for an attack upon Matamoras. They desired to supersede General Houston; and knowing that he was opposed to Grant's plan, they thought that Matamoras should be captured to destroy Houston's influence. General

Houston had appointed J. W. Fannin, Jr., Inspector-General on his staff; and he had commanded at the battle of the Mission of Concepcion. When this soldier came to the Council of San Felipe, Houston caused him to be appointed Colonel of the regiment of artillery, a position next in rank to himself. The Council seems to have had strange ideas of military affairs. While they were holding their sessions at San Felipe de Austin, they established the headquarters of the army, with General Houston as its chief, fifty miles distant from their own position. Obedient to orders, Houston repaired to Washington, the headquarters, and engaged earnestly in his arduous duties. Recruiting stations were established; and officers assigned to them were ordered to make such reports as would at any time put him in possession of the number and condition of the regular force. The principal recruiting rendezvous was at Brazoria, to which place Colonel Fannin was ordered. General Houston's dispatches to Fannin were disregarded and his authority set at naught; and letters were written and circulated generally, aimed to arouse the suspicion that, under the sanction of the General Council, by raising five thousand volunteers he aimed to establish a military government. Gov. Smith detected the secret intrigues of the Council with Grant, Fannin and others, while General Houston was at the headquarters of the army at Washington; and, about the 1st of January, 1836, he ordered General Houston to repair to San Felipe de Austin. General Houston had with his usual sagacity, issued orders for all troops arriving in the country to report to Governor Smith as nominal commander-in-chief and to himself on their arrival as commander of the army. Volunteers from Alabama and Col. Ward's command from Georgia arrived about this time at the mouth of the Brazos. Being in the neighborhood of the United States volunteers when they landed, Col. Fannin, paying no attention to General Houston's orders, abandoned his position as an officer in the regular army, and became a candidate for the colonelcy of the regiment proposed to be formed by the union of the Alabama and Georgia troops. By the influence of the Council he was elected Colonel, and Col. Ward, Lieutenant-Colonel. The regiment then sailed, according to orders, from Velasco to Copano; marched thence to Refugio Mission, a place twenty miles distant from the first landing; where the command of Grant was to unite with them on the way to Matamoras.

A crisis had now arrived in the affairs of Texas, and disaster befell all involved in precipitating this crisis upon Texas. The ill-starred plan to seize on Matamoras, the fall of the Alamo, and the massacre at Goliad, all contributed in a way, not designed by the martyrs nor approved by the hero of San Jacinto, to the consummation of Texan independence. Truth in history requires that events shall be stated

as they transpired. In directing the campaign on Matamoras, the only object of the Council was to control the revenues of the place. Matamoras possessed by an enemy, cut off from all intercourse with the interior, and communication with the sea prevented, could afford no revenue to the captors. If seven hundred men could reach Matamoras without opposition, they could not keep it a single week. With no means of transportation, with not three days of bread-stuffs, with men unprovided in every respect for a campaign, with an area of several hundred miles to cross, it was not likely that they could ever reach the walls of Matamoras. Discovering the absurdity of such a plan, Houston remonstrated with the officers in a friendly way, pointing out the futility of the project, the great difficulties to be encountered, and the disasters inevitably attendant upon a failure. Governor Smith highly disapproved of the plans of the Council, and on that account incurred their hottest displeasure. Gen. Houston obeyed the Governor's orders, and reported to him at San Felipe. Receiving orders to repair to Refugio, where a junction of the troops of Grant and Fannin was to be effected, after he had returned to Washington, and arranged pressing matters at headquarters, he proceeded to Goliad, about the middle of January, 1836, and made known to the troops his orders, and enjoined obedience on his authority. Grant and his troops were on the eve of marching to Refugio. They refused obedience to the orders of the Governor submitted to them by Gen. Houston, Commander of the Regular Army. He, unable to account for their extraordinary conduct, ignorant of the counsels and plans of the Council, knowing that the troops at San Antonio de Bexar would be unable to maintain the place against the advancing army of Santa Anna, sent Colonels Bowie and Bonham with an escort, to San Antonio de Bexar, on the 15th of January, with orders to Col. W. B. Travis to blow up the Alamo and fall back to Gonzales, on the Guadalupe River, at which place he intended to establish his line of defence. Notwithstanding the refusal of Grant and Morris to obey orders, Gen. Houston marched twenty-five miles with them to Refugio, leaving a few regulars at Goliad to maintain the post, with nothing but the cattle of the country for subsistence. When the troops reached Refugio, they received no intelligence of the landing of Fannin at Copano, whence he was to march to Refugio. Unable to influence the leaders by regular authority, or by friendly remonstrance, and unwilling to excite sedition among troops, reluctant to bow to the command of any other general, accompanied by a few of his staff, Gen. Houston set out at night, from Refugio, to return to San Felipe de Austin. On the road he received startling intelligence. Under the organic law, a certain number constituted a quorum in the Council to transact

business. When that number was not present it was not a lawful body. The measures and counsels of the stormy spirits induced the more patriotic and conservative members to withdraw, thus leaving the Council a number incompetent, legally, to transact business. The remaining members, acting independently, proceeded to extreme measures. *First*: Not finding Governor Henry Smith a suitable agent for their designs, they deposed him. *Second*: Equally disapproving the views and plans of Gen. Sam Houston, they superseded him, and chose another as commander of the army. Besides these facts, published letters of Col. Fannin, indicating his reliance on the Council, and disregard of the authority of Gov. Smith and Gen. Houston, met his eye. The true situation of the country was disclosed to him. After having embarked in the enterprise of freeing a struggling province from Mexican tyranny, having exchanged tranquillity among friendly Indians in their forest homes for war and danger, having greeted with joy the first dawning of Anglo-Saxon liberty in the fair province of New Estramadura, that he should still be followed by persecution, and hunted down by ambitious rivals, could not fail, for a moment, to becloud his hopes and cause his great heart to be cast down with sadness. Troubled by the most painful suspense, he journeyed on to San Felipe. Two trains of reflection passed through his mind, as he rode most of the day in silence, undisturbed in his reveries by the conversation of his companions. One moment his mind wandered away to the deep solitudes of nature; to a life of communion with the Great Spirit and His sublime creations, as in the days of his boyhood and exile, where the world's treachery and persecution would not reach him. At another moment he had boldly marked out a new track for himself, and saw himself trampling down all opposition, and leading a new people to liberty and independence. Toward evening he reached San Felipe. His sagacious mind had discovered that unless something was speedily done to repair present foreshadowed evils, all would be lost for which a struggling people had been contending in Texas. His purpose was fixed and nothing could change it. He addressed the people of San Felipe at the close of that remarkable day in his history. He made his official report to the Governor, and then in pursuance of instructions received from the consultation, proceeded with Major Hockley to the Cherokee nation, to form treaties with them and other tribes. He met the Indians in the Council and accomplished his mission.

In the short course of two months, events stranger than fiction had occurred, and in two months more events among the most striking in the history of the Anglo-Saxon race were to occur. Between the first of January, 1836, and the first of May, 1836, Texan struggles

culminated, Texan martyrs won immortality, Texan liberty was won, and Texan independence was secured.

The Convention which made the declaration, met March 1, 1836. Gen. Houston having been returned as a delegate to this Convention, arrived at Washington on the last day of February. The Convention assembled, composed of true men ; men tried by every standard of character : great, heroic, and patriotic ; men not inferior in many elements of character to any others of any similar assembly. The day after the organization, the second of March, 1836, the *Declaration of Independence* was adopted unanimously and signed. Public feeling was mature. Events had precipitated the adoption of this measure ; but the people of Texas hailed it with joy and acclamation. The people of the United States, who were conversant with the issues made in the struggle and with the great magnitude of the results to follow, received the news with equal joy ; and nowhere was the intelligence more welcome than at "the White House," where Andrew Jackson was filling the Presidential chair for the last year of his term. The spirit of the hero of New Orleans, and the spirit of the coming hero of San Jacinto, were in full sympathy.

CHAPTER VIII.

THE ALAMO—GOLIAD—THE FALL OF ONE—THE MASSACRE AT THE OTHER—MOVEMENTS OF GEN. HOUSTON BEFORE AND AFTER THESE MEMORABLE EVENTS—MOVEMENTS PREPARATORY TO THE BATTLE OF SAN JACINTO.

THE declaration of Texan independence was denounced as an act of high-handed robbery, perpetrated by a band of bold outlaws, by a thousand newspapers in the United States; and a feeling of hostility was excited against the infant republic, without a parallel in the history of the world. But a wise Providence willed the declaration, and that it should be triumphantly sustained. The Convention which passed it, terminated the existence of the Provisional Government, with its offices of Governor, Lieutenant-Governor, Council, and Major-General. This last office, although he had been superseded by a hostile council, Gen. Houston held. But the emergency required that there should be a commander-in-chief. The Convention went into an election, and out of fifty-six votes, Houston, who was not present, received all but one vote. Gloom hung over the public mind. Texas had no organized forces. The few Georgians and Alabamians were detached beyond the Southern settlements, commanded by an officer who had contemptuously disobeyed the orders of the commander-in-chief. It was feared that Gen. Houston would decline the office tendered because of the treatment which he had received from the Council. The conviction was almost universal that, unless he would accept the command of the army, the cause of Texan Independence was lost. Apprehension and alarm agitated every mind. Stirred by the heroic spirit which ever animated him, sympathizing with the general feeling, Gen. Houston resolved to hazard everything and peril life itself upon the issue, and accepted the command. Letters had been received, a few days before the Declaration of Independence had been adopted, from Col. W. B. Travis, who was in command of the Alamo at San Antonio de Bexar, informing the people of Texas—for general anarchy at that time reigned—that he was invested by a numerous force, and calling earnestly for aid. This result had been, as it will be remembered, anticipated by Gen. Houston. The commanding officer had been ordered to abandon and blow up the Alamo. The orders were disobeyed by the officer,

and treated with contempt by the General Council; who, promising to reinforce him, commanded the officer to defend the place to the last. The entire reinforcement sent to Travis' aid was only thirty men, making his whole effective force not more than one hundred and eighty-five men, without a month's provisions, seventy miles distant from all Texan settlements, and the whole intervening territory swept by Mexican cavalry. Some excuse may be offered for this disobedience and contempt of orders, from the fact that less than one year before, the Alamo had surrendered and San Antonio had been reduced, by the efforts of a Texan force under Milam, with less than two hundred men opposed to nearly twelve hundred men under Gen. Cos. But it was Santa Anna, now with seven times as many troops as Cos had, and no greater number of troops commanded by Travis, than Milam commanded. The result was foreseen by Gen. Houston; but the martyrdom that ensued was no less conspicuous, and the costly sacrifice which immortalized the victims, Travis, Crockett, Bowie, and their heroic comrades, was no less needed as a necessary factor in the final and grand consummation of Texan liberty and independence.

The last express that ever left the Alamo brought a letter to Washington on Sunday, March 6th, to the President of the Convention. No sooner was its intelligence made known, than terror pervaded the community. There was a general rush to the hall of the Convention. Without summons or signal, the members took their seats, and the President his chair. The President arose. He announced the reception of a document, "of the most important character ever received by any assembly of men." He then read a letter from Col. W. B. Travis most thrilling in its character. Breathing the language of despair, it was written in the fervor of lofty patriotism and devoted courage. The excitement ensuing was so great that even calm men could hardly command themselves, or say what the emergency required. Robert Potter, remarkable as a Member of Congress of the United States, and as a Cabinet officer of the Texan Republic for sad vices and a terrible end, moved that "the Convention do immediately adjourn, arm, and march to the relief of the Alamo." A proposition for fifty-six men, to march to the aid of one hundred and eighty-five men, against an investing force of over eight thousand! As he rose from his seat, all eyes were turned upon Gen. Houston. There was a death-like stillness. Feeling that the fate of Texas hung on the next movement of the Convention, he had resolved upon his own course, and what ought to be done by the Convention. He opposed the motion of Robert Potter as madness, and worse than treason to the people. He held that a declaration of independence,

without an organization to sustain it, was null and void. A Government with organic forms must be inaugurated at once. Without it, they could not command the respect or sympathy of mankind, and would be regarded in no other light than outlaws. He spoke for an hour with great eloquence and effect, begged the Convention to sit quietly and pursue their deliberations, and assured the members that he would instantly start for Gonzales, where he understood that a small corps of militia had rallied. He promised that, while they continued to sit in Convention, the Mexicans should never approach them, and if human aid could save the brave men then in the Alamo, that aid should be extended to them.

Walking out of the Convention, in less than an hour he mounted his battle horse, and was on his way to the Alamo, accompanied by three or four companions. His action must have been regarded as desperate, else many others would have followed him. Col. Travis had stated in his letter that, so long as the Alamo could hold out against the invaders, signal guns would be fired at sunrise. For many days these signal guns were heard at a distance of over a hundred miles across the prairie. Late at night of the first day Houston reached a point where the expected signal could be heard, if made at all. At sunrise the coming day, putting his ear to the ground, he listened with an acuteness of sense not understood except by dwellers of the forest or by one "awaiting a signal of life or death from brave men." Not a murmur, even the faintest, came across the morning air. In vain he listened. The Alamo had fallen. And he learned afterward, that the Alamo had fired its last gun on the morning on which he left Washington, and indeed that the heroes of the Alamo were meeting their fate at the very hour he was speaking in the Convention. Assured of this terrible fact, he sought his companions, who were preparing to continue their march, and wrote a letter to the Convention urging members to adopt a resolution declaring Texas as a part of Louisiana under the treaty of 1803. The suggestion was not adopted. Had it been adopted, Mexico would at once have discontinued the conflict, as Texas would be a portion of an integral part of the United States. The question of recognition or annexation would not have been raised. The sympathies of nations, of peoples, and of legislatures would have been with Texas. Why Mexico made war upon Texas after her recognition as an independent republic by the Great Powers of the world, and why war was also waged with the United States after the annexation of Texas, may be known readily when the persistent, long-continued, and desperate hostility of thousands of persons of influence, and of a thousand newspapers, to the annexation of Texas are calmly considered. These journals and their

supporters sympathized with Santa Anna, Bravo, Bustamente, Almonte, Herrera, and Paredes. The enemies of Texas in Mexico believed that they had the cordial sympathy of the enemies of Texas in the United States, and they hoped for success, because they believed their sympathizers in the United States all-powerful. Trustworthy and confidential agents with money to expend, were stationed in Boston, Philadelphia, and New York. Here these agents of bold and impudent tyrants fought battles and won victories for Mexican despotism. It was strange and sad to behold the descendants of the heroes of 1776 frowning scornfully upon the youthful form of Texan liberty. The braggart threats of Paredas were made without apprehension of any danger in being summoned to battle. What a change came over these Anglo-Saxon opponents of Texan liberty! Twelve years after the battle of San Jacinto, they appropriate ten millions of dollars and fifty thousand volunteers with enthusiasm to enforce the decree of annexation. With shouts of political fervor, they make the hero of Palo Alto, Resaca de la Palma, Monterey, and Buena Vista President of the United States. History reveals itself strangely.

Notwithstanding all opposition, Gen. Houston was ever true to his purposes and principles. Assured that the Alamo had fallen and its brave defenders had met their fate, he moved on to Gonzales, although not a man joined him on his way. When he set out from the Convention at Washington, he dispatched an express to Col. Fannin intending to secure from that officer a junction of his forces with his own on the Cibolo, a small river between Gonzales and San Antonio, and with forces united march to the relief of the Alamo. Reaching Gonzales on March 10, 1836, he found three hundred and seventy-four men, without suitable apparel, unarmed, without organization or supplies. They were immediately assembled, organized, and they elected their own officers. The scouts, who arrived about the time of Gen. Houston's arrival from the vicinity of San Antonio, were under the impression that the Alamo had fallen. This was confirmed by two Mexicans who came in from San Antonio, and whose families had resided among the American colonists. The statement was written down, as Gen. Houston believed it to be correct. The terrible fact was evident that, on the morning of the 6th of March, the Alamo had been assailed, and all human beings in it put to death, except a woman, her child, and a negro; and that the bodies had been dragged out, heaped with wood, into one pile, a vast hecatomb, and burned to ashes.

The fall of the Alamo, and the cool-blooded barbarity exhibited by Santa Anna and his minions, stirred a spirit wherever known, destined to culminate in the overthrow of Mexican despotism, on

the not far distant day of San Jacinto. On the 11th of March, Gen. Houston sent another express to Fannin, informing him that the Alamo had fallen, "ordering him to evacuate Goliad, blow up the fortress, and fall back without delay upon Victoria and the Guadalupe." It was Houston's opinion that the only means of saving Texas was the union of all the forces at that time in the field. Fannin's force had a fine supply of arms brought from the United States. This force, numbering over five hundred men, joined to Gen. Houston, would make the army at least nine hundred effective men.

Fannin did not attempt a retreat until he had been surrounded by the Mexicans several days. He held a council of war, and sent an express to the commander-in-chief, informing him that he had named the place Fort Defiance, had determined to defend it, and was willing to meet the consequences of disobeying orders. Fannin's fatal mistake, as the result proved, evinced the prophetic sagacity of Houston. About the 23d of March, in the midst of gloom and suspense, the terrible news reached the little army that Col. Fannin's regiment had all been massacred. Peter Kerr, a Mexican, brought the intelligence. A fearful panic took possession of the little army, which the fall of the Alamo had nearly dispersed. The consternation was redoubled when the terrible news came that five hundred courageous companions in a noble cause, men fully armed and equipped for the struggle, had all been massacred. The slaughtering army seemed to have swept away the last barrier in their way. The courage of Houston's men was sadly unnerved. The commander of a forlorn hope had a difficult task to perform immediately. This he did with marvellous sagacity. Calling for the sergeant of the guard, he declared that Kerr was an incendiary, sent as a spy into his camp to produce distraction, and, denouncing him, declared, in an apparently furious storm of anger, that he should be shot at 9 o'clock the next morning. Kerr was at once arrested and put under a strong guard. Addressing the soldiery, Houston gave numerous reasons to prove that the supposed spy's news could not be true. The excitement, which had reached a fearful height, was appeased by his apparent disbelief. Not until the soldiers in camp had retired to rest, would Houston see Kerr. He then repaired to the guard fire and heard the recital of that awful story, which proved that his worst forebodings were now veritable history. Orders were given to have the prisoner treated kindly, and he forgot the next morning to have him executed. With the dreams of the soldiers the excitement passed away. But as Houston would have subjected himself to the charge of collusion with the enemy, in turning loose a supposed spy sent by the people most

odious to the army, he did not immediately release Kerr. However, on the eve of that day he struck his camp and marched toward the Brazos River. The next night the army reached San Felipe, marching about twenty-eight miles in less than twenty-four hours. The following brief extract from a dispatch develops the perplexities which crowded on the mind of the commander of the little army :

"CAMP WEST OF BRAZOS, *March 31, 1836.*

"My intention was to have attacked the enemy on the second night after the day Fannin's destruction was reported by Kerr. . . . Send me daily expresses, and let me know what to rely on. I must let the camp know something, and I want everything promised to be realized by them, and I can keep them together. I have thus far succeeded beyond my hopes. I will do the best I can; but be assured that the fame of Andrew Jackson could never compensate me for my anxiety and mental pain. Two nights since, when it was reported that the enemy was on this side of the Colorado, the citizens of San Felipe reduced it to ashes. There was no order from me for it."

On the 29th of March the army encamped at Mill Creek, and reached their destination, opposite Groces, the following day. The steamboat *Yellow Stone*, lying at the landing, was immediately pressed into service, and a company of troops placed aboard to prevent the engineers from running the boat off. Until April 11th, the army remained in the same position. While the spring rains kept the river in a swollen condition, it camped on an island of the Brazos, secure from the enemy. To maintain communication with the enemy's country, a narrow bridge was constructed, over which Texan scouts could pass, to gather news and keep an eye on the plans and manœuvres of the Mexicans. It was Gen. Houston's design, before the waters had reached their greatest height, to march with all his force, as soon as the Mexicans should approach San Felipe, and supposing that their confidence in their numerical strength, discipline, and success would throw them entirely off their guard, and to surprise them at night, and thus make them an easy victory to Texan prowess. The freshet in the Brazos was, however, at its height when Gen. Houston heard of the arrival of the enemy at San Felipe; as, therefore, there were three creeks to ford on his march, the plan so boldly conceived was abandoned. The bold daring and sleepless vigilance of the heroic man, on which hung the fate of the young Republic, were thus displayed, although no fortunate result followed his designs. The first certainty of the approach was indicated by the noise of their cannon. The company left to guard San Felipe had retired to the east side of the river, where a partial fortification of timber was thrown up, discovering which, the enemy immediately opened their artillery on

their breastworks. A company of eighty men, just arrived in camp from Eastern Texas, were detached with another body to give aid to Capt. Baker, while the commander-in-chief, through expresses, maintained communication with the troops at San Felipe and Fort Bend. The main body of the army at Groces, composing his entire force, did not amount to more than five hundred and twenty men. Five hundred men in addition had been expected from the red lands. They were already in the field, and had marched as far as the banks of the Trinity River. Rumors of Indian hostilities were raised by men more willing to ruin the country than fail in Houston's destruction, and thus reinforcements were prevented from joining him. A fine company, composed of Southern chivalry, under command of Gen. J. A. Quitman, of Natchez, were prevented in this way from participating in the triumphs of San Jacinto. Two days after the victory they arrived in camp. As Houston retreated and Santa Anna advanced, the country behind Houston was entirely depopulated, for the hero of San Jacinto never fell back until interposing the army between the enemy and the helpless, he secured the women and children from danger. The strength, position, and designs of the Mexicans had become apparent to him. In three divisions they were advancing on him,—Santa Anna, leading the centre, was to advance from San Antonio to Gonzales, Beasons, and San Felipe, or Washington and Robbin's Ferry, to Nacogdoches; Gen. Urrea was to march with the Second Division from Goliad, by way of Victoria, to Brazoria and Harrisburg; the Third Division was to advance by Bastrop to Texoxtitlan, on the Brazos, and thence to the Comanche, crossing the Trinity on to Nacogdoches. This plan of campaign displayed Santa Anna's superior ability, revealing to Houston the military skill of his opponent. This entire scheme had to be thwarted within thirty days; if not, Texas would be devastated, and the last hope of the Republic blotted out. How this was to be was discovered by no one but Houston. Suspense painfully possessed the little army. To their bold leader all eyes were anxiously turned. The salvation of Texas depended, under God, on the arm of Houston. The policy of Houston was soon mapped out. The advancing divisions were so much detached that he felt assured that they could be managed in detail, if the expected succors should reach him in time. The best position had been selected on the Brazos, enabling the commanding General to cover a larger extent of territory than any other location at command, and afforded good access to supplies. While encamped at this place he was constantly sending expresses to Eastern Texas, in which, while his true situation was communicated to the Committee of Vigilance and Safety, at Nacog-

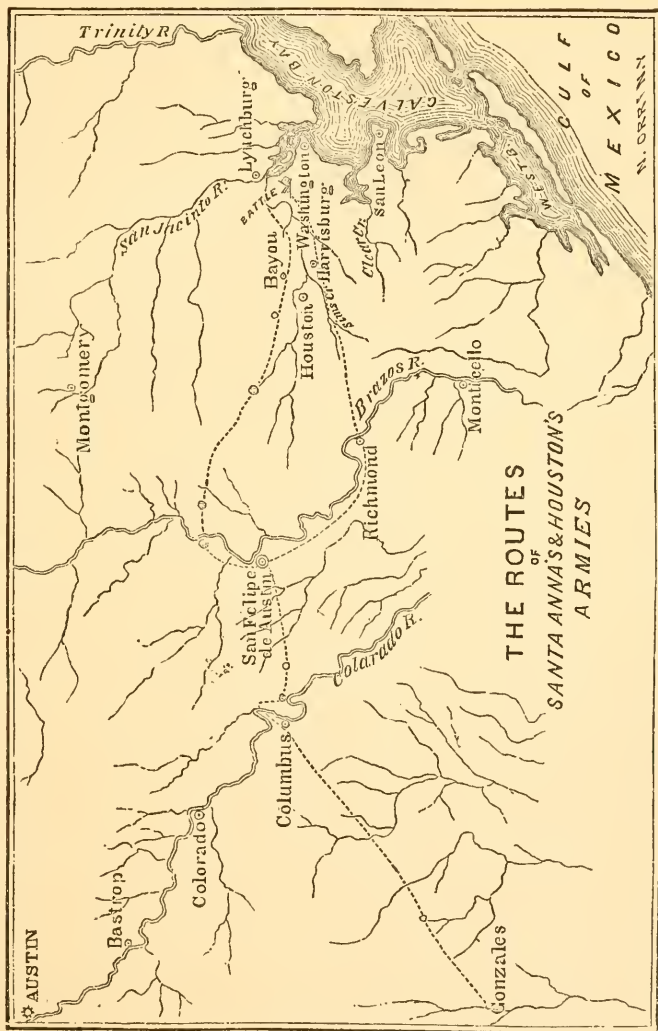
doches, he habitually endorsed the envelopes with postscripts, to show to all that his force did not exceed twenty-five hundred, believing that success would fail to come to his aid if his real situation were known. The report that he had a command of twenty-five hundred men had no other origin.

News came from Fort Bend, about the 11th of April, that Santa Anna, with the centre division of Mexicans, had already crossed the river at that place. The vigilance enjoined was not maintained by the company stationed at that place, consequently a negro took the ferry-boat over to the western side of the river, which enabled the Mexicans at once to cross the river, which, as it was at high flood, they could not have crossed in a month. A month's delay in crossing would have enabled Houston to maintain his position until his army was reinforced, from the confidence inspired by safety. Circumstances fortunately conspired in favor of Houston and the Texans. Gaono, and the upper division of the Mexican army, had lost their way on the march, and ascended the Colorado. High waters delayed the southern division under Urrea, and the Brazos was not passed at all. That Harrisburg had become the seat of Government, after the Convention had adjourned, March 17th, was known to Santa Anna, and he was prepared to take advantage of the panic which the flying officers of the Republic had spread over the country. Such was the consternation with which the Convention broke up, that only seven of its members found their way to the army in the field. The disastrous consequences of terrible panic among leading men were only thoroughly conceived by those who were on the ground. Owing to this cause more than to any other, Houston received no more reinforcements in this fearful and trying crisis. A government *ad interim* had been created by a constitutional act of the Convention. A President,* Vice-President, Secretaries of War, Navy, and the Treasury, with all powers, except law-making, incident to a government, had been appointed, *ad interim*, and then the Convention adjourned to Harrisburg, a point not less than seventy miles from the scene of war. The flight of the wise and worthy men of the country from danger, tended to frighten the old, young, and helpless, furnish excuses to the timid, and "sanction the course of the cowardly." The general dismay following the adjournment of the Convention, induced many brave men, impelled irresistibly by natural impulses, to go to their abandoned, fugitive wives and children to render them protection. It has been often declared by Gen. Houston that of all the circumstances which befell him in the struggle for Texas,

* Hon. David G. Burnet, President ; Hon. L. G. Zavalla, Vice-President.

this was the most disheartening, and his dispatches confirm the statement.

It was undoubtedly fortunate for him that Santa Anna had learned that the seat of government had been temporarily removed to Harrisburg. It caused that wily chief to diverge from his route to Nacogdoches, abandon his plan of general invasion, in order to capture the *ad interim* officers of the new Republic. Assured certainly that Santa Anna was crossing the Brazos, Gen. Houston dispatched orders without delay for all his troops scattered a distance of more than eighty miles, from Washington to Fort Bend, up and down the river, to join him on the march to Harrisburg. The newly-appointed Secretary of War, Gen. Thomas J. Rusk, afterward Houston's colleague in the United States Senate, instead of flying from the scene of danger, repaired with all haste to the commander-in-chief, on the Brazos. On all matters pertaining to the welfare of Texas they advised cordially together, and agreed together entirely as to the means necessary to be adopted. The steamboat *Yellow Stone* was put in motion, and the entire army, with baggage wagons and horses were transported to the eastern side of the Brazos in two days. The first artillery which had been placed under Houston's control was found on shore, two six-pounders—"the twin sisters"—a present from some patriotic men in Cincinnati. They were mounted, but without equipments necessary for use. The smith's-shop and gunsmiths employed in repairing the arms of the troops were immediately occupied in making the guns ready for effective use. All the old iron in the vicinity was cut into slugs and formed into cartridges. A few miles from the ferry the little army halted and encamped for the night. As was his custom, Houston personally examined the state of the camp, and ascertaining that all that was necessary for an early march had been done, he inquired the route to Harrisburg. Never before having been in that region, to prevent the liability to surprise by a superior force, he acquainted himself perfectly with the geography of the country. Houston knew that the road leading to Nacogdoches, which crossed the Trinity River at Robbin's Ferry, must have been the one which Santa Anna had taken in his march upon Harrisburg. Putting the main army, composed of between seven and eight hundred men, in motion, a fatiguing march of eighteen miles, through a prairie, was made 16th of April, to McArleys. Fourteen baggage wagons and two pieces of artillery composed the train. The prairie had been made boggy by excessive rains. The wagons had to be unloaded in many places, and the dismounted field-pieces carried or rolled through the mud. The entire physical strength of the army was thus brought into requisition.



Foreseeing early in the march what lay before his men, Houston, on the first emergency, dismounted, stripped off his coat, and set the example of unloading and transporting baggage and guns. He continued throughout the day so to command and assist the soldiers with his personal strength. At sunset the brave and toiling little army halted, and without covering laid down to sleep on the open field, as there was not a tent in the camp. A cold rain set in after dark, continuing for twenty-four hours. The men who were working out the emancipation of their country endured hardships almost unparalleled in the world's history. Through the second day (17th April) these men pursued, through the rain, their exhausting march to Burnett's settlement, a twelve miles march to a deserted place. That night the soldiers slept on the wet ground, ready in a moment to answer the summons. The only instrument of martial music in the camp was a drum, which, strange as it may appear, was only touched by the commanding General, when he gave three taps to call to duty. It appears that a fife was procured before the battle of San Jacinto. The third day's march (18th) brought the army eighteen miles through the prairie to Post Oak Bayou, where for the night they encamped. They had no longer to make a toilsome march through the prairie; Harrisburg, the temporary capital, was only six or eight miles distant. The Mexican chief on his march to Washington had anticipated them, and reduced the town to ashes.

Marching up within two miles of the stream, and almost in sight of the ruins, they prepared to cross Buffalo Bayou, which was between them and the scene of the Mexican's desolation. Swimming across the stream with several companions, the gallant Karnes and Deaf Smith, in a short time brought back across the Bayou two couriers, who furnished most important intelligence. Dispatches from Felisola to Santa Anna were found on the person of the courier—who proved to be a Mexican officer,—so recently written, that the party reading them out aloud for Gen. Houston, remarked, "The ink, sir, is hardly dry." Assurance most positive was now forced on the Texan commander that Santa Anna had the command in person of the advance of the enemy. The second express was composed of mail from the City of Mexico, filled with letters of congratulation from the capitol, acknowledging Santa Anna as Emperor of Mexico.

Gen. Houston and Gen. Rusk, the Secretary of War, retired immediately for a private conference. They exchanged but few words; serious and all-engrossing facts were before them. There could be but one conclusion: "We need not talk," said Houston to Rusk, "you think we ought to fight and I think so too." It was

decided that the fate of Texas should be settled in battle as soon as the enemy could be found, and Gen. Houston was informed not long after this conference, by Col. Hockley, that he had overheard an officer in command of a regiment, saying to the soldiers around him, with whom he supposed that he possessed great influence, "Boys, Houston don't intend to fight ; follow me and you shall have enough of it." Houston said at once to Hockley, "I'll cure this mischief directly." The two Colonels were summoned into his presence. "Gentlemen," said he, "have you rations of beef in camp for three days?" "Yes, sir." "You will then see that each man is supplied with three days' cooked rations, and hold the camp in readiness to march. We will see if we can find Santa Anna ; good-morning, gentlemen." Houston remarked, as he turned off with Hockley, "There is no excuse for sedition now if they wish to fight." Orders were immediately given to prepare for crossing Buffalo Bayou, so that the march upon the enemy might be commenced the next morning. But when morning came, no preparations had been made for the march. No attention had been paid to the orders of the commanding General,—no soldier had prepared his rations. No time was to be lost. Not taking his usual morning rest, the General in person issued his orders to the men, and soon the signs of preparation were evident throughout the camp. It was, however, nine o'clock before the column could be gotten under arms. Arriving at the bayou, two miles from the encampment, the boat was found to be nearly filled with water. Dismounting at once, Gen. Houston called for an axe, and went to hewing oars out of rails. Difficult and perilous as was the passage, yet Houston was resolved that it should be made that morning. The stream was about fifty yards wide, and more than twenty feet deep. An accident occurred, damaging the boat, while the pioneers, a small company, were going aboard. The General at once leaped aboard. His faithful horse, left pawing on the bank, plunged in after him, and swam to the opposite shore. A rope of horse-hair, called in Spanish *cabriestos*, was soon constructed with raw twigs, and fastened to both banks of the bayou, enabling the boat to make trips more rapidly, and keep it from floating down stream. With great rapidity the passage was now made. But the commander and his faithful and intelligent councillor, Gen. Rusk, Secretary of War, spent an hour of intense anxiety. On opposite banks they stood and watched the dangerous movement of their little army, in whose brave hearts were now gathered all the hopes of Texas. The enemy's column might appear in sight at any moment, and coming up while the deep stream divided the army of Texas, the hopes of Anglo-Saxon civilization would have been blasted on Texas soil for

an indefinite period. The moment of deepest peril now intervened. After half the army had crossed, the boat commenced giving away, occupying four strong men in continually bailing out the water. The cavalry had now to cross. Goaded to plunge into the deep stream, they immediately disappeared, and rising again in full strength they swam to the steep, opposite bank, and made a successful passage. The last passage of the boat carried over Gen. Rusk. These two brave men grasped each other's hands, and involuntarily the same exclamation escaped from each other's lips, "Thank God, at last we are safely over." The following letter, written in pencil, on a scrap of paper drawn from the General's pocket, will attest the animus and intention of the hour after the passage of Buffalo Bayou :

"CAMP AT HARRISBURG, *April 19, 1836.*

"TO COLONEL RUSK, in the field :

"This morning we are in preparation to meet Santa Anna. It is the only chance of saving Texas. From time to time I have looked for reinforcements in vain. The Convention's adjourning to Harrisburg struck terror through the country. Texas could have started at least four thousand men. We will be only about seven hundred to march, besides the camp guard. *But we go to conquest.* It is wisdom growing out of necessity to meet and fight the enemy now. Every consideration enforces it. The troops are in fine spirits, and now is the time for action. We will use our best efforts to fight the enemy to such advantage as will insure victory, though the odds are greatly against us. I leave the result in the hands of an all-wise God, and I rely confidently upon His providence. My country will do justice to those who serve her. The right for which we fight will be secured, and Texas shall be free.

"SAM HOUSTON, Commander-in-Chief."

(Certified copy from the Department of War of the Republic of Texas.)

After the passage of Buffalo Bayou the companies of the army were formed into line, and then Gen. Houston rode up and addressed the soldiers. His address was said by those who heard it to be the most eloquent and impassioned to which they ever listened. He gave them as the battle cry, *Remember the Alamo*. The words were taken up by every man in the army, and one unanimous shout pierced the sky, "Remember the Alamo! Remember the Alamo!" and the green islands of prairie trees echoed and repeated that shout, "Remember the Alamo." Gen. Rusk, Secretary of War, also spoke in the most stirring, impassioned, and appropriate language. Inspired with the spirit of chivalry, the men were impatient to hear the order to "march." The column soon received the order to march. Under a brilliant sun, shining full and clear after a long cold rain, that army marched without bugle

Life of Sam Houston.

blast, floating banners, thrilling fife, or pealing drum.* Seven hundred men, resolute on freedom without pomp or circumstance of glorious war, evinced their determined purpose by heavy tramp, strained muscle, and compressed lip. To avoid being seen on the open prairie, the army halted till sundown, in a narrow woodland not far from the stream. Once more in motion, the column made a forced march to a position distant not more than four or five miles from the ground where the serious and main struggle was expected to be made. Off from the line of march the weary men took shelter under the covert of a grove, and lying down on their rifles, slept for an hour. Gen. Houston rose from the ground at daylight. He had rested on a coil of rope used in dragging the artillery, and with his well-known three taps of the drum roused the camp. From the day he assumed command a reveille or tattoo had never been beaten. In every direction pickets were advanced. The scouts sent out returned very soon with information which assured Gen. Houston that Santa Anna with his column was not far distant. A small party well mounted had been met with, and although chase was given, they escaped. The army halted to take refreshment; when the scouting party returned, rousing fires were kindled to cook the beeves already dressed. About seven o'clock that same morning, before much progress had been made, it was reported that the enemy was marching up from New Washington to cross the San Jacinto, effecting which, Santa Anna would have been enabled to have carried desolation to the Sabine. The order was given immediately by Gen. Houston to take up the line of march for crossing the San Jacinto at Lynchburg. On cutting off Santa Anna's retreat hinged the issue of the entire struggle, and the whole army at once saw it. With alacrity abandoning their half-cooked meat, the men flew to their arms as one man, and hitching the horses to the artillery as soon as possible, began the march, nor did they halt until they had reached the ferry at the junction of Buffalo Bayou and San Jacinto, where, to the great joy of the Texans, they learned that Santa Anna had not yet come up. Santa Anna had forced some Americans to construct a new boat; of this Houston took possession, and caused it to be rowed up the stream opposite the first grove on the bayou. Arriving first, he had the opportunity of choosing his position. In a beautiful copse of trees growing on a bend in the stream, semicircular in form on the margin of the prairie, he posted his army. On the bank of the river his forces were concealed by the trees and their undergrowth,

* There was one drum and fife, which few heard, which gave the air of "Come to the Bower," the only air of the struggling Republic.

and his artillery was planted on the brow of the copse. The Texans were now ready for battle at a moment's warning, but as Santa Anna's forces had not yet come up, they relighted their fires to complete their cooking operations which had been so suddenly broken up a few hours before. Their arms had been scarcely laid aside and fires kindled before the scouts of Houston came flying into camp with the important news that at last the Mexicans were in sight—intelligence soon confirmed by Santa Anna's bugles, sounding over the prairie the charge of the Mexican army. Santa Anna knew perfectly well, whatever had been said to the contrary, the position of the Texan General. He intended to surprise the Texan army himself, instead of being surprised by a discharge from the Texan artillery. Intending to sustain his artillery by his infantry and cavalry, he opened his "brass twelve-pounder" upon the Texan position. The Mexican infantry column was driven back by a well-directed fire of grape-shot and canister from Houston's two six-pounders, and within rifle-shot of the Texan army took shelter in a piece of timber. The Mexican field-piece kept up its fire, resulting only in disabling from service Col. Neill, the gallant officer of the artillery, by a grape-shot received in his thigh. About ten o'clock of the morning of the 20th of April these events occurred. Permission was given Col. Sydney Sherman, of the 2d regiment, at his own request, to drive with a detachment the infantry from their covert. Although the place and time for action had been decided upon by Houston, he consented to Col. Sherman's proposition, enjoining him to take two companies of his regiment with positive orders not to advance beyond the piece of timber, or endanger the safety of his detachment. The charge was made on horseback, and only resulted in a repulse of the Texans.

It is apparent from the records left concerning the movements of this eventful campaign, that Gen. Houston had determined to select his own time for the conflict, and by superior advantage of position and military skill to compensate for disparity in numbers. The skirmishing of the day concluded with the retirement of Santa Anna and his army to a swell in the prairie, with timber and water in his rear. About three-quarters of a mile from the Texan camp, near the bank of the Bay of San Jacinto, he took his position, and commenced a fortification. The Texan commander was well satisfied with the day's work, and declared to a confidential officer that evening that if he had pursued the enemy victory would have been certain, yet it would have been attended with a heavy loss of men. "While to-morrow," said Gen. Houston, "I will conquer, slaughter, and put to flight the entire Mexican army, and it shall not cost me a dozen of my brave men." The military sagacity of

Gen. Houston displayed itself every day after he took the command of the army at Gonzales. In the afternoon of the 20th Col. Sherman was allowed to go out with the cavalry, and *reconnoitre* the enemy's position and forces, the artillery and infantry battalion remaining concealed behind an island of timber, to be in readiness to meet and check the advances of the enemy if Sherman's command should be attacked. Hardly had the reconnoitering party disappeared before the sound of firing was heard in their direction. Gen. Houston mounted his horse and rode to the scene of action, and met the cavalry coming in. A general engagement had not, fortunately, been brought on, but one soldier had been killed, and another wounded. The truth of history demands that the statement of Gen. H. S. Foote (vol. ii., p. 301) should be placed on record, confirmed by the endorsement of Gen. Houston himself. Gen. Foote's statement is that the last action of the 20th "was a bold and well-conceived *ruse* to delude the commander-in-chief into a conflict in spite of the monitions of his cooler judgment." Houston was satisfied that his plan of giving battle the next day would succeed, and he was reluctant to peril unnecessarily the life of a single man. Retiring to their camp at the close of the 20th, the Texan army refreshed themselves for the first time in two days. The position of the Mexican army maintained till the charge made upon it the next day, may be learned from Gen. Houston's official report. "The enemy in the meantime extended the right flank of their infantry, so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the centre of their breastwork, in which their artillery was placed—the cavalry upon the left wing."

CHAPTER IX.

THE BATTLE OF SAN JACINTO—THE HERO CHIEFTAIN AND THE HERO SOLDIERS—
GEN. HOUSTON'S REPORT—COL. ROBISON'S REPORT OF CAPTURE OF SANTA ANNA—
T. HOUSTON'S ADDRESS AND EXERCISES AT UNVEILING OF MEMORIAL MONUMENT.

THE night which preceded the bloody battle of San Jacinto exhibited one man over whose mind there passed no anxious vision. Witnessing the first meeting of the hostile armies, he had remained on horseback as a target exposed to artillery. The bit of his horse's bridle was struck by shot, and cannon balls cut down branches over his head. To make surprise impossible he had doubled the vigilance of his encampment. Having taken little rest and eaten scarcely anything for several days, his staff urged him to take some rest. While his men were hastily eating the beef found so difficult to cook, he reclined under an old oak, with a coil of artillery rope for a pillow. He had rested but little from the time of taking the command. His only time for repose was after four o'clock in the morning. At four o'clock in the morning he beat three taps of the drum, the line was formed, and his men kept under arms till daylight. Laying down, he then rested till his men had taken their breakfast, and were ready to march. He had waited in vain for expected troops and supplies. His men were dispirited, and desertions had been caused by the fall of the Alamo and the massacre of Fannin's command. Consternation filled the country. The officers of Government had removed from the scene of danger to Galveston. He was without supplies or a transport in a new country. Half-armed and half-clad men were his soldiers. A powerful and cruel enemy was in his neighborhood. The picket guards of his opponent's forces exceeded in number all the men in his camp. He had difficulty in deciding on the day of battle, and he could hardly imagine its scene. But notwithstanding the terrors of suspense, and the presence of the enemy, having posted faithful guards, this man of iron will slept calmly and soundly through the night. The usual three taps of the drum (always beaten heretofore by Gen. Houston) were beaten by a stranger as the morning of the last day of Texan servitude dawned. The 700 comrades of the chieftain springing to their feet, engaged in union in preparation for battle. The chieftain hero still rested quietly and calmly. His men had taken the final

meal before independence was won. The sun shone with no intervening cloud in the face of the hero, and waked him to battle. He surveyed his men under arms, ready for battle, "the sun of Austerlitz has risen again." No shade of trouble marred the dignified repose of his calm face. Col. John Forbes, his Commissary General, was ordered to provide two good axes. Sending for Deaf Smith, and taking this faithful and fearless man aside, he ordered him to conceal the axes safely in some place, where at a minute's warning he could lay his hands upon them. The General enjoined Smith not to pass the lines of the sentinels that day without specific orders, and not to be beyond his call.

About 9 o'clock a powerful force which had come to join the Mexicans was seen to be moving over a swell of the prairie in the direction of Santa Anna's camp. The Texan lines were not a little excited by the spectacle. Apprehending the effect upon his men of the appearance of this reinforcement of the enemy, Houston coolly remarked "that they were the same men they had seen the day before—they had marched round the swell in the prairie, and returned in sight of the Texan camp to alarm their foe—with the appearance of an immense reinforcement, for it was very evident Santa Anna did not wish to fight. But it was all a *ruse de guerre* that could be easily seen through—a mere Mexican trick." Meantime, he sent Deaf Smith and a comrade with confidential orders to reconnoitre in the rearward of this force and report to him. Soon the spies returned, and reported publicly "that the General was right—it was all a humbug." Deaf Smith reported a different story in the private ear of the commander a few minutes afterward. Gen. Cos, with 540 men, having heard Santa Anna's cannon on the Brazos on the day before, had come by forced marches to reinforce him. The secret was not revealed until it did no harm to divulge it. A council of war, comprising six field officers, at their instance was called at this apparently critical juncture. Seated on the grass beneath a post oak tree, the General-in-Chief submitted alternative propositions—whether the Texans should attack the Mexicans in *their* position, or whether the Texans should wait for the Mexicans to attack the Texan forces in their chosen position. Two junior officers favored attack, but four seniors objected that it was an unheard-of thing for raw soldiers, with only two hundred bayonets, without cover of artillery, to cross an open prairie to charge a disciplined army. The council was dismissed. Ascertaining with certainty that the men were favorable to an attack, General Houston determined on his own responsibility to give battle. It was proposed to construct a floating bridge across Buffalo Bayou, to be used in the event of danger. Inquiry was in-

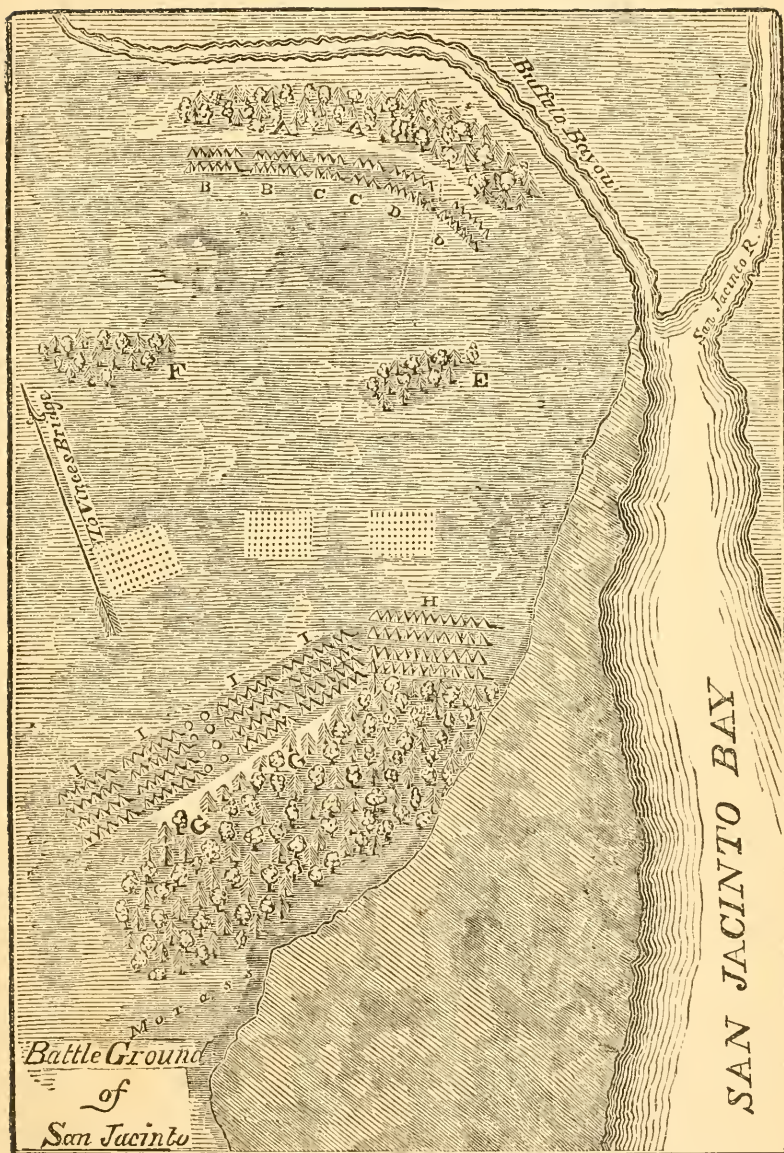
stituted to ascertain if the requisite materials were at command. The inquiring officers reported that they could construct the bridge if allowed to tear down a neighboring house. Gen. Houston replied to the report, "We will postpone it awhile, at all events." Deaf Smith was ordered to report to him, with a companion; going with them to the spot where the axes had been deposited that morning. Taking and examining the axes carefully, he handed the trusty men* each an axe, saying: "Now, my friends, take these axes; mount, and make the best of your way to Vince's Bridge; cut it down and burn it up, and come back like eagles, or you will be too late for the day." Both armies had crossed this bridge in their march to the battle-ground of San Jacinto. To cut it down was to cut off all chance of escape for the vanquished. "This," in his droll way, said Deaf Smith, "looks a good deal like fight, General." There was apparently a wide difference between the calculations of some of Houston's officers and himself as to the results of the day. They, thinking of probable defeat, thought of building a new bridge to facilitate escape; he, determined that his army should come off victorious that day, or leave their bodies on the field, ordered the only bridge in the neighborhood to be cut down and burned up.

Houston commenced preparations for battle, as events had taken the course which he had expected and desired. It was 3 o'clock in the afternoon; the Mexicans, concealed behind their breastworks, manifested no disposition to come to an engagement. The plan of attack may be best understood from the language of Gen. Houston's official report after the battle was over: "The 1st Regiment, under the command of Col. Sydney Sherman, formed the left wing of the army. The artillery, under the special command of Col. George W. Hockley, Inspector-General, was placed on the right of the 1st Regiment, and four companies of infantry, under the command of Lieut.-Col. Henry Millard, sustained the artillery upon the right. Our cavalry, sixty-one in number, commanded by Col. Mirabeau B. Lamar, placed on our extreme right, completed our line. Our cavalry was first dispatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and displaying from that point agreeably to

* We choose to follow Gen. Houston's own statement that he ordered Deaf Smith to cut the bridge down and then burn it up. Although another statement avers "that the parties burning the bridge were from Karnes' Cavalry Company." They were Deaf Smith, D. W. Rives, John Coker, G. P. Alsbury, E. R. Rainwater, John Garner, and Moses Lapham.

the previous design, of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, and through an open prairie without any protection whatever for our men. The artillery advanced, and took station within two hundred yards of the enemy's breastworks."

No adequate description of the action could be written. Participants in the contest have frequently undertaken to give the writer some idea of the scene. In fifteen minutes the victory was won, more by a slaughter than a battle. Houston and Gen. Rusk, the Secretary of War, were agreed as to the plan of the battle; the former led the centre, the latter had command of the left wing; seven hundred Texans engaged in mortal conflict with over eighteen hundred Mexicans. The sagacious, soldierly mind of Houston, and the lion heart of Rusk, were assured of success. The army was drawn up in battle array, waiting for the charge. The two six-pounders, "The Twin Sisters," had commenced a steady fire, well directed, of grape and canister, which shattered bones and baggage wherever they struck. The moment for victory and independence had come. The war-cry, *Remember the Alamo!* was sounded out with the charge ordered by Houston. Every soldier was aroused by the inspiring battle charge. The shout of an united army rent the air with the wild words, *The Alamo! the Alamo!* Terror thrilled the Mexican host. As he had been instructed to do, at that supreme moment Deaf Smith rode up on a horse covered with mire and foam, swinging an axe over his head, dashing along the Texan lines, and exclaiming, "I have cut down Vince's Bridge—now fight for your lives, and *remember the Alamo.*" Held back for a moment at this announcement, the Texan army in solid phalanx rushed forward with resistless fury upon the breastworks of the Mexicans. At the head of the centre column Gen. Houston urged his horse into the face of the foe. Ready for the attack, the Mexican army, although in great surprise, was drawn up in perfect order. The Texans approached within sixty paces. They had not fired a rifle, when the Mexican lines flashed with a storm of bullets. Fired too high, the bullets flew over the Texan army. Several balls struck Gen. Houston's horse in the breast, and one shattered his ankle. The noble horse for a moment staggered, but was spurred on by his heroic rider. Had the Mexicans directed the aim of their first discharge aright, the Texan ranks would have been sadly thinned. The Texan soldiers pressed on. Each man reserved his fire until he could choose some particular soldier, and, before a Mexican could reload, into his breast a Texan would discharge his rifle-ball. Without bayonets, rifles were converted into war clubs, and deadly aims levelled at the



heads of Santa Anna's men. A desperate struggle, hand-to-hand, took place along the breastwork when the fire of musket and rifle had ceased. When the Texans had, by smashing in the skulls of their enemies, broken off their rifles at the breach, they flung away the remnants in their hands and then drew their pistols; firing them once, and having no time to reload, they threw them at the heads of the Mexicans; then drawing out their bowie-knives, fearlessly they carved their way literally through "dense masses of living flesh."

To suppose that the Mexicans acted the coward on that fatal day would be a serious and sad mistake. Where they stood in the ranks when the battle began they were slain by hundreds. The vengeance which fired Texan breasts was fierce and resistless. Striking for their homes, their families, their dead kindred, and the undying rights of civil and religious liberty, they battled as none but men free-born, and determined to die free, can ever fight. For a brief period, the Mexican officers and men maintained a firm stand. As fast as they fell, the Texans stamped upon them, trampling on the dead, and rushing over the groaning, the bleeding, the dying, or the dead, to plunge their weapons into the bosoms of those in the rear. When the Mexicans perceived that the onslaught of their Texan foes could not be resisted, some attempted to fly, and were stabbed in their backs. Others, falling on their knees, plead for mercy. Recalling to mind the sad massacre of the "Alamo," and the Texan war-cry, "Remember the Alamo," they cried out, "Me no Alamo; me no Alamo; me no Alamo." A merciless Mexican tyrant had made them, unfortunately, slaves of his imperious will, unwilling or willing witnesses of the brutal massacre of brave men fighting in freedom's holy cause. No other claim for mercy now occurred to them but a disclaimer of complicity in the massacre of the Alamo. The vengeance of men long outraged, and pronounced outlaws and pirates, broke forth, which recognized no bounds of modern warfare.

The right and left wing had either been routed or slain before the centre breastwork had been carried. Several bold charges were made by the Mexicans upon the Texan lines. The battalion of Texan infantry were gallantly charged by a Mexican division of infantry, composed of more than five hundred men. The charging force was three to one of the force assailed. The Commander-in-Chief, observing the peril, dashed between the Texan and Mexican infantry, and exclaimed, "Come on, my brave fellows, your General leads you." Like a veteran corps the battalion halted and wheeled in perfect order. The order to fire was given by Gen. Houston, and had the guns all been fired by machinery they could

not have fired more nearly at the same time. A single discharge, a rush through the smoke, cleaving blows of rifles uplifted struck down those whom the bullets had not slain. Only thirty-two of the five hundred Mexicans survived to surrender as prisoners of war. Gen. Houston's wound in the ankle, meanwhile was bleeding profusely. His horse was dying, and with difficulty could stagger over the slain. Still the General-in-Chief witnessed every movement of his army, and as it rolled victoriously over the field, saw the tide of battle crowning his brave soldiers with unparalleled success. Rarely in human history has there been such a scene. The shock of the Texan advance and attack was resistless. Everywhere the Mexicans staggered,—officers and men, whether in regiments or battalions, cavalry or infantry, were thrown together without order, each bent on individually signaling himself. Driven from their position they fled before their pursuers. The battle was won. Riding over the field Gen. Houston gave orders for the carnage of the wounded to cease. But he had given *the Alamo* as the war-cry, and his men could not forget the *Alamo*, its horrors were too fresh in their memories. The blood of Travis, Bowie, and Crockett at the Alamo, and Fannin at Goliad, cried out for vengeance, and the day of vengeance had come, and it would have been as easy to hurl back the billows of an inrolling tide of the sea. In the report of Gen. Rusk, who minutely observed the occurrences of the day, appears the following statement :

“ While the battle was in progress, the celebrated Deaf Smith, although on horseback fighting, was with the infantry. When they got pretty near the enemy Smith galloped on ahead, and dashed directly up to the Mexican line. Just as he reached it his horse stumbled and fell, throwing him on his head among the enemy. Having dropped his sword in the fall he drew one of his belt pistols, presented it at the head of a Mexican, who was attempting to bayonet him, and it missed fire. Smith then hurled the pistol itself at the head of a Mexican, and as he staggered back he seized his gun, and began his work of destruction. A young man by the name of Robbins dropped his gun in the confusion of the battle, and happening to run directly in contact with a Mexican soldier, who had also lost his musket, the Mexican seized Robbins, and both being stout men, rolled to the ground. But Robbins drew out his bowie-knife and ended the contest by cutting the Mexican's throat. On starting out from our camp to enter upon the attack, I saw an old man, by the name of Curtis, carrying *two* guns. I asked him what reason he had for carrying more than one gun. He answered, ‘ D—— the Mexicans ; they killed my son and son-in-law in the Alamo, and I intend to kill two of them for it or be killed myself.’ I saw the old man again during the fight, and he told me that he had killed his two men, and if he could find Santa Anna himself he would cut out *a razor-strop from his back*. . . . When the Mexicans were first driven from the points of woods where we encountered them, their officers tried to rally them, but the men cried, ‘ It's no use,

it's no use, there are a *thousand* Americans in the woods.' When Santa Anna saw Almonte's division running past him, he called a drummer and ordered him to beat his drum. The drummer held up his hands and told him he was shot. He called then to a trumpeter near him to sound his horn. The trumpeter replied that he also was shot. Just at this instant a ball from one of our cannon struck a man who was standing near Santa Anna, taking off one side of his head. Santa Anna then exclaimed, 'D—— these Americans, I believe they will shoot us all.' He immediately mounted his horse and commenced his flight."

The Texans chased the flying Mexicans far over the prairie, following up the indiscriminate slaughter, and leaving on the ground where the battle began, a larger number than their own, living, dying, or dead. Attempting to escape through the tall grass, multitudes were overtaken and killed. The enemy's cavalry were well mounted. When they saw that further resistance was fruitless, spurring their fast horses, they directed their course toward Vince's Bridge. The victors hotly pursued them. When they came to the stream, to their horror they saw the bridge was gone. Appalled and desperate, some of the flying horsemen spurred their horses down the steep bank; some dismounted and plunged into the stream; some became entangled in their trappings, and were dragged with their struggling horses; others sunk to the bottom, and those who succeeded with their horses in reaching the opposite bank, fell backwards into the river. The Texan pursuers as they came up, poured a deadly fire upon the Mexicans struggling with the flood. Escape was impossible. By hundreds, men and horses rolled together. Blood discolored the stream; dying gurgles mingled with the plashing of waters.

Never before has history recorded an event in such words: "The deep, turbid stream was literally choked with the dead." In the rear of the battle-ground near the Mexican encampment, on the southern verge of the Island of Trees, a spectacle of equal strangeness and horror was witnessed. Many had rushed to this spot as their last hope. The escape in this quarter was slight. A deep morass exhibited no inconsiderable barrier to passage. Horses and mules with their riders plunged into the mire only to be completely submerged. Practiced riflemen prevented the escape of any one likely to escape. The bodies of dead mules, horses, and men made a bridge across the morass.

Almonte, with two hundred and fifty cooler, if not braver, men prepared on the Island of Trees to resist or surrender rather than fly.

Rallying as large a body of men as could be assembled, Houston prepared to lead his men to a charge, but his noble horse, that had gallantly borne his rider throughout the battle, staggered and fell dead with seven balls in his body. In dismounting, Gen. Houston struck

upon his wounded leg and fell to the earth. For the first time it was now discovered that he was wounded. Gen. Houston immediately called for Gen. Rusk, and gave to him the command. The officers of the staff of the General-in-Chief procured another horse and assisted him to remount. Gen. Rusk, with the newly formed company advanced upon the last remnant of the Mexican army. Almonte, its commander, saved the necessity of conflict, and came forward and promptly surrendered his sword.

The battle-field of San Jacinto was won.

No more strife was required. In a quarter of an hour a battle was fought and a victory won, which in the meagreness of the hosts engaged, and the amazing results which ensued are unparalleled in human history.

The wounded Houston cast a glance over the battle-field and said to his comrades: "I think now, gentlemen, we are likely to have no more trouble to-day, and I believe I will return to the camp."

Resistance to the arms of Texas ceased. The hero of San Jacinto with his party slowly rode from the field of victory to the oak at whose foot the deliverer of Texas had slept the previous night. A command was left to guard the spoils taken from the enemy. Victorious soldiers in crowds came to the commander-in-chief, as he was riding across the field, and slapping him familiarly and rudely on his wounded leg, cried out: "Now, ain't we brave fellows, General?" "Yes, boys, you have covered yourselves with glory, and I decree to you the spoils of victory; I will reward valor; I only claim to share the honors of our triumph with you."

Before dismounting, while giving his orders after reaching the Texan encampment, Gen. Rusk appeared and presented his prisoner, Gen. Almonte. It was the first time that Houston and Almonte had ever met. It was the finishing stroke to a glorious victory. Exhausted from fatigue and loss of blood, Houston now fainted and fell from his second horse, but was caught by Col. Hockley in his arms, and laid down at the foot of the oak where he had bivouacked.

The bloody battle of San Jacinto was ended. In the annals of war, it is questionable whether it has a parallel.

Its immediate results were not insignificant. Its promise for the future was a symbol of almost boundless empire, changed geography and a perfection of civilization, embracing almost a whole hemisphere. The spoils of victory were indeed valuable to men who owned nothing in the morning but the arms which they carried, their scant and coarse clothing, and the resistless desire to be free and own a free country. "About 900 English muskets (besides a

very large number lost in the morass and bayou), 300 sabres, and 200 pistols; 300 valuable mules, 100 fine horses, and a good lot of provisions, clothing, tents, paraphernalia for officers and men, and twelve thousand dollars in silver, constituted the principal spoils."

But the moral and political consequences of the victory far transcended the value of this important booty to needy heroes.

Texan independence was won.

History furnishes in its whole range no spectacle more sublime than this struggle for freedom. In imitation of their ancestors, an outraged, brave people, many of whom tilled the soil on which they fought and for which they had paid in money or labor, not striving for empire nor the glory of a military chieftain, had trusted their cause to the wager of battle. Relying on the God of battles, He had provided for the issue.

Abandoning for a time their fugitive wives, hundreds fought for all that makes life worth living for, or dying for, or gives value to its possessions, eternal freedom for themselves and their posterity.

With the victory of San Jacinto a new era dawned upon the Western Continent.

The Anglo-Saxon race began now to demonstrate the power to rule the new world. France ceased to hold empire in America when the Canadas surrendered to British rule in 1763. Spain had lost control of any portion of the Western Continent, and now her descendants had yielded the sway of a territory grander in extent than France, thus opening a way for a subsequent surrender of a still larger territory on the Pacific coast.

Invited to Texan soil, three hundred emigrants undertook to found a Mexican State coequal with the other United States of Mexico. They asked only that the Federal Constitution of 1824 should be maintained and administered. All they asked for Texas was a concession of the same rights secured to the Mexican States by that Constitution. The superior industry, enterprise, and invention of the new colonists, attributable to that intelligent love of liberty which the Mexican mind did not comprehend and dreaded far more, were a terror to the Mexican Dictators. They regretted that they had invited the 300 Americans to colonize Texas; they resolved that Texas should be a desert, a wide waste, without a civilized inhabitant; occupied, if occupied at all, by savages, and thus prevent all intercourse between Mexicans and the United States of America; thus opposed to progress and enlightened civilized life. Stephen F. Austin, mingling in his grand character the lofty character of the cavalier and the uncompromising nature of the Puritan, led the choice band of spirits who sought to domiciliate themselves in the beautiful province of New Estramadura.

Dauntless, incorruptible, the young nation reposed confidence in him. Framing a Constitution, demanding no more than the other Mexican States were allowed, Austin was deputed to convey the Constitution to the City of Mexico. "His very appearance in that city with the prayer of his colony, that the Mexicans would abide by their own Constitution, under whose solemn pledge he had led his people to their new home, was too bitter a sarcasm upon the corrupt tyrants who had trampled down that high compact, and he was plunged into a foul dungeon, where for many months he never saw a beam of sunshine, nor even the hand that fed him."

This inhuman act, defiant of all honor or justice, served only to kindle the flame which was destined to consume Mexican tyranny on Texan soil. A small band of Texans drove four times their number, in 1835, from San Antonio. The Dictator, Santa Anna, resolved to take the field himself. With well-selected and finely appointed troops he advances on San Antonio and retakes it. He summons Travis and his immortal band to surrender the Alamo. With death staring them in the face, either while fighting or by massacre, they refuse to surrender, and die martyrs to liberty, immortal heroes, and in their death insuring victory at San Jacinto and liberty forever. Animated by his savage purpose of extirpating Anglo-Saxon blood from Texan soil, the despot advances, causing Fannin's immortal heroes to be slaughtered in cold blood at Goliad. Again the fires of liberty are kindled. The despot divides his corps into three divisions, and leads one as by the appointment of a superintending Providence to the destined spot where all hope or possibility of retreat being cut off, the battle of San Jacinto is fought, and Mexican rule on Texan soil forever destroyed.

The moral effect of that battle on the destiny of the American Union has not yet been fully realized. Already it has changed the geographical boundaries of nearly the entire North American continent, and has altered the domestic relations of the Southern States, indirectly if not directly. It has opened the highway for the iron horse from the Atlantic to the Pacific.

Each year, since April 21, 1836, is witnessing new developments of history, all strangely linked with the events which gave victory to Houston and his small band of Texans on the field of San Jacinto.

The Battle of San Jacinto.

REPORT OF MAJOR-GENERAL SAM HOUSTON.

" HEADQUARTERS OF THE ARMY,

" SAN JACINTO, *April 25, 1836.* }

" *To His Excellency D. G. BURNET,*

" President of the Republic of Texas :

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

" I have the honor to inform you that on the evening of the eighteenth instant, after a forced march of fifty-five miles, which was effected in two days and a half, the army arrived opposite Harrisburg. That evening a courier of the enemy was taken, from whom I learned that General Santa Anna, with one division of his choice troops, had marched in the direction of Lynch's Ferry, on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo Bayou, below Harrisburg, on the morning of the 19th, having left the baggage, the sick, and a sufficient camp guard in the rear. We continued the march throughout the night, making but one halt in the prairie for a short time, and without refreshment. At daylight we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that General Santa Anna was at New Washington, and would that day take up the line of march for Anahuac, crossing at Lynch's Ferry. The Texan army halted within half a mile of the ferry in some timber, and were engaged in slaughtering beeves, when the army of Santa Anna was discovered to be approaching in battle array, having been encamped at Clopper's Point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took a position with his infantry and artillery in the centre, occupying an island of timber, his cavalry covering the left flank. The artillery, consisting of one double fortified medium brass twelve-pounder, then opened on our encampment. The infantry, in column, advanced with the design of charging our lines, but were repulsed by a discharge of grape and canister from our artillery, consisting of two six-pounders. The enemy had occupied a piece of timber within rifle-shot of the left wing of our army, from which an occasional interchange of small arms took place between the troops until the enemy withdrew to a position on the bank of the San Jacinto, about three-quarters of a mile from our encampment, and commenced fortification. A short time before sunset, our mounted men, about eighty-five in number, under the special command of Colonel Sherman, marched out for the purpose of reconnoitering the enemy. Whilst advancing, they received a volley from the left of the enemy's infantry, and after a sharp rencontre with their cavalry, in which ours acted extremely well, and performed some feats of daring chivalry, they retired in good order, having had two men severely wounded and several horses killed. In the meantime the infantry, under the command of Lieutenant-Colonel Millard, and Colonel Burleson's regiment, with the artillery, had marched out for the purpose of covering the retreat of the cavalry if neces-

sary. All then fell back in good order to our encampment, about sunset, and remained without any ostensible action until the 21st, at half-past three o'clock, taking the first refreshment which they had enjoyed for two days. The enemy, in the meantime, extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high, constructed of packs and baggage, leaving an opening in the centre of the breastwork in which their artillery was placed, their cavalry upon their left wing.

"About nine o'clock on the morning of the 21st, the enemy were reinforced by 500 choice troops, under the command of General Cos, increasing their effective force to upwards of 1,500 men, whilst our aggregate force for the field numbered 783. At half-past three o'clock in the evening, I ordered the officers of the Texan army to parade their respective commands, having in the meantime ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their enthusiasm and confidence, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangements preparatory to the attack, without exposing our designs to the enemy. The 1st Regiment, commanded by Colonel Burleson, was assigned the centre. The 2d Regiment, under the command of Colonel Sherman, formed the left wing of the army. The Artillery, under the special command of Colonel Geo. W. Hockley, Inspector-General, was placed on the right of the 1st Regiment; and four companies of Infantry, under the command of Lieut.-Col. Henry Millard, sustained the Artillery upon the right. Our Cavalry, 61 in number, commanded by Col. Mirabeau B. Lamar (whose gallant and daring conduct on the previous day had attracted the admiration of his comrades, and called him to that station), placed on our extreme right, completed our line. Our Cavalry was first despatched to the front of the enemy's left, for the purpose of attracting their notice, whilst an extensive island of timber afforded us an opportunity of concentrating our forces and displaying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, and through an open prairie, without any protection whatever for our men. The Artillery advanced and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and canister.

"Colonel Sherman, with his regiment, having commenced the action upon our left wing, the whole line, at the centre and on the right, advancing in double-quick time, rung the war-cry, '*Remember the Alamo*,' received the enemy's fire, and advanced within point-blank shot before a piece was discharged from our lines. Our line advanced without a halt, until they were in possession of the woodland and the enemy's breastwork, the right wing of Burleson's and the left of Millard's taking possession of the breastwork; our Artillery having gallantly charged up within seventy yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action until we were in possession of the enemy's encampment, taking one piece of cannon (loaded), four stand of colors, all their camp equipage, stores, and baggage. Our Cavalry had charged and routed that of the enemy upon the right, and given pursuit to the fugitives, which did not cease until they arrived at

the bridge which I have mentioned before—Captain Karnes, always among the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war-clubs, breaking many of them off at the breech. The rout commenced at half-past four, and the pursuit by the main army continued until twilight. A guard was then left in charge of the enemy's encampment, and our army returned with their killed and wounded. In the battle, our loss was 2 killed, and 23 wounded, 6 of whom mortally. The enemy's loss was 630 killed; among whom were 1 General officer, 4 Colonels, 2 Lieutenant-Colonels, 5 Captains, 12 Lieutenants. Wounded, 208; of which were 5 Colonels, 3 Lieutenant-Colonels, 2 Second Lieutenant-Colonels, 7 Captains, 1 Cadet. Prisoners, 730; President General Santa Anna, General Cos, 4 Colonels (Aids to General Santa Anna), and the Colonel of the Guerrero Battalion, are included in the number. General Santa Anna was not taken until the 22d, and General Cos on yesterday; very few having escaped. About 600 muskets, 300 sabres, and 200 pistols have been collected since the action; several hundred mules and horses were taken, and near twelve thousand dollars in specie. For several days previous to the action, our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, illy supplied with rations and clothing; yet, amid every difficulty, they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity. There was no murmuring.

"Previous to and during the action, my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict, I am assured that they demeaned themselves in such a manner as proved them worthy members of the army of San Jacinto. Col. T. J. Rusk, Secretary of War, was on the field. For weeks his services had been highly beneficial to the army; in battle he was on the left wing, where Col. Sherman's command first encountered and drove the enemy; he bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

"I have the honor of transmitting herewith a list of all the officers and men who were engaged in the action, which I respectfully request may be published, as an act of justice to the individuals. For the Commanding General to attempt discrimination as to the conduct of those who commanded in the action, or those who were commanded, would be impossible. Our success in the action is conclusive proof of their daring intrepidity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph received a lustre from the humanity which characterized their conduct after victory, and richly entitles them to the admiration and gratitude of their General. Nor should we withhold the tribute of our grateful thanks from that Being who rules the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader whilst devastating our country.

"I have the honor to be,

"With high consideration,

"Your obedient servant,

"SAM HOUSTON,

"*Commander-in-Chief.*"

In 1836, not long after the battle of San Jacinto, Hon. Thomas H. Benton thus spoke of Houston in his place in the United States Senate :

"Of the individuals who have purchased lasting renown in this young war, it would be impossible, in this place, to speak in detail, and invidious to discriminate. But there is one among them, whose position forms an exception ; and whose early association with myself, justifies and claims the tribute of a particular notice. I speak of him whose romantic victory has given to the Jacinto* that immortality in grave and serious history, which the disks of Apollo had given to it in the fabulous pages of the heathen Mythology. General Houston was born in the State of Virginia, County of Rockbridge ; he was appointed an ensign in the army of the United States, during the late war with Great Britain, and served in the Creek campaign under the banners of Jackson. I was the Lieutenant-Colonel of the regiment to which he belonged, and the first field officer to whom he reported. I then marked in him the same soldierly and gentlemanly qualities which have since distinguished his eventful career : frank, generous, brave ; ready to do, or to suffer, whatever the obligations of civil or military duty imposed ; and always prompt to answer the call of honor, patriotism, and friendship. Sincerely do I rejoice in his victory. It is a victory without alloy, and without parallel, except at New Orleans. It is a victory which the civilization of the age, and the honor of the human race, required him to gain : for the nineteenth century is not an age in which a repetition of the Goliad matins could be endured. Nobly has he answered the requisition ; fresh and luxuriant are the laurels which adorn his brow.

"It is not within the scope of my present purpose to speak of military events, and to celebrate the exploits of that vanguard of the Anglo-Saxons who are now on the confines of the ancient empire of Montezuma ; but that combat of San Jacinto ! it must forever remain in the catalogue of military miracles. Seven hundred and fifty citizens, miscellaneously armed with rifles, muskets, belt pistols, and knives, under a leader who had never seen service, except as a subaltern, march to attack near double their numbers—march in open day across a clear prairie, to attack upwards of twelve hundred veterans, the *élite* of an invading army of seven thousand, posted in a wood, their flanks secured, front intrenched ; and commanded by a general trained in civil wars ; victorious in numberless battles ; and chief of an empire of which no man becomes chief except as conqueror. In twenty minutes the position is forced. The combat becomes a carnage. The flowery prairie is stained with blood ; the hyacinth is no longer blue, but scarlet. Six hundred Mexicans are dead ; six hundred more are prisoners, half wounded ; the President-General himself is a prisoner ; the camp and baggage all taken ; and the loss of the victors, six killed and twenty wounded. Such are the results, and which no European can believe, but those who saw Jackson at New Orleans. Houston is the pupil of Jackson ; and he is the first self-made general, since the time of Mark Antony, and the King Antigonus, who has taken the general of the army and the head of the government captive in battle. Different from Antony, he has spared the life of his captive though forfeited by every law, human and divine."

* Hyacinth ; *Lat.* hyacinthus ; *Span.* huakinthus ; water flower.

J. W. Robison's Account of Santa Anna's Capture.

“ROUND TOP, *August 5, 1881.*

“I have received a letter, requesting me to give you the particulars of the capture of Santa Anna in 1836. It was as follows : On the morning of the 22d, the day after the battle, a party was detailed and sent out under command of Gen. Burleson. This party proceeded in the direction of the bridge on Vince's Bayou. Our object was to pick up any Mexicans we could find who had fled from the battle the evening before, and particularly to search for Santa Anna and Cos. When we reached the bayou we divided into squads of five or six persons in each, and went in different directions. The party I was with consisted of six, all privates, so far as I know. Their names were as follows. Miles, Sylvester, Thompson, Vermillion ; another, whose name I do not recollect, and myself. From the bridge we started down the bayou. After travelling about two miles, we saw a man standing on the bank of a ravine, some five or six hundred yards from us. He, no doubt, saw us first, for when we started towards him he sat down on a high place and waited till we came up. It proved to be Santa Anna. I was the only one of the party that spoke the Mexican language. I asked him if he knew where Santa Anna and Cos were. He said, he thought they had gone to the Brazos. I asked him if he knew of any other Mexicans that had made their escape from the battle? He said he thought there were some up the stream in a thicket. I told him we would take him to the American camp. He was very willing to go, but complained of being very tired. I asked if he was an officer ! ‘No,’ he said that he belonged to the cavalry, and was not accustomed to being on foot ; that he was run very close by our cavalry the day before and was compelled to leave his horse. When we started with him one of our party dismounted, and went up the ravine to look for the Mexicans spoken of by Santa Anna, and Santa Anna rode his horse some two miles up the road. The man that went up the road, finding no Mexicans, then came and told Santa Anna to dismount. He refused to do it, and the man then levelled his gun at him, when he dismounted, and asked me how far it was to camp. I told him eight or nine miles. He said he could not walk so far. The young man then wanted to kill him, and I told him so. He then said he would try and walk, but would have to go slow ; and so we started for camp, and the man got behind him, and would prick him in the back with his spear and make him trot for some two or three miles. Santa Anna then stopped, and, appealing to me, said if he wanted to kill him to do so, but he could not walk any further. I then took him up behind me and carried him to camp, some five or six miles further. After he got up behind we entered into a general conversation. He asked me if Gen. Houston commanded in person at the battle ; how many we killed, and how many prisoners we had taken, and when they would be shot? I told him I did not think they would be shot ; that I had never known Americans to kill prisoners of war. He said the Americans were a brave and generous people, and asked me what I thought would be done with the prisoners. I told him that I did not know, but the Americans would like the younger ones for servants. He said, that would be very kind. He asked me how many were in our army at the battle. I said, some six or seven hundred. He thought I was mistaken ; that there must be more. I said, No ; and that two hundred

Americans could whip the whole Mexican army. 'Yes,' said he; 'the Americans are great soldiers.' I asked him, if he was not sorry he had come to fight the Americans. Yes, he said, but he belonged to the army, and was compelled to obey his officers. I asked him, if he was back in Mexico if he would come to Texas any more? He said, No; he would desert first. This brought us to camp, when the Mexican immediately announced his name. He asked to be taken to Gen. Houston, and was taken to him. If you think these facts of sufficient interest, you can put them in such shape as you think best.

"I am yours,

"Very respectfully,

"JOEL W. ROBISON."

The letter of Capt. J. A. Sylvester, stating that Santa Anna rode behind him into the presence of Gen. Houston, has been read, but we prefer to publish Col. Robison's statement, which he repeated to the writer and Rev. Dr. J. H. Luther, in a conversation under his own roof, in July, 1879.

We subjoin from the *Galveston News* the following :

"The long-talked-of event, the unveiling of the monument contributed by the citizens of Galveston to the brave men who fell at San Jacinto, took place at the Pavilion, August 25, 1881, in the presence of an audience that filled the vast auditorium. The rich and the poor, those of high and of low estate, were present, filled with one desire, to add by their presence to the tribute so tardily bestowed upon the memory of sterling valor and heroic deeds.

"The programme which had been arranged for the occasion was of peculiar appropriateness, and in its execution was complied with, with a faithfulness and promptness that admitted not of complaint.

"A description of the monument, published in *The News* of the 7th of August, is reproduced in this connection.

"It is a plain, square spire, with pediment cap, moulded base, and chamfered sub-base. It is of blue American marble, fifteen and one-half feet high, and when placed in its position with the foundation, will be two feet higher. Upon the front is a die of white marble in which is set a star and nimbus, surrounded by a wreath of oak and laurel leaves. Near the top is a polished band containing eight cut stars. These were intended to represent the eight persons who were killed in the battle, but as since the work was completed it has been discovered that there were nine slain, another star will have to be added. The lettering on the base will be full, covering the three sides that now are unfilled. On the reverse side will be given the names of the fallen. To the right will be the words of Houston two days before the battle :

"'This morning we are in preparation to meet Santa Anna. It is the only chance of saving Texas. From time to time I have looked for reinforcements in vain. We will only have about 700 men to march with besides the camp guard. We go to conquer. It is wisdom growing out of necessity to meet the enemy now. Every consideration enforces it. No previous occasion would justify it. The troops are in fine spirits, and now is the time for action. We shall use our best efforts to fight the enemy to such advantage as will insure victory, though the odds are greatly against us. I leave the results in the hands of a wise God,

and rely upon His providence. My country will do justice to those who serve her. The rights for which we fight will be secured and Texas free.

“‘SAM HOUSTON.’

“On the opposite or left side will appear the words of Rusk one day after the battle :

“‘AT CAMP ON THE BATTLE-FIELD.—This glorious achievement was attributed not to superior force, but to the valor of our soldiers, and the sanctity of our cause. Our army consisted of 750 effective men. . . . The sun was sinking in the horizon as the battle commenced, but at the close of the conflict the sun of liberty and independence rose in Texas, never, it is to be hoped, to be obscured by the clouds of despotism. We have read of deeds of chivalry and perused with ardor the annals of war; we have contemplated with highest emotions of sublimity the loud warring thunder, the desolating tornado, and the withering simoon of the desert, but no one of these, nor all, inspired us with emotions like those felt on this occasion. There was a general cry which pervaded the ranks, “Remember the Alamo! Remember La Bahia!” These words electrified us. Onward was the cry. The unerring aim and the irresistible energy of the Texan army could not be withstood. It was free men fighting against the minions of tyranny, and the result proves the inequality of such a contest.’

“At the front of the die will be the name of B. R. Brigham; on the base the name, ‘San Jacinto.’ Upon one side of the pediment will be the words, ‘Remember Goliad.’ On the other, ‘Come to the Bower,’ the air to which the Texans marched to the fight. On the reverse of the base will be Napoleon’s words, ‘Dead on the field of Honor.’

“It was set in the center of the stage last night, supported upon either side by a howitzer from the Galveston Artillery. Immediately in its rear a detachment of the Washington Guards were formed in a quarter circle, at ‘rest on arms.’ Four artillerymen manned each gun, standing also ‘at rest.’

“At 8.30 o’clock Lindenberg’s orchestra began playing an overture from Meyerbeer’s *Huguenots*. At the conclusion of the overture, the curtains were drawn, and the striking tableau presented. Upon the right of the monument stood Mr. Oscar Farish, of this city, and on the left Capt. R. J. Calder, of Richmond, Texas, both veterans of San Jacinto, and the latter the only surviving captain of the gallant little army, who fought the invaders forty-five years ago. To him was delegated the task of unveiling the shaft, and as he slowly lowered the flag the act was greeted by an outburst of applause. The band sounded the notes of ‘Will You Come to the Bower,’ the music to which the Texans marched into the fight, and simultaneously a salute was fired by a detachment of the artillery company stationed upon the beach. The whole effect of this tableau was strikingly pleasant, and served well to introduce the remainder of the exercises. The presence upon the stage of Calder, Farish, Sullivan, and Wood, gray-haired veterans, the link between the history of infant Texas and the era of a State’s proud strength, bore in itself an eloquent significance. Occupying the post of honor, in the auditorium, sat Mrs. Martha H. Mitchell and Mrs. Calder, a wife and a sister of brave men who ventured all for the land they loved. With them was Mrs. Buchanan, a granddaughter of Lemuel Stockton Blakey, who was killed at San Jacinto.

“After the unveiling, the Guards stacked arms and withdrew, and Mr. E. S.

Wood, advancing to the stand, presented Mr. Temple Houston, of Brazoria, youngest son of General Sam Houston, who had been invited to deliver the address.

"While the defective acoustic properties of the hall prevented those in the rear from catching all that was said, those nearer to the speaker were permitted the enjoyment of a fervent yet finished tribute, which fully attested that the eloquence of the sire had not been withheld from the son. Mr. Houston spoke as follows :

MR. HOUSTON'S ADDRESS.

"I would wish my auditors to understand that I attribute the honor of this invitation, not to my personal importance, but to the fact that I happen to be the child of one of the soldiers at San Jacinto. The pleasure that I derive from this occasion is lessened by the absence of Mollie E. Moore Davis. Could I have stood beside her to-night, I would have felt more than honored, for I know that I speak the voice of my State when I say that hers is as sweet a tongue as ever rung the silver chimes of earthly thought.

"It is a beautiful custom of free people to rear above the last resting-places of their heroic dead, some token commemorative of the cause in which they fell, and expressive of the grateful reverence felt toward them by posterity. This gratitude dwells in the breasts of freemen only—no real hero's monument was ever built by a race of slaves. The decay of monuments, the forgetfulness of departed greatness, are sure precursors of a nation's fall. It is with a proud consciousness that I view the sea-girt city, the island queen, first in honoring the memory of our dead heroes, as she is first in population and commercial greatness, wearing with the jewels of her wealth a patriotism that seems all the brighter for adorning the metropolis of the Southwest. While this patriotic reverence dwells in the hearts of our people, the flames on the altars of Texan liberty will never cease to burn. On an occasion like this one realizes the feebleness of language ; it speaks so little of what is felt. The story of the strife in which our heroes fell need not be told ; history has recorded it. Their valor needs no eulogy, even could my lowly lips utter such. For Fame's clarion has sounded their praises, and earth is the only limit of their renown. But as in the sheer magnitude of its results, the battle of San Jacinto has but few, if any, parallels, allusion to those results may not seem improper. Never before has the surface of a land changed with such marvellous rapidity as has Texas in the last four or five decades. Only a few years back and the plumed and crested Algonquin roamed over magnificent Texas, sole lord of its vast wastes, save where a few isolated missions sought vainly to weave religion's silken fetters over the savage mind. Yonder billows, blue and restless, dashed then as grandly against your level shores as now, but on their tossing bosoms floated not the freighted wealth of earth's nations, as does now. These same breezes, damp from dalliance with the waves, and laden with perfume stolen from the flowers, swept over our broad plains, but fanned not the cheek of civilized man. Our silver streams, rolling on to mingle their crystal waters with the stormy surges of the great deep, murmured as sweetly and sparkled as brightly as now, but they moistened not the lips of the Anglo-Saxon, and turned not a single mill-wheel ; nor cotton nor wheat field smiled in all their valleys. The brown buffalo cropt undisturbed the green grass from our prairies, and the spotted deer rested un-

frightened beneath the cool shade of our forest oaks. Texas, lovely Texas, was as fair, as fresh, and as beautiful as was Eden when God, delighted, gazed on the new-born world. It was thus when came the men whose memory we to-day honor. These pioneers were the heralds of a new civilization—one that was born in the mediæval convulsions of England, nurtured under the shadow of Virginia's mountains, and that flashed forth freed and panoplied from the struggles of the American revolution—a civilization whose fundamental principle was civil and religious liberty. Coming to Texas, it rested for a moment under the frown of the Spanish civilization, which was developed on the glittering thrones of Europe, and in the torture chambers of the Inquisition. One idolized, the other abhorred civil and religious liberty. When the Anglo-Saxon settlements had attained a magnitude sufficient to invite governmental interference, the Mexicans adopted toward them an oppressive policy, typical of their institutions. This ignited the spark. You know the result; to-day is celebrative of those who suffered to bring them about. The conflict of the opposite types of civilization for the mastery of this continent was decided on the forest-fringed banks of a Texas stream. Never before in the history of the world were such gigantic results intrusted to so few combatants; but here let me say, sterner warriors or truer patriots than those who guarded the liberty of Texas, on that immortal day, never trod a battle-field. Had that little band quailed before the might of invading despotism, our Pacific shores might yet be unknown; the golden wealth of California would yet sleep in her mountain gorges; the silver treasures of Nevada would now slumber, hidden in their caverned homes; the two oceans would not have shaken hands across the completed lines of railways; the solitude of the Rocky Mountains would yet be a stranger to the shriek of the locomotive, and their awful silence broken by no sound save the voice of nature, when spoken in the deep roar of her swollen cataracts, in the rolling peals of her warring storms, and in the tremendous crash of her falling ice-fields, as they leap from their frozen homes, and desolate the green valleys nestling far beneath. On earth there walk no men like the veterans who freed Texas. Only a few of them linger among us now, and they will be here but a little while longer. Each year that passes thins their ranks. A few more days and the last will be gone. One by one the pale messenger is calling them across that river whose viewless farther shore is wrapt in the mists of doubt, the clouds of death. They hear another reveille whose floating notes we can not catch. Are they gathering for a grander battle? While they are among us we feel toward them with a devotion whose depth speech can never tell. No minions cringe around them, no servile knee is bent to them, but the homage of a free nation is the more than royal offering laid before them. No ducal star glitters on their breasts, no shining coronet encircles their brows, but around their gray locks beams a glory, by the side of which kingly splendors are dim. Cling tenderly to these old men, for when they are gone nothing like them is left. Strike down your men of eminence, to-day, those who fill your highest seats, and with a wave of your hand you can summon around you hundreds like them—for the gifted sons of Texas are many—but when one of these old warriors drops from the line, earth has none to fill his place. Bitterly do we know that they leave us forever, for of all the manly forms laid low beneath the rod of Death, none have ever risen; of all the bright eyes he has closed, none have ever looked their loveliness on earth again; of all the eloquent lips silenced by his hand, none have ever spoken again; of

all the noble hearts whose warm beatings have been stilled by his chilling touch, none ever throbbed on earth again.

“ ‘The fathers of Texas have left her in the hands of another generation. Is it worthy of the trust? I believe it is. As yet the burden weighs but lightly. But with the swift footsteps of the future there is coming an hour when banded gold, soulless wealth, will oppress the lowlier classes—an event that marks an era in every republic, when leagued capital, not claiming worth or services as its right to sway, but wielding as its scepter only so much yellow dust, seeks to force men to bow to its ignoble supremacy. It is where power passes from the cottage to the palace. History tells not where a republic resisted this fatal influence. In our Republic’s life that period is not a great way off. And in that hour Texas will need men—I am speaking now to the young men—to the bright-eyed boys of Texas. In that hour your State will need men, not, oh! not the paid politicians of the present, who seek office for its gold, and not its glory; who trade in honor and traffic in eminence! But she will need statesmen in her councils and warriors on her battle-fields. She will want the mighty in intellect, the grand in soul; more than that—the pure in heart. Do you want an example? Look at the Texas veterans! The mould in which the great are cast is yet unbroken. Let your patriotism be like that of the young Irishman serving in England’s armies, who was mortally shot in the breast on a battle-field in Spain. He knew that he would die. While his life-blood ebbed fast away, he thought of the green fields of his country, of his cottage home, of the little fire-side group there that he would see never more, and while the hot tears ran down his boyish cheeks, he seized a goblet, and, holding it under his red and gushing wound until it filled with his bright blood, he lifted it on high, watched it glitter a moment in the sunlight, and casting it on the earth, he exclaimed: “O, Erin! my country! would to God that was shed for you!” I believe in my heart that the young men of Texas are worthy of the glorious burden borne by them. Listen not to the serpent hiss of him who would counsel State or national division. He that would wish to dim and divide the splendor of the Lone Star’s beams is as little a patriot as one who would seek to shatter the constellation of which Texas is the brightest member. Revere the memory of your forefathers, follow their examples, obey their teachings, and then the deeds commemorated by that monument have not been performed in vain, and the hallowed soil on which it rests will be free forever.’

“ A march was next rendered by the band, and then Mr. C. O. Bingham escorted Miss Lula Jockusch to the platform. The histrionic talent of this gifted young lady is well recognized in Galveston, where she has more than once delighted audiences by her rare elocution, but it is not saying one word too much to pronounce her recitation of Miss Mollie E. Moore Davis’s poem, published below, a finished work—the true interpretation of a poetic heart fired by the genius of an inspiring occasion. The poem speaks for itself. Mrs. Davis—Mollie E. Moore—is known and loved through all Texas, and her contribution to the event celebrated last evening will beam among the brightest of the gems which she has given to the poetic literature of the South. To both writer and reader the warmest thanks of Galveston will go, for the gracious addition they made to the evening’s programme. The poem is reproduced:

SAN JACINTO.

I.

- “ ‘Come to the Bower,’* they sang,
Immortal spirits, crowned with flame,
On yonder heights of radiant bloom.
From freedom's deathless fields they came.
From mountain pass and prison gloom ;
Dyed with the blood of Marathon,
Drenched with Salamis' bitter sea,
From where the sun of Leuctra shone,
And from thy rocks, Thermopylæ.
- “ ‘Come to the Bower,’ they sang,
The old Paladins cased in mail,
Whose standards sparkled to the morn,
And peers and princes from the vale
Where Roland blew his mighty horn ;
And Scottish chiefs from Bannockburn,
And English knights from Ascalon,
And sturdy hearts whose memories turn
Toward Bunker Hill and Lexington.
- “ ‘Come to the Bower,’ they sang,
‘Come join our deathless throng and glow
Like us, while earth and heaven shall stand.
But yesterday the Alamo,
Unbroken, sent its glorious band,
And Goliad, from a reeking field,
Passed up her heroes ! Crowned with flowers,
Behold us ! Come with sword and shield,
And bask in fame's immortal bowers.’

II.

- “ By San Jacinto's placid stream
The warriors heard and, shining far,
They saw the splendid morning gleam
Of one imperial, changeless star ;
They followed where its gleaming led :
To Hope, to Peace, to Victory,
For, from beneath her martyr dead,
Behold, a nation rose up free !
- “ Lo ! now around this hallowed stone
They press, the living and the dead,
And banners on the air are blown,
And quick and stirring orders sped ;
Houston and Sherman, brave Lamar,
Millard and Hockley close around,
And, lo ! with steady, swinging step,
A phantom sentry makes his round.

* “Come to the Bower” is the air to the strains of which the Texan army marched into the battle of San Jacinto, and the cries which animated them were: “Remember Goliad !” “Remember the Alamo !”

" 'Goliad ! Alamo !' hark, the cry
Amid the rolling of the drums !
Hark, the Twin Sisters' hoarse reply
Upon the battle-breeze that comes !
Stand back ! for rank and file press by
A-wearied, in the sunset's glow.
And in their midst they bear on high
The broken sword of Mexico !

" Texas, thou queen of States, whose crown,
Wrought by the hands of heroes, shines
Like some prophetic sun adown
The glowing future's magic lines,
Arise, and, with imperial tread,
Draw near this consecrated place,
And bless thine own, thy mighty dead,
The saviors of thy glorious race !

" MOLLIE E. MOORE DAVIS."

CHAPTER X.

CAPTURE OF SANTA ANNA—INTRODUCTION OF SANTA ANNA TO HOUSTON—CONVERSATION—SCENE WITH YOUNG ZAVALA—ALMONTE—ARRIVAL OF GOVERNMENT *ad interim*—HOUSTON LEAVES THE ARMY—GOES TO NEW ORLEANS FOR MEDICAL AID—THE CABINET TREATY WITH SANTA ANNA—TROUBLES—EXTRACT FROM ASHBEL SMITH'S SPEECH AT AUSTIN, 1829.

THE Commander-in-Chief awoke the next morning after the battle of San Jacinto and asked, "Are we really victors, or is it only my dream?" He could hardly believe that the battle for Independence had been fought and won. Only seven Texans had lost their lives, and less than thirty had been wounded. Seven hundred soldiers had vanquished nearly three times their number. Six hundred and thirty had perished on the field of battle, and of their number were one general officer, four colonels, two lieutenant-colonels, seven captains, and twelve lieutenants. Large numbers met their death in the morass and bayous. Two hundred and eighty were wounded and eight hundred taken prisoners.

Gen. Houston sent a detachment of men at ten o'clock in the morning to bury the slain. The troops returned and reported that decomposition had taken place so rapidly that it was impossible to execute the order. The greatest surprise was excited. The Mexican prisoners accounted for the rapid decomposition, by resolving it, like the defeat of the previous day, into a malignant blast of destiny.

The Texans, meantime, during the day were scouring the prairie, bringing in prisoners. Such as had not been taken the day previous were crawling on their hands and knees through the grass, which was everywhere four or five feet high, endeavoring in this way to effect their escape.

The victors were diligently searching for Santa Anna, the Dictator, who had not been taken. "You will find the Hero of Tampico," said Gen. Houston, "if you find him at all, making his retreat on all fours, and he will be dressed as bad at least as a common soldier. Examine every man you find, closely."

About three o'clock in the afternoon, Lieutenant J. A. Sylvester, a volunteer from Cincinnati, Joel W. Robison, now of Fayette Co., John Thompson, and others were riding over the prairie. They espied a man making his way toward Vince's bridge. They

pursued him, whereupon he fell down in the grass. Sylvester dashed on in the direction where he fell and his horse came very near trampling upon him. Disguised in a miserable rustic dress, wearing a skin cap, a round jacket, pantaloons of blue domestic cotton, and a pair of coarse soldier's shoes, he sprang to his feet, and without the slightest apparent surprise looked his captor full in the face. His countenance and manners showed that he belonged to a different class from that indicated by his coarse disguise. Beneath his common garb his victors espied a shirt of the finest linen-cambric.

"You are an officer, I perceive, sir?" said his captor, raising his cap politely. "No, soldier," was his reply. He then drew out a letter in Spanish, addressed to Almonte. Seeing that there was no hope of escape, he inquired for Gen. Houston. As the party with the captured Santa Anna rode into the Texan camp past the Mexican prisoners, they cried out with the greatest surprise as they lifted their caps, and exclaimed, "El Presidente."

The news spread rapidly through the camp that the Dictator, Gen. Santa Anna, was a prisoner, and had been taken to Gen. Houston.

Having slept very little during the night, the General was lying on the ground, having fallen into a doze. Santa Anna, coming up behind him, took his hand. Rousing himself and turning over, Houston gazed up into the face of the Mexican. Santa Anna, laying his right hand on his heart, and extending his left arm, said, "I am General Antonio Lopez de Santa Anna, President of the Mexican Republic, and I claim to be your prisoner of war." Houston, pointing to a box, the only seat in the camp, said, "Ah! General Santa Anna, take a seat; I am glad to see you."* Then sending for Almonte, who spoke English perfectly, he requested him to act as interpreter. Santa Anna showed by his keen glances around the camp, with his timid expression, the pressure of the sides of his breasts with his two hands, and his half-suppressed groans, that he was suffering severe pain. Gen. T. J. Rusk, who was present, relates a deeply interesting incident which occurred about this time:

"At the time Santa Anna was brought into our camp, I was walking with young Zavala, son of the noble and venerable Zavala, who distinguished himself as the friend of Texan Independence. We approached him together. Santa Anna recognized young Zavala at once, and advanced to meet him with great apparent cordiality, uttering many expressions of kindness, such as are customary among the Mexicans on such occasions; several of which I remember. Among other things he exclaimed, 'Oh, my friend, my friend! the son of my early friend!'

* As reported by Major M. Austin Bryan, who interpreted before Almonte came up.

after which, and other exclamations in the same strain, he embraced young Zavala, with high indications of *apparent* feeling, and I think dropping a tear.

"Young Zavala returned his greeting with that deference which would have been due to his former rank and power; but at the same time, emitting from his countenance an expression I have scarcely seen equalled on any occasion. His look seemed to wither Santa Anna, and staring him full in the face, he replied immediately with great modesty, 'It has been so, sir.' Santa Anna evinced plainly that he was much mortified."

With evident respect and grief, Almonte approached his captive General, who embraced him. In the meantime, Houston, lying on the ground, rested on his elbow. Those who were present at the interview relate the following as the substance of the conversation between the two commanders.

After embracing Almonte and recovering entirely from his embarrassment, Santa Anna, with the air of one born to command, rose and said to General Houston :

"That man may consider himself born to no common destiny who has conquered the Napoleon of the West; and it now remains for him to be generous to the vanquished."

Houston. "You should have remembered that at the Alamo."

Santa Anna. "You must be aware that I was justified in my course by the usages of war. I had summoned a surrender, and they had refused; the place was then taken by storm, and the usages of war justified the slaughter of the vanquished."

Houston. "That was the case once, but it is now obsolete. Such usages among civilized nations have yielded to the influences of humanity."

Santa Anna. "However this may be, I was acting under the orders of my Government."

Houston. "Why, you are the Government of Mexico."

Santa Anna. "I have orders in my possession commanding me so to act."

Houston. "A dictator, sir, has no superior."

Santa Anna. "I have orders, General Houston, from my Government, commanding me to exterminate every man found in arms in the province of Texas, and treat all such as pirates; for they have no government, and are fighting under no recognized flag. This will account for the positive orders of my Government."

Houston. "So far as the first point is concerned, the Texans flatter themselves that they have a Government already, and they will probably be able to make a flag. But if you feel excused for your conduct at San Antonio, you have not the same excuse for the massacre of Col. Fannin's command. They had capitulated on terms proffered by your General; and after the capitulation, they

were all perfidiously massacred, without the privilege of even dying with arms in their hands."

It was almost impossible for Houston to restrain his indignation while speaking of the Goliad tragedy. Cold sweat ran off from his brow in streams, while his eye flashed with the fury of a wild beast, as he struggled violently to curb his wrath.

Santa Anna (noticing Houston's excitement), laying his hand on his heart, said, "I declare to you, General, that I was not apprised of the fact that they had capitulated. General Urrea informed me that he had conquered them in battle, and under this impression I ordered their execution."

Houston. "I know, General, that the men had capitulated."

Santa Anna. "Then I was ignorant of it; and after your asseveration I should not have a shadow of a doubt, if it were not that General Urrea had no authority whatever to receive their capitulation. And if the day ever comes that I can get Urrea into my hands, I will execute him for his duplicity in not giving me information of the facts."

The conversation between Houston and Santa Anna was suspended for a time. At Santa Anna's request a small piece of opium was given to him. His *marquée* and luggage, and the attendance of his aides and servants were ordered for him by Houston, whom he thanked very politely, and said "it would make him very happy, since they were ordered by his captor."

While these orders were in course of execution, General Almonte displayed a disposition to converse with Houston.

Remarking to the victorious General, that he had been highly favored by fortune, he asked why he had not attacked the Mexicans on the first day on which the armies met, and said, "You had reason to suppose we should be reinforced. And yet, if you had risked a battle that day you would have had another story to tell, perhaps, for our men were then ready to fight, and so anxious for the battle to come on, that we could hardly keep them in their ranks. Why did you wait till the next morning, General?"

"Well," replied Houston, "I see I was right. I *knew* you expected I should bring on the battle that day, and was consequently prepared for it. Now, if I *must* be questioned by an inferior officer, in the presence of his General, I will say, that was just the reason why I did not fight; besides, I thought there was no use in having two bites at one cherry."

Almonte then made some remark which ill befitted the occasion, and greatly irritated the wounded hero, who said:

"You have come a great way to give us a great deal of trouble, and you have made the sacrifice of the lives of a great many brave men necessary."

"Oh!" Almonte replied, flippantly; "what are six or seven hundred men? And, from all accounts, only half a dozen of your brave men have fallen."

Houston replied, "We estimate the lives of our men, I perceive, somewhat higher than you do." Almonte politely changed his tone, as Houston looked sternly at him, and continued; "You talk about reinforcements, sir; it matters not how many reinforcements you have, sir; you never can conquer freemen." Raising himself up and taking an ear of dry corn from his pocket which he had carried for four days, Houston held it up, and said: "Sir, do you ever expect to conquer men who fight for freedom, whose General can march four days with one ear of corn for his rations?" The enthusiasm of the Texan soldiers was stirred up by the sight of the ear of corn. Gathering around the General, they asked him to allow them to divide the ear of corn.

"We'll plant it," they said, "and call it the Houston corn."

"Oh, yes, my brave fellows," said the General smiling, "take it along, if you care anything about it, and divide it among you; give each one a kernel, as far as it will go, take it home to your own fields, where I hope you may long cultivate the noble arts of peace as well as you have shown yourselves masters of the art of war. You have achieved your independence; now see if you can not make as good farmers as you have proved yourselves gallant soldiers. You may not call it Houston corn, but call it *San Jacinto* corn, for then it will remind you of your own bravery." The corn was distributed. In successive crops, it has been growing ever since, whether planted by the fugitives who returned to the banks of the Sabine, or the dwellers on the rolling prairies or fertile bottoms of the Trinity, the Colorado, or the Brazos.

Santa Anna was interested in the conversation detailed, as its import was made known to him by Almonte. His rage was aroused, and he cursed Almonte for losing the battle. His army was large, perfectly armed and equipped, his officers were skilled, his camp was filled with every luxury. He had been conquered by a band of raw, undisciplined troops, incompletely armed, with officers destitute of most of the necessities of life. In his mortification he remarked "that this was the first moment that he had ever understood the American character, and that what he had witnessed, convinced him that Americans never could be conquered."

Although Santa Anna's marqu  e was near the spot where Houston was lying, his trunks were not opened, nor was any portion of his baggage molested. The eyes of the civilized world were upon the hero of San Jacinto. He was the representative of Anglo-

Saxon civilization. His men had been infuriated against the Dictator of Mexico, by the massacres of the Alamo and Goliad; kindred of the martyred victims to liberty were in the conqueror's camp. They longed for revenge; they wished to see Santa Anna expiate his crimes with his blood. The feelings of the soldiers were natural to men in their circumstances. Houston's influence over men, his keen foresight into the future, his thorough appreciation of the exigencies of the hour, his complete knowledge of the world's opinions, all were exhibited in his management of the great State prisoner intrusted to him, in the person of Santa Anna. It required extreme vigilance and superior shrewdness in detecting insubordination, to prevent assassination. Houston detected something wrong in the manner of an officer who had resolved to shoot Santa Anna, and had prepared himself for the work, as he was passing, on the day of the night fixed for the execution of his purpose. And although the commanding General had had no intimation of the design from any quarter, so strong were his convictions as to the settled purpose, that he beckoned to the officer to approach him. He conversed with him, and made him his confidant. He represented what would be the terrible consequences if Santa Anna were assassinated. He expressed his confidence in him to detect any murderous scheme projected, and his reliance on his vigilance. The officer pledged himself to act on his General's suggestion, and declared that Santa Anna should not be assassinated while he remained in the camp. He kept his word, although he afterward stated that at this very time, he had the arms on his person with which he had sworn that he would kill Santa Anna.

Numerous were the devices by which Houston maintained discipline over his brave, heroic, although too often wayward and reckless men. His methods were his own, and concealed in his own bosom. The belief became general that *Houston was the only man in the world that could have kept the army in subjection, or achieved the independence of Texas, or preserved it after it was won.* He treated his prisoner rather as a guest and a gentleman than as a captive, and exercised the keenest vigilance over his safety. His guard was so disposed at night as to include the marquée of Santa Anna, who slept on his camp bed with every comfort he could have had if he had been the victor, while near by, on the earth, on his usual bed in camp, lay Houston, with no respite from the intense agony of his wound. About one inch above the ankle joint, the ball had entered, shattering the bone, and severing the muscles and arteries. Prostrated for months, he was worn down by fever and pain from this wound to the shadow of a man.

The morning after the capture, Santa Anna asked and obtained

leave to see Gen. Houston. Elegantly dressed in citizen's garb, he presented himself, tendering a most respectful and cordial greeting to his host, inquiring kindly concerning his health and the condition of his wound. Houston was far differently clad. He wore a plain, old black coat, snuff-colored pantaloons, a black-velvet vest, a fur cap, a worn-out pair of boots, a scimeter of tried metal with a plated scabbard, a gift from Captain Joseph Bonnell, of Fort Jesup. The scimeter was hung about his person by buckskin thongs. Such was his armory and wardrobe. A stranger would have taken the captive for the victor. With his usual courtesy, the Texan commander received his prisoner, who proposed immediately negotiations for his liberty. From the beginning to the end of Santa Anna's capture, Houston was never alone with him a single moment. In accordance with this line of policy, he immediately sent for Gen. Rusk, the Secretary of War, and together they conversed some time with the prisoner. A proposition, written with pencil, was submitted by Santa Anna, which paper Gen. Rusk caused to be translated. The Mexican "President" was informed that no action could be taken on his proposals, as Texas was ruled by a Constitutional Government, whose members had been sent for immediately after the battle. Santa Anna naturally desired to know where the Government was. An express had been dispatched to Galveston to the President, Hon. David G. Burnet, who was supposed to be in that place.

Santa Anna manifested perfect willingness to act with military men, and exhibited great aversion against any negotiations with civilians. Houston and Rusk, immovable in their determinations, would make no terms with Santa Anna, except to receive from him a dispatch, ordering Gen. Filisola to depart immediately with all the Mexican troops, at least as far as Monterey. This order was tendered to Houston, without any intimation to Santa Anna that his life would be spared. Filisola with his command was on the east side of the Brazos. An officer on a fleet Andalusian courser had escaped from the battle-field, succeeded in reaching his camp and gave him the news of the disaster of San Jacinto. When he reached Filisola's headquarters it was night. Consternation spread through the camp, and the soldiers prepared for flight. To light up their passage across the river, the demoralized soldiers fired a large cotton-gin. The Texan guard of 250 soldiers ordered to accompany the dispatch from Santa Anna to Filisola, pressed on by forced marches in pursuit of the rear guard of the Mexican army. Horses, mules, baggage-wagons, and sick soldiers were scattered along the path of the flying division, indicating the great panic under which the retreat had been made. To reach the Colorado,

the march was through a low, flat, wet prairie. Overtaken, however, by the pursuers, Filisola received the messengers who bore the flag of truce with every mark of respect, pledging himself to execute without delay Gen. Santa Anna's extreme orders. Asking leave only to take some cattle along the march, his license was stretched far enough to rob every living thing with which he fell in on his way. After his division commenced their ordered retreat the Texan detachment returned to San Jacinto. Appointing three superior officers to execute his order, Houston ordered that a portion of the spoils should be divided equally among officers and men. The truth requires that incidents should be related bearing on the surrender of the command by Gen. Houston, caused by his wound, and the transfer to others.

Not many days after the victory of San Jacinto, news of which had spread by expresses all over the country, the little steamer *Yellow Stone* arrived from Galveston bringing the Cabinet of the Constitutional Government. Houston at once surrendered everything into their hands but the money, which had already been divided among his gallant comrades. The Cabinet, although composed of patriotic citizens of eminence, was not personally friendly to Gen. Houston, with one exception, Gen. Thomas J. Rusk, the Secretary of War, who participated in the dangers and victory of the battle of San Jacinto. A proposition from Robert Potter, Secretary of the Navy, assigning many reasons, but alleging no cause, was made to dismiss the wounded, suffering, but victorious hero of San Jacinto from the service. Gen. Rusk, like a magnanimous patriot soldier, as he was, in a spirited manner opposed and defeated the proposition. The Cabinet disapproved of the distribution of the \$12,000 among the soldiers, who had no other means of compensation, and had fought only for liberty; but no accusation was brought against the General for this distribution inasmuch as the indignation of every man in the army would have been aroused.

About the release of Santa Anna, Gen. Rusk, the Secretary of War, wrote to Gen. Houston for his views. The following answer was returned :

" HEADQUARTERS OF THE ARMY, }
 " *Camp San Jacinto, 3d May, 1836.* }

" I have not the pleasure to know on what basis the Executive Government contemplate the arrangement with Gen. Santa Anna, but I would respectfully suggest, that so far as I have been enabled to give my attention to the subject, the following points should have some weight :

" The recognition of the Independence of Texas should be a *sine quâ non*. The limits of Texas should extend to the Rio Grande, and from the mouth, pursuing the stream to its most north-western source, and from thence north-east

to the line of the United States. Indemnity for all losses sustained by Texas during the war. Commissioners to be appointed for ascertaining the fact—one Mexican, one Texan, and one American. The guarantee to be obtained from the United States for the fulfillment of the stipulation on the part of the contending parties. Gen. Santa Anna to be retained as a hostage, with such other officers as the Government may think proper, until they are recognized or ratified by the Mexican Government. Immediate restoration of Texan or Mexican citizens, or those friendly to the cause of Texas, who may have been retained, with their property. Instantaneous withdrawal of all the Mexican troops from the limits of Texas. All property in Texas to be restored, and not molested by the troops or marauders in falling back. Cessation of all hostilities by sea and land. A guarantee for the safety and restoration of Mexican prisoners, so soon as the conditions shall be complied with. Agents to be sent to the United States to obtain the mediation of that Government in the affairs of Mexico and Texas."

From all quarters where the news of the victory had gone volunteers rushed forward. Many brave men, when Houston needed their help, coming by forced marches, failed to reach his camp in time. On account of his wound, the General was helpless, and even if he survived, it was generally believed that he would not be fit for service for many months. In accordance with his desire, and as no other man would have been acceptable, Gen. Rusk was appointed by the Cabinet Brigadier-General to succeed him in the command. Mirabeau B. Lamar was appointed Secretary of War, to fill the vacancy in the Cabinet.

With no intention to preserve unpleasant reminiscences, it is just to state some facts which tortured the feelings, at this time, of the wounded and enfeebled hero.

A Texan soldier in pursuit of the enemy, having captured the noble black stallion ridden by Almonte in battle, presented the horse to the General. The soldiers, when Houston sent him to parade, and to be sold for the benefit of the army, with one voice led him to the General, begged that he would retain him, "hoping that the General would be able to ride him very quickly." But he was not allowed to keep the horse.

As there was no medicine in the camp, no comforts for a wounded man, it was necessary to visit New Orleans to secure such medical aid as would save his life. The steamboat was ready to sail for Galveston, with the Cabinet and Santa Anna and suite on board. Houston applied to the Cabinet for a passage. The application was sternly refused, and it seemed that the Commander-in-Chief was about to be left to die—in sight of the field of *San Jacinto*. Hearing of the circumstance, the captain of the steamboat declared that his boat should not leave the shore unless it carried Gen. Houston. He took his hands with him, and brought the wounded soldier aboard. A few of his staff accompanied him, but when his Sur-

geon-General, Dr. Ewing, came on board, the Secretary of War told Gen. Houston that he would be discharged from the service if he accompanied Gen. Houston. When told this, Gen. Houston said to Dr. Ewing, "I am sorry, my dear fellow, for I have nothing to promise you in the future, and you know I am poor; so you had better not incur the displeasure of the new Secretary of War." The surgeon magnanimously followed his General, refusing to desert a friend or a brave man in the hour of need, although he was immediately dismissed from the army. Santa Anna wept when he was told that Gen. Houston was not to be a passenger, but when he saw him brought aboard he ran forward to him and embraced him with sincere joy. From the time of his transfer to the custody of the Cabinet, the Mexican president had not been allowed to pay his customary morning visit to his humane and courteous captor, but was subjected to the irritating and humiliating surveillance of the Cabinet. It was a source of severe pain and mortification to the captive General to be subjected to an unnecessary and indelicate severity, which Santa Anna himself characterized by a harsher term.

Gen. Houston was waited upon on the arrival of the boat at Galveston Island, where at that time there was not a framed house, by some volunteers who had just arrived from the United States, and offered any aid in their power for his comfort or honor. On this occasion, as on all others, he showed how well strict regard for law and order had fitted him to govern, and how easy it is for a really great man to exhibit magnanimity to his opponents. He exhorted these ambitious and brave men to render obedience to the authorities of the country, and not dishonor themselves by any disrespect to the Government, being assured that by honoring the ranks they would be qualified for the highest rights of citizenship. The scene witnessed when Gen. Houston parted with the army was extremely touching. Too feeble to speak, he wrote a touching address, which was read as "camp orders," as follows :

"HEADQUARTERS, San Jacinto, *May 5, 1836.*

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

"The enemy, though retreating, are still within the limits of Texas; their situation being known to you, you can not be taken by surprise. Discipline and subordination will render you invincible. Your valor and heroism have proved you unrivalled. Let not contempt for the enemy throw you off your guard.

Vigilance is the first duty of a soldier, and glory the proudest reward of his toils.

"You have patiently endured privations, hardships, and difficulties unappalled; you have encountered odds of two to one of the enemy against you, and borne yourselves, in the onset and conflict of battle, in a manner unknown in the annals of modern warfare. While an enemy to your independence remains in Texas the work is incomplete; but when liberty is firmly established by your patience and your valor, it will be fame enough to say, 'I was a member of the army of San Jacinto.'

"In taking leave of my brave comrades in arms I can not suppress the expression of that pride which I so justly feel in having had the honor to command them in person, nor will I withhold the tribute of my warmest admiration and gratitude for the promptness with which my orders were executed, and union maintained through the army. At parting my heart embraces you with gratitude and affection.

"SAM HOUSTON, *Commander-in-Chief.*"

The tears of the brave men fell upon their rifles, on which they were leaning, when this pathetic and eloquent address was read to them. Never were companions in arms more devoted to a chief.

Houston applied for a passage for himself and staff on a small war vessel just about to sail from Galveston to New Orleans. The passage was refused.

The General sent for the captain of a little American schooner (the *Flora*), lying at Galveston, and bound for New Orleans. With him he contracted for passage for himself and staff, to be paid for when he was able, as he had then not one dollar of money to advance. Neither he nor his followers had ever received any compensation from the Government. The fugitive women and children, whose husbands and fathers had been slaughtered at the Alamo, or massacred with Fannin, had received all the funds he had been able to command. As the little schooner was about to set sail, Captain Charles Hawkins, of the Texan Navy, states that Santa Anna asked permission to take leave of General Houston, but was refused; a poor privilege, on account of which the humiliated Mexican president wept. The little schooner had a long and tedious voyage. Arriving at the Balize at night, she was towed up to New Orleans next day. For forty days Gen. Houston had been without medicine or poultices; the shirt he wore furnished bandages for his wounds, the bosom only remained, and part had been given to soldiers more needy than himself. He was supposed to be now in a dying state. In his feebleness he could not even be raised up without fainting. About eighteen miles below New Orleans, in passing the "English Turn," from expresses in waiting it was made known that Houston was on board. This was the first confirmation of the news of the battle of San Jacinto. As the in-

telligence spread through the city on this memorable Sunday a dense crowd rushed to the levee of the Mississippi River to see the wounded soldier. Col. Wm. Christy, his early devoted friend, with whom he had served as a lieutenant in his youth, had prepared for him every comfort which his situation required. He was eager to grasp the hand of his old comrade, and to extend to him a most cordial welcome. Dr. Kerr, the surgeon who had operated on his wounds about thirty years before, also hastened to the vessel, where Houston was found lying on the deck. He fell upon the wounded hero, and embraced him like a father. Every attention was given him by Drs. Kerr and Cenas, who said that if he had arrived a few hours later his life could not have been saved, as his wound had begun to show the first symptoms of mortification. The vessel was in danger of sinking, because of the great crowd present to look on the victor of San Jacinto. The pier was also so densely thronged that it was a long time before the General could be gotten ashore. An attempt had been unsuccessful to lift him ashore. His torture was so great that it seemed that he would die before it could be done. Feeling that his strength was going, rising on his crutches with a desperate effort, he got over the gunwale himself. Immediately laid upon a litter, he fainted again. Bands of music meantime had come down to the levee and played martial airs while the landing was being effected. Houston, who seemed to be dying, was placed on a cot, and borne through the vast throng to the hospitable mansion of his friend Christy. Here, a mere skeleton of disease and suffering, he found repose.

Remaining two weeks in New Orleans, and although far from being out of danger, he was so anxious to return to Texas that he took passage on a Red River steamer, to Natchitoches. His feeble health could ill endure the fatigue and exposure of the journey. To recover his strength, he was compelled to stop several days. At the first moment he was able to travel, he proceeded to San Augustine, where he remained till he received intelligence that the Cabinet had made a treaty with Santa Anna, and had resolved on his liberation. It was also stated, at the same time, that the enemy was preparing for another campaign. At New Orleans, Natchitoches, and San Augustine, demonstrations of great respect had been made, and dinners offered to him, all of which compliments he declined; but when the report of the advance of the enemy had brought together a vast concourse of people at San Augustine, he was taken to the meeting resting on his crutches, and delivered so effective and arousing an address, that in two days one hundred and sixty men took up their march for the frontier.

About this time news reached the General that the army, then at

Coleti, had dispatched Colonels Millard and Wheelock to the Cabinet, to demand that Santa Anna should be delivered into the hands of the soldiers for execution, reproaching the Cabinet for neglect of duty, ordering President Burnet to be arrested and brought to the Texan camp. The following protest against their proceedings was dispatched, by express, immediately by Houston, to the army :

“AYISH BAYOU, 26th July, 1836.

“TO THE GENERAL COMMANDING THE ARMY OF TEXAS:

“*Sir* :—I have just heard, through a citizen of the army, that it is the intention to remove General Santa Anna to the army, and place him upon his trial. I can not credit this statement ; it is obviously contrary to the true policy of Texas. The advantages which his capture presented to us will be destroyed. Disregard, if you will, our national character, and place what construction you please upon the rules of civilized warfare, we are compelled by every principle of humanity and morality, to abstain from every act of passion or inconsideration that is to be unproductive of positive good. Execute Santa Anna, and what will be the fate of the Texans who are held prisoners by the Mexicans—what will be the condition of the North Americans who are residing within the limits of Mexico ? Death to them, and confiscation of their property is the least that can be expected. Doubtless torture will be added to the catastrophe, when stimulated by ignorance, fanaticism, and the last expiring struggle of the priesthood for power and dominion. Texas, to be respected, must be considerate, politic, and just in her actions. Santa Anna, living and secured beyond all danger of escape, in the eastern section of Texas (as I first suggested), may be of incalculable advantage to Texas in her present crisis. In cool blood to offer up the living to the manes of the departed, only finds an example in the religion and warfare of savages. Regard for one's departed friends should stimulate us in the hour of battle, and would excuse us in the moment of victory, for partial excesses, at which our calmer feelings of humanity would relent.

“The affairs of Texas connected with General Santa Anna, as President of the Republic of Mexico, have become matter of consideration to which the attention of the United States has been called, and for Texas, at this moment, to proceed to extreme measures as to the merits or demerits of General Santa Anna, would be treating that Government with high disrespect, and I would respectfully add, in my opinion it would be incurring the most unfortunate responsibility for Texas.

“I, therefore, Commander-in-Chief of the army of the Republic, do solemnly protest against the trial, sentence, and execution of General Antonio Lopez de Santa Anna, President of the Republic of Mexico, until the relations in which we are to stand to the United States shall be ascertained.

“SAM HOUSTON,

“*Commander-in-Chief of the Army.*”

The effect designed by Houston was produced by this protest. The trial of Santa Anna was postponed ; Texas was spared the odium and disgrace which a proceeding so summary and barbarous would have produced. Houston, removing to Nacogdoches, re-

maintained there, under the influence of his wound, until the fall of 1836, not idle, but exercising constant vigilance, while the country was excited from a *quasi* state of martial law.

On the 14th of May, the Cabinet, perceiving that the views officially communicated to General Rusk by General Houston were based on the highest and soundest principles of policy, humanity, and justice, in the main adopted them, and made a treaty with the Mexican President.

On the first of June, President Burnet and his Cabinet were still at Velasco. The Texan schooner *Invincible* was anchored off the bar, in sight of the town, with Santa Anna and suite on board. Sailing orders had been issued to the vessel to proceed to Vera Cruz. Under these circumstances, Santa Anna wrote the following farewell to the Texan army :

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

Aut : "LOPEZ DE SANTA ANNA.

"Velasco, 1st June, 1836."

All the circumstances indicate that the Mexican President meant at that time, while feeling that he was a free man, on board of a vessel under sailing orders, faithfully to fulfill the pledge involved in this brief address. Whatever was his subsequent history, he was manifestly in earnest at this period.

Just, however, as the *Invincible* was sailing, a General arrived at Velasco with several hundred volunteers from the United States. Never having participated in the Texan struggle, with no authority to order even a drum beat in Texas, he declared that the *Invincible* should not lift her anchor, and that Santa Anna should be tried and executed. General Lamar (in a voluminous paper) had already protested against his release, and popular feeling ran in the same current.

Although the treaty had been signed, sealed, and delivered, and Santa Anna had it with him on board the *Invincible*, and the vessel was under sailing orders, the President *ad interim*, yielding to the clamor for a violation of public faith, countermanded the sailing orders, and sent a requisition on board for the Mexican President. Aware from the day of his capture that popular feeling ran high against him, and believing that his life would be in danger among those who would violate a solemn treaty, he resolutely refused to go on shore. The next day the order was repeated, and with similar result.

With several armed men, Gen. Green, on the afternoon of the 3d of June, "visited the *Invincible* (Foote, 2d vol., p. 342) for the purpose of bringing off the Dictator, dead or alive. Like a brave man, Santa Anna remonstrated against the breach of faith, and declared that he would die before he left." "All this time," says Gen. Green (Foote, 2d vol., p. 343), "he lay on his back in his berth, and his respiration seemed to be exceedingly difficult." Gen. Green ordered him to be *put in irons*. "When the irons were brought within his view, the prisoner immediately jumped up, adjusted his collar, put on his hat, and stated his readiness to accompany us." Gen. Green acted in obedience to popular impulses, and the world sympathized with the universal execration of the massacres of the Alamo and Goliad. But the conduct of Santa Anna at least for once in his life, was at this time worthy of admiration. A defenceless prisoner, with a score of bayonets or bowie-knives at his breast, he surrendered at discretion to the violators of a treaty. He was not the first to violate the treaty of the 14th of May.

Of this event, he said :

"I had embarked on the Texan schooner of war, the *Invincible*, on the first of June, after addressing a short farewell to the Texans, wherein I thanked them for their generous behavior, and offered my eternal gratitude. And I protest (fifthly) for the violence committed on my person, and abuse to which I have been exposed, in being compelled to go ashore, merely because 130 volunteers under the command of Gen. Thomas Green, recently landed on the beach at Velasco, from New Orleans, had with tumults and threats demanded that my person should be placed at their disposal, which took place on the very day the Government received from Gen. Felixola the answer that he had strictly fulfilled what had been stipulated in the treaty. . . . Under these circumstances, I appeal to the judgment of civilized nations, to the consciences of the citizens who compose the Cabinet, and, above all, to the Supreme Ruler of the destinies of nations, who has placed the existence and happiness of nations on the faith of treaties, and punctual fulfillment of engagements."

Gen. Houston, when informed that the constituted authorities had been compelled to yield to popular clamor, declared, "I would have regarded the faith of the nation under any circumstances, and before the mob should have laid hands on Santa Anna, they should have first drunk of my blood."

But it was now apparent that all hopes of advantage Houston had borrowed from the treaty and release of Santa Anna, were destined to disappointment. Santa Anna's gratitude and sense of honor were the only reliance, as all his obligations had been dissolved by the course taken by his enemies.

Meantime, the Cabinet appointed Gen. Mirabeau B. Lamar Commander-in-Chief of the army, over the heads of Generals

Houston and Rusk. The army desired that the hero of San Jacinto should resume command, but were entirely satisfied with Gen. Rusk. Gen. Lamar, having resigned his post as Secretary of War, repaired to the army with his commission, surrounded by his staff. How far the change was acceptable to the army, may be inferred from the fact, that when the nearly 1,800 troops in camp were asked for a demonstration of satisfaction with the new commander, "less than one in eighteen voted for him (Gen. Lamar), and the rest positively refused to serve under him."

On the occasion of the presentation of Gen. T. J. Rusk's portrait in the House of Representatives of Texas, April 1, 1879, Hon. Ashbel Smith eloquently said :

"On the result of the battle on the field of San Jacinto, on the twenty-first of April, 1836, turned the decision of the question whether Texas should become wholly Spanish, for Santa Anna had threatened that he would put to death every man, woman, and child west of the Sabine who would jabber English, and the massacre of the Alamo and of Fannin's command at Goliad, tell how bloodily he was executing his diabolical threat. We are accustomed to look on Santa Anna as a monster of crime. It is a mistake ; he was the exponent of the race from Cortez and Pizarro down. As I just said, the question decided on the field of San Jacinto was, whether Texas should become wholly Spanish, with its despotism, religious and political, or a land of free institutions, with a representative government of the people, trial by jury, the *habeas corpus*, free thought, free speech, free politics, and free religion. But this solution of the question at San Jacinto has not been restricted to Texas alone ; it has drawn with it, Arizona, New Mexico, California, and planted in this vast region American institutions. . . . Not a few in the heat of sectional, political jealousies, have affected to consider San Jacinto as a sort of accidental scrimmage, in a big insurrection or *pronunciamento*, in which the Anglo-Americans had the luck to get the better of the Mexicans. The contest between Texas and Mexico was war, organized war ; it was a campaign in form and in reality, closed by a decisive battle. There were about 1,300 men in the Texan army on the Colorado, —the hope, the sole reliance and defense of the homes, of the wives and children of our people. Against this slender force came rushing, like a torrent, Gen. Santa Anna, with an army of 10,000 men, compact, disciplined, well armed, supplied with an ample military chest, with unbounded confidence in their General, whom they proudly styled the Napoleon of the West. Like wolves infuriated by the smell of fresh blood, the Mexicans were maddened by the gore, still green, of the murdered men of the Alamo and Goliad. Had Houston then and there given battle to Santa Anna, overwhelming numbers must have told ; the Texan army crushed, scattered, cut to pieces, what would, alas ! have been the fate of the women, with their children fleeing, or attempting in vain to flee, before the squadrons of Santa Anna ? But Houston fell back slowly, covering, protecting their escape. Santa Anna crowded on, became confident and careless, extending his invading lines until every part of them was weak, and with his own chosen corps pursuing with forced marches, lest Houston should escape.

Thus he advanced beyond the support of his main army ; when Houston and the Texans suddenly faced about, giving battle to this advanced corps of the Mexican commander-in-chief, at San Jacinto, gained a decisive victory, captured Santa Anna himself, ended the campaign, ended the war, and achieved solid independence for Texas. It was no lucky scrimmage, no accidental encounter ; it was war, war on scientific principles, culminating in triumphant success ; and we here, to-night, are in joyful fruition of this success."

CHAPTER XI.

HOUSTON'S ELECTION TO THE PRESIDENCY—DEPARTURE OF SANTA ANNA FOR WASHINGTON—HIS CONDUCT—SENT TO VERA CRUZ IN A U. S. WAR VESSEL.

THE condition of affairs after the battle of San Jacinto was one of discord and confusion. Discontent was universal. The Government *ad interim* had not been able to pursue a line of policy generally acceptable. The Convention which had adopted the Constitution at Washington in the previous month of March, had made provision for the crisis, and, accordingly, writs were issued for the election of a President by the people of Texas. Two candidates were named—Gen. Stephen F. Austin and ex-Governor Henry Smith. The latter was an excellent man and a patriot ; the former had the love of all parties, and will always be regarded as the father of Texas. Houston, importuned to become a candidate, would not consent until twelve days before the election. He desired private life. If the public councils were guided by firmness and wisdom he did not believe that it would be necessary to fire another hostile gun. Unrelentingly persecuted, his feelings outraged in proportion as he had sacrificed his own interests and devoted himself to the State, he hoped in retirement to be happy and witness his country's freedom. One motive, at last, overcame his disinclination to mingle in the turmoil of public life. The virulence of party ran so high, he feared that the formation of cabinets made of party men would endanger the stability of any administration.

Without a dollar, and without credit, a government was to be created from chaos. He belonged to no party, he possessed the confidence of the masses in a remarkable degree ; believing, therefore, that as parties were nearly equally balanced, and as there was great reason to believe that those out of power would so far embarrass an administration as to destroy its efficiency, he allowed his name to be used, hoping to be able still to render signal service to the State. National enthusiasm overcame the turbulence of party when this announcement was made. His election was opposed by a feeble clique of adventurers, who in the turbulent scenes of revolution, and when agitations convulsed the theatre of war, had

rushed to Texas, hoping to attract a notoriety which they had in vain sought for in the calmer scenes of life.

A frontier population would not submit to the reins of government held by the Provisional Government of 1835, and the administration of 1836. The people saw that at that time there was only one man in Texas who could sway the multitude, whose strong hand would steady the vessel of State through the boisterous surges ; that that man was Sam Houston, the hero of San Jacinto ; and when he consented to accept the Presidency, by acclamation they offered it to him.

The rare qualities which make the great General had been displayed by him. The brilliant victory of San Jacinto had been won by the qualities of strategy and heroism. The loftier and nobler qualities which fit one for a cabinet, needed to organize a government which would secure peace, power, and prosperity at home, and command the respect of civilized nations abroad, were now required, and the sequel will prove that they were not required in vain. Gen. Houston was triumphantly elected ; Senators and Representatives of the Congress of the Republic of Texas were chosen at the same time.*

On the 3d day of October, 1836, these delegates assembled at Columbia, and organized the first Congress of the Republic.

The President *ad interim*, Hon. David G. Burnet, tendered his resignation on the morning of the 22d of October. A resolution was immediately passed by the Congress, "that the inauguration take place at four o'clock, this day." A committee was appointed by both Houses to wait upon the President-elect, and at four o'clock he was introduced within the bar of the House of Representatives. The oath of office was administered by the Speaker, who proclaimed Sam Houston President of the Republic of Texas.

* Of the three candidates voted for, Sam Houston received 4,374 votes ; Henry Smith, 743 ; Stephen F. Austin, 587—Total vote, 5,704. M. B. Lamar had a majority of 2,699 for Vice-President. The principal officers during this Presidential term were S. F. Austin, R. A. Irion, and J. Pinckney Henderson, Secretaries of State ; Thomas J. Rusk, Wm. S. Fisher, Bernard E. Bee, George W. Hockley, Secretaries of War ; Henry Smith, Secretary of the Treasury ; S. Rhodes Fisher, William M. Shepperd, Secretaries of the Navy ; J. Pinckney Henderson, Peter W. Grayson, John Birdsall, A. S. Thurston, Attorney-Generals ; Robert Burr, Postmaster-General ; E. M. Pease, Francis R. Lubbock, Comptrollers ; John W. Moody, First Auditor ; J. G. Welshinger, Second Auditor ; Wm. G. Cooke, Stock Commissioner ; Wm. H. Wharton, Memucan Hunt. Anson Jones, Ministers to the United States ; J. Pinckney Henderson, Minister to Great Britain and France ; W. F. Caplett, Secretary of Legation to the United States ; George S. McIntosh, Secretary of Legation to Great Britain and France.

Advancing to a table, he delivered an extemporaneous address, the product of a great mind, a far-reaching statesman; the most important State paper found in the early archives of Texas.

"MR. SPEAKER AND GENTLEMEN: Deeply impressed with a sense of the responsibility devolving on me, I can not, in justice to myself, repress the emotion of my heart, or restrain the feelings which my sense of obligation to my fellow-citizens has inspired. Their suffrage was gratuitously bestowed. Preferred to others, not unlikely superior in merit to myself, called to the most important station among mankind by the voice of a free people, it is utterly impossible not to feel impressed with the deepest sensations of delicacy in my present position before the world. It is not here alone, but our present attitude before all nations has rendered my position, and that of my country, one of peculiar interest.

"A spot of earth almost unknown to the geography of the age, destitute of all available resources, few in numbers, we remonstrated against oppression, and, when invaded by a numerous host, we dared to proclaim our independence and to strike for freedom on the breast of the oppressor. As yet our course is onward. We are only in the outset of the campaign of liberty. Futurity has locked up the destiny which awaits our people. Who can contemplate with apathy a situation so imposing in the moral and physical world? No one. The relations among ourselves are peculiarly delicate and important; for no matter what zeal or fidelity I may possess in the discharge of my official duties, if I do not obtain co-operation and an honest support from the co-ordinate departments of the government, wreck and ruin must be the inevitable consequences of my administration. If, then, in the discharge of my duty, my competency should fail in the attainment of the great objects in view, it would become your sacred duty to correct my errors and sustain me by your superior wisdom. This much I anticipate—this much I demand. I am perfectly aware of the difficulties that surround me, and the convulsive throes through which our country must pass. I have never been emulous of the civic wreath—when merited, it crowns a happy destiny. A country situated like ours is environed with difficulties, its administration is fraught with perplexities. Had it been my destiny, I would infinitely have preferred the toils, privations, and perils of a soldier, to the duties of my present station. (Nothing but zeal, stimulated by the holy spirit of patriotism, and guided by philosophy and reason, can give that impetus to our energies necessary to surmount the difficulties that obstruct our political progress. By the aid of your intelligence, I trust all impediments in our advancement will be removed; that all wounds in the body politic will be healed, and the Constitution of the Republic derive strength and vigor equal to any emergency.) I shall confidently anticipate the establishment of Constitutional liberty. In the attainment of this object, we must regard our relative situation to other countries.

"A subject of no small importance is the situation of an extensive frontier, bordered by Indians, and open to their depredation. Treaties of peace and amity, and the maintenance of good faith with the Indians, seem to me the most rational means for winning their friendship. Let us abstain from aggression, establish commerce with the different tribes, supply their useful and necessary wants, maintain even-handed justice with them, and natural reason will teach them the utility of our friendship.

"Admonished by the past, we can not, in justice, disregard our national

enemies. Vigilance will apprise us of their approach, a disciplined and valiant army will insure their discomfiture.) Without discrimination and system, how unavailing would all the resources of an old and overflowing treasury prove to us. It would be as unprofitable to us in our present situation as the rich diamond locked in the bosom of the adamant. We can not hope that the bosom of our beautiful prairies will soon be visited by the healing breezes of peace. We may again look for the day when their verdure will be converted into dyes of crimson. We must keep all our energies alive, our army organized, disciplined, and increased to our present emergencies. With these preparations we can meet and vanquish despotic thousands. This is the attitude we at present must regard as our own. We are battling for human liberty; reason and firmness must characterize our acts.

"The course our enemies have pursued has been opposed to every principle of civilized warfare—bad faith, inhumanity, and devastation marked their path of invasion. We were a little band, contending for liberty—they were thousands, well appointed, munitioned, and provisioned, seeking to rivet chains upon us, or extirpate us from the earth. Their cruelties have incurred the universal denunciation of Christendom. They will not pass from their nation during the present generation. The contrast of our conduct is manifest; we were hunted down as the felon wolf, our little band driven from fastness to fastness, exasperated to the last extreme; while the blood of our kindred and our friends invoking the vengeance of an offended God was smoking to high heaven, we met our enemy and vanquished them. They fell in battle, or suppliantly kneeled and were spared. We offered up our vengeance at the shrine of humanity, while Christianity rejoiced at the act and looked with pride on the sacrifice. The civilized world contemplated with proud emotions conduct which reflected so much glory on the Anglo-Saxon race. The moral effect has done more towards our liberation than the defeat of the army of veterans.) Where our cause has been presented to our friends in the land of our origin, they have embraced it with their warmest sympathies. They have rendered us manly and efficient aids. They have rallied to our standard, they have fought side by side with our warriors. They have bled, and their dust is mingling with the ashes of our heroes. At this moment I discern numbers around me who battled in the field of San Jacinto, and whose chivalry and valor have identified them with the glory of the country, its name, its soil, and its liberty. There sits a gentleman within my view whose personal and political services to Texas have been invaluable. He was the first in the United States to respond to our cause. His purse was ever open to our necessities. His hand was extended in our aid. His presence among us and his return to the embraces of our friends will inspire new efforts in behalf of our cause. [The attention of the Speaker and that of Congress, was directed to Wm. Christy, Esq., of New Orleans, who sat by invitation within the bar.] A circumstance of the highest import will claim the attention of the court at Washington. In our recent election the important subject of annexation to the United States of America was submitted to the consideration of the people. They have expressed their feelings and their wishes on that momentous subject. They have, with a unanimity unparalleled, declared that they will be reunited to the great Republican family of the North. The appeal is made by a willing people. Will our friends disregard it? They have already bestowed upon us their warmest sympathies. Their manly and

generous feelings have been enlisted on our behalf. We are cheered by the hope that they will receive us to participate in their civil, political, and religious rights, and hail us welcome into the great family of freemen. Our misfortunes have been their misfortunes—our sorrows, too, have been theirs, and their joy at our success has been irrepressible.

"A thousand considerations press upon me, each claims my attention. But the shortness of the notice of this emergency (for the speaker had only four hours' notice of the inauguration, and all this time was spent in conversation) will not enable me to do justice to those subjects, and will necessarily induce their postponement for the present. [Here the President, says the reporter, paused for a few seconds and disengaged his sword.] It now, sir, becomes my duty to make a presentation of this sword—this emblem of my past office. [The President was unable to proceed further; but having firmly clenched it with both hands, as if with a farewell grasp, a tide of varied associations rushed upon him in the moment, his countenance bespoke the workings of the strongest emotions, his soul seemed to dwell momentarily on the glistening blade, and the greater part of the auditory gave outward proof of their congeniality of feeling. It was in reality a moment of deep and painful interest. After this pause, more eloquently impressive than the deepest pathos conveyed in language, the President proceeded.] I have worn it with some humble pretensions in defence of my country,—and should the danger of my country again call for my services, I expect to resume it, and respond to that call, if needful, with my blood and my life."

Gen. Houston exhibited the broad national principles on which he intended to govern the country, and his political forecast by the first step which he took in his administration. He called to his Cabinet his two most important rivals for the Presidency. General Stephen F. Austin, the sagacious and incorruptible patriot, became Secretary of State. Ex-Provisional Governor Henry Smith became Secretary of the Treasury. The rancor of party abated under the high policy and magnanimity of these selections. They proved that, aiming at the public good, Gen. Houston had no party but his country—the whole country.

An old trunk contained all that was worthy to be regarded as the archives of an independent State. Chaos had reigned everywhere. The new Cabinet restored order. The death of Gen. Austin a few months after his accession to office was deeply regretted by the people. An upright, enlightened, patriotic man, he was beloved by Gen. Houston, who ever ascribed to him a position on the apex of the pillar of true glory.

Public business was done in an orderly and efficient manner as soon as Congress was completely organized. Houston found on his arrival at Columbia for inauguration that his former captive, Santa Anna, was retained about twelve miles from the seat of government, a prisoner, under a guard of twenty men. The captive president sent a message to the President-elect, desiring to see him.

Having given up nearly all hope of ever regaining his liberty, he did not implore his release. He desired only to see his conqueror, whom he had found to be a magnanimous foe. Gen. Houston was affected by the message. He regretted that the captive president had been left to drag out months of weary imprisonment, in violation of the most solemn pledge of faith from the Government *ad interim*. He determined that the name of Texas should not bear the stain of dishonor. In conversation he said: "After a victory like San Jacinto we could richly have afforded to have been magnanimous; now the only question is, can we afford to be just?" The Government had been in a state of *quasi* dissolution for months. It had no means to support captives. Destitute of the comforts, and even of many of the necessities of life, Santa Anna and his friends had been living on a mere pittance. Accompanied by several gentlemen, Houston visited the prisoner. Their meeting was affecting. After the custom of his nation, Santa Anna opened his arms, and advanced to meet his visitor. The large heart of Houston was great enough to hold even his enemies, and in like manner he received the captive president with open arms. The captive rested his head on Houston's broad breast (for he hardly came up to his shoulders). It is said the Mexican wept at the recollection of his reverses, and the Virginian wept from sympathy with the man whom he had vanquished.

In the presence of Major W. H. Patton and others, Gen. Almonte acting as interpreter, Santa Anna appealed to his conqueror to interpose his power in his behalf. He had written a letter to Gen. Jackson, through an enclosure to Houston at Nacogdoches. A very kind reply had been returned by Gen. Jackson. The hero of New Orleans passed a high eulogium on his friend, the hero of San Jacinto, for his magnanimity toward his captive. Gen. Jackson often said that Houston would receive, as he deserved, as much honor from all good men on account of his considerate and kind treatment of Santa Anna after the victory as for the victory itself. "Let those who clamor for blood clamor on," said Jackson. "The world will take care of Houston's fame."

This interview occurred before Houston's inauguration as first Constitutional President of the Republic, but he assured the Mexican president that when he acceded to power he would remember him. Col. Wm. Christy and other generous men who were deeply interested in the honor of Texas, had, a short time before, sent to Santa Anna some comforts. The party dined with the Mexican prisoner that day, and parted. After Houston had returned to Columbia Santa Anna addressed Gen. Houston a communication, which he laid before Congress and solicited his release. The sub-

ject was referred to a committee of both Houses. A report, very inflammatory in its character, was made. The Senate in secret session adopted a resolution requiring his detention as a prisoner. In calm, dignified terms Houston vetoed the resolution. He set forth the probability of his (Santa Anna's) assassination. One attempt had been made before Houston's arrival. The belief was expressed that whether Santa Anna might die from violence or disease, Texas would never escape the odium of his death, and that if he were restored to his country Mexico would be kept in commotion for years, and Texas would not be safe.

The Senate reversed its decision, and referred the matter to the discretion of the President. Houston, on his own responsibility, determined at once to release him. As Gen. Jackson had requested Santa Anna, if released, to visit him, Houston promised that he should have an escort chosen by himself. Santa Anna returned his thanks by the messenger, and requested that Col. Geo. Hockley, Bernard E. Bee, and Major W. H. Patton might be allowed to attend him to Washington city. About the 25th of November Houston went with the escort to take his final leave of the liberated captive. The following paper is a copy of Gen. Houston's instructions. It was written by Houston, and is copied from the original in possession of the writer of these pages.

“MEMO, FOR PRESIDENT GENERAL SANTA ANNA.

“[A spirited letter to the Mexican Minister at Washington, enjoining on him obedience to the orders given him.]

“In all cases, while Gen. Santa Anna admits the fact that he is a prisoner, let him assume the style of a President, and head of the Mexican Republic.

“It would be well for the President General to write to General Jackson an official letter, which may be such as diplomacy requires, whilst he could write a confidential official letter to General Jackson, assuring him that he is willing to countenance, or to contribute to the annexation of Texas to the United States (referring to the action of the people). In his correspondence with the General let him urge or solicit the General to become responsible for his making good all stipulations entered into by him: if this is done at the instance of General Santa Anna, General Jackson can be induced to furnish a national vessel of the United States for Gen. Santa Anna to sail in from this coast to Vera Cruz direct, or to render an escort to any point which may be most desirable.

“I pledge myself *most solemnly* to do all in my power in accordance with this plan, and my situation, to obtain the release and restoration of General Santa Anna and his countrymen to their homes.

“As to the plan proposed by General Santa Anna, it is impossible to say what effect it would have, or that it would have a beneficial effect on the Cabinet of Washington, or the people of that country whose moral and political opinions have weight and influence on the Government, unless previously apprised of the course proposed.

Memo^l for President General Santa Anna

A spirited letter to the Mexican Ministers at Washington; enjoining on him obedience to the orders given him.

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General Santa Anna, and his countrymen to their homes.

As to the plan proposed by General Santa Anna it is impossible to say what effect it would have, or that it would have a beneficial effect on the Cabinet of Washington, or the people of that country whose moral, and political opinions have weight and influence on the Government unless previously approved of the course proposed.

It being left could be left with Col. Bee! whether, or not on his arrival at Washington it would be proper to have the letter referred to the Mexican Minister.

It does seem to me, that this course is the most safe, and certain of success, presenting the least difficulty of any which can be adopted and will afford an opportunity for Santa Anna to reach home by January, as I will send a minister forthwith to Washington with as much dispatch as possible,

Columbia ²⁷

25th Oct 1835.

Wm Houston

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"SAM HOUSTON.

"COLUMBIA, 25th Oct., 1836."

After the parting the little party set out on five horses for the Sabine River, and thence to New Orleans. They lost their way, and were compelled, in regaining it, to cross the battle-field of San Jacinto. The bones of Santa Anna's soldiers were whitening on the field. Santa Anna was deeply moved. The considerate men who attended him, forgetting for a time the Alamo and Goliad, seeming not to observe his agitation, leisurely rode on, leaving the conquered General alone to give vent to his feelings on the field of his slain soldiers.

He succeeded in reaching New Orleans, and thence proceeded to Washington city, where he was the guest of President Jackson, who sent him in an American vessel of war to Vera Cruz. His contemporaries represent him to have been a remarkable man, of perfect form, in height five feet seven or eight inches, with an intellect of high order, with quick and firm eye, with an elocution rich and forcible in an eminent degree, with princely manners and address. His face was finely formed, and head well shaped, but rather long. His career showed him to have been a great man, with Mexican education and principles. A circumstance occurred in New Orleans not creditable to him. He was accompanied by an escort of his own selection. He informed Gen. Bee that he wished to travel to Washington as became his station as President of Mexico, and requested him to procure \$2,000 to enable him to travel in comfort, promising when arrived at Washington to repay the amount by a draft on Vera Cruz. Gen. Bee obtained the amount desired in New Orleans. At Washington city Santa Anna gave him the draft, but on his arrival at Vera Cruz caused it to be protested. Neither the Mexican Government nor its president ever paid it. Subsequently the Legislature of Texas appropriated an amount sufficient to reimburse Gen. B. E. Bee.

As this was a private affair, the action of Santa Anna has no excuse. This statement is made to show how he requited the kindness of Gen. Houston and his friends. Impartial history vindicates every act of Houston in his treatment of Santa Anna, while Santa Anna's whole career was inconsistent and a compromise of moral honor.

CHAPTER XII.

RECOGNITION OF TEXAN INDEPENDENCE—CLOSE OF GEN. HOUSTON'S FIRST TERM AS PRESIDENT—GEN. FELIX HUSTON—EFFORTS TO CONCILIATE THE INDIANS—MIRABEAU B. LAMAR ELECTED PRESIDENT.

AMONG the most important matters which engaged the attention of Gen. Houston in the beginning of his administration, was the feasibility of annexing Texas to the United States.

Instructions were sent to Col. Wm. H. Wharton, Minister from Texas to the Government of the United States, at Washington city, to commence negotiations with President Jackson for annexation. Shortly afterward, Memucan Hunt, Esq., was sent to act in concert with Col. Wharton in promoting this important object.

Gen. Jackson had been familiar with all the movements touching Anglo-Saxon occupancy of Texas. He corresponded with Gen. Houston, to whom he was affectionately attached. He counseled and advised Houston in his most important movements, even to the Fabian policy of retreating before Santa Anna to the field of San Jacinto, and if driven from there, to retreat to the Sabine, to the vicinity of the United States troops then stationed in Louisiana. Gen. Jackson exhibited remarkable caution in dealing with the matter of annexation; he dispatched, in the summer of 1836, a confidential agent to Texas, who explored the Territory, rigorously investigated the administration of its government, associated with the people, and observed the character of society; familiarized himself with its resources, and made a report to the President and Cabinet at Washington. The President and his Cabinet became satisfied from this report that Texas was entitled, according to the law of nations, to a recognition of her independence. In the struggle of Texas for freedom, Gen. Jackson deeply sympathized. After independence had been achieved on the battle-field, he did not doubt that some day Texas would be annexed to the United States; for wise reasons he did not express such an opinion, and would not press recognition upon Congress. He used the following language in his message to Congress, December 5, 1836, after pre-

senting most satisfactory reasons : " Our character requires that we should neither anticipate events nor attempt to control them." Referring to annexation, he further said, " Necessarily a work of time, and uncertain in itself, it is calculated to expose our conduct to misconstruction in the eyes of the world." In another message on the 22d of the same month, after discussing the question, he expresses the opinion that it would be *impolitic* yet to recognize Texas as an independent State, and proposes then to acquiesce in the decision of Congress.

On the 12th of January, 1837, Hon. Robert J. Walker, Senator from Mississippi, introduced the following resolution before the U. S. Senate :

" *Resolved*, That the State of Texas, having established and maintained an independent Government, is capable of performing those duties, foreign and domestic, which appertain to independent governments ; and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in conformity with the laws of nations, and the practice of this Government in like cases, that the independent political existence of that State be acknowledged by the Government of the United States."

A strange and unreasonable war had been made by the American press, against the interests and advancement of Texan liberty. Popular prejudices swayed and controlled the votes of some Senators. Coolly biding his time, Mr. Walker moved that his resolution be made the order of the day for the 18th of January. When that day came, other business crowded it aside. After several ineffectual efforts to decide the question, the resolution was brought up on the 1st of March for final action.

A brilliant and able debate occurred. The resolution of Mr. Walker was sustained by William C. Preston, John J. Crittenden, Henry Clay, and John C. Calhoun. Their mastery of the facts of history and persuasive eloquence, aided the Mississippi Senator in the achievement of the most important act of his life. Henry Clay spoke of Texas with the generous enthusiasm of his noble nature. He declared unhesitatingly, that the Constitution of the Republic of Texas, as a whole, was superior to the Constitution of the United States. Had Mr. Clay pursued the same course on the subject of annexation, eight years thereafter, he would probably have been the successor of John Tyler as President of the United States. The resolution was adopted by a small majority. To the efforts of Robert J. Walker must the success of the measure be attributed, and his name is now everywhere spoken of with honor and gratitude. When Texas reaches the point where gratitude will take his-

toric form, she will erect a monument to R. J. Walker, and place it conspicuously in the grand temple which she was destined to erect for those who signalized their friendship for her liberties, in her day of trial.

The Republic, in gratitude, ordered a portrait of Wm. C. Preston, and a bust of Robert J. Walker to be procured for her Capitol.

The last official act of Gen. Jackson was to put his pen to the paper approving the resolution, recognizing Texas as an independent State.

The seat of Government was removed in March, 1837, from Columbia, on the Brazos, to, Houston. There was but one house at that time at the location, for it was neither village nor town. This house, a mere cabin just erected, served as the abode for the President of the new nation. The growing grass carpeted the ground, which was the only floor of this new residence. From its position, as the highest point of navigation on Buffalo Bayou, which empties into Galveston Bay, Houston attracted attention, population rushed in, and in a short time comfortable public buildings were erected.

In regard to the future, Gen. Houston's policy was, if possible, to secure annexation to the United States. The proposition for annexation had once been rejected by the Government of the United States. Public feeling had not reached the height of the grand argument for its necessity. Houston did not cherish expectations of the early success of this great measure. Keen-sighted and sagacious statesmen saw in the consummation of annexation, that many elements of mutual power and prosperity would accrue to both countries.

Failing to secure annexation, Houston was determined to conduct the Government on such principles as would secure confidence abroad and inspire hope at home. He resolved, therefore, to lay the foundations of the Republic of Texas deep and strong; to harmonize antagonistic factions, never to weaken the State with a public debt, to be the ruler of the nation and not of a party or a clique.

In no part of his public life did Gen. Houston show the exalted powers of a profound statesman in a more remarkable degree than in the policy which governed his intercourse with the Indian tribes occupying the territory of Texas. As a population, they then outnumbered all the inhabitants of Texas. They were ferocious and unconquerable. The Comanches, especially savage and numerous, lived in the saddle, fleetly moving with their women and children, wherever their necessities or passions might carry them. Up to the present hour they are the terror of civilized people. To cultivate and maintain friendly relations with powerful and warlike savage

tribes on the frontier, Houston regarded as one of the chief objects of his administration. He had studied Indian character from his boyhood. His knowledge of Indian character was almost perfect. The letter and spirit of his treaties with savage nations he regarded so rigidly inviolable, that he saved the infant Republic from the invasions of Indians, and made them venerate and love his name. His correspondence with Indian tribes, some of which may be seen in another part of this work, exhibits a mastery of the nervous thought and terse language of uncultivated minds, and an adroitness in employing Indian phraseology, indicative of high genius. Some of his Indian talks are admirable specimens of Indian ideas in English words.

He had associated with the Indians so intimately that he had attained a complete knowledge of their character. In all his negotiations with them he ever treated them on the great principles of humanity and justice. During his two administrations in Texas, he carried out his just views of intercourse with Indian tribes with entire success. He never experienced the slightest difficulty in winning their friendship, and preserving their perpetual alliance, whenever he had an opportunity of giving the Indians evidence that he intended to treat them with good faith and common justice. How his treatment of the Indians was regarded by those who generously considered it, may be comprehended from the fact, that among the relics which survive him, is a cane of wood, brought from Asia Minor, on whose head in gold, is this inscription: "John S. Tappan to Gen. Sam Houston, of Texas, the friend of the red man."

The administration of the Government in its first years was, as might have been expected, a severe trial and a grand difficulty. There was no money in the treasury, and there was no credit on which to obtain loans. An army was in the field, with no means on which it could be supported. Still new projects were planned and cherished; among them, a grand campaign against Matamoras. All who were jealous of the influence of the President joined in this scheme, so that the army now numbered 2,400 men. The commander of the army, Gen. Felix Huston, came to Houston when the Congress met, to obtain authority to carry out the project. Without money in the treasury, without fiscal means, without currency except promissory notes struck on common paper, it was clearly inadvisable and impracticable to inaugurate such a campaign. To prevent disaster to the Republic in this crisis of affairs, the President resorted to a sagacious expedient. In the absence of Gen. Felix Huston, Col. Rodgers had been left in command of the army. He had caused it to be understood that if the volunteers

did not obtain what they desired, that he would march to the seat of Government, "chastise the President, kick Congress out of doors, and give laws to Texas."

Gen. Houston determined to end this matter summarily. Knowing that Gen. Felix Huston occasionally indulged his men in what he called a *Saturnalia*, during which occasional murders had occurred in consequence of the brutal intoxication of the men, the President, having also understood what was transpiring in Congress, which he never visited except at the opening or close of the session, directed the Secretary of War to be ready to start at two o'clock the next morning for the camp. The Secretary carried sealed orders, with all possible dispatch, to be opened and read in camp. By these orders the Secretary was required to furlough the army by companies, until it was reduced to 600 men. The first company was furloughed to march to Dimitt's landing on Matagorda Bay; the second to the mouth of the Brazos; the third to Galveston, and thus the process was to continue till the reduction was made. The opportunity was thus afforded to the volunteers to go to the United States by water, and free the country from apprehensions. Unlimited furloughs were given, providing for recall of those furloughed at any time by proclamation, and that such as did not report within thirty days after the proclamation, should be considered and treated as deserters. Without paying the men off, which was impossible with no means of payment, and instructed by the attempt of Gen. Washington to disband the army of the Revolutionary war, Gen. Houston did not attempt to disband the army in form, although he successfully did it in fact, and in his own way. Subordination had been entirely broken down. Scenes of daring violence constantly occurred in camp. To commit high-handed depredations, many lawless and desperate men were banded together. While Houston manifested no alarm, the whole country was suffering from the most serious apprehensions, and the course which he pursued evinced his fears. The various companies reached their destinations, and made their way to the United States; having fared roughly and seen enough of military life, having exhausted the courage dangerous outside of the battle-field, and fearing that the proclamation of the President would end their furlough before they could depart,—all had disappeared before the thirty days had expired. Thus, by a bold and sagacious policy which none but a man like Sam Houston would have dared to attempt, he had saved the Republic from the deepest peril. Gen. Felix Huston plotted at the capital while Sam Houston's Secretary of War successfully disbanded the army of which he was the commander.

During the session of this Congress a land law was passed under

which serious troubles about titles have since grown up. As its object was speculation, many, in anticipation of enormous gains, voted for its passage. In one of his ablest State papers, Gen. Houston vetoed it. The law was passed over the veto, and went into operation. A fruitful source of lasting litigation, it opened the door to all sorts of fraud. Malign and fatal fruits exhibited themselves in a few years. Reckless legislation too often characterized the Congresses of the Republic. The country was saved from terrible disaster by the clear mind and strong will of the firm and intelligent statesman at the head of the Government. During the two terms of his administration as President he issued not less than eighty vetoes, remarkable for conservative principles and opinions. In the want of currency, and governed by ill-judged ideas of finance, a bill was passed authorizing an excessive issue of promissory notes. Believing that if this measure prevailed, paper currency would depreciate ten to one, the President promptly vetoed the bill. The bad consequences were temporarily arrested, but under the administration of his immediate successor the bill was passed, approved, and abundantly fulfilled the prophecy of Houston.

Alarms of Mexican and Indian invasions occasionally agitated the country during the year 1837, but such was Gen. Houston's watchfulness that no invasions of any kind occurred. The people confided in the administration, just recovered from the shock and devastation of a powerful invading army; environed with Mexican and savage foes, they presented the beautiful spectacle of an industrious and increasing population in the quiet and successful prosecution of the arts of peace. A proclamation, printed and circulated in English and Spanish, announced trade and commerce between Mexico and Texas. Trade sprang up rapidly. The tide of emigration began to set in gradually toward the Mexican borders, and the frontier counties began to be repopulated. Large quantities of silver and merchandise, with caravans of horses and mules, came into Texas. Good feeling growing up continued to increase. Mexicans and Texans were alike anxious for peace. The people of Mexico had nothing to gain in battle, and had the renewal of hostilities been put to vote, a lasting peace would have blessed both countries.

Houston's administration of his first term in the Presidency was eminently successful and profitable to the country. Steadily had the proposition for annexation been pressed upon the U. S. Government at Washington. Little encouragement was given to the Texan ministers. Houston withdrew the proposition as soon as he discovered that no advantage could accrue to Texas from fur-

ther negotiations. Foreign nations were likely to view Texas with ill-favor if attempts at annexation were continued with so little prospect of present consummation. The people generally approved of the withdrawal of the proposition. On the 12th December, 1838, the first Presidential term closed. Gen. Houston surrendered the keys of office with a government perfectly organized. Officers of ability, integrity, and economy were in charge of every department of the State. About \$600,000 of promissory notes were in circulation. The debt of the Republic did not reach more than a million and a half. Peace had been established with the Indians, and commerce was profitable with Mexico. Promissory notes were of par value, a grand result of the wise government of an infant State. The feuds between Mexico and Texas were dying away, gradually and surely. At a time when there was little specie in the country, when no one knew how the "promissory notes" were to be redeemed, that the currency of the country should be good and adequate to general wants, was strong proof that Houston had conducted the Government with ability and integrity. The language of the people was, "As long as Old Sam is at the helm, the ship of State is safe."

Extraordinary difficulties embarrassed the beginning of the administration. A reckless people, who had looked to the right arm for protection, accustomed to the unrestrained liberty of frontier life, had to be withdrawn from the sway of anarchy and confusion and placed under the firm and mild sway of constitutional law. Even in the older settlements, during these revolutionary times, the ordinary course of justice had been suspended. It was not strange, therefore, that these men of the period should yield restive obedience to the high supremacy of constitutional law. Anglo-Saxons have ever been examples of a law-abiding people, but the elements which have made them the supporters of law and order have also made them most lawless frontiersmen. The justice of a jury is slow and not always sure, hence, frontiersmen, whose homes in forest or on prairie, afar from the homes of their nativity, are not often eager to transfer their protection from a rifle which seldom misses fire to the chance of the verdict of a petit jury. The history of Rome and the British Isles is but the history of Texas antecedents. Such was the personal influence of Sam Houston over reckless frontier settlers, that as easily as he ruled by the stern despotism of a camp, he governed them by the mild sceptre of civil law. While such benign changes were in course of successful accomplishment, and the grand structure of civil government was towering before the eyes of nations, petty intrigues harassed, and formidable combinations confronted him. Such has been the fate

of all really great minds in Church and State. The same clique who refused him removal from the battle-field of San Jacinto, bleeding and comfortless, to the steamer which might bear him to remedies and recovery, busied themselves to undermine a castle which they could neither rear nor overthrow. Fruitless in efforts in thwarting his policy in detail, they cemented themselves in one grand organization for his destruction. But as their efforts were failures, so let the story and chronicle of their doings be transferred to the oblivion to which all such factions belong.

So warmly was Houston's conduct approved by the people, that, had he been eligible to the Presidency for the next term, he would have been the almost unanimous choice of the people. The second section of the third article of the Constitution of the Republic declared that "The first President elected by the people shall hold his office for the term of two years, and shall be ineligible during the next succeeding term."

Just before the election of his successor occurred, the two other candidates for the succession (James Collinsworth and Peter W. Grayson) died by suicide, and no other candidate was brought forward at this late period for the suffrages of the people. Under these circumstances, Mirabeau B. Lamar was elected to the Presidency, receiving 6,995 votes out of a total vote of 7,247. Some supposed, that with Houston's departure from office, his power with the people would be lost. A vast concourse, larger than ever had been assembled before in Texas, gathered to witness the closing scenes of his administration and the inauguration of a new President. The Inauguration Committee had made no arrangements on their programme for the delivery of his valedictory address. The assembled multitude, in a burst of indignation, clamored for the hero of San Jacinto. He came forward to the front of the Capitol. A wild shout of enthusiasm rent the sky as the people gazed upon his lofty, ample, and heroic form, relieved against the portrait of George Washington, which was suspended behind him.

For three hours he held the thousands before him under the force of his impetuous eloquence. The scroll of the history of Texas was unrolled, her future policy was portrayed; her future destiny, if a sound policy was pursued, was set forth in prophetic speech. Good faith with all nations was solemnly enjoined, individual and national economy was inculcated, the cultivation of peace with the Indians was earnestly urged, and the people were warned against faction and the rancor of party spirit. Instead of vesting hopes in annexation or treaties, he implored the people to rely on their own public and private virtue, and be magnanimous

and just with all men and all nations. The tears streamed down his face as, in conclusion, he took farewell of the people he loved. Extending his broad arms over the people, he poured out, from his great heart, the benediction of a true patriot and invincible soldier. The vast multitude responded with tears to his tears. The still deep murmur of subdued feeling closed the excitement of the solemnly moving scene. Houston had demonstrated all the qualities of soldier, statesman, and orator, and in each character had placed his name on the rolls of immortality.

CHAPTER XIII.

THE SUCCEEDING ADMINISTRATION THE REVERSE OF HOUSTON'S—HOUSTON A MEMBER OF THE TEXAN CONGRESS—SANTA FÉ EXPEDITION AND ITS RESULT—WAR ON THE INDIANS—LETTER TO ANTHONY BUTLER—ESTIMATE OF THE PATRIOTISM AND PUBLIC VIRTUES OF M. B. LAMAR AND D. G. BURNET.

AFTER a retirement of about one year, during Gen. Lamar's administration, Houston consented to represent his district in the Congress of 1839-40, and again in 1840-41. In no part of his history did his services yield more marked proofs of good service in arresting the tide of evil, and even in preventing a dissolution of the Government. It is impossible to do him justice without alluding to the policy and measures of the new administration.

Opposition to everything pursued and recommended by Houston was apparent in the inaugural address of the new President. Extermination of the Indians, hostility to annexation, the founding of a huge national bank, and the establishment of a splendid government, were all earnestly recommended.

The measures for the accomplishment of these great designs were presented to and adopted by the compliant Congress. One and a quarter millions of treasury notes were appropriated for frontier defence, a half million of the same currency for the civil list, and all without a dollar on which to base the issues. For the extermination of the frontier tribes a regular army of two regiments was to be raised. Happily, the project to locate the capital, originating largely in the spirit of speculation, has been the principal redeeming feature in the brilliant but otherwise barren administration of Gen. Houston's successor.

Confidence in the new Government was speedily lost. Depression of currency naturally followed. While Texas was at peace with Mexico, in the midst of disordered finances, the President caused a proposition to be introduced into both Houses of Congress, to conduct an expedition to Santa Fé, through a wilderness and prairie, more than five hundred miles distant. Although the proposition was presented in both Houses at the same time, it was by both rejected.

But in the face of rejection by Congress, during its recess in 1840, the President, on his own authority, ordered the expedition,

and over three hundred men started on a war-like expedition to a distant country. The disasters of that ill-starred expedition have become matters of history. A Governor, a Custom-house officer, and a Military Commandant were all appointed by the President, and a Territorial Government organized. The men were captured, the President's plans fell into the hands of the enemy, and were a moving cause for the bitter cruelty with which the men were treated. Unauthorized by the Constitution or Congress, another enormous amount of "promises to pay" money was issued to support the Santa Fé expedition. The currency of the President had depreciated so much that the horses on that expedition cost on an average one thousand dollars each. By presidential edict, the country was deprived of a large number of chivalrous, patriotic citizens, costly arms and munitions of war were abstracted from the public arsenal, and public wagons and means of transportation were appropriated. Even a piece of artillery, with the President's name inscribed on its breech, was dragged across the prairies, over that great distance, to become a trophy for the enemies of Texas, and illustrate the ill-judged policy of the President and degrade the Republic.

Houston had left the two countries substantially at peace, but this expedition aroused hostilities between the two peoples, which otherwise might have slumbered forever. This lamentable expedition was the sole cause, so far as can be ascertained, for the renewal of hostilities. Some time previous to this expedition, President Lamar had deputed commissioners to Gen. Arista, proposing, it is conjectured, a union of the Northern Provinces of Mexico with Texas, to form a grand power, of whose Government he was to be chief. Arista, taking advantage of the misconceptions of the President, returned commissioners. When the Santa Fé expedition took up its line of march from Austin, these Mexican commissioners were present, and witnessed the vain-glorious display. The facts have never been disclosed whereby we may know with certainty what passed between the high contracting parties. The result is known to the world. It may be presumed that Arista was a party to the plan. Facts favor the presumption. A guide, who had long resided in Mexico, and spoke the language perfectly, led the expedition out of Austin. The commanding officers charged him with their betrayal at San Miguel and Santa Fé. He led them many days into the wilderness, where, when the miseries of their situation began to press heavily upon them, he abandoned them to their fate in their misfortunes, and was never heard of afterward. Doubtless Arista's object was to have them conducted into the wilderness, and there left to perish, and, if they did not perish, informa-

tion should be given to the authorities of Santa Fé, who could receive, betray, and then capture them. It would be difficult to avoid criticism of the President for this ill-advised and unauthorized expedition. Passing over Gen. Lamar's plans for a national bank, a national road, and a matrimonial alliance with some distinguished public functionary of Mexico, some allusion should be made to his treatment of the Indians, so strongly contrasted with the wiser and more humane policy of his predecessors. When his administration began, his first attempt was to attack the Cherokees, and drive them from their possessions between the Nuecas and Sabine Rivers, where they had been settled for a much longer time than the Texan colonists themselves. They were a peaceful, industrious, and profitable community. The arts had made some considerable progress among them, and they lived nearly as comfortable as white people. Mexico had invited them from the United States. Great inducements had been held out, and land assigned to them. Quietly and inoffensively pursuing their avocations, they had settled on these lands. By solemn assurance, a consultation in 1835 had guaranteed to this tribe undisturbed possession of their territory. Each member of the consultation had signed the solemn assurance. Recognizing the same rights and guarantee, Houston and other commissioners had subsequently made a treaty with the tribe. The consultation ratified this treaty, and its validity was recognized by every form of authority known to bind Indians and white people. While hostilities existed between Mexico and Texas, Houston and Rusk prevented them from aiding the enemy. Having made great advances in civilization during Houston's administration, they regarded "Texans" as friends, and Sam Houston as their "father." Upon such a people, called "Houston's pet Indians," President Lamar commenced a war of extermination, with a force of 700 men, part of whom had fought at San Jacinto. Of course, he carried ruin to the homes of the poor red man, as his force was five times superior to theirs. In consequence of this treatment of the Cherokees and other tribes, scenes of rapine and murder spread from the Red River to the Rio Grande. It was vain, then, to expect frontier protection from the President's two regiments of regulars on the field. Such a policy toward the Indians could not have operated otherwise than disastrously.

The course pursued amid the disorders which prevailed in Yucatan, was no less derogatory to the good character of the new Republic. Yucatan, an integral part of Mexico, without proclaiming revolt or independence, sent a Minister to President Lamar, for the purpose of forming a treaty of alliance. Without concurrence of the Senate, or ratification of the treaty, the President ordered the

Texan navy to sail to the coast of Yucatan. A true history of the second administration of Gen. Houston as President demands these allusions to the administration which intervened. The contrast is not one involving the question of patriotism, but one involving the question of political sagacity.

The condition of the Republic at the close of President Lamar's administration was deplorable. Outrages had been committed upon peaceful Indian tribes, and the flames of savage war had been kindled all along the borders of Texas. A hostile marauding expedition had been sent into the very heart of the Mexican provinces. The little Texan navy had been sent to aid a revolting territory in making war upon Mexico, and Mexico was rousing all her force for a new invasion. The national debt had quadrupled; the public treasure had been so unskillfully managed, that Texan securities had depreciated from *one* to ten for one; mail routes had been broken up; profligacy prevailed, and orderly and patriotic citizens began to regard the Government as virtually dissolved, and the country reduced to the very verge of ruin.

How different was the state of affairs two years before. Houston had overcome all difficulties then in the way of the advancement of Texas. Domestic and foreign relations, finances, and the administration of law, agriculture, and commerce were in sound, peaceful, and flourishing state. In no portion of the world had a civil government ever been established and consolidated in so short a space of time. Brave and true men surrounded Houston, and participated in the glory of the victory of San Jacinto; equally brave and true men surrounded him in the administration of civil affairs, and shared in the honors of success.

Before Gen. Lamar's term of service had expired, all who contemplated seriously the gloomy condition of the Republic, turned their eyes once more to Houston. Twice had he saved the country, and now for the third time was he called to the helm of State. Once more the lawless and the desperate began to fear the result of their crimes. It was not necessary for a Convention to nominate him. As he believed that the Republic and its Government could be saved, he came forward to the rescue, and by an almost universal feeling that he was the only man who could save Texas, and as he had led to victory and independence at San Jacinto, he was made President for a second time, in the very first hour when the Constitution would allow it. Nor did he enter upon his second term one moment too soon, if the events of the times furnish a key to the situation. A memorable scene illustrating the fact that there was never a time when Houston could not obtain a hearing, occurred. A stormy debate was about to close with the adjournment

of Congress *sine die*. Members declared that they had lost all hope of carrying on the Government, and that they would close the farce by retiring to their homes. In the midst of the tempest Houston arose and addressed the speaker. Members dropped their hats and gradually resumed their seats. The house was soon full, and the members quiet and still. Before ten minutes had elapsed, the rich deep voice which had rung out clearly over the field of San Jacinto, was all that could be heard. The result only can give the true idea of the effect of the speech. He read a resolution "that the House adjourn till to-morrow morning at the usual hour." Not a member voted against the resolution; crowds flocked around him, and even some of his old enemies seizing his hand, thanked him for saving the country. The feeling was universal that but for him the Government would have been dissolved. It is quite certain that his efforts saved it from impending disaster. The following letter exhibits the times:

"AUSTIN, 2d Feby., 1841.

"MY DEAR SIR:—I would have written to you long since, but the truth is that I have nothing interesting or agreeable to advise you of. We have been in session for months, and little of advantage has resulted to our country from the session. We are in a bad box, and I fear it is locked upon us! We are in debt—we have nothing to pay with. It will be impossible for the Government to go on without the most burthensome taxes. Yes, so much so that the people can not get money sufficient to pay them! What is to become of us, God only can tell. All human wisdom, or at least Texan wisdom, seems to fail us. We have many patriots in Texas, as well as Congress, but it seems that every measure proposed by those most able in finance can not devise a plan by which the nation is to be extricated from its present difficulties! The exertion of all the talents and industry of the people will be necessary to restore us to the situation in which the present *administration* found the country. But we must turn our eyes to the only subject that claims the attention of the people. We must cultivate our soil, raise our crops, rear our cattle, and everything that will make us comfortable and independent when we are at our homes. We will still be a people, if we can not be a Government, though I hope devoutly we will remain a people and a nation. The truth is, that useless extravagance and the most unprincipled profligacy have characterized the present administration. Recklessness, the most palpable and barefaced, has been practiced to such an extent that they can neither blush for their crimes, nor relent at the calamities which they have inflicted upon a generous, poor, and confiding people.

"When things get to the worst they must mend, as the old adage goes. Our situation, if the adage is true, must soon be in a better condition. I hope this may be the case! I can not see how we would, or could, be in a worse condition.

"The sole object of —— is to insure, to secure, his re-election. And the country has to pay for his experiment; but he ought not to presume too far upon the forbearance of an injured and oppressed people. He has, as you will see by the newspaper enclosed, had recourse to *novelty*, as well as the ranks of his op-

ponents, for men to sustain his *pro tem.* situation. I have been assured that Judge Terrell will not accept the Secretaryship of State, as it was made without his consent or knowledge.

"The day was when it was reputable to hold a place in the Cabinet. Those days are gone by, and days must pass ere we shall see those times again.

"We are to adjourn on Thursday next, so say both Houses of Congress. God knows, we are doing no good by staying here. Congress meets too often, and does too much. The printing of Congress would break any nation, and when it is done, the country has paid for a *beautiful* batch of law-suits! I hope to pass by you in a few days, and will call if it is in my power.

"Thine truly,

"SAM HOUSTON.

"COL. ANTHONY BUTLER."

But this chapter must not close without placing in history the opinion of one of the most able and distinguished men who has served Texas in any capacity—of Mirabeau B. Lamar and David G. Burnet. Hon. Ashbel Smith says in his "Reminiscences of the Texas Republic":

"The age of chivalry could never have shown a more knightly paladin, a more princely troubadour than Mirabeau B. Lamar. He knew not the emotion of personal fear, the stern simplicity of his love of justice was never marred by a selfish motive. David G. Burnet united the *perfidium ingenium* of the Scotch character, with the unbending sternness of principle of an old covenanter. Old John Knox would have hugged such a character with grim delight. It does not detract from the virtues of these gentlemen that neither of them possessed eminent administrative ability, nor in a high degree that knowledge of human nature, and tact in managing men, which inferior men often acquire; nor that political wisdom and statesmanship accorded to but few, but still indispensable in moulding, forming institutions, and in conducting public affairs during periods of transition and danger."

Ill-health, overwork, and a sensitive nature, induced President Lamar to ask for leave of absence during the last year of his term. Vice-President D. G. Burnet, formerly *President ad interim*, acted as President during his absence, and to the close of his term.

CHAPTER XIV.

GEN. HOUSTON'S SECOND PRESIDENTIAL TERM—THE EXCHEQUER SYSTEM OF FINANCE—ANNEXATION—RUMORS OF INVASION BY MEXICO—VETO OF BILL TO MAKE HIM DICTATOR—THE EXCITEMENT—APPEAL TO THE GREAT POWERS FOR RECOGNITION OF INDEPENDENCE.

ON the 13th of December, 1841, Gen. Sam Houston was inaugurated, for the second time, as President of the Republic of Texas.* The Government was now in a greatly worse state than when he took its reins five years before. The body politic had fallen into premature and inflammatory decay, not a disease merely, but a relapse. He had formed a Government out of chaos ; it was his work now to save it from ruin. Millions in debt, the treasury was empty, and without credit on which to borrow another dollar. The money had been wasted while the debt still hung over the Republic ; the promissory notes and liabilities of the Government had depreciated *ten to one*, payment postponed, but not repudiated.

In such a sad state of finances Gen. Houston proposed a new currency, called the exchequer system, the entire issues of which were not to exceed \$200,000. For the redemption of this currency, he asked Congress to guarantee the customs of the country, and certain tracts of land amounting to about three millions of acres. An act had passed, through his agency while in Congress, declaring these lands not subject to location. Members of Congress were unwilling, however, to pledge lands, as such a course would interfere with private interests, but they were quite willing to hypothecate the customs. Opposition, rank and fierce, combined against

* At the election held in September, 1841, 11,531 votes were polled ; Sam Houston received 7,915 votes, David G. Burnet 3,616 votes, for President. Edward Burlinson received 6,141 votes, and Memucan Hunt 4,336 votes, for Vice-President. The following were the leading officers during this Administration : Anson Jones, Secretary of State ; George W. Hockley and George W. Hill, Secretaries of War and Navy ; William H. Daingerfield and James B. Miller, Secretaries of the Treasury ; George W. Terrell and Ebenezer Allen, Attorney-Generals ; Asa Brigham, Treasurer ; Francis R. Lubbock and James B. Shaw, Comptrollers ; Charles Mason, Auditor ; John P. Borden and Thomas William Ward, Commissioners of the General Land Office ; James Reiley, Isaac Van Zandt, and J. Pinckney Henderson, Ministers to the United States ; Ashbel Smith, Minister to France ; William Henry Daingerfield, Minister to the Netherlands, Belgium, and the Hanse Towns ; Charles H. Raymond, Secretary of Legation to the United States.

the President, composed of many of the same elements which had attempted to rule him before, and had only brought the country near to ruin. The opposition aimed to control the appointments under the new administration. All such efforts to constrain his policy were, as they had been before, ineffectual and fruitless. From among the most enlightened and firm statesmen of Texas, he chose for his Cabinet officers, men in whom, not only he, but the country, reposed unlimited confidence. Hon. Anson Jones (the last President of the Republic) became Secretary of State ; Col. G. W. Hockley (a warm patriot and a devoted friend of Houston in all his struggles), Secretary of War and Marine ; Hon. William H. Daingerfield, Secretary of the Treasury ; and Hon. G. W. Terrell, Attorney-General. Multitudes of broken-down speculators and politicians from the United States, hopeless of winning distinction in the new field which they had chosen, continually flocked to Texas and joined the ranks of those who had declared openly that they would ruin Houston's administration, even if revolution ensued, and zealously devoted themselves to the ruin of the young Republic. Having marked out his policy, calmly and steadily he moved on to its execution. The annexation of Texas to the United States was the first measure which engaged his attention ; to aid in its accomplishment, he dispatched a minister to Washington to open negotiations. If annexation failed, his next object was to secure from Mexico the recognition of the independence of Texas. If he failed in both objects, he was resolved, in order to secure the peace, extend the commerce, and advance the prosperity of Texas, to open negotiations with France or England, and form a treaty or enter into an alliance. His next movement was to recall from Yucatan the little navy which President Lamar had dispatched thither to help on a revolt. A wide coast and a broad sea, and a country absolutely stripped of all defences, were open to the depredations of the enemy. Mexico had every provocation in the Santa Fé expedition, and the league with Yucatan, to renew hostilities. The amity which had subsisted between Texas and the Indian tribes, had been broken by the outrages committed. When, therefore, an irruption from the frontier, or an invasion from Mexico, might at any time be reasonably expected, in this exposed condition of the country, Houston recommended Congress to raise a company of sixty men to protect the archives, as there was then no military force in the field. Congress refused to adopt the recommendation and grant the needed subsidies, and adjourned the 5th of February. The seat of Government having been removed from its temporary location at Houston to its permanent site at Austin, the President started for Houston to bring his family to Austin, and in the early part of

March, while at Galveston, he heard of the invasion of Texas by the Mexican commander Vasquez. The deepest alarm spread throughout the country on receipt of this intelligence. Families, all along the western border, were seen flying from their habitations toward the interior. The wildest apprehensions stirred the public mind. The enemy had provocation in the follies and disasters of Santa Fé and Yucatan. Another Alamo or Goliad slaughter might terrify the whole people, with a coast without protection and no army prepared to oppose an invader. In this state of panic, all the intrigues and conspiracies against Houston suddenly ceased. Everywhere, committees of vigilance and safety were organized; the various means resorted to in revolutionary times were called into requisition. They were now most active in stimulating their neighbors to prepare for approaching disasters, who recently had been foremost in threatening to overthrow Houston's administration in the storm of a revolution. The orders of the President at this time showed that he did not believe that the enemy would long remain in the country. In fact, the Mexicans, after committing outrages upon the citizens of San Antonio, had already made a precipitate retreat across the Rio Grande.

Great sympathy was displayed at this time by the newspapers of the Western and Southern States of the Union, for the cause of Texas. The reported invasion by Vasquez and the miscarriage of the Santa Fé expedition, had produced a sensation. Relying on this, Houston made an appeal to the American people. Agents were sent to the United States to receive contributions and procure volunteers. A proclamation was issued, in which it was distinctly required that all troops which came should be perfectly armed and provisioned for a campaign of six months. Texas had no means of arming troops; notwithstanding, several hundred volunteers came to Texas without arms and without provisions, in direct violation of the proclamation. At a public meeting in Georgia, some generous individuals raised something over \$500. Besides this sum, all the arms, ammunition, provisions, equipments, and money raised throughout the United States and reported to the Government of Texas, did not amount to \$500. Contributions were merely nominal. An extra session of Congress was called to meet in June, to consider the state of the country, and devise means for national defence. So general prevailed the impression that, if anything should be done, it should be done quickly, that Congress debated and legislated without much formality or delay. Congress passed a bill investing Houston with dictatorial powers, and appropriating ten millions of acres of the public domain to carry on a campaign. Without a dollar in the treasury to compensate agents for

disposing of the land, this bill came no nearer making a provision for war than a "resolution to appropriate ten millions of acres of blue sky, and conferring dictatorial powers on the north wind."

The will of the Congress was certainly good enough, and members undoubtedly thought that they had acquitted themselves like men. Will without means is worthless. While the bill was under discussion, it was apprehended that Houston would veto it, as he was the last man to make use of dictatorial powers in resisting the encroachments of a dictator. The excitement became intense as the time for constitutionally keeping the bill in his possession had nearly expired. Angry and desperate men filled the capital, whose noisy clamor excited the country. The executive was assailed with various accusations, and threats of violence were made in every quarter, and he was even told that if he vetoed the bill, his life would pay the forfeit. Apprehending his assassination, his friends gathered about him, and begged him not to hazard a veto, in the belief that it would result in his own and his country's ruin. Few of his friends, for two weeks, dared openly to approach the President's house, but secretly went there under the shadow of night. In the meantime, assassins lurked around his dwelling. It is said that even his Cabinet officers talked of resigning. While a storm raged which could be resisted by few men, the President was cheerful and calm. No guard was stationed around his house; no spies were on the alert. What was said in Congress or done on the streets was not inquired after. The blinds and windows of his house were wide open as usual. Often was he seen walking across his parlor, cheerfully conversing with his family. His young wife, one of the most accomplished and gifted of women, whom he had married in 1840, and of whom more full mention will be made hereafter, confidently reposed upon his character, and sustained him trustingly and calmly, by her placid and intellectual conversations. The cheerful voice of his wife, mingling with the tones of the harp and the piano, was heard issuing from the open windows of the President's dwelling, long after the lights had been extinguished through the town, and sullen, desperate, armed men were gathered in secret meetings to plot and counterplot.

The crisis was terrible; Sam Houston was equal to it. No act of his eventful life gave such indubitable evidence that nature had lavished upon him all those gifts which make up the really great man, as this one. In his own chosen time he sent his veto to Congress.

In that veto he demonstrated to members of Congress how utterly and totally they had failed to accomplish the object for which he had called them together. Without making provision for carry-

ing on a war, they had declared against a powerful and organized foe. The means to buy a pound of powder were not at the command of the President. He assured them, that if they would provide the means for a campaign, if necessary he would head it himself. No army could be prepared to take the field without money, and all attempts at hostilities without money—the true sinew of war—would only serve to bring universal contempt down upon the Republic of Texas. To confer unlimited powers upon the chief magistrate of the country was too dangerous to be established as a precedent. While they were warring against dictatorial powers in a neighboring State, he would never accept the prerogatives of a dictator. Universal calm succeeded the publication of the veto, and he now became the idol of the people who so recently had been covered with maledictions. Confidence was restored. Houston successfully crushed one open rebellion by going to the scene and calling out the militia. Desperadoes, finding that a man who could not be trifled with, was at the head of affairs, soon disbanded. With a new set of men in office, justice efficiently administered, and economy observed, the supremacy of law was again restored. And although an enormous debt had been imposed upon the country, which would take a long time to discharge, yet men began to feel again proud of their Government, as public credit was in process of restoration. Another important matter evinced the wisdom and magnanimity of the President. His first message after his inauguration had hardly been delivered, before the news arrived of the capture of the Santa Fé expedition. The fatal results of the policy of his predecessor were his first greeting in office. Immediately he began to plan for the redemption of the unfortunate men, who had been deluded away into the wilderness. The lives of Texan soldiers were as dear to him as if they had been his own children. To effect the liberation of the Santa Fé prisoners, he left no resource untried. He appealed to all friendly powers to mediate for their release. After the news of their capture had arrived, the Congress of Texas adjourned, without passing an act or resolution whereby the President might be aided in restoring them to their liberty. Having gone to Santa Fé in violation of the law of nations, and with no constitutional authority from their Government, they had been given up as doomed men. Thus they were thrown on Houston's hands. The terms of their capitulation was his only reliance. Even if they had been outlaws before, he insisted that their capitulation had brought them within the pale of civilized warfare.* After a

* The correspondence of the Secretary of State of the United States, Daniel Webster, aided materially in the liberation of the Santa Fé prisoners.—*Vide letter to Hon. Waddy Thompson, July 8, 1842.*

series of negotiations, whose history reveals stirring scenes and vigorous efforts, these brave but misguided men were liberated. The Mier expedition also possessed a history connected with those times, the authentic account of which has never been published. This is not the place for such a history in detail.

Up to this time, Mexico continued to threaten a grand campaign against Texas, but had not dared to meet the revolted province since their overwhelming defeat at San Jacinto. Predatory bands of Mexicans had made repeated invasions with two apparent objects—to harass the country which they could not subdue, and to pay, with the spoils of robbery, the arrearages due from the treasury of Mexico to their soldiers. The tyranny of dictators had lost forever to Mexico the dominion of Texas. Mexicans themselves were the worst foes to the tyrant whose supremacy at his capital could only be maintained by the presence of troops. Should he leave his capital his dominion ceased, and another dictator would be proclaimed. This contemptible system of pillage and robbery of a Republic which had successfully won and maintained its independence had lasted long enough. But the Great Powers of the world had been slow in acknowledging this independence. President Houston' caused his Secretary of State to make an honorable appeal to these Great Powers to secure the acknowledgment of the independence of the Republic of Texas. The document, which is herein inserted, shows clearly the condition of Texas, and corrected many false impressions which had been made in other countries in reference to the struggles of the Republic. It gained the sympathy and respect of Sir Robert Peel and M. Guizot, who exhibited ever afterward a lively interest in the fortunes of Texas:

"DEPARTMENT OF STATE, TEXAS, }
"WASHINGTON, Oct. 15, 1842. }

"I am instructed by his Excellency, the President, to submit for your consideration and action a subject of general concern to civilized nations, but of peculiar interest to Texas, viz.: The character of the war at present waged by Mexico against this country. The President is led to believe, from the nature of the facts involved, that this step will be deemed not only admissible but entirely proper. The civilized and Christian world are interested in the unimpaired preservation of those principles and rules of international intercourse, both in peace and war, which have received the impress of wisdom and humanity, and been strengthened, through a long course of time, by the practice and approval of the most powerful and enlightened of modern States. To these rules, in their application to the pending difficulties between this Republic and Mexico, your attention is respectfully invited.

"Whenever a people, separate and sovereign in their political character, are admitted into the great community of nations, they incur responsibilities and

contract obligations which are reciprocal in their character, and naturally binding upon all the members of this community, the extent and force of which depend upon that code of ethics which prescribes the reciprocal duties and obligations of each sovereign member. Hence arises the right to control the mode of warfare pursued by one nation toward another, and the corresponding duty of providing against the perpetration of acts at variance with the laws of humanity, and the settled usages of civilized nations.

"In view of the character of hostilities, at present waged by Mexico against Texas, and of those principles which have been, in the opinion of this government, so frequently and so flagrantly violated by our enemy, the hope is confidently indulged by the President that the direct interference of nations mutually friendly will be extended to arrest a species of warfare unbecoming the age in which we live, and disgraceful to any people professing to be civilized.

"The course of conduct uniformly observed by the government and people of Texas towards our enemy, stands in palpable contrast with their manifold enormities and wanton aggression, and will, it is confidently expected, furnish abundant ground for the exercise of the right of interference now invoked.

"It has now been nearly seven years since the Declaration and the establishment of the Independence of this Republic. During the whole of this time, Mexico, although uniformly asserting the ability and determination to re-subjugate the country, has never made a formidable effort to do so. Her principal war has consisted of silly taunts and idle threats, of braggadocio bulletins and gasconading proclamations. All her boasted threats of invasion have resulted in nothing more than fitting out and sending into the most exposed portions of our territory petty marauding parties, for the purpose of pillaging and harassing the weak and isolated settlements on our western border.

"Since March last, no less than three incursions of that character have been made, none of which have continued longer than eight days. The *first* party was composed of artillery, infantry, rancheros, and Indian warriors, in all about 700. Their attack was made upon the defenceless town of San Antonio. The second, consisting of about 800, attacked a party of about 200 emigrants at Lipantillan. They were repulsed with loss, and retreated out of the country. The last, under Gen. Wall, of about 1,300, attacked and took San Antonio the second time, by surprise, during the session of the District Court. His force was composed of regulars, rancheros, and Indians. The Indians employed by the Mexicans are fragments of bands originally from the United States, but now located within the limits of Texas. This government has always refused to employ the services of Indians, when tendered, against Mexico, and has sought every possible means to mitigate, rather than increase, the calamities of war. Persisting in this effort, the President has had recourse to the present measure, with a hope to subserve the cause of humanity. Should this effort fail, the government must resort to retaliatory measures, growing out of our peculiar situation, which are to be deprecated by every Christian and generous feeling. The rulers of nations are responsible for their preservation, and, as a last resort, must adopt a just retaliation. What is most to be deplored in a war of this character, is that the unoffending and defenceless become victims of the most relentless cruelty. War, in its most generous and noble aspect, is accompanied by great calamities. Nations are not benefited by it, and it must be productive of great individual sufferings. But when individuals and nations are exasperated by repeated wrongs.

even cruelty itself may be rendered tolerable, if it be used as retaliation for injuries long endured. The massacres and cruelties which have been inflicted upon Texas, since the commencement of her revolution, have been responded to by a generous forbearance, but that can not be expected longer to exist.

"The object of Mexico, in her course, can not be misunderstood. By incursions of the character complained of, the spirits of our husbandmen and farmers are depressed—the cry of invasion is kept up, and the excitement incidental to war prevents emigration, and embarrasses our resources, by deterring men of enterprise and capital from making importations of goods into our country. This, for a time, may avail her something, but the aggregate of human suffering will be a poor recompense for the advantages she may gain. The origin, genius, and character of the people of Texas, are guarantees for her ultimate success. Nations that contribute to her advancement will command her gratitude. Never, since 1836, has Mexico attempted anything like a general invasion of the country, or conducted the war upon any plan calculated to test the superiority of the two nations on the field of battle, and bring the war to a close by the arbitration of arms. Her hostile demonstrations, thus far, have consisted, exclusively, in the clandestine approach of small bands of rancheros from the valley of the Rio Grande, for plunder and theft, but sometimes associated with fragments of the Mexican army, composed for the most part of convict soldiery, fit for nothing either honorable in enterprise or magnanimous in conduct. The people of Texas, being, for the most part, agriculturists, engaged in the tillage of the soil, the consequences of this predatory system of warfare have been to them extremely vexatious and harassing, without in any degree hastening the adjustment of the difficulties existing between the parties. Entirely different is the general character of the Mexican population. They are literally a nation of herdsmen, subsisting, in a great measure, on the proceeds of their flocks and herds. They can move about from place to place, and make their homes wherever inclination or convenience may prompt, without detriment.

"Hitherto, the conduct and disposition of the Government and people of Mexico have been diametrically opposed to those manifested by the people of Texas. While the one has been depredating upon the property and dwellings of our exposed and defenceless frontier, murdering the inhabitants in cold blood or forcing them away into a loathsome, and too often fatal, captivity, inciting the murderous tribes of hostile Indians, who reside along our northern border, to plunder our exposed settlements, stimulating to the most cruel and barbarous massacres, and inhuman butcheries, even of our defenceless women and children, and to commit every excess of savage warfare—the other, animated by the hope of a further resort to arms and their attendant calamities, for injuries received, returned forbearance.

"The President has sought to abstain from the effusion of blood, and in that aim has uniformly restrained the impetuosity and calmed the excitement of his countrymen, so often aroused by a course of conduct which violates every right both private and national, and a cruelty and depravity which would disgrace the darkest ages of feudal barbarism. The popular impulse might have been turned upon the enemy on their own soil. The result might have proved that a free people, burning with vengeance long restrained, could levy a heavy retaliation.

"Such being the character of hostile operations against Texas, on the part of our enemy, which being plainly violative of every principle of civilized or honor-

able warfare, and, at the same time, so little calculated to achieve the professed object of the war—the re-conquest of Texas, the President confidently hopes the Government of —— will feel not only justified, but even called upon, to interpose its high authority and arrest their course of proceedings, and require of Mexico either the recognition of the Independence of Texas, or to make war upon her according to the rules established and universally recognized by civilized nations. If Mexico believes herself able to re-subjugate this country, her right to make the effort to do so is not denied, for, on the contrary, if she choose to invade our territory with that purpose, the President, in the name of the people of all Texas, will bid her welcome. It is not against a war with Mexico that Texas would protest. This she deprecates not. She is willing at any time to stake her existence as a nation upon the issue of a war conducted on Christian principles. It is alone against the unholy, inhuman, and fruitless character it has assumed, and still maintains, which violates every rule of honorable warfare, every precept of religion, and sets at defiance even the common sentiments of humanity, against which she protests, and invokes the interposition of those powerful nations which have recognized her independence.

“The Government of this Republic has already given an earnest of its disposition to consult the wishes of other nations, when those wishes do not conflict with the general interests and convenience of the country. Fully appreciating the friendly sentiments of those Powers which have acknowledged the Independence of Texas, and relying much upon their ability and influence in securing an early and permanent adjustment of our difficulties with Mexico, the President, in compliance with the desire of those nations, expressed through their representatives to this Government, revoked the late proclamation of blockade against Mexico, and thus removed every cause of embarrassment to those nations in their intercourse with our enemy. Having thus yielded the opportunity of retaliating upon our enemy the many injuries we have received at her hands, the President feels less reluctance in making this representation, and invoking the interposition of those nations to put an end to a mode of warfare at once disgraceful to the age, so evil in its consequences to civil society, so revolting to every precept of the Christian religion, and shocking to every sentiment of humanity.

“G. W. TERRELL,

Attorney-General and Acting Secretary of State.”

CHAPTER XV.

IMPRESSIONS PRODUCED BY THE APPEAL TO THE GREAT POWERS—ANNEXATION—CORRESPONDENCE WITH HON. MR. VAN ZANDT—ATTITUDE OF THE UNITED STATES—FRANCE AND ENGLAND—VIEWS AND POSITION OF PRESIDENT TYLER.

THE press of the United States teemed with calumnies against the Texan people and their intrepid leader. The appeal for recognition and interposition was received, and read with surprise and mortification by the press. But this paper so clearly unfolded the merits of the Texan struggle as to receive profound attention from the Cabinets of Washington, London, and Paris. Powerful and widely circulated. American papers had impressed their prejudices and their intelligence upon the leading journals of England and France. The people of Texas were regarded as a band of outlaws. Beyond a tardy recognition of independence other nations hardly ventured. Their ministers scarcely uttered a word of encouragement or sympathy to the agents of Texas in Europe. The appeal indicated a high veneration for justice, lofty regard for national honor, a distinct recognition of the claims of humanity and Christian principle, not inferior to all the characteristics of civil liberty which marked the progress and the intercourse of the leading governments of the world. It is said that Peel and Guizot, on reading this appeal, declared that it would have done credit to the bravest nation and most enlightened statesmen of the race. The archives of Texas show that, immediately afterward, an honorable rivalry sprung up in the English and French Cabinets for the cultivation of friendly relations with Texas. The ministers of those nations accredited to the Texan Government received instructions to embrace every opportunity for winning the regard and friendship of the Republic, hence every effort was put forth by vigilant ministers and keen-sighted diplomatists to gain for their sovereigns the control of the commerce and political fortunes of Texas. To prevent the final union of Texas with the United States became a matter of vast consequence to England and France, and, as an independent power, no barriers could prevent her ultimate advancement. But the tendency of affairs toward annexation with the United States was watched with vigilance and alarm. Diplomatic, commercial,

and financial machinery were employed to avert what was clearly foreseen would prove detrimental to all English and French interests on the Western Continent. Houston controlled negotiations. Motives of personal aggrandizement could not constrain or coerce him to adopt the policy of England or France. Had that policy prevailed, the map of the United States would present different boundaries, and the power of the United States a different aspect.

In proportion as Texas was spurned from the embrace of the United States, the British and French Cabinets redoubled their exertions to prevent annexation. The Congress of the United States still held aloof from legislation, plied by threats, awed by clamor, and blinded by falsehood and prejudice. The minds of the friends of Texas in the Union were filled with timidity and apprehensions. But President John Tyler and his Cabinet were not indifferent spectators of the moving drama. Whatever opinion may be entertained respecting the wisdom of President Tyler's administration in other matters, there can be but one opinion, that he pursued a most enlightened, sagacious, and true American policy in the affair of annexing Texas to the United States. With vigilance, activity, and a thorough understanding of the merits of the question, he strove to consummate the vastly important measure of annexation at the earliest possible moment. Throughout his administration he was true to his policy on this question. He steadily and firmly pursued his purpose, unawed by popular clamor, and unseduced by the minions who sought to eclipse his fame. Temporarily, his reputation may have suffered with both of the political parties then existing, but the time has come when the important consequences of that great act, whose consummation is so largely due to him, has become apparent to the whole American people.

In the meantime negotiations were conducted in London by Hon. Ashbel Smith with the most consummate ability, and England and France did interfere. The friendly offices also of the Cabinet at Washington city were tendered, but exerted but little influence with Mexico.

The policy of Gen. Houston on this important subject may be inferred from a dispatch from the Department of State of Texas to Hon. Mr. Van Zandt, Chargé d'Affaires of the Republic at Washington city, dated July 6, 1843, an extract from which is herewith presented. Whether our Government would ever consent to annexation on fair and equal terms was to him exceedingly doubtful. In this state of doubt, and whatever may have been his private feelings, he was resolved to maintain the most friendly re-

lations. If Texas should be spurned from the embrace of the United States, he was for placing the Republic in such an attitude that she might fall back upon a treaty with a powerful ally. Texas could thus claim protection from her foe, and might advance rapidly to power under a policy made liberal by interest. The extract is as follows : "The United States having taken no definite action in this matter, and there being now an increased prospect of an adjustment of our difficulties with Mexico, the President deems it advisable to take no further action at present in reference to annexation, but has decided to await the issue of events now in progress, and to postpone that subject for future consideration and for such action as circumstances may hereafter render most expedient for the interests of the country."

Gen. Houston's negotiations with the Washington Cabinet caused some little jealousy with the English and French Ministers resident in Texas. Not regarding it probable that a treaty of annexation would soon be consummated, he instructed Mr. Van Zandt to defer all further action for the time being. The following extracts from instructions forwarded to Mr. Van Zandt December 13, 1843, will set forth the reasons for Houston's policy :

"The interposition of foreign friendly governments, by which an armistice has been established between Texas and Mexico, and the prospects of a permanent peace with that power given, has been extended by the particular governments mostly influential in obtaining these most desirable results, chiefly with a view that in the event of Mexico's agreeing to acknowledge the independence of Texas, she should continue to exist as a separate and independent nation. The great object and desire of Texas is the establishment of a permanent and satisfactory peace with her enemy, and for this purpose the good offices of these powers have been asked and obtained, and the object sought for, through their intervention, appears now on the eve of being realized.

"This intervention and these good offices have been gratuitously and unconditionally given, and although Texas is entirely free to pursue any course she may please in future, the President thinks that, in the present state of our foreign relations, it would not be politic to abandon the expectations which now exist 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. Were Texas to agree to a treaty of annexation, the good offices of these powers would, it is believed, be immediately withdrawn, and were the treaty then to fail of ratification by the Senate of the United States, Texas would be placed in a much worse situation than she is at present, nor could she again ask or hope for any interposition on her behalf, either by England or France; and without our consequent supposed dependence upon the United States, might again return to the apathy and indifference towards us which have always until now characterized that government. Texas would then be left in the same situation she was two years since, without a friend, and her difficulties unsettled.

"This Government is duly sensible of the very friendly feelings evinced by the President of the United States in the offer to conclude a treaty for the annexation of this country, but from all the information which he has been able to obtain in relation to the views and feelings of the people of the United States he is induced to believe that its approval by the other branches of that Government would be, if not refused, at least of very uncertain attainment at this particular time; therefore, and until such an expression of their opinion can be obtained as would render this measure certain of success, the President deems it most proper and advantageous to the interests of this country to decline the proposition for concluding a treaty. In making a communication of this determination to the Government of the United States, it will be proper to inform that Government that whenever the Congress or Senate of the United States shall throw wide open the door to annexation by a resolution authorizing the President of that country to propose a treaty for the purpose, the proposition will be immediately submitted to the representatives of the people of this country, and promptly responded to on the part of its Government. The present determination of the President on this subject does not proceed from any change in his views of the general policy of the measure, *but from a change in the relations of this country with other powers.*"

Knowing that England was pressing her powerful and friendly offices upon the Republic, the Cabinet at Washington was alarmed on receiving these instructions for the suspension of negotiations on the subject of annexation. The difficulties between England and the United States growing out of the Northeastern and Oregon boundaries proved abundantly that prejudicial consequences might ensue from allowing England to gain a foothold on our southern frontier. Fearing the result, President Tyler lost no opportunity to instruct his Secretary of State to assure the Texan Government of his earnest desire to consummate annexation. Under President Lamar's administration the question of annexation had been allowed to sleep. President Houston strove to pursue a discreet course in regard to it after his re-election. He was placed in a position of extreme delicacy. Any imprudent act or movement might prove exceedingly hazardous to the interests of the country. Occupied earnestly for some time in securing annexation, he had wisely kept his own counsel. Parties were taking strong ground for and against annexation in the United States, and it was doubtful till the presidential election in November, 1844, which party, that which rallied under the honored names of Henry Clay and Theodore Frelinghuysen for President, or that other party which supported "Polk, Dallas and Texas," was the stronger. The tariff and Texas made up the staple of the political eloquence which came from the lips of John J. Crittenden, Sergeant S. Prentiss, James C. Jones, and others known as mighty in speech among the

masses on one side, and Robert J. Walker, Henry Stuart Foote, Jefferson Davis, and others equally as powerful on the other side. Free soil and the abolition of slavery were the watchwords of a small party destined in a future day to be masters of the situation, and sway the destinies of the United States.

The election of 1844 settled the policy of the Cabinet and Senate at Washington city.

CHAPTER XVI.

SECRET MESSAGE TO THE TEXAN CONGRESS ON ANNEXATION.

BUT it required other negotiations and much correspondence before the question of annexation was settled at the ballot-box. The following secret message was transmitted to the Congress of the Republic :

“EXECUTIVE DEPARTMENT, }
“ WASHINGTON, *January 20, 1844.* }

“TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES :

“Connected with our present condition our foreign relations are becoming daily more and more interesting, and it seems to me that the representatives of the people should anticipate the events which may in all probability occur.

“To suppose that both branches of the Honorable Congress were not aware of the important and absorbing questions which it is believed will agitate the Congress of the United States connected with the fate of this country, would be to doubt their intelligence. The Executive, therefore, relies upon the deliberative wisdom and decision of the representatives of the people to give him all the aid in their power to conduct the affairs of Texas to such an issue as will be promotive of its interests as a community, and at the same time gratifying to the people. Heretofore he has carefully abstained during his present administration from the expression of any opinion in reference to the subject of annexation to the United States. And in submitting this communication he does not think it becoming in him now to express any preference. It will be perceived by the Honorable Congress that if any effort were made on the part of this Government to effect the object of annexation, which is so desirable, and it should fail in meeting responsive and corresponding action on the part of the United States, it might have a seriously prejudicial influence upon the course which England and France might otherwise be disposed to take in our favor. And a failure on our part after a decided expression could not but be mortifying to us, and to a great extent diminish our claims to the confidence of other nations. It would create distrust on their part toward us, because the opponents of our interests would allege there was no stability in our purposes, and therefore unsafe in other nations to cultivate very intimate relations with us, or even to maintain those which now so fortunately exist. They might apprehend that after the lapse of a few more years, Texas having acquired increased importance from their friendly aid and good offices, would be induced again by the agitation of the same question in the United States to apply for admission into the Union, and that by possibility it might be effected. Hence the utmost caution and secrecy on our part as to the true motives of our policy should be carefully observed.

"Were the interest now manifested, both in the United States and Texas, in relation to annexation, to pass off without producing any material change in our national attitude, another object of but secondary importance might be achieved. It appears to the Executive, that the relations which the United States bear to this country, and its important position in the gulf, would not disincline them to a treaty of alliance with us, defensive, if not also offensive. If nothing else were effected than a treaty for defense, it would secure to Texas a position that would forever bid defiance to our Mexican enemy. It would be as important to us, in fact, as the recognition of our independence by Mexico.

"These measures seem to the judgment of the Executive to be vitally connected with the glory, the well-being, and stability of the nation, and had he under this conviction not communicated the same to Congress, he should have felt himself delinquent in the discharge of an important duty. If they are favorably received by the honorable Congress, and their effectuation desired, it may be necessary for this purpose, if circumstances daily arising should justify the course, to dispatch an additional agent to the Government of the United States, to co-operate with our agent now there; and in that event an appropriation of five thousand dollars would be requisite to meet the necessary expenses. This recommendation does not arise from any distrust of the ability and capacity of Mr. Van Zandt, our present Chargé d'Affaires. His industry, zeal, and capacity are evinced by his correspondence with this Government; but the additional weight a coadjutor would give to our character at that court, and the multiplication of facilities for success by the aid which they could mutually render each other, from increased opportunities for intelligence, and in collecting and comparing information, would doubtless be of the highest importance.

"If the honorable Congress should think well of these suggestions, they will be aware of the propriety of *immediate action* upon the subject. The Congress of the United States has now been in session some time, and there can be but little doubt that, if they have not already done so, they will soon indicate their disposition and course of policy toward this country.

"Believing, as the Executive did at the commencement of the present session, that the subject of annexation was in the best position in which Texas could place it, he did not allude to it in his general message, apprehending that any public action, taken either by the Executive or the Congress, would only have a tendency to embarrass the subject. Action must now be taken by the United States, and we must now watch and meet their disposition toward us. If we evince too much anxiety it will be regarded as importunity, and the voice of supplication seldom commands, in such cases, great respect.

"The Executive hopes that these injunctions, under which this communication is made, may be so regarded by the Congress, as to prevent the possibility of its publication, until the measures sought may be accomplished, or the negotiations terminated.

"SAM HOUSTON."

The effect of this message was salutary. Another minister, in the person of Hon. J. Pinckney Henderson (afterward the first Governor of the State of Texas), was commissioned to go to Washington. Anxiety for annexation, which the people voted for in 1836, almost unanimously, was declining, with the certain evi-

dence that England (if not France also) would throw over Texas the broad ægis of its protection. Desire for annexation was increasing in the United States. The Cabinet at Washington manifested an anxiety to renew negotiations. Gen. Houston instructed his minister, Hon. Mr. Van Zandt, to meet the United States half way, and to inform him of any disposition on their part to come to the terms which they had rejected. The chapters containing correspondence will furnish the principal points touching the reasons for annexation.

CHAPTER XVII.

CLOSE OF THE SECOND TERM OF HOUSTON'S ADMINISTRATION AS PRESIDENT—RESOLUTIONS OF THE SENATE—HOUSTON'S MANAGEMENT OF THE FINANCES OF TEXAS DURING HIS TWO ADMINISTRATIONS, AND HIS ADMIRABLE SUCCESS—A REVIEW AND EXPLANATION OF THE SYSTEM.

ON December 9th, 1844, the second term of the administration of Gen. Sam Houston closed. His valedictory, like all other papers and addresses emanating from his pen and tongue, ranks him among the first statesmen and patriots of the world. Texas was prosperous. Certain formalities, hereafter to be indicated, only were necessary to introduce her to the sisterhood of the United States. He anticipated the pleasure of retiring to domestic life, only to be disappointed by the call of his countrymen for further and long-protracted services. The following document places his administration in its true light before the world :

“SENATE CHAMBER, *December 9, 1844.*

“TO HIS EXCELLENCY, SAM HOUSTON, *President.*

“*Sir* : I have the honor to transmit to your Excellency the following Resolutions, introduced by the Hon. David S. Kaufman, Senator from the District of Shelby, Sabine, and Harrison, and passed by the Senate.

“*1st. Resolved* by the Senate, That the Administration of President Houston, which this day terminates, has been characterized by a forecast, economy, and ability, which entitle it to the thanks and gratitude of the Nation.

“*2d. Resolved*, That as the Constitutional advisers of the President, we have undiminished confidence in the unbending integrity and devoted patriotism of Gen. Sam Houston, and he carries with him into retirement, our warm wishes for his health and happiness.

“*3d. Resolved*, That the Secretary furnish Gen. Houston with a copy of these Resolutions.

“With great respect,

“HENRY J. JENET,

“*Secretary of the Senate.*”

The history of the Republic of Texas, the history of the two administrations of President Houston, the personal history of General Houston himself, would be incomplete, would not be clearly intel-

ligible without a somewhat specific account of the system and of the management of the finances of Texas, under, and, in no inconsiderable measure, by President Houston. Such account is necessary to understand that powerful hold which he had on the confidence of the people; that strong popularity of his with the masses, which always triumphed over the fierce, unrelenting opposition of political leaders of great ability. It will be necessary to advert, only cursorily, to a different financial system pursued during the presidential term intervening between the two terms of President Houston's administration. In order to appreciate the importance of the financial system perseveringly carried on by President Houston, we must bear in mind that the financial prosperity of any Government is the sure index, the sure measure, of the prosperity of its people. It is doubly true of an infant nation, of a nascent Government, such as Texas then was, before time had intertwined interests and consolidated institutions.

Under the Council, the Consultation, the Provisional Government, which were the successive forms of administering public affairs of Texas during the Revolution which severed it from Mexico, and until the achievement of independence at San Jacinto, current expenses were provided for as best they could be. This was done, or attempted to be done, by borrowing from private individuals; by generous gifts of small sums—sums so small, indeed, that the mention of them is calculated to raise a smile; by commissioners empowered to negotiate loans; and by offers of sales of land. The slender contributions from these sources were of inappreciable value to the infant cause. During that revolutionary period, Texas lived, in the language of proverb, from hand to mouth. It was not known to-day where the means for carrying on affairs on the morrow were to be found. There was no financial system; there was no system of public, organized finance; there could be none in the circumstances of the hour which deserved the name.

Freedom from Mexican rule being achieved at San Jacinto, the President, Vice-President, and members of Congress were elected. At the first session of the first Congress in the fall and winter of 1836, the organization of the essential functions of the new Government claimed absorbing attention. Concurrently, means to carry on government were also of immediate necessity to be provided for. Several tentative projects of finance were presented. Two bank charters were passed. One of them will be more particularly mentioned further on. But no financial system was adopted, no financial policy inaugurated. The first substantive act of a definite system was passed at the second session of this first

Congress, which convened in the city of Houston, on the 1st of May following, A.D. 1837.

The session was opened by President Houston in person. In his address to Congress, he emphatically counselled "the maintenance of our integrity, and the faithful and just redemption of our plighted faith, wherever it has been pledged." This is the keynote of Houston's financial administration. With him, it meant not only that we should redeem our pledges when *we have the means*, the money to do so, but also to so guard the making of pledges, and to so manage our affairs, that we, Texas, may be surely *able* to redeem them.

It is not here the place to enter minutely into the financial history of the Republic. Consequently, we omit details which would only interest persons curious in political and financial history, and confine ourselves mainly to leading facts which throw light on President Houston's financial principles, his policy, and his action, and which serve to illustrate their wholesome influence on the solidification of our institutions, and on the prosperity of the Republic of Texas.

At this second session of the first Congress an act was passed for funding the public debts. These consisted of audited drafts of various amounts for civil and military services, and for supplies furnished to the Republic. These audited drafts were in no sense a currency, though they served in irregular trades occasionally, and in barter. The bonds into which these drafts were converted were of the usual form of Government bonds, transferable only on the books of the treasury. They bore on their face the promise of interest of 10 per cent. per annum, one year from date. The currency of the country was at this time, and had been, gold and silver and bank notes, mostly of the New Orleans banks.

Some two or three days after the passing of the Funding Act, Congress passed another act for the issuance of promissory notes of the Government, to an amount not exceeding \$500,000, bearing interest at 10 per cent., redeemable in twelve months, and receivable for all public dues. Not being reissuable, they were, strictly speaking, treasury notes or exchequers, and were issuable only in payment for civil services and civil supplies. They were printed with common type, on common book paper. They had in their center a large five-pointed star, from which star they received the name by which they were afterward designated, of star money. There was a sharp conflict of opinion between the Congress and the Secretary of the Treasury, Henry Smith, about the details of this act, from which it may be fairly inferred that the act did not altogether please the administration of President Houston. But Gen. Hous-

ton left no doubt as to his opinion on treasury note acts. He gave a qualified approval in the "proviso, that they were not issued in greater amount than would meet the actual necessities of a circulating medium."

Having arrived at this, the first substantive act of President Houston in the management of the financial affairs of the Republic of Texas, if seems fitting to state, somewhat succinctly, his opinions on these matters,—opinions from which he at no time, then or afterward, swerved.

General Houston was emphatically, in the language of the day, a hard-money Democrat. He held sternly, that a public debt is a public evil. In his opinion, no money is a safe currency except metallic money, gold and silver. A currency not directly redeemable in coin of its own nature, leads to contracting public debt, and to the unrestrained increase of public debt. Facility in the issuance of paper currency leads to mismanagement, to reckless expenditures, to dishonesty, speculation, and embezzlement in the administration of public affairs. An administration of Government finances based on a system of paper currency, produces oppressive taxation of the people, is calculated to make the few who are rich, richer, and the many in moderate circumstances, poorer; it saps public and private morals; it impairs respect for honesty in private life as well as for law and order. Banks of issue Houston regarded with more than distrust, and he looked on public loan acts with wary doubt. When public necessity compels a resort to paper currency, it should be done as sparingly as possible, and a return to metallic money should be made as speedily as possible. Paper should be the handmaid to gold and silver, always subordinated to these metals, and redeemable in them as promptly and as directly as can be done. Himself a patriot, he did not disbelieve in patriotism; but his ideas were not Utopian. He looked on human nature as it is, as it has ever shown itself to be. To his principles and opinions, as just stated in general outline, Houston, in the difficult circumstances of his two administrations, and on all occasions, was true.

It seems fitting here to make formal record of a declaration made in the latter days of the Republic more than once to Ashbel Smith. He declared that the financial management and control of the treasury in its principles and general action during both his administrations were affirmatively his own. He said that this was emphatically true of the exchequers of his second administration, and that he was the author of the plan. This should not, however, lead us to underrate the value of the counsels and co-operation of his Secretary of the Treasury, Henry Smith. Let us return to the treasury notes, the star money of 1837. The issue of them

from the treasury commenced on the first of November. They bore on their face, by law, that they were receivable for public duties. Immediately thereafter, on the 5th of November, the Secretary of the Treasury, Henry Smith, sent instructions to collectors of customs forbidding them to receive these notes in payment of duties. Seven days afterward, the 13th November, Secretary Henry Smith revoked his order of the 5th, and instructed collectors of duties to receive the treasury notes as gold and silver. For this change of instructions Secretary Smith invoked the orders of President Houston, who assumed the whole responsibility. General Houston herein acted on the principle laid down in his address to Congress, adverted to above, "the maintenance of our integrity and just redemption of plighted faith."

The issue of treasury notes was restricted to the limits imposed in the act creating them. And these notes, when paid back into the treasury for taxes and duties, were, as has been already stated, canceled. They passed in business at par. They were as good as the notes of banks of most of the States of the American Union. There was thus, on the whole, a wholesome condition of the currency; we had, practically, a good currency of our own. With every allowance for the newness of our situation and for political animosities, the people were cheerful and confident.

To place Houston in a proper light, it is necessary to relate an incident which occurred at this time. It is in connection with one of the bank charters alluded to above, as having been granted at the first session of the Congress,—*"The Texas Railroad, Navigation and Banking Company,"* with a capital stock of five million dollars, to be increased, if desirable, to ten millions. It is not necessary to our present purpose to recite its vast franchises. Times were prosperous, prospects flattering. In the phrase of to-day, "there were millions in this bank charter." The capital stock was divided into eight shares, and one share each, conveyed—(the wise do call it "convey")—to eight stockholders. One share of the eight was sent to General Houston. Single shares were sold for \$12,000 and upwards, and were in demand at such prices. It was a condition in the charter that before the bank could commence business operations it should pay into the treasury of the Republic a bonus of \$25,000 "in gold and silver." This sum, \$25,000, was formally tendered to the Secretary of the Treasury in treasury notes. Though these notes were receivable as gold and silver in payment of taxes and duties, they were neither, it was alleged, in the contemplation of the act of incorporation, nor in its words, gold and silver. The bonus of \$25,000 was neither a tax nor a duty. Accordingly President Houston ordered the Secretary of the

Treasury to refuse them in payment of the bank bonus. The eighteen months from the date of the act, within which time payment could be made, were about to expire. This was not all; before the expiration of the eighteen months President Houston, in presence of several gentlemen, formally committed to the flames the certificate that had been sent him of a share in the bank. As shares were openly sold, he could have put in his pocket for his certificate of share \$20,000. But this hydra-headed monster of the class of gigantic swindles, like Law's Mississippi scheme and the more recent Credit Mobilier, was by Houston's sagacity, honesty, and firmness crushed in its embryo state. If room permitted, it would be a curious study to describe the influences brought to bear on Houston to permit the bonus to be paid in treasury notes, and thus the bank to go into operation. He was inflexible, and the people were saved from a huge corporation which would have enveloped in its folds and crushed every enterprise, and forbid competition outside of the shareholders of the bank. It would be unjust to Henry Smith to omit to mention that in this matter he was in full accord with President Houston. But Houston was the rock of resistance. Persons at this day can not easily appreciate the magnitude of this bank enterprise. It may help their imagination to be informed that three of the eight shares were sold in New York for merchandise to the amount of \$60,000.

The treasury notes were, on the whole, a decided success. As already stated, they were at par, or nearly so, with gold and silver, and equal in current value with bills of banks in the United States. This rare quality for paper not instantly redeemable, enjoyed by the treasury notes, may be attributed mainly to the following causes. The known resources of Texas—the issue of notes being limited to an amount, in Houston's language, "required to meet the actual necessities of a circulating medium"—their issue limited to payment of civil services—not being reissuable, but canceled on being paid into the treasury—these were safeguards against the country being flooded with these notes. And to these should be added General Houston's well-known resolute opposition to buccaneering expeditions against Mexico, and quixotic hunts of Indians to chase them from lands which our scant population rendered it impossible for us to occupy.

The success of the star money thus protected seems to have encouraged Congress to attempt a larger enjoyment of the good. Accordingly, in May, 1838, Congress passed acts for the issue of another million of treasury notes, and authorizing their *reissue* after having been paid into the treasury, and making appropriations of them for all sorts of public expenditure. Unlike the star

money, they bore no interest. These acts, submitted to President Houston for his approval, were returned to Congress with elaborate, earnest vetoes, in vain. They were passed by Congress triumphantly over the vetoes. The new notes issued under these acts being well engraved and printed on good bank paper, with a *red* ground, had quite a bank-note look—quite unlike the old star money printed with common type on a very common paper. Such was the original of the famous *redbacks*.

With these acts of Congress of 1838, passed the last year of Houston's administration, so greatly enlarging the new issue of treasury notes, thereafter known as *redbacks*, and discarding previous wholesome restrictions, commenced their decline in value. They nevertheless maintained to the close of President Houston's first administration their circulation as currency in ordinary business transactions. They were worth, or rather were valued at, seventy cents or seventy-five cents on the dollar when General Houston's Presidential term closed—the 10th December, 1838.

At the close of Houston's first administration the public debt of Texas amounted to a little over a million dollars. The report of his Secretary of the Treasury states the amount of audited claims at \$1,090,984. Of this amount \$903,720 were for military services. It had mostly accrued in the active campaigns of the Revolution, and in the support and pay of the army until it was furloughed in the summer of 1837. To diminish public expenses in accordance with the economical system of the administration the army was furloughed till, every company and squad told, it did not amount to one battalion of a full regiment. There was no risk in thus virtually disbanding the army. For on the first tap of the drum the ranks would be filled, and competent officers were on hand to lead them. And further, several offices, civil and military, were abolished, and the pay and expenses of others greatly cut down.

As already stated, President Houston's first term closed on the 10th December, 1838. He was succeeded by General Lamar.

President Lamar was possessed of high genius; he was of unspotted integrity; a chivalrous paladin of finished culture, of brilliant courage, of lofty daring, of pure patriotism. He was a soldier, and in other times and other circumstances he would have been a magnificent chieftain; his whole nature was poetical and military. But he was not a financier; he did not possess administrative capacity; he was not familiar with principles of political economy universally deemed incontrovertible. Reposing unbounded confidence in his friends, he lacked the sagacity often termed knowledge of human nature, knowledge of mankind. His administration of the Presidency was not a success.

It does not fall within my present object to linger in detail on the management of the finances of Texas during General Lamar's Presidency. It suffices to state, in general terms, that the policy inaugurated by the acts of Congress of May, 1838, adopted over Houston's vetoes, was persevered in, expanded in its worst features. It may be described as the financial system of unlimited issue of irredeemable treasury notes known as redbacks. Their decline in value, mentioned already as having commenced in 1838, continued until, at the close of General Lamar's Presidency, they had sunk to 10c., 5c., 3c., on the dollar. At these rates they were sometimes bartered away in loose speculative trading for things of uncertain value, but they had ceased to be even a nominal currency. In the general prostration, gold and silver had disappeared. The funded debt was not heard of; it seemed to have floated off, nobody knew whither. But the public debt, now augmented to over seven million dollars, hung like a black cloud of evil portent over the country.

It will devolve on the future historian of the Republic of Texas to relate how, in a time of profound practical peace, with no serious attempt at invasion by Mexico, with no trouble of any moment with Indians on the frontier, with not even the skeleton of an army, with no internal dissensions, with no works of public improvement undertaken, the public debt was increased from little over a million to upwards of seven millions of dollars. The people were, indeed, kept in pleasant expectation by projects of loans which were to make the floods of redbacks equal to gold. Fortunately for Texas, the loans were never effected. The bane so fatal to Texan finances was irredeemable redbacks, irredeemable paper.

There was not a dollar in the treasury. The country was without credit for a dollar. Public expectation was exhausted. Our foreign relations were as cheerless as home affairs. England had negotiated treaties with Texas, but, from fear of our collapse, held back from the exchange of ratifications. France was in ill-concealed bad humor with us; her minister had withdrawn from his post at Austin to the United States. Gloomy vaticinations ruled the hour that the Republic of Texas was played out.

Sam Houston entered upon his second term as President of Texas in the midst of these disastrous surroundings. He was inaugurated in December, 1841. Without a dollar in the treasury, without credit for a dollar, the finances nevertheless compelled attention as a condition of the continued existence of the Republic. Something must be done. The month following his inauguration, to wit, on the 19th January, 1842, the exchequer act was passed.

The whole amount of exchequers subject to issue was strictly limited to \$200,000; gold and silver, and exchequers, were alone receivable for customs-dues, for taxes and licenses. They could only be paid out from the treasury on specific appropriations by Congress. For several months scarcely \$40,000 had been paid out. At no time ever, subsequently to the passage of the act, was there in circulation near half the amount provided by the act. As for redbacks, lavishly issued by the preceding administration, they were as utterly ignored as if not a dollar of them had ever been heard of.

It needs scarcely to remind any one that the exchequers were in all essential respects the same as the first treasury notes issued in 1837, the star money under another name.

The experience of the redbacks naturally created distrust of the exchequers. It was loudly asserted that these were only redbacks under the thin disguise of another name, and their utter and speedy depreciation, like their redback predecessor of unhappy name, was confidently prophesied. Speculators, like buzzards watching a sick animal, attacked the exchequers and entered into combinations to destroy their value. They sunk to 30 cents, and even less, on the dollar. President Houston was equal to the emergency. He convened Congress in extra session, June 27, 1842. On the 23d July a law was passed, requiring collectors of customs, sheriffs, clerks, and postmasters, to receive exchequers only at the current rates at which they were sold on "Change" in open market.

It would be natural to suppose that the act of July 23d would appreciate promptly the exchequers. Nevertheless, they appreciated very slowly. This was a natural consequence of distrust from recent experience of redback treasury notes. Pecuniary confidence is, especially, a plant of slow growth. Besides, being receivable only at their cash value in market, and worth no more in payment of Government dues than a like amount of gold and silver, nothing was gained by purchasing them. As a consequence, gold and silver flowed into the treasury, and at the close of President Houston's second term exchequers were on a par with coin.

The foregoing outline of the financial history of Gen. Houston's administrations would be incomplete without some mention of the sequel. Anson Jones, who had been Secretary of State under Houston, and who was, perhaps, his most trusted Cabinet officer, succeeded General Houston as President of the Republic in December, 1844. Anson Jones, too, was a man of eminently sound judgment; he held the same sound opinions as General Houston on paper currency on irredeemable promises to pay, on the sacred-

ness of public credit, and on the strictly economic administration of Government. President Jones closed his administration, as Houston had done before him, without having added a dime to the public debt or leaving an unpaid open account. In his administration the Republic of Texas was merged by annexation in the Federal Union. With the transfer of the sovereignty of the Republic of Texas there was turned over to the State of Texas its treasury, with thousands of gold in its coffers ; which gold actually sufficed for all the expenses of government of the *State* of Texas for upwards of two years.

Sam Houston more than once said to Ashbel Smith that he was the author of the plan of issuing exchequers. He claimed it only as a "sucedaneum" for gold and silver when these were not in hand, and to be resorted to when, as at the commencement of his second term, the Government had not a dollar, and was utterly destitute of credit. Nor did he, as is sometimes dexterously done, transfer the burdens of to-day upon the future. During his second term not a dollar was added to the public debt, except the accretions of unpaid interest accruing on that previously existing. Nor was there an unliquidated account that had accrued during that period.

I have thus given, perhaps in unnecessarily minute detail, the financial history of the Republic of Texas under the two administrations of Sam Houston, embracing the leading facts in the principles and action of Gen. Houston as President, in the legislation of Congress, in the administration of the Department of the Treasury under him. I have not done injustice to the chivalrous soldier and patriot Lamar. I have paid a passing tribute of justice to the profound statesman, Anson Jones.

I turn again to Houston for a remark or two on closing. Houston's administrations were not distinguished alone for his judicious management of the revenues of the Republic, and, consequently, of the taxes of the people. Honesty was characteristic of his whole official administration. Not one of his Cabinet or staff officers, not one of his high officials, amassed even an inconsiderable fortune. Nearly or quite every one of them left office poorer than when he entered it. With such facts patent, it is not surprising that, amidst all the mutations of superficial and newspaper unpopularity, he retained the solid confidence, the firm attachment, of the mass of the citizens of the Republic of Texas.

It is well, too, for the citizens of Texas, now and hereafter, to bear in mind that such was the true condition of Texas at the time when it was maligned as the country where was rampant the worst form of barbarism, the barbarism of civilization.

CHAPTER XVIII.

HOUSTON'S ENTRANCE INTO THE U. S. HOUSE OF REPRESENTATIVES, DECEMBER, 1823
—HIS CONTEMPORARIES, AND THE QUESTIONS OF THE HOUR.

BRIEF allusion has been already made to Houston's election to Congress; it is proposed now to give a connected detail. Coleridge said, "To be truly great is to be great in little things." Genius now flashes, now flickers; but greatness does its best, and triumphs every day. Washington was "first in peace and first in war" because his balanced mind saw what was best to be done, and his appreciative spirit selected the best man for each post. Houston had shown as a soldier brilliant daring in emergency, and at the same time the steady discipline essential to camp routine. If there is any place where these united qualities, French dash and English pluck, are called unitedly into requisition, it is in the U. S. House of Representatives. Houston was to be tested in this new sphere.

Elected in 1823 from the ninth, or last formed, district of Tennessee to a seat in the U. S. House of Representatives at the First Session of the Eighteenth Congress, three special circumstances were likely to test the capacity and character of a young man of mark. These were: first, the fresh energy of the people forming a new State; second, the vital interests, affecting all the States, whose issues were to be debated and settled at that era; third, the exceptionally able statesmen now associated to meet an emergency in the House of Representatives.

At an early period, under colonial administration, the rich lands west of the Alleghany range had tempted enterprising settlers; and the region now called East Tennessee was occupied prior to 1750. The attempt to push settlements farther westward was resisted by the Indians. Fort London, built in 1757, on the Little Tennessee, was captured in 1760, and its garrison were massacred; and for forty years few settlers went into Central Tennessee. When the Atlantic colonies declared themselves independent, though too far from the seat of war to be brought into action, the settlers armed to meet the emergency; and they declared their adhesion to the struggle for independence. When the war closed, the State of North Carolina, which claimed that her boundaries extended to the

Mississippi, at first agreed to cede to the United States her claim to territory west of the Alleghanies ; then withdrew that assent ; but finally ratified the cession in 1789, when the Federal Constitution was framed. In 1796, while Washington was yet President, Tennessee was admitted as a State into the Union, Vermont in 1791, and Kentucky in 1792 having preceded it. Unlike those two States, however, a large part of its territory was occupied by Indians in undisturbed possession ; the Chickasaw tribe occupying Western Tennessee until 1819. It was in this condition of the country that young Houston had come into the territory ; his boyhood being spent at the Indian agency, his youth in Indian wars, and his early manhood on the border of Indian settlements. It was amid the rush of fresh settlers, coming in from every section, and dependent on their own hands'-toil and personal enterprise for success, that Houston came to the Federal City to represent a hardy and independent yeomanry.

The spirit of the people of Tennessee at the time of Houston's election to Congress is indicated by this coincidence. Houston had been elected in a new district, September 13, 1823. At the September term of the Blount County Court the grand jury brought in a presentment against certain parties for "treating" voters with intoxicating liquors at the recent election, in which presentment this sententious statement appears : "That the custom complained of brings into offices of trust 'men who are not preferred for their virtues, and who consequently prefer not virtue.'" It was under quite another heading that Houston's election was classed. While in the Seventeenth Congress Tennessee had but six representatives in the House, the new apportionment, which suddenly added three more Congressional districts, seemed to have had a more demoralizing influence in the old counties under the mountains than upon the new section, whose centre, at Nashville, Houston represented.

There were at this era five specially exciting questions which had agitated and were still dividing the people of the east and west, of the north and south ; which questions not only awakened conflicting opinions in the different sections, but which in the same section, made up as was the population of the new States, aroused warm debate in Tennessee. These related to governmental policy ; first, as to efforts to civilize the Indians ; second, as to a tariff for protection of home manufactures ; third, as to internal improvements ; fourth, as to the restriction of slave labor as opposed to free labor ; fifth, as to armed interference of European Governments in Mexico to recover political power over former colonists who had secured their independence. The heat and violence of

party spirit on these varied issues were brought to a focus in the canvass for the Presidential election, which occurred in the same autumn as the election of Houston to the House of Representatives.

From the earliest settlement of the country opinion was divided as to the possibility of inspiring the roving Indian tribes with a love for civilized life, so that the two races, the red and the white, might dwell together in quiet side by side. The religious spirit, seen to be effective in the efforts of John Eliot in Massachusetts, of William Penn in Pennsylvania, of James Edward Oglethorpe and of the Wesleys in Georgia, maintained this doctrine : that the Indians, like the red races who peopled India and China, might be won over to the habits of industry and culture found among the people of Mexico held in subjection a century earlier by the Spaniards ; as had been tested also by Jesuit missionaries already in the French provinces. On the other hand, as Bancroft has traced, the spirit of secular appropriation brought the white race into constant competition with the Indians in every experiment at agriculture ; the superior race could not amalgamate or live in society with the inferior ; some in Massachusetts, as well as in Virginia, favored the enslaving or extirpation of the Indian tribes on the precedent of the Israelites among the tribes of Canaan ; and the result proved that constant war on the border and constant forcible removal of the Indians westward was "the law" that would rule. No man in the United States was better prepared by his wide experience to judge wisely on this question than Houston, and no more magnanimous spirit had ever been shown than Houston had exhibited, first in his intercourse as an agent's clerk, then as a soldier, then again as an army agent among them. His long apprenticeship among the Chickasaws in Western Tennessee before his enlistment as a soldier under Jackson, and his detail as a lieutenant after the war to serve as military agent among the Seminoles of Georgia, were reminiscences always fresh and fragrant in his after-life ; and no man more than Houston appreciated the virtues of the Indian character which were to be fostered, and their vices which were to be forcibly restrained. This was the earliest question before the American people, and it will be one of the last to call forth balanced judgment and modified action. At the period of Houston's entrance into the House of Representatives there were two fields for the practical application of these principles. In the West the Indian tribes had consented to removal to their new territory west of the Mississippi, but two causes still created difficulty ; first, disputes among the Indian tribes themselves as to their several allotments and as to mutual encroach-

ments of the tribes on the border territory of other tribes ; second, encroachments of white settlers on the territory ceded to the tribes west of the Mississippi, especially in Arkansas Territory. The main difficulty was in the Gulf States and territory, especially in Georgia and Florida. There the humane efforts of young Houston, commended by Jackson as his military commander, were fresh in memory ; but yet fresher was the subsequent military campaign of Jackson, when he not only drove the Seminoles from Georgia into Florida, then a Spanish possession, but pursued them even to the capture of St. Augustine, leaving thus a work of mingled efforts at forcible suppression and at treaty stipulation, for future administrations to complete. In this work the counsel of Houston became of special value.

The relation of the several States and of the people of the United States to the African race was the second question to be met. Their ready admission by the policy of the mother country into all the colonies except those of Pennsylvania and Georgia, the check put upon that introduction when, after the war of Independence, the New England States emancipated their slaves, and were filled with European laborers in their place, when Virginia ceded all her territory north of the Ohio and westward to the Mississippi to the Union, to be occupied only by free white settlers, and when the Federal Constitution forbid further importation after twenty-one years—this mixed and conflicting system of admission and exclusion had reached its crisis and apparent settlement in the Missouri Compromise of 1820. At the adoption of the Constitution there was a virtual balance of the slave-holding and non-slave-holding interests in the Senate which represented the States ; since, while there were among the thirteen original States only six that were decidedly slave-holding States, two or three others had passed no formal acts of emancipation. The admission subsequently of new States, as of Vermont in 1791 and of Kentucky in 1792, of Tennessee in 1796 and of Ohio in 1802, of Louisiana in 1812 and of Indiana in 1816, of Mississippi in 1817 and of Illinois in 1818, of Alabama in 1819 and of Maine in 1820, seemed to indicate that these two interests were, in the conservative branch of the Government, to remain balanced. When, however, in 1817, Missouri applied for admission a new question arose. As a part of the French purchase of 1803, which included all the territory west of the Mississippi, from Louisiana northward, it seemed natural that African slavery, already introduced, should continue. On the other hand, the fact that it lay north of the mouth of the Ohio, fixed by Virginia as the limit of slave-holding States, and that it was bordering all along the Mississippi on Illinois, which was entitled to come

into the Union as a free State, thus counterpoising Mississippi, just admitted as a slave State—these facts had led to a discussion which lasted for four years. At the first application for admission, during the session of 1818-19, an enabling act was to be provided by Congress. In this enabling act the House of Representatives provided that the new State should come into the Union as non-slave-holding; but, as the Senate dissented, no action could be taken. When the application was presented next session, that of 1819-20, after long debate both Houses of Congress concurred in Mr. Clay's compromise, that Missouri, where slavery already existed, should be admitted into the Union as a slave-holding State, but that after that period all States north of the parallel of 36° 30' north latitude, or the southern boundary line of the new State should be non-slave-holding States. This arrangement seemed likely to meet and adjust the difficulty. When, however, the State Constitution, framed under this enabling act, was found, at the reassembling of Congress in 1820-21, to embody a provision requiring the Legislature of the new State to pass laws "to prevent free negroes and mulattoes from coming to and settling in the State," a new and more exciting debate followed; which debate lasted through the short winter session that ushered in President Monroe to a second term of office, March 4, 1821. For, though since that period other States formed further north and in that same territory, have acted upon that same provision,—as the State of Wisconsin, admitted in 1848,—its embodiment in the Constitution of Missouri, brought into the Union under such circumstances, awakened strenuous opposition. At that time the idea of free labor had not taken shape as implying the prohibition of a competition between white and colored laborers; and the provision seemed in conflict with the admission of free as opposed to slave labor in the new State. Both Houses of Congress agreed in requiring the expunging of this provision from the Constitution submitted; the people of Missouri yielded; and, as authorized, the President, in view of the action of the State Convention called June 24th, declared by proclamation Aug. 10, 1821, that the State of Missouri was admitted to the Union and entitled to representation in the next Congress. It was just two years after this crisis that Houston came into Congress; where as representative from Tennessee for four years, and as Senator from Texas for fourteen years, he was destined to take such a course as was not the privilege or honor of any previous or subsequent American statesman.

As to the tariff, the old question of duties on imports as a ready and effectual method of collecting taxes for the support of the Federal Government, had up to 1823 not been specially compro-

mised and complicated as part of a system for promoting home manufactures by placing a heavy duty on manufactured goods brought into the country from European countries, especially from England. Nor, again, was the importation of the States, then as now, restricted to a few all-absorbing centers, such as New York now is ; for imports came into all the Southern as well as Northern ports, from Portland, Me., to Charleston, S. C. ; and even into the ports on the Gulf. The New England States, it is true, were the chief manufacturing States ; but as the raw material, especially wool and cotton, used in the factory, was purchased from the wool-breeding and cotton-growing sections, their manufacturing interests were greatly overbalanced by their commercial interests ; the interference with which, caused the prospect of a war with Great Britain, and led to the call of the Hartford Convention, December 15, 1814. The main moving interest which led to that convention, as any careful student of its records, and of Dr. T. D. Woolsey's admirable analysis, must perceive, is that which is made last to appear ; in the suggestion that the Constitution be so amended as to provide : "that Congress should lay no embargo on vessels belonging to citizens of the United States, for more than sixty days ; nor, except by vote of two-thirds, interdict commercial intercourse between the United States and foreign nations." The return of Daniel Webster to Congress in 1823, and his retention there during the very four years spent by Houston, was significant of a transition era which culminated eight years later in South Carolina nullification acts. Sent from Massachusetts to the special session of Congress met in May, 1813, as an opposer of the war with Great Britain, he made that maiden speech, on June 10th, which brought out his leadership on questions of international law. Remaining till the close of the war, to accomplish the great end of a return to specie payments and of a national banking system which should overcome the commercial losses of a purely State bank currency, Webster retired from public office, to devote himself to private business. Though urged to take a place in the Senate, he declined ; when in 1823, he, by preference, entered the House, as the branch of the Government where bills providing revenue must originate. There he showed such a knowledge of the import trade, and such a mastery of the consequences of laying duties for revenue on various articles, that he was able to give shape to the tariff, so as to promote at once the ends of commerce and of revenue. It was not until he entered the Senate, in 1827, that this mastery of the tariff system was turned to the promotion of manufacturing as distinct from commercial interests. All this part of legislation was of course new to young Houston, as he sat for the same four years

in the same body with Webster. His course showed that he was both an apt and a discriminating learner.

It was naturally at a late period that the United States Government turned its attention to internal improvements as a part of its necessary and legitimate province. The improvement as well as the defence of the ports on the Atlantic coast, doubtless limited the views of many at the adoption of the Constitution. The duty of laying out military and postal roads necessarily involved the construction of roads for the transportation of inter-State commercial products. When at last the Mississippi River, as well as the line of northern lakes, became as much as inland roads, highways for commerce, it was time that the *partial* system—in a double sense of that term—become both a general and an equable system. Houston came into Congress just at the time when such a system was to be considered and inaugurated. While Tennessee had her special claims as a sharer in this general provision, it was for other States that the legislation first called for was to be made; and Houston's mind from the first embraced at once the whole country in which, as a soldier during the second war, he served, from the junction of the Ohio and Mississippi, to the swamps of Florida.

The latest question to arise, that of resistance to the planting of monarchical governments through European influence, on the North American Continent, was nevertheless an old issue; though under Monroe it took the form of a declared policy. When the Colonies declared themselves independent, the resistance to European supremacy began; but it was an afterthought which framed the Federal Republic, distinct from the aristocratic governments of Spain in Mexico and Florida, of France in Louisiana, and of England in Canada. When, however, the States formed out of the ceded French and Spanish territory, acquired in 1803 and 1819, came into the Union, it was essential that, under the Federal Constitution, they should be Republican. When, again, Mexico, in 1821, after a struggle of years, became independent of Spain, and when the next year, 1822, it adopted a Republican Constitution, the action of European monarchies adverse to the Republic, which would, if recognized as legitimate, have justified alike European intervention to overthrow the United States Government, brought about a crisis which compelled for self-preservation the enunciation of the Monroe doctrine. In July, 1822, led by France under the restored Bourbon rule, representatives of several continental powers, met at Verona, Italy, determined to unite in aiding Spain to recover her power in Mexico. Inasmuch as England's sway in Canada, once a French possession, was threatened, Mr. Canning, then Secretary of Foreign Affairs, privately invited the President of the United States

to join England in resisting this French movement. President Monroe consulted ex-President Jefferson; and in his Message to Congress, December, 1823, he advised that the following two declarations should be adopted as the foreign policy of the United States in meeting European interposition to regain lost rule in America: "The first principle appears in this clause, 'That we should consider any attempt to extend their system to any portion of this hemisphere as dangerous to our peace and safety'; a principle which, now that it includes Central and South America, was too broadly stated to become in subsequent time a rule for general action; though in the special case of intervention threatened at the time, it had enough of purpose to secure its end. The second principle announced expressed also more than was intended, since it was in violation of the very principle of the right of foreign colonization, which has governed all nations in all ages, and on which rests the foundation of the American Republic. It was in these words: 'That the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power.'" Since the extreme utterances of Mr. Webster, shortly after Houston's entrance into Congress, and Houston's position as to Mexico subsequent to Texan independence and annexation had their origin and seeming propriety in these declarations, their consideration becomes vital at the opening of Houston's national career.

The controlling question which agitated public sentiment and gave intensity to debate in Congress at this era, was the course taken in the Presidential election. The entire history of previous elections, even when Washington, the leader in the war for "national independence," was a candidate the second time, showed how the ambition for place and power can blind men to self-respect, and make them incapable of self-control. The election of the first Adams, and then of Jefferson, had brought out a spirit of rancor that threatened for a time violence and anarchy. Madison's election was on issues that involved sectional interests connected with the war for "national *equality*"—an issue as vital as that of "national *independence*." The two terms of President Monroe, from 1817 to 1825, characterized then and since as "the era of good feeling," was, in spite of the agitation of the Missouri Compromise, a triumph of the spirit of conciliation. When, however, during 1823-4, four Presidential candidates were in the field; when, because of the divided vote the people failed to elect, and politicians were free to employ their arts; when by the management of men supposed to have their personal ambition, John Quincy Adams, supported by a small section of the country, was elected by Con-

gress over Gen. Andrew Jackson, the popular favorite, who had received much the larger vote from the people, a new experience was to be met, and a storm of indignation at what seemed to be the deceit of political aspirants in thwarting the wishes of the people. The House of Representatives became at this time a school to its young members ; and Houston would have been a dull scholar if he had learned nothing to serve as a guide in his eventful future.

While Congress, with such hinging questions before it, was the school to train its younger members, among the older was gathered such a galaxy as never before or since has met together ; and these were to be Houston's teachers. The veteran in the House was John Randolph, of Virginia, who first came into the House in 1799, where he had proved a star of rare brilliance for more than a score of years, and where his declining health in his last years of service could not check his youthful fire when roused by some crisis. Next in point of time came Henry Clay, who had been in the Senate as early as 1806 ; while in the House he had lately gained his great triumph in the Missouri Compromise of 1820, and was now, in 1823, Speaker. Another veteran was Edward Livingston, one of the brilliant lights of New York in youth, then one of the earliest and ablest in shaping the new foreign State of Louisiana. Among the men of about the same age with Houston were Webster, of Massachusetts, already mentioned ; W. C. Rives, of Virginia, afterward Senator ; W. P. Maugma, of North Carolina, afterward Senator ; George McDuffie, of South Carolina, afterward Senator ; C. A. Wickliffe, of Kentucky, afterward Postmaster-General ; Elisha Whittlesey, of Ohio, afterward First Auditor of the Treasury ; and John McLean, afterward Postmaster-General, and also Judge of the Supreme Court. In the Senate, the veteran of veterans was Nathaniel Macon, of North Carolina, in the House and Senate from 1791 to 1828, thirty-seven years ; who for his firm integrity Jefferson styled "the last of the Romans" ; whom John Randolph, mentioning him in his speech, declared to be "the wisest man" he had ever met. Among the younger Senators were R. M. Johnson, of Kentucky ; R. G. Hayne, of South Carolina ; Thos. H. Benton, of Missouri ; M. Van Buren with the veteran Rufus King, of New York ; Levi Woodbury, of New Hampshire ; Wm. H. Harrison, of Ohio ; and Andrew Jackson, of Tennessee ; the three among whom were to attain the Presidency. Into the Nineteenth Congress there came, in 1825, as members of the House, Edward Everett, of Massachusetts, and James K. Polk, of Tennessee ; and into the Senate, J. M. Berrien, of Georgia, and Levi Woodbury, of New Hampshire. Young Houston had thus a circle of training teachers worthy of him, every one of whom came afterward to admire his brilliant career.

CHAPTER XIX.

HOUSTON'S FOUR YEARS IN THE U. S. HOUSE OF REPRESENTATIVES, 1823 TO 1827.

THE fortunes of Jackson and Houston were reunited on entering Congress. Houston had been elected a Representative from Tennessee, September 13, 1823, by the people of the Ninth District ; and Jackson had been elected by the Legislature of Tennessee on the 25th October following, amid all the excitement that followed his act in June previous in pursuing the Seminoles into Florida, and hanging at St. Augustine two English abettors of their barbarities in Georgia. Jackson was immediately made chairman of the Committee on Military Affairs in the Senate ; while Houston, his former favorite lieutenant, was on the 5th December made a member of the same committee in the House. The session opened with exciting issues before it, and while Jackson, not gifted as a speaker, was firm in action, Houston was for full two years studying the situation and shaping his course on varied issues as experience should dictate. On the 12th December Mr. Hayne in the Senate offered a resolution providing for a new election and a future change of the Constitution as to its provisions for the election of President and Vice-President ; and on the 22d December Mr. McDuffie in the House moved the same, thus indicating the sentiment of South Carolina on this issue. Houston's first recorded vote was in the case of a contested election, where an error in the count was claimed. On the 16th January, 1824, the question of preemption by settlers on lands west of the Mississippi was up for debate. On the 19th January, Jackson, from the Senate Committee on Military Affairs, introduced a resolution for payment of losses of horses and private property, met by volunteers in the Seminole war ; the views of Jackson and Houston leading to the immediate passage of the resolution. On the 19th of January, again, Webster in the House introduced his resolution to send an agent to Greece, then struggling to gain independence ; on the same day Mr. Mitchell moved an invitation to the Marquis de Lafayette to a reception by the House ; and on the same day Clay brought in a bill providing for resistance to the interposition of Spain to recover her lost Mexican possessions. The able, earnest antagonistic views, brought out by this array of questions, stimulated thought and compelled

independent judgment in young minds. In these debates Mr. Webster made that celebrated speech, rich with old Grecian and Roman principles of international and inter-State alliance, which, though it failed to accomplish the advocate's special end, revived the like sentiment of Henry of Virginia and Otis of Massachusetts, brought out at the Revolutionary era. Mr. Clay, again, uttered the general spirit of the Monroe Doctrine, and of the following administration, that of the second Adams, in which he was to be, as Secretary of State, the shaper of foreign policy. The veteran Randolph, in whom the ambition of foreign crusade was tempered, though the fire of chivalry was not quenched, opposed both Mr. Webster and Clay; while to a lady friend who remonstrated he exclaimed, in view of the needy at home, "Madam, the Greeks are at your door."

The disposition to reach ends suggested as mere questions of the day, by new constitutional provisions, appeared in a suggestion of Mr. Van Buren on the 22d January, that the Constitution provide an equitable scale of appropriations for internal improvements in the different States. This action arose because the State of New York had already, at her own expense, built her canal through the State to the lakes. In the House the main question arose on a proposition to employ engineers to make surveys for canals from the Delaware to the Chesapeake, from the Chesapeake to the Ohio, and again for the removal of obstructions in the Mississippi; a series of measures involving inter-State action, and interesting many of the Atlantic, as well as all the valley States. Mr. Webster, from the least interested, and Mr. Clay, from the most interested section, advocated the measure; Randolph threw all his decaying energy into the opposition; while Houston went with the majority, both from interest and principle.

Among other issues debated during the session of 1823-4 were the following: In view of the fact that colored sailors from British, as well as northern ports, came into southern ports, Mr. Abbot, of Georgia, introduced a resolution to the effect that the United States Constitution was not to be construed as authorizing the importation or ingress of persons of color in contravention of State laws—a subject which, under the administration of Adams, led to a remonstrance of Sir Stratford Canning on the part of the British Government. The bill for the purchase of lands at West Point brought out sectional views as to State rights. Randolph proposed that the State of New York be first consulted. Macon opposed it because a large sum was to be given for a farm of moderate value, close to which was a grog-shop as a lure to cadets, and because no limit could be fixed to future outlay arising from the purchase.

Though not acting with Macon as to West Point, Houston followed Macon in opposing an outlay of \$26,000 on the Presidential mansion.

The question of the tariff, opened during the session of 1823-4, was pursued in the session of 1824-5. Mr. Webster's cast of mind, as well as the interests of his Boston constituency, enabled him to present facts and figures which were all-controlling, especially as they were based on commercial and common, rather than on manufacturing or local interests. In December, 1824, from the South Carolina Legislature were introduced resolutions on the tariff, and on internal improvements to this effect: that it was unconstitutional to tax one State for improvements in another State; or to levy duties other than for revenue on foreign imports; or to levy a tax for the support of domestic manufactures. Thus was opened the issue which culminated eight years later, at a period when the influence of Mr. Webster went counter to the last proposition of South Carolina; though the distinct position of antagonism was not taken during the four years that Houston, in common with Webster, was in the House. In the final action, testing the merits of the bill, two of the Tennessee Representatives, one of whom was Houston, voted for, while seven voted against the measure; a vote which tested the intelligent and independent judgment which ruled Houston as a young member.

The honors paid to Lafayette brought out the peculiar cast of different leading minds, both in the Senate and the House. Two propositions were brought forward: the former to give Lafayette a formal reception in the halls of Congress, the latter to give him a grant of lands in the territory formerly belonging to France. Macon, the veteran North Carolina Senator, opposed both as a departure, the one from the simplicity, the other from the unselfishness which should characterize Republican leaders. In the House the vote for giving the public reception was carried by 166 to 26, Houston voting with the majority. The resolution to make the grant of lands also was passed by overwhelming majorities on these grounds: that the lands donated in 1803 to Lafayette in the Territory of Louisiana, directly after its purchase from France, whose value was regarded only a fair equivalent for actual money expenditures made by Lafayette in his long service rendered to the United States, had subsequently been claimed by a French resident as his property, and that Lafayette had relinquished the grant as a matter of individual justice. In addition to this grant Congress voted to refund to Lafayette his travelling expenses incurred on his visit as the guest of the nation. It was at St. Louis, the ancient center of the line of French settlements which ex-

tended through Canada down the Mississippi to New Orleans, and it was in view of the French attempt under Washington, and then under Jefferson, to sever first the West and then the Southwest from the English-speaking States of the North and East,—it was at such a center, and in memory of these attempts at disunion, that Lafayette uttered these memorable words, addressing the Mayor of St. Louis, August, 1825: “An union, sir, so essential, not only to the fate of each member of the confederacy, but also to the general fate of mankind, that the least breach of it would be hailed with barbarian joy, by an universal war-whoop of European aristocracy and despotism.” No man in the country more appreciated these words than Houston. It was also during this visit, that, at Washington city, Lafayette predicted the gradual complete operation of natural laws tending to the emancipation of African slaves; as was recorded by G. W. Parke Custis, and published at the time in the “African Repository.” From the rapid spread of emancipation measures advancing southward from New England, measures compelled by interest as well as principle, since a more productive class of labor was brought into competition with slave labor, Lafayette predicted that at an era not remote emancipation would gradually extend to the Gulf; that thus the old French settlements would be overstocked with the colored population brought in from the North; and, as a Frenchman anxious for his countrymen, he expressed the gravest apprehension for the future of the Gulf States. Trained as Sam Houston from childhood had been, sometimes side by side with negro and Indian laborers, as a hard-working yeoman, his whole heart from youth to old age centred on the interests of the agricultural yeomanry who tilled their own lands; and every one of his life-long appeals for union was inspired by the fact that the people at large wished to be left in peace to enjoy their homes, and not to be dragged against their will into what he to the last maintained were schemes of heartless politicians, only seeking personal ends of aggrandizement.

During this early history of the United States, and amid this early civil training of Houston and of his compatriots, the modern questions of Civil Service, in both the fields now discussed, were already debated. Attempts to civilize and educate the Indians in the Gulf States and in the Mississippi Valley, inaugurated under Mr. Monroe in 1819, and specially advanced by Mr. Calhoun as Secretary of War, before the organization of the Department of the Interior, were virtually a part of the Civil Service. In December, 1824, the Secretary reported 32 schools, with 916 pupils, in successful operation; a work only nominally connected with the War Department. Then, as now, the question was: Does the

genius of American institutions apply to other than white men, and is it the soldier or the teacher that is to civilize the red races? Houston believed, because he had means of judging, that the Indian, as well as the white man, was to be trusted in civil service. Yet more, Civil Service Reform was urged in precisely the same form, and on the same grounds as now. The venerated Macon, in February, 1823, as chairman of a committee of the Senate on Constitutional Reforms, proposed measures for diminishing and regulating the patronage of the Executive. Though the system of filling subordinate offices with partisan political aspirants, irrespective of fitness, was not then, as under a later administration, inaugurated, the whole history of the Government, observed by himself personally, led Macon to see that only fixed tenure in office could secure the service of men devoted, not to a party, but to the interests of the people. No man in Congress was more firm and faithful than Houston in uncovering, irrespective of party, malfeasance in office, as appeared in the next, the Nineteenth Congress, to which he was elected.

The Presidential election, which was held in the autumn of 1824, and reported to Congress in December, created divisions unknown before. Besides the candidates of the two great parties, two other candidates were in the field. General Jackson, put forward by the Democrats, received 97 electoral votes, having supporters in all sections of the country; Adams, the Whig candidate, received 84 votes, chiefly in New York; Crawford, an Independent, received 41 votes, chiefly from Whigs, especially in Virginia; while Clay received 37 votes, mainly from the West, and, as was supposed, as a Democratic candidate. The election being thus thrown into Congress, as neither candidate had a majority of the votes cast, a union of the friends of Mr. Adams and Clay was formed; Mr. Adams was elected to the Presidency, while Mr. Clay became Secretary of State. As this implied in Mr. Clay a virtual change in political principles, charges of corruption were of course naturally suggested, and Mr. Clay, late in the session, asked an investigation. This Houston opposed. His reasons were given in a circular to his constituents, dated March 3, 1825. The substance of this circular, afterward published in *Niles' Register*, at Baltimore, May 28th, is worthy of reproduction, as it gives the balanced judgment of Houston on matters of civil and constitutional law. It is as follows:

" Extract from a Circular of Mr. Houston to the Freemen of the Ninth Congressional District of the State of Tennessee, dated Washington, D. C., March 3, 1825 :

" At a late day of the present session an appeal was made by the Speaker of the

House of Representatives, in his official character, requesting an investigation of some charges that had been made against him by a member of Congress from the State of Pennsylvania, which appeared in the character of a letter in one of the public journals of that State. A motion was submitted to appoint a special committee for the investigation of the subject, which, after consuming two days in discussion, was adopted. To this course I was opposed, because I did not think that Congress had anything to do with a difference which had been made personal by the course pursued by the Speaker himself. The imposing situation of the Speaker of the House of Representatives is such, that I am never willing to give my vote for an extension of his power when I can either suspect the existence of personal feelings, or that there is even a remote possibility of rendering Congress a court of inquisition, or that it may become an engine of oppression to either members of the House or individuals in society who may choose to exercise their constitutional privileges in the expression of their opinions.

“ The courts in our country are open at all times to the redress of grievances, and to them individuals can have recourse, where justice can be administered to the party aggrieved. There, every man is presented upon a footing of equality, stripped of power and patronage ; no adventitious circumstances of official character or extensive influence can bias the minds of an impartial jury. The case is then determined upon its merits. There is no danger in this course ; the Constitution has prescribed it. There is no danger of rendering it the fire-brand of partisan zeal.

“ But it will assume a very different aspect if Congress is to become a court for the trial of personal altercation and disputes. It will render it a scene of confusion, and the whole of legislation will become a scene of uproar, party rancor, and personal animosity.

“ The subject of the Presidential election, which agitated the American community so long, and was of so much interest to the nation, has resulted in the election of a candidate who had not a majority of the votes in the Electoral College. Nor had he a majority of the members in the House of Representatives, but only a majority of the States. As our Government is, in all other respects, a representative Republic where the voice of the people governs, there must be a manifest defect of the Constitution in relation to the election of President. During the present Congress, various resolutions have been submitted to the House of Representatives proposing amendment, but none have yet been adopted. That there is need for amendment of the Constitution we can not doubt, when we advert to the facts in the last election. One candidate had a decided preference in eleven out of twenty-four States by the people ; yet, when the power passed from their hands and devolved on the House of Representatives, the voice of the people was not, in many instances, regarded by their representatives, but their individual inclinations were, for some cause or other, pursued without reference to the will of their constituents.

“ The individual who was manifestly the choice of the majority of the people was not elevated to that distinguished situation for which his qualifications so pre-eminently fitted him, and to which the important services he had rendered to his country so richly entitled him. Another was chosen by the House of Representatives who had in his favor less expressions of national confidence, as manifested in the Electoral Colleges. This is a subject of serious consideration

for the citizens of the United States, and it will be for them to say, on some subsequent occasion, whether their voice shall be heard and their rights respected, or whether they will tamely yield those inestimable rights to the unhallowed dictation of politicians, who may choose to barter them for their own individual aggrandizement, or otherwise dispose of them contrary to the known will of their constituents."

At the opening of the Nineteenth Congress, December, 1825, Houston, having been re-elected, was again placed on the Military Committee of the House ; and soon he was drawn out in this and other relations. A widow of New Hampshire, who had lost a son in the Indian wars, asked a pension, and Houston became her advocate. Mr. Webster called for information as to diplomatic relations with Central America ; and Houston sustained him. Mr. Calhoun, now out of office, asked, through representatives from South Carolina, an investigation as to charges of fraud in the War Department while he was Secretary under President Monroe ; Mr. Floyd, of Virginia, his friend, favored the request ; while Houston, though subjected himself while a lieutenant to unjust aspersion, showed himself impartial toward the former Secretary. Mr. Webster, still pressing the claims of the Greeks, asked an appropriation of \$50,000 to supplement private contributions sent them ; but Houston, with a large majority, voted against it as a matter for individual charity, not to be taken from the people at large. When final action on Mr. Webster's tariff provisions came up, though passed by 106 to 95, Houston was with the opposers.

Among resolutions expressive of censure on the course of the new Administration, was one specially touching the interests of the people ; which called out Houston's sustained and earnest opposition, and brought him before the country as an able debater. On the 12th of February, 1827, Gen. Saunders, of North Carolina, offered a resolution directing the Secretary of State, Mr. Clay, to communicate to the House "a list of all the newspapers in each State of the Union in which the laws of Congress were directed to be published in 1825-6 ; also, a list of such in which the laws are directed to be published in 1826-7, designating the changes which have been made, and the reasons for such changes." Gen. Saunders spoke at length on presenting the resolution ; and occupied the hour given to resolutions also on the 12th, and again on the 14th and 15th. On the 17th Mr. Johnson, of New York, replied, opposing the resolution. His time having expired, Houston, who purposed to reply, asked an extension of Mr. Johnson's privilege, which was granted ; and he completed his argument on the 20th. On the 22d, Houston got the floor ; also again on the 24th ; when, not having fully completed his reply, the rare courtesy of suspend-

ing the rule was accorded, that he might finish. No record of the course of argument which he pursued is found ; it was, doubtless, filled, like his reported speeches, with details of facts as well as with discussion of principles involved ; but Houston won a reputation as a public speaker which he ever after maintained. The force of his reasoning is indicated by the fact that, on the 28th, Mr. Wright, of Ohio, felt called on, not only to reply to Gen. Saunders, but also to Houston.

The session of Congress having ended March 4, 1827, an event occurred whose like had been avoided in all his former life, as it was also avoided in all his subsequent life. This event brought out in a new light the character of Houston, and gave him a place in the esteem of the whole people of Tennessee, one of whose Congressional districts he had represented. The obnoxious Federal appointments in the new States, reaching to the removal of postmasters respected in the communities they served, and the substitution of mere political partisans in whom the people had no confidence, led from warm debate to personal collisions; into one of which Houston, despite his fixed rule of action, was drawn against his will.

On the 2d June, 1827, the grand jury of Simpson County, Kentucky, found bills against C. M. Smith and Samuel Houston, both of Tennessee ; the former for murder, in killing Mr. Bank, of Tennessee ; and the latter for shooting, with intent to kill, Gen. White, of Tennessee ; which act, under the laws of Kentucky, was "felony."

The Governor of Kentucky demanded the surrender of both from the Governor of Tennessee. As the shooting was the result of a duel agreed on by both parties, obedience to the summons was not expected. As Houston had acted only in self-defence, the tide of popular sentiment not only sustained him, but led to his nomination and election as Governor. His popularity throughout the country is indicated in the fact that Niles' *Register*, of May 18th, Baltimore, Md., then the chief reporter of national events, gives a full report of Houston's speech previously made at Tellico, Tennessee, when called out by the people as their favorite. Replying to the charge that he was a duellist, he said "that he never could recur to the late exceptional event in his life but with mingled pain and thankfulness to that Providence which enabled him to save his person and his honor, and that without injury to his assailant. He had been, and still was, opposed to the practice of duelling. He had passed through the army without any act to sanction it. He had hoped to be as successful in civil life. The Federal Government, however, had made appointment of a postmaster opposed to the wishes of all the people, and of ten out of eleven repre-

representatives of the State in the two Houses of Congress. His remonstrance was warm; and hence the challenge, presented in public. He had risked his life in defence of his country, and he could do no less in defence of his honor. Thank God," he added, "that my adversary was injured no worse."

This closing of the first stage of Houston's national career, as a calm review of the facts, indicated a moral courage and a true conscientiousness in his public bearing which reached a higher development in a future field. With noble impulses, with a daring and devotion equal to every emergency, his life, from thirty years of age to thirty-four, developed amid the turbulence of a new settlement, showed him worthy at this early age of being placed in the position of chief magistrate in a State crowded with adventurers and honored by the residence of citizens like his old commander, Jackson.

The two following incidents of the session of 1825-6, indicate the marked ability of Houston as a young Representative from a youthful State. In the pressure and heat of debate of a bill making appropriations for public buildings, discussion had continued till near midnight. Under that pressure the bill had passed by a bare majority, and several members had already retired. The Speaker was about to sign the bill when, as the record states, Mr. Houston objected to the signing, asking if a quorum were present. The Speaker said that, as there was a quorum when it passed the House, there could be no objection. Mr. Houston urged that the rules of both Houses forbade it. Mr. Everett, of Massachusetts, to meet the emergency, proposed a joint resolution that the rule be set aside so that the bill might be signed. A call of the roll showed that a quorum was not present. Mr. Polk, of Tennessee, as it was Saturday, May 27th, and past midnight, protested against any farther legislation as an infringement of the Sabbath-day and of statutes relating to it. Mr. McDuffie appealed to Houston to withdraw his objection, as it was but a matter of form. Houston assured the House that no desire for captious obstruction, but "conscientious scruples" as to the violation of law led to his act; and as proof of his sincerity, added, "I will with pleasure retire from the chamber while the bill is signed." Mr. McDuffie then began an argument to show that the Speaker might with propriety sign the bill; but the Speaker, having examined the rule, interrupted him to state that he was convinced he could not legally sign it. The efforts of the officers of the House had meanwhile secured a quorum; Mr. Everett's motion prevailed, the Senate concurred, the bill was signed according to law, and Houston's character was stamped for future success.

The second, occurring at the same juncture, is thus presented in a brief article prepared by the writer for the daily press as these pages of Houston's Congressional career, prepared by him, are being revised for publication :

“CIVIL SERVICE REFORM BEFORE JACKSON'S ADMINISTRATION.

“The discussion of this question of the age calls for two demands from impartial judges : first, that the voice of the past be heard ; second, that partisan bias be silenced in listening to that voice. It is a common impression that Jackson originated, and that Marcy first formulated, the doctrine as to American civil service, that ‘to the victors belong the spoils.’ Facts, however, attest that Jackson's course was but a reaction against previous abuses, as the two following testimonies show.

“Under the genial administrations of Mr. Monroe, ‘the era of good feeling,’ the Post-Office, as well as other departments, had taken on those corrupt practices which Amos Kendall, P.M. General under Jackson, was so efficient in correcting. The accession of Adams, by attempted changes in the West and South, little known to the President, only aggravated these evils. Sam Houston, then a young Representative from Tennessee, so won popular esteem by his effort to correct improper appointments that after two terms in Congress, from 1823 to 1827, as to aid largely in his election as Governor. In one case, as Houston stated, a postmaster was appointed whom all the people whom he was to serve disapproved, and the appointment was made with the concurrence of only one of eleven members of the Senate and House from Tennessee. On the 8th February, 1826, the following resolution was introduced into the Senate by Hon. Nathaniel Macon, of North Carolina, who had been in Congress from the opening of the second session in 1791 :

“The election to the Presidency of J. Q. Adams by the Houses of Congress led to such a popular demand that a ‘grand committee’ of both Houses was appointed to recommend an amendment to the Constitution which should hereafter prevent such an occurrence. On the date mentioned Senator Macon moved the following :

“‘Resolved, That the committee to whom has been referred the several resolutions to amend the Constitution of the United States be instructed to inquire into the expediency of diminishing or regulating the patronage of the Executive of the United States, with leave to report by bill or otherwise.’

“The resolution was referred as proposed. On the 28th May following, the ‘grand committee’ reported through their chairman, Mr. McDuffie : that they found it impossible to agree on any common plan for obviating an evil generally admitted ; and that because of the conflicting interests involved, both between the larger and smaller States, and between Federal and State rivalries. That Marcy in his oft-quoted statement had a spice of humor is manifest from his well-known character, and from the following incident : On the evening after his appointment as Secretary of State under Gen. Pierce, in a company who called for social courtesy, a committee of political aspirants were ushered into the Secretary's parlor. In pressing their claim, which sought removals of tried men of the former administration, Marcy's famed expression was quoted to him ;

when, treating it as a joke, he humorously exclaimed: 'But I never proposed the plundering of the camp of an ally.' The interests of the great question of Civil Service Reform, now being examined from various points of view, make it wise that the entire history of the recognized demand be brought into review."

In these movements for Civil Service Reform Houston sided with Nathaniel Macon, whom Jefferson called the "last of the Romans," and of whom John Randolph said: "He is the wisest man I ever knew."

Houston's relation to questions dividing the South and North, claiming, as he always did, to be a Southern man, is worthy of the more note because the result has proved that his balanced judgment saw aright the principles involved; and, that judgment was in accord with the views of Washington. When Washington urged the removal of the seat of Government from New York to Philadelphia, and then again to the unsettled location on the Potomac, that it might be removed from the moral control of a city where were great commercial and manufacturing interests, as opposed to those of the quiet rural people at large, he had learned that human nature was the same in the American States as at European courts. Urged by ambitious men, who expected to be lords, to form an Imperial Government, or one of *force*, he resisted; for monarchy was not for Americans any more than for Romans, a rule to be submitted to. Next after this, as Aristotle in ancient philosophy, and Montesquieu in more modern philosophy, have shown both in theory and historic fact, comes the more subtle and successful effort of "plutocracy," or of landed associations, who could absorb by commercial monopolies the value of products which ought to be equalized among producers. The great statesmen of Virginia and of the South, representing an agricultural population, such men as Macon and the Barbours saw that the very influence Washington sought to escape, followed the Government to its seat, wherever located. They saw, just as the people of New York city and State now see, that not only is "the price of liberty eternal vigilance," but that the price of just legislation for the people is more than eternal vigilance can meet. The cool, unsuspecting people at large, and their representatives unschooled in the schemes of moneyed centers by which tariffs, or the disposal of public offices, are made to promote their money schemes, the representatives of the great mass of the people are out-manœuvred by the wily politicians who represent moneyed aristocracies. The Southern representatives saw this evil growing to gigantic proportions, when, under Monroe, in his second administration, the power of a Webster was thrown into the scale to make the interests of the agricultural districts pay for internal

improvements and for revenue what indeed benefited all, while, nevertheless, the great resources were absorbed at a few commercial centers. Moreover, it was in the administration that preceded that of Jackson that the system of placing men in office who would aid these monopolies was inaugurated and pushed to an extreme ; and the revolution which led to the interested party-cry that Jackson was the author of the "spoils system" in national offices, was but the doubtful policy of fighting an enemy with his own weapons. The Southern States were wronged by the measures against which South Carolina led her sister States in resisting. How to resist wisely, safely, and successfully was the vital question. Neither Jackson nor Houston believed that disunion was the true and sure way to rectify the wrong. As Washington preserved a balanced mind and a steady hand amid baffling gales, so, as the result has shown, safety and success were to be secured by other means than force. Jackson only *hinted*, in the crisis of 1832-33, what Houston was called to *maintain*, from that period till the bloody catastrophe of 1860-61.

CHAPTER XX.

HOUSTON'S ENTRANCE INTO THE U. S. SENATE, MARCH, 1846—QUESTIONS OF THE DAY
—MOVEMENTS OF INTEREST.

IN the diary of John Quincy Adams, recently published, is this record under date of March 29, 1843; at which time, as a member of the House of Representatives from Massachusetts, he, as ex-President, was opposing President Tyler's plan for the annexation of Texas to the United States. Mr. Adams says: "With the commencement of my administration I appointed Poinsett Minister to Mexico, and Mr. Clay instructed him to propose the purchase of Texas. This they declined; but two years after, the proposition was renewed." In the same diary, under date of April 18th, three weeks later, Mr. Adams records, as to an act of his administration: "Poinsett, under instruction from H. Clay, approved by me, had proposed and urged the purchase of Mexico for one million dollars." Another record states that Spain was sounded as to the purchase of Cuba, but that the Spanish Government, taking alarm, secured the remonstrance of England, and the threat of war, should forcible means be used to bring Cuba into the American Union. This revelation of what was in the mind of President Monroe when through Adams, as his Secretary of State, he announced the Monroe doctrine, or rather what was in the mind of Mr. Adams, is most suggestive as to the distinction between the statesman and the politician. It certainly prepares the student of Houston's life to judge his character for wisdom and integrity in the history of events which brought that same Texas twenty years later into the Union, with Sam Houston as its special representative in the Senate.

For eighteen years, closing with his second term in the House of Representatives, in March, 1827, Houston, becoming first Governor of Tennessee, then an exile among the Indians west of the Mississippi, and then the hero of Texas, had no other connection with the United States Government than as a delegate from the Arkansas Indians, and then as negotiator for the annexation of Texas. A complicated succession of events must have come over the affairs of the United States Government during that brief period, in order that Mr. Adams, a leading actor meanwhile in all those affairs, should be led to make this ingenuous statement of facts as to his

own changed position. In order that Houston's course may be accurately viewed on his entrance into the Senate, a review of the progress of policy as to the leading measures before Congress when he was a Representative of Tennessee must be briefly traced.

During the four years of Houston in the House, from 1823 to 1827, as we have observed, the five agitating questions were the tariff, internal improvements, slavery, Indian policy, and foreign policy as to North American territory ; while the Presidential election was an occasion every four years for the discussion of each and every question as it affected the several States. As observed, the tariff touched chiefly the interests of the New England manufacturing States, and of the Gulf or cotton-growing States ; internal improvements were interests affecting mainly the advance of the Middle and Western States ; slavery was a question of sentiment in the extreme North, and of practical life in the extreme South ; while the Indian policy and foreign policy toward the English colonies on the north and the Spanish settlements at the southwest, was a question, indeed, of national sentiment, while it was vital mainly on border territory.

The intense excitement following the election of President Adams by Congress, which led to the election of President Jackson for two terms, was followed by a new era in Presidential elections. During forty-eight years, from 1799 to 1837, there had been but seven distinct administrations ; the double terms of Washington, Jefferson, Madison, Monroe, and Jackson, and the single terms of the two Adamses. From that period, while Houston was prominent in national affairs, during twenty-four years, or half the former period, from 1837 to 1861, there were eight distinct administrations, the single terms of Presidents Van Buren, Polk, Pierce, and Buchanan, with the intervening half terms of Presidents Harrison and Tyler, of Taylor and Fillmore ; parties succeeding each other, not only each four years, but intermediate between these successive elections. Since Houston left the House in 1827 the eighteen years of his absence from the Capitol had witnessed the administration of six successive occupants of the Presidential chair.

Meanwhile, the policy as to internal improvements had become so common an interest as to be generally accepted ; the removal of the Indians west of the Mississippi had quieted border agitation ; the foreign relations of Canada and Mexico had little to enlist public interest ; and the Missouri Compromise had, for a quarter of a century, accomplished an end of deferring conflicting issues till the occupation and annexation of new territory should revive it. As

we shall see, each of these questions that had in turn been apparently settled, were only deferred; except the tariff and internal improvements. The latter of these was practically settled during Houston's connection with the House, and the latter was battled through during his absence. Each of the three remaining questions, relations to the African, Indian, and Mexican races, by the annexation of Texas and the entrance of Houston again into Congress, were to be rediscussed under new circumstances, and to be settled under new complications.

The question "battled through" during Houston's separation from Congress, as intimated, was the tariff. As already noted, Daniel Webster, who in the history of the American Union will, from the force of succeeding events, be regarded the exponent of a tariff for protection rather than for revenue, was really, at the commencement and to the close of his career, the student of a revenue system which should promote commerce rather than manufactures; inviting, instead of excluding, the purchase of foreign products, and seeking, by a careful observation of the effect of a high or low tariff, to so adjust the amount of revenue levied on foreign goods as to promote at the same time the wish of the people who bought, and of the Treasury whose chief supply must come from that revenue. No man, in the history of the American Union, brought more careful observation of facts, and more sagacious adaptation of legislation to this end, than did Mr. Webster; and that this *was* his ruling aim his whole course in Congress indicates. Having pursued with success this aim in the House, from 1823 to 1827, he consented to come into the Senate, where he was prominent from 1827 to 1841. In 1828, though from expediency personally advocating a different course, he gave his adhesion to the high protective tariff which bore unfavorably on the interests of the cotton-growing States. Elected in 1828 as President, aside from this issue, Jackson was understood to be opposed to the measures fixed under the administration of President Adams. Submitting for two or three years to its depressing influence on her productive industry, South Carolina called a convention of her citizens, whose representatives, recurring to the injurious requirement before acted upon, that the State should be taxed to pay for internal improvements in whose benefits she had no share, now urged more strongly the prostration of her industries, which the high tariff for the protection of Northern manufacturers had produced. In November, 1832, just after the vote which was to make Jackson President for a second term, the Convention of South Carolina passed the ordinance of "Nullification," so called from these declarations:—That the existing ordinance of Con-

gress as to the tariff is "null and void, and no law, nor binding on this State, its officers, or its citizens"; and farther declaring that no "duties on imports" were to be "paid within the State after Feb. 1, 1833"; adding, that any effort on the part of the Federal Government to enforce such collection would "justify the State in no longer regarding herself a member of the Union." The report of this action led President Jackson to give orders to the revenue officers which should prepare them for action should occasion arise. At the opening of Congress, Dec., 1832, he announced his purpose to issue a proclamation, declaring the resistance to a collection of the revenue at the ports of any State to be treason to the United States Government; which proclamation soon appeared. Through the efforts of Mr. Clay, a compromise measure modifying the tariff was carried through Congress, and the danger of armed hostility was avoided. It is due to history, and to an impartial estimate of the course of Sam Houston as Senator from Texas, to state these facts: Gen. Jackson in his Cabinet, as well as in private, declared as his belief that the movement for separation from the Union, debated by Mr. Webster and Hayne in 1830, with such ability in the Senate, precipitated in the calling and action of the Convention of November, 1832, was not a suggestion either of the statesmen or of the people of South Carolina; but that it was the project of interested political leaders, inflaming public sentiment for their own personal schemes of ambition. President Jackson believed and declared that the real end sought was that of Genet, in seeking in 1793 to form a Western French Republic, uniting Louisiana, along the Mississippi Valley, to Canada; an end again attributed to Aaron Burr, in seeking to form a Spanish and French empire, in which the Floridas, Louisiana, and Mexico, in 1806; and, though a Carolinian by birth, he went so far as to utter privately the prediction that, having failed of its end in 1832 on the issue of the tariff, the slavery issue would be resorted to by the same spirit of dissatisfied political ambition to secure a separate confederacy of the Gulf States. This prediction, known to Houston, was certainly, in him, a deep and the ruling conviction, while the duty which guided Jackson, in 1832, seemed to him duty in 1860.

The proposition for the annexation of Texas, privately and publicly discussed under the administration of President Tyler, had awakened throughout the country a controversy whose consideration belongs rather to the history of Texas than of Houston; the Washington who as "first in war" had already proved himself "first in peace" in the new and independent Republic. All the

exciting questions, before partially settled, became unsettled. When, at last, in March, 1845, just at the close of President Tyler's term, Texas was proffered terms of proposed union, among the objections of the opposers, that of the increase of slave territory was prominent. On this Webster planted himself; and during the debate uttered that memorable foreboding, framed in the words of the Hebrew prophet (Hos. vii. 9), as to the premature old age of Ephraim, as the representative of the divided kingdom of Israel; exclaiming, as he pictured what he regarded the weakness of the American Union—"Yea, gray hairs are here and there upon her, and she knoweth it not." Yet more, the annexation brought new Indian tribes bordering on Texas, before a virtual part of the constituency of the Mexican States, into a relation new to them, as wards of the Anglo-Saxon Republic. Most of all, difficulties before existing with the Mexican Government were magnified by Texan annexation; so that the flames of open hostility broke out.

For an entire year before Houston entered the United States Senate virtual annexation, under President Polk, had existed. As a Representative from Tennessee, entering the House in 1824, one year later than Houston, Mr. Polk, among the most decided of opponents of internal improvements, of a protective tariff, and of restriction of slave territory, had been elected specially as an advocate of Texan annexation in its bearings on the questions then dividing political parties. The issue of extended slave territory was settled for a time when Texas was annexed; but it lived in memory, and would come up again in discussion when other issues, resulting from annexation, arose. The new Indian relations, since they were local, affecting chiefly the people of the new State, and calling for the intervention only of the regular army, awakened very limited popular interest. The vital issue was a threatened war with Mexico, which called forth discussion throughout all the States, since volunteers, as well as regular troops, were demanded to meet the exigency. At this juncture Gen. Z. Taylor, who proved to be successor to Mr. Polk in the Presidency, and who since 1812 had risen in esteem as a soldier and commander on the western and southern frontier, especially in Indian wars, was in Arkansas. On the 28th May, 1845, he had received instructions from the War Department, then presided over by Gov. Wm. L. Marcy, "that Texas would shortly accede to the terms of annexation," and was ordered to collect and dispose the troops in the Southwest, so as to be in readiness to protect the border from "foreign invasion and Indian incursions." In March, 1846, he was ordered to ad-

vance to the Rio Grande, which river was claimed as the border line between the State of Texas and Mexican territory. When ordered by the Mexican General Ampudia to retire beyond the Nueces, a river running to the Gulf some fifty to one hundred miles farther north, the succession of hostilities began which formed the opening stage of the Mexican war. It was during that same month of March that Houston took his seat in the United States Senate.

CHAPTER XXI.

HOUSTON IN THE UNITED STATES SENATE UNDER PRESIDENT POLK, MARCH, 1846, TO
MARCH 4, 1849.

THE records of the Twenty-ninth Congress, whose first session was held from December 1, 1845, to August 10, 1846, have these entries : "Texas : Senators, Samuel Houston, took his seat March 30, 1846 ; Thomas J. Rusk, took his seat March 26, 1846. Representatives : David S. Kaufman, took his seat June 1, 1846 ; Timothy Pillsbury, took his seat June 10, 1846." As Senator Rusk was the first to arrive, four days after he had been introduced to the Senate and had been qualified, it was his office to introduce his colleague, who likewise took his oath a second time to defend the Constitution and laws of the United States ; an oath never to be abjured till his quiet death at home in 1863.

It was a marked coincidence that Houston should have entered Congress again after eighteen years with these three suggestive confirmations of the principles he had unswervingly maintained : first, to be associated with the same great leaders whom he had met in the House ; second, to meet them when, after the tests of their extreme principles resulting from the experience of twenty years, the ardor of youthful convictions was tempered by age ; and third, to find the Union of the States such that no conflicts of political leaders, then met in Congress, and afterward met on the field of battle, could overthrow the equilibrium of balanced rights. As we have observed, James K. Polk, then a fresh Representative from Tennessee, was now Chief Magistrate. In the Senate were the three great leaders, Webster, Clay, and Calhoun ; the first made to yield to a low tariff, and specially conciliatory on the question of slavery ; the latter after the honors of a War Secretary, and of the Vice-Presidency, calm and courtly, though unchanged in his theoretical convictions ; while the second was, as twenty-five years before, the same leader in compromise and pacification. Besides these, conspicuous in the Senate were the Claytons of Delaware, Yulee and Westcott of Florida, Berrien and Colquitt of Georgia, Bright of Indiana, Crittenden of Kentucky, Soulé of Louisiana, Evans of Maine, Reverdy Johnson of Maryland, Davis of Massachusetts, Cass of Michigan, Walker of Mississippi, Woodbury of New Hampshire, Dayton of New Jersey, Dickinson and Dix of

New York, Badger and Mangum of North Carolina, Buchanan and Cameron of Pennsylvania, Greene of Rhode Island, Butler of South Carolina, and Mason of Virginia. In the House, too, were both brilliant and balanced men ; some with a past of weight, and some with a future of promise ; while conspicuous above all was ex-President Adams, styled "the old man eloquent," not from the grace, but from the fervor of his utterances.

The questions on which Houston during Polk's administration was called to take decided ground were the Oregon boundary treaty, the Mexican war, and the incorporation of the Texan navy into that of the United States ; and as these had each collateral and associated issues, there were no less than seven different occasions on which he was specially called out. The engrossing question on his entrance into Congress was the Oregon boundary ; the discussion involved questions of territorial extension at the North, which led to review of those made at the South ; and yet more, the debate brought in various suggestions as to armed conflict with England and other European powers on account of territory claimed upon the American continent ; this again to criticisms of men and measures, especially of Mr. Clay, as the champion of home compromise, and of Gen. Jackson, as the hero of foreign war. The first set speech of Houston in the Senate, reported at length in the *Congressional Globe*, though its connections were logical to his fellow-Senators, might perhaps seem discursive and almost pointless to the reader unfamiliar with the varied issues which he was called to meet. The pending question before the Senate was the message from the President asking concurrence in his purpose to give notice to Great Britain that the United States would abrogate on a certain day the treaty as to the line between the British and American territory on the Pacific coast. The recognized principles of international law controlling the case were : first, the right of prior discovery ; second, of military occupation ; third, of colonial settlement. In modern, as in ancient diplomacy, all civilized nations were agreed that, first, when any nation, through its citizens, has discovered unoccupied territory, the prior claim to future occupation belongs to that nation ; that, second, this claim of prior discovery is superseded if, before the territory be occupied, another nation has taken military possession by planting their flag, and leaving a permanent military force in charge ; and that, third, civil occupation by a colony of settlers who make improvements in cultivated lands and permanent dwellings, may supersede the claim of military occupation. As to the Oregon territory, all agreed that the prior discovery was that of Spain ; since De Fuca, in 1592, and Admiral Fonte, in 1640, as also later explorers, had traversed and

mapped the coast nearly up to 55° north latitude ; that the cession by Spain of the Louisiana Territory to France, and in 1803 the cession of that Territory to the United States gave all Spanish right on the Pacific coast north of 42° ; a cession in words repeated when, in 1819, Florida was ceded by Spain to the United States. Passing from the first claim, that of prior discovery, to those of military and civil occupation, the United States Government in 1804-5 had made, through Lewis and Clarke, a complete survey of the Columbia River ; in 1810 Captain Winship, of New England, had erected a house on the river ; in 1811 Astoria, made famous by Irving, was planted as a military and trading post by the eminent New York family ; these had been captured by the Hudson Bay Company during the war with Great Britain in 1813 ; a treaty of *joint* occupancy had been concluded in the interest of that company simply as a *hunting* ground in 1818 ; a permanent band of settlers from the United States began to plant and build in 1832, against which the Hudson Bay Company set up a claim because of slight culture by hunters, not by families ; and in consideration of all these facts the *three* rights of possession seemed clear to the American people. Hence the popular demand, based on the Spanish discovery transferred by treaty to the United States, found expression in the rally-cry, "Fifty-four-forty, or fight" ; whose ingenious alliteration added to the ingenuous fervor of the American claim. It was in view of these established principles of international law, as they bore on Great Britain's claim, as well as in view of all the home questions brought into the debate, that on the 13th April, 1846, only two weeks after he had taken his seat in the Senate, Houston arose and gave notice, as was necessary in order to secure the floor, of his purpose to discuss the questions at issue in the debate to which he had listened. On the 15th April, two days later, his speech was delivered, of which the following is an outline.

'It had been said that if notice were given it might lead to war ; since England had given no evidence that she wished to negotiate. As to war, it is a state of things to which every nation is subjected that has advanced as rapidly as we to the highest rank. It is our duty to follow the maxim of the Father of his Country: In time of peace prepare for war. As to compromise, the suggestion would make Great Britain more aggressive. He quoted from the *London Times* to show that English sentiment was but apathy. He did not agree with the suggestion that public sentiment would settle on 49°. He denied that the annexation of Texas was aggression on Mexico, as the English press intimated. The English press paid little respect to the English public ; which is without power. The

American public is quite another thing. Here the multitude is omnipotent. The settlers in Oregon have a strong claim to protection. He gave a history of the proceedings of the United States as to Texas, and said: "While she was poor her call was disregarded, but when she had power she was courted. When she could bring a kingdom for her dowry, and a nation for her jewels, she was received on an equality as a sister State." War, it had been stated by Mr. Macon, is necessary once in every generation, or thirty years. It has some advantages; among which were the draining off of the restless and dissatisfied, who might be killed off to the benefit of the remainder of society. It also was a means of disciplining men to habits of subordination, to rules of order. He paid a passing tribute to Gen Jackson, stating that whether his policy was, in the abstract, right or wrong, he had built up the glory of the country. "Tell," he exclaimed, "the hero who has fought your battles victoriously, that he shall be disqualified for civil office, and how many will you find hereafter willing to expose their lives on the field of death!" He would never encourage the dread of military chieftains. They are men like others, subject to common infirmities; but public sentiment would apply a sure corrective.'

Mr. Crittenden next day continued the debate. He said that Mr. Jefferson, in 1807, wished to extend settlements beyond the Rocky Mountains. Mr. C. was in favor from history of giving the notice. The danger of war would influence both nations. If any principle of honor was at stake, as the Senator from Texas had intimated yesterday, the cost of war ought not to be counted. Yet it should be avoided if possible. He smiled at the attempt of the Prussian king, and of M. Guizot, the French statesman, to keep the balance of power, for nature will give us the dominion. But he could not go with the Senator from Texas in declining compromise.

Here Gen. Houston interposed that the Senator from Kentucky had improperly committed himself to an unpatriotic concession. Mr. Crittenden responded: "The Senator from Texas does not bring back to the brotherhood, to which he has been readmitted, warmer American feeling than he found here around him." Various amendments were proposed; Houston adhering to strong statement. The final vote for giving the notice was passed, 40 to 14. In this debate Houston showed himself the peer of statesmen like Crittenden and Webster; the military spirit only adding decision to the cool judgment of the civilian.

On May 28th Houston proposed a vote of thanks and a sword to Gen. Taylor, for his victory at Buena Vista, near the borders of Texas. It was referred to the Committee on Military Affairs;

Houston replying to objection made because others were equally deserving, that while States had given swords to subordinate officers, Congress had only given them to commanders-in-chief. On June 18th, Houston reported from the Committee on Military Affairs a resolution, which passed July 7th, giving a vote of thanks to all the troops engaged, and a medal to Gen. Taylor. He also recommended payment to volunteers called out by Gen. Gaines for the Mexican war. On June 24th he sustained a resolution, proposed by Mr. Benton, but opposed by Mr. Crittenden, giving the President authority to select Brigadier-Generals outside of the State where the troops were raised; a measure whose wisdom secured, after long debate, the concurrence of the Senate. Meanwhile an elaborate report on the surveys and defence of Texas was brought out under Houston's supervision.

On the 31st of July Houston made an elaborate speech on incorporating the navy of Texas into that of the United States. He dwelt on circumstances of the annexation, showing from official documents that the overtures originated with the United States; he declared Texas never would have accepted those overtures if she had supposed her navy was to be excluded; and he urged that the Senate see to it that the honor of the United States, again and again pledged, be redeemed. Thus, in every measure relating to the foreign and domestic policy proposed, Houston showed himself at the outset of his Senatorial career, in this, his first session, to be a master in all practical matters discussed. In this first session also he renewed, and ever afterward continued, his careful scrutiny of bills for public service rendered; analyzing items, and insisting on economy in the accounts presented by the Committee on Printing.

The Thirtieth Congress, the second during President Polk's administration, whose first session lasted from December 6, 1847, to August 14, 1848, and its second session from December 4, 1848, to March 3, 1849, brought out Houston before new hearers, and to meet new issues. As new Senators came, Jefferson Davis, of Mississippi; Stephen A. Douglas, of Illinois; R. M. T. Hunter, of Virginia; J. P. Hale, of New Hampshire; John Bell, of Tennessee; Hannibal Hamlin, of Maine; and the two Dodges, father and son, the former, Henry, and the latter, A. C. Dodge, representing respectively the newly-admitted States of Wisconsin and Iowa. In the House, Robert C. Winthrop, of Massachusetts, had been made Speaker; while also Abraham Lincoln, then giving no special promise for the future, came to spend his only two years as a Representative of Illinois. The entrance of these men, associated with the two great parties which were becoming more and more antago-

nistic, as the ranks of earnest champions increased, gave a new field for address to Houston as umpire and harmonizer. The occasion to call him forth did not long delay. The Mexican war and the Northwest boundary were still absorbing questions. The British Government had, in 1846, assented to a treaty, fixing 49° N. lat. as the boundary westward to the Straits of Fuca; but the running of the line thence to the sea-coast was still in dispute. The advance of Gen. Taylor into Mexico, on the Texan border, had been found to be impracticable, because of the impassable roads and supplies; Gen. Scott had, in November, 1846, been ordered to enter on a campaign from the port of Vera Cruz, to the City of Mexico. Bills for raising troops for temporary service, and for an appropriation of \$3,000,000, to secure a just peace with Mexico, were discussed in January and February, 1848, in the Senate. The debate took a wide latitude, bringing in side issues relating to the integrity of the administration; the President and his adherents being charged with bringing on a needless war; the whole history of the settlement of Texas, and of the character of its settlers, being criticised; while a measure for the expulsion of the Senate printer entered into the controversy. Houston spoke for two entire days, the report of his speech filling thirteen columns of the *Congressional Globe*. He replied at length to Mr. Crittenden; who opposed the provision that field officers should not be elected by their regiments; Houston urging that a citizen soldiery always had demanded that their military as well as civil leaders should be the men of their own choice, and that thus alone would an army of volunteers, like a community of free citizens, submit to law and prove efficient in service. / On the second day he traced the history of Texan settlement, and of the Mexican Government from the time it became independent of Spain. After Mexico had become a Republic, a New England colony, headed by Moses Austin, obtained a grant of land with the pledge of Republican institutions; the Mexican Constitution of 1824 giving them this guarantee. Santa Anna, however, became Dictator, establishing Imperial Government, and thus subverted the Constitution. The settlers bore the wrong patiently till 1833, and they then demanded only a State Constitution, under the Federal Republic of Mexico. From October, 1835, to March, 1836, they were under a Provisional Government only, not asserting independence. The assault on the Alamo by 9,000 Mexicans, its fall, and the massacre of its entire garrison, roused the people to resistance, and they acted as did the American fathers in 1776. And, now, the present war, brought on by the annexation of Texas, was not a measure forced on the country by the President. There was a dispute as to the boundary of Texas when it was incorporated

into the United States; and Houston read the documentary testimonies that the United States only demanded what had been conceded. He said the cause of the dispute was the fact, that constant revolutions in Mexico brought in leaders who renounced the binding authority of treaty stipulations. He stated: "There have been no less than three revolutions in twelve months." Here Mr. Benton in his seat added: "There have been seventeen revolutions in twenty-five years." "And yet," rejoined Houston, "we regard her as an organized Government, and not entitled to chastisement! The declaration of war against her was almost unanimous in the United States Congress last session. And, *therefore*," he added, making use of a Bible reference, after the manner common to the older American statesmen—"therefore, the President is as Moses, who, when it was *necessary* that Israel should go on, sent for Joshua and commanded him, as General, to lead on. And *we* of the Senate, as Aaron and Hur, so should *we* uphold the hands of our President, and smite Mexico with the sword!"

The second session brought Houston forward on past and on new issues. The Mexican war had closed, and the terms of peace were to be considered. Having taken Vera Cruz, March 29, 1847, and with an army of less than 12,000 men, having driven before him an army of some 30,000, past successive fortresses, till on September 14th, the City of Mexico was entered, negotiations for peace had made the war indemnity, since Mexico had no money to give, the cession of the territory on the north of Mexico, including New Mexico and Upper California. The title to this territory, lying as it did between 32° and 42° N. lat., was associated with that of Oregon, since it was directly connected with the territory expressly ceded by Spain to the United States, on the purchase of Florida. The question of the future introduction of slavery was naturally mooted; since though slavery had been abolished by Mexico, as American territory it might become subject to the application of the Missouri Compromise, which admitted slavery south of 36° 30' N. lat.

Several minor topics, debated by Houston, led on to his second great speech on the Oregon question. On the 24th January, a resolution was offered in the Senate asking of the President of the United States whether the President of Mexico was authorized to cede territory. On the 29th January Gen. Dix discussed the legitimacy of annexing territory as a war indemnity. He called attention to the statement of Guizot, then Prime Minister of France, that the three powers contending for American territory were Great Britain, the United States, and Spain, and that "it belonged to France to protect, by the authority of her name, the independ-

ence of these States and the equilibrium of the great political forces in America." Meanwhile, in Feb., 1848, Louis Philippe was driven from France and the Republic re-established ; when, on the 10th April, Houston brought into the Senate a resolution of sympathy with France in her re-establishment of Republican institutions. On May 9th he introduced a resolution providing for the taking military possession, by the United States, of the province of Yucatan, in order to protect the people of that province from the Indians, urging—"We should anticipate other nations in providing this protection"; and he repeated that the annexation of Mexican territory by the United States had been a blessing to the people. He introduced, also, petitions urging measures for the preservation of the Indians. The debate on the Yucatan resolution was for some days discussed; Houston urging that his measures were the only ones that would secure permanent safety and peace. In June, debate was again resumed on the Oregon question, and the debates on this and kindred topics ran parallel. The point of special controversy was the anti-slavery clause in the Oregon bill.

The question of slavery had been feared in admitting Oregon as a Territory. If any laws inserted in the territorial code were in violation of any right granted by the law or Constitution, and by them vested in or secured to citizens of the United States, or any of them, those laws could be revised when the Territory applied for admission as a State. In the debate on the Oregon bill, all leading Northern and Southern Senators were agreed in admitting that the ordinance of Virginia, ceding in 1787, to the United States, her territory north of the Ohio River, had a bearing on territory farther West. Petitions for abolition, the Abolition Convention at Buffalo, could not affect this question. He wished to make his position known, not only on this continent, but that his views should be blazoned forth to the world. Texas, divided by the line of 36° 30 m., had come in, and on it she was willing to stay. Its extension to 42° in Oregon did not affect the Southern States. Thirteen Northern Senators had voted for the admission of Texas, and he was willing to vote for Oregon with slavery forbidden. He remembered the cry of disunion and nullification when the high tariff was imposed. That cry reached him in the wilderness, an exile from kindred, friends, and sections ; but it rung in his ears and wounded his heart. Now, however, he was in the *midst* of such a cry, and he was bound to act as a man, conscious of the solemn responsibility imposed on him. He had heard the menaces and threats of dissolution until he had become familiar with them, and they had now ceased to produce alarm in his bosom. He had no fear of the dissolution of the Union when he recollected how it had

been established and how it had been defended. It could not be the interest of the North to destroy the South. He thought that the South—and he was a Southern man—should make some sacrifice to reconcile the North. He made a humorous allusion to Mr. Van Buren's course, saying, that when he announced himself "a Northern man with Southern principles," that alone should have put the South on their guard. Referring to Van Buren's intimacy with Gen. Jackson, he exclaimed: "If the vision of the stern old warrior could break upon him, as that old man, if living, would have looked on his traitorous course, the glance of the warrior's eye would exterminate him where he stands, and would leave not a spot to mark the place!" He went on to show the mutual dependence of the North and the South; the one for raw material, the other for manufactured fabrics. He protested against cries of disunion, and against every attempt to traduce the Union. He was of the South, and was ready to defend the South; but he was for the Union. The Union was his guiding star, and he would fix his eyes on that star to direct his course. He would advise his friends of the North and South to pursue measures of conciliation.

Here Mr. Calhoun and Mr. Butler, both of South Carolina, interposed. Mr. Calhoun said there had been no threats, while Mr. Butler asked if a convention of the South were *treason*. Houston replied with warmth: "Certainly not! The South would have a right to hold a convention, and raise a puny war against the women and children who get up abolition papers, or against the Abolition Convention at Buffalo"; and he "had seen a much more respectable convention of buffaloes!" He would never go into a Southern convention. He would never aid in any scheme to bring about a dissolution of the Union.

At the evening session, the same day, several Senators spoke; among them Messrs. Yulee of Florida, Benton of Missouri, and Webster of Massachusetts. Houston was again called out, and addressed the Senate at length. As the record of the reporter states: "He paid a beautiful tribute to Mr. Clay, declaring that he deserved to have a statue erected to his memory in the rotunda of the Capitol, for his stand for thirty years, ever since the admission of Missouri, on behalf of compromise." At this point, says the record, "there was an involuntary burst of applause from the galleries and lobby, both of which were densely crowded, that could not be suppressed." This expression many Senators, both from the North and South, declared their disapproval of; but Mr. Dickinson, of New York, apologized for it as involuntary. Two days later, on the 14th August, when final action was to be taken, Houston again addressed the Senate. He said:

“ He was deeply impressed with the importance of this subject. As in the admission of Texas, the measure had been passed by a small majority. He was actuated by as high, as independent, and as patriotic motives, as any gentleman North or South. He knew neither North nor South. He knew only the Union. Though a Southern man, he would protect the right, and would not suffer it to be encroached upon. He would as ardently defend the North as he would protect and support the rights of the South. He believed that on this floor he was the representative of the whole American people. On all occasions he would maintain that position, and he believed the people of Texas would sustain him in it, for they are true to the Union.”

On the reassembling of Congress, in December, 1848, at an early day, 12th December, a resolution was offered in the House to transfer to Texas all the territory of New Mexico east of the Rio Grande ; an indication that the course of Houston on the Oregon, California, and New Mexico questions was approved. When this measure came up in the Senate, as Houston, prior to the Mexican war, had laid before the Senate the documentary proof that the Rio Grande was the boundary of Texas, when, by the treaty forced upon Santa Anna after the battle of San Jacinto, the independence of Texas was conceded by Mexico, he now took only five minutes to restate his convictions. The result of the Presidential election, which was to bring Gen. Taylor as the Whig candidate into power, and was to induct Millard Fillmore as Vice-President into the seat of presiding officer of the Senate after March 4, 1849, made the winter session of 1848-9 specially uneventful. Houston rested on his laurels won during the previous session.

CHAPTER XXII.

HOUSTON IN THE SENATE UNDER THE WHIG ADMINISTRATION, 1849 TO 1853.

AS Houston had preserved his equanimity in the House when the executive administration on the 4th March, 1825, passed from the hand of President Monroe to that of Mr. Adams, so his equanimity was far from being disturbed when Mr. Polk's administration was succeeded by that of the General whom he had been foremost in commending for his Mexican campaign. His first act in the Thirty-first Congress, which met Dec. 3, 1849, brought out Houston's character and principles in an entirely new field.

In this Congress Millard Fillmore, as Vice-President, presided in the Senate until the death of Gen. Taylor, July 9, 1850, when W. R. King, of Alabama, made Vice-President in the election of 1852, was chosen permanent President *pro tem*. There came also into the Senate, as men of mark, J. Clemens of Alabama, W. H. Seward of New York, Gen. Shields of Illinois, and R. C. Winthrop of Massachusetts; while the admission of California brought in, after a long session, two Senators from California, J. C. Fremont and W. M. Gwinn, who took their seats in September, 1850, the session lasting till September 30th. In the House, Howell Cobb, of Georgia, was Speaker.

On the 20th December, 1849, Houston was unexpectedly called to support a resolution inviting Father Mathew, the Catholic Irish apostle of temperance, to a seat on the floor of the Senate. While some manifestly wished to court Irish votes, and many sought occasion to be known as advocates of abstinence from intoxicants, Houston was called out by the fact that, in an address made in New England, Father Mathew had opposed slavery. Houston said, addressing the presiding officer :

"I, sir, am a disciple of temperance advocates. I needed the discipline of reformation, and I embraced it. I am proud upon this floor to proclaim it, sir. I could enforce the example upon every American heart that influences or is influenced by filial affection, conjugal love, or parental tenderness." He scorned the suggestion that Father Mathew had once spoken against slavery.

On the 14th January, 1850, Houston supported a resolution coming from the House of Representatives, providing that if the in-

habitants of New Mexico, whose southern limit ran south of 36° 30', should prohibit the introduction of slavery, it should be no bar to the admission of the State into the Union. On the 30th January Houston supported a resolution giving a homestead to Hungarian exiles who fled to this country after the defeat of Kosuth. On the 8th February Houston spoke on the question of slavery in the Territories; alluding with much feeling to Mr. Calhoun, then detained from the Senate, and who died on the 31st March, a few weeks later; and he said it gave him pleasure to say he agreed with the eminent Senator from South Carolina on that question. Alluding, however, to Mr. Clemens of Alabama, who had spoken of the Union as already dissolved, he exclaimed:

"I deny the power of all the ultraists in the world to rend the Union in twain. If the contending parties would only approach these questions in the spirit of the precept laid down by the Divine Mediator, 'As ye would that men should do to you, do ye even so to them likewise,' it would be better for the country in all its sections, and for the people of all classes."

He had given his vote in 1847 for the admission of Oregon with slavery prohibited, and he had refused to sign the "Southern Address" in 1849. He referred to the movement of South Carolina in 1832 for nullification on the one hand, and to the agitation against slavery in 1835, when he was out of the country. This balanced position he had held and still maintained.

This allusion of Houston to the recent "Southern Address," which he would not sign, drew out Senators Davis and Foote of Mississippi, and Butler of South Carolina. After they had spoken, Houston rose and read the warning of Madison against disunion. This called forth another irrepressible outburst of applause from the galleries. When it had subsided, with the earnest tone and manner of a prophet of Israel, Houston looked upward, and exclaimed:

"I must say that I am sorry that I can not offer the prayers of the righteous, that my petition might be heard. (But I beseech those whose piety will permit them reverentially to offer such petitions, that they will pray for this Union, and that they will ask of Him that buildeth up and pulleth down nations that He will in mercy preserve and unite us. I wish, if this Union *must* be dissolved, that its ruins may be the monument of my grave, and of the graves of my family. I wish no epitaph to be written that I survived the ruins of this glorious Union!"

Certainly no child, no friend of Houston who lived to see the events of 1860 to 1863, when, heart-broken, he died in an exile more complete and sad than any of his former life, can fail to believe that Houston's prophetic fervor was as sincere in its utterance as in historic fact it became true in his closing career.

On the 25th July Houston made a lengthy speech on the claim of Texas to the territory of New Mexico east of the Rio Grande. He said :

"Texas asserts no new claim. She made the same prior to annexation. Texas is loyal ; she has assented to everything that goes for peace. The treaty of annexation promised protection to the inhabitants of that portion of her territory ; but we will be magnanimous. If we yield, we shall do it as parties in a matrimonial alliance who have determined to say 'yes' anyhow."

In reply, on the 30th July, to Benton and Clay, he exclaimed : "Texas is not greedy ; she only seeks to do her duty." On the 31st July he stated, that when New Mexico was ceded to the United States in 1848, Texas sent a judge to incorporate the inhabitants into the State of Texas.

On the 13th August, responding to Davis of Mississippi, and Clemens of Alabama, who opposed the admission of California, Houston spoke with warmth, opposing disunion sentiments. He said, for many months he had sat and listened to debates on this and kindred topics. He had voted for the California bill, and for another, supposed to be unfriendly to the South. He might not be right, but he declared :

"My motives are as pure as those of any gentleman on this floor, though my conception of what is beneficial to the South may not be in accord with theirs. I have been actuated by feelings as purely Southern as any gentleman in this body. I know that my constituents desire the harmony of the people of these States, and the perpetuity of the Union. At a celebration on the 4th July the sentiment of Texas was uttered in these words : 'Our brethren from Maine to the Rio Grande, from the Atlantic to the Pacific ; we salute them with our love.' In voting for the California bill I can not conceive that *free* soil, or any soil but *American*, has been regarded. Are there indications that the South is borne down ? Are we to take as proof the expression of the Southern Convention ? I respect the men of that convention, but the meeting held at Nashville was surreptitious. The delegates from Texas received some 140 votes out of 1,600 or 1,800. Other representatives stood for the parallel of 36° 30'. If you partition California by that line I have no idea you would create one solitary slave State, but rather that you would multiply free-soil States. I contend that California has a right to come into this Union as a State upon the principle of self-government. Suppose our Union were divided with Mason and Dixon's line as the boundary, what would be our condition ? An American in France or England enunciates his country's name with as much pride as Paul when he exclaimed, 'I am a Roman citizen !' Why should we allow that respect to diminish ? Let us preserve the sacred name. Let us preserve it with the Constitution under which it stands. We of the South ask no compromise. Give us the Constitution. Tread not upon our rights by undelegated power. I feel confident that if these measures pass, joy and exultation will fill every heart. Your Nashville conventions will die away. Let us meet the difficulties that have come upon us like men, and dispose of them in such a way that if our pos-

terity ever raise their hands against their brethren they may not be able to say, 'Our fathers entailed this upon us.'"

Here Barnwell of South Carolina, Berrien of Georgia, and Davis of Mississippi, made explanatory statements on behalf of their States, and in defence of the Nashville Convention; when Houston responded :

"I meant no reflection on the gentleman from South Carolina, whose demeanor has excited my admiration. As to the Nashville Convention, in Georgia only 3,500 out of 90,000 votes were cast. It is the duty of every friend of the Union to frown down any such means of action as this convention. As to Mississippi, my information is that not one-half of the counties were represented; that several counties represented were by proxies, and some were delegates constituted such by meetings of not exceeding eight or ten persons. I was witness of one case; as I passed by, only seven persons were assembled. As to the statement of the Senator from Mississippi that the rights of Texas were endorsed by that convention he would ask if that endorsement were necessary. Go to the yeomanry, the hard-handed men of the country, the man of substance, and he will tell you, with his family gathered around him: 'This is my home, this is my wife, and these are my children; and thus surrounded, I am as happy and proud as the monarch on his throne. Here the Constitution protects me; and am I going to place all these endearments on the hazard of disunion?' Never, never will they do it! I tell you the people are right. Give to them but the benefit of their constitutional guarantees, and all the factions of the day, all the abstractions that can be conjured up by disaffection, by broken-down politicians, by disappointed spirits, by men who have heretofore advocated nullification, by loafers who live upon excitement, and by reckless demagogues—in spite of them all, I say, the South will hug the Union to her heart as the last blessing of heaven."

On the 15th August, in the midst of the general debate, continued from the 30th July, Houston was called out by a dishonorable attempt to involve him in a traitorous scheme. Mr. Hunter, of Virginia, called attention to an anonymous publication, which stated that in January, 1850, he had been called on by a Mexican General, who consulted him as to a plan for a union of Mexico with a Southern confederacy, of which Houston was to be made President. The writer stated that when the plan was presented to Houston he "indignantly refused to have anything to do with the base and traitorous scheme," and that he declared he was not a Cataline to betray his country. It was stated that Calhoun was fully aware of the proposition, but was opposed to any action until after the effort to amend the Constitution should have failed. It was further stated that Gen. Houston had in his possession the paper, and that he knew the author of the conspiracy. After the reading, Butler, of South Carolina, called out Gen. Houston, who declared the article to be simply a "canard," utterly unjust to Mr.

Calhoun, who had died only two months after the professed interview.

Houston's special trial came two or three weeks later. His frank and earnest opposition to the spirit of disunion, led to a scurrilous attack on his early career, especially when engaged, in 1818, as an agent of the War Department, in appeasing the hostile Indians in Georgia, on the borders of Florida. The substance of his statement, published at length as a "personal explanation," in the *Congressional Globe*, took the form of a speech in the Senate, September 9, 1850. He said :

"During twenty-six years since I entered the House of Representatives no personal assault upon my character has been made. Now, however, the Southern press of Charleston, S. C., has brought against me a charge of malfeasance in office, as lieutenant in the U. S. Army. I was appointed under President Monroe and J. C. Calhoun, Secretary of War, by George Graham, Assistant Secretary, on the 29th of September, 1817, to special service relating to the Indians of Georgia. I had enlisted as private in the ranks, March 24, 1813; and no demerit for any cause was received up to March 1, 1818. The highest commendations six months before that date had been given by General Jackson, for my appointment as sub-agent among the southern Indian tribes. To Assistant Secretary Graham, under date August 26, 1817, Jackson wrote of his former lieutenant: 'He is a young man of sound integrity, who has my entire confidence, and in every way he is capacitated to fill the appointment. Moreover, he has some claims upon the Government for a severe wound received in the service, which may be considered a disability.' On the same date Jackson wrote to Col. Meigs, the agent: 'In him I have had full confidence, and in him you will have a friend clear of design or deceit, on whom you can rely under all and every circumstance, as capable to aid you in every respect.' On the strength of these letters my commission was signed by J. C. Calhoun, August 29, 1817. On December 29, 1817, Gov. McMunn, who had succeeded Col. Meigs as agent, wrote as follows to Mr. Calhoun, as Secretary: 'Mr. Houston carried this Government order into effect, with a promptitude not less characteristic of his integrity, than of zeal for his country. The band of outlaws was dispersed, and Houston was sent to Washington with a delegation of chiefs, entrusted with funds for their expenses.' Gov. McMunn, adding to this statement of confidence in his sub-agent, wrote: 'By his vigilance and address the parties will be much profited.' The delegation was conducted to Washington, and the object sought was accomplished. The commission was resigned March 1, 1818, because the pay was cut down to \$500. His account, when made out, showed that the Government owed him \$318.54. He charged up \$67.52 then in his hands; leaving a balance due him of \$251.02. He was not disturbed, except by political enemies, till December 10, 1821, when the Government's indebtedness was acknowledged and settled by check, 13th of June, 1822, for \$170. On the 17th of April, 1824, when as Representative he could demand full justice, the balance still due, amounting to \$80.93, was paid."

With great humor, Houston then related a threat of exposure

held over him in the *Southern Express* a year or more before the present article, the writer thinking to frighten him from his earnest appeals against disunion. The Congressional record of this speech states: "Amusement and applause followed the humor and eloquence of Senator Houston. It showed that his relations to Mr. Calhoun had been honorable from his youth." In closing he declared his fidelity to the South; and in so doing, drew a parallel between disunionists *per se* and Benedict Arnold. He declared: "Disunionists *per se* sink below Benedict Arnold in the scale of infamy." He added: "Sir, when assailed hereafter because I am faithful to the Union, let it be understood that without union we are without a country; for, without union we can have no country and no home."

Houston's earnestness drew a reply from Mr. Butler, of South Carolina. He fully accorded integrity to General Houston; but declared that Mr. Calhoun, now deceased, had no hand in the threat of the Southern press, a year before, to which allusion had been made. General Houston responded with equal cordiality: "I can assure the gentleman that I cast no reflection on Mr. Calhoun. As to the Senator himself, he has only acted in his uniform demeanor of unceasing and becoming courtesy, politeness, and good feeling."

Houston's career during this eventful session, closed with a manly support of a proposed grant of lands to settlers in Oregon. This he urged among other reasons, because North Carolina had, in his orphan days, made a similar grant of lands in Tennessee, then constituting a part of her territory. From first to last during the debates that formed the crisis of the Senate, when its former leaders were withdrawn, and discussions more complicated than any ever before engaged in, grew heated, Houston was the Nestor whose counsel turned the scale of decision. The five measures that constituted the compromise acts then debated, were: first, the fixing of the boundary between Texas and New Mexico; second, the admission of California, with slavery prohibited; third, the establishment of a territorial government for Utah; fourth, the fugitive slave law; fifth, the suppression of the slave trade in the District of Columbia. The three great leaders of the past, Webster, the champion of national unity; Calhoun, the advocate of State rights; and Clay, the mediator in compromise, one after another passed from the Senate. On the 31st March, 1850, Calhoun, after weeks of detention by prostration, breathed his last; and his two comrades for over thirty years, spoke in sincere affection of his memory, and of their expectation that very soon they should join him in a better and purer assembly. Mr. Webster, who had lost

his hold on New England by his advocacy of the fugitive slave law as part of the compromise, left the Senate to become Secretary of State, under President Fillmore, on the death of General Taylor, July 9, 1850; an office which he was able to fill only for about one year, when he was prostrated by the infirmity which terminated in his death, October 24, 1852. Mr. Clay, enfeebled and declining, though still keeping his seat in the Senate, could hardly be said to have filled it for the year preceding his death, June 29, 1852. Meanwhile, all eyes had been turned to Houston as the "pillar and ground" of the barrier raised against the dashing waves of disunion.

The 32d Congress, during which Mr. Fillmore was President, brought into the Senate an element counter to the spirit of compromise, ever maintained amid anti-slavery sentiment, by men like Webster. While Lynn Boyd, of Kentucky, was made Speaker of the House, and King, of Alabama, was chosen President of the Senate, Charles Sumner, of Massachusetts, introduced a new anti-slavery antagonism into the debates of the Senate Chamber. Houston had, from the experience of the past, regarded the extreme Southern agitation, which threatened armed disunion, as a positive danger, to be met by earnest remonstrance; and the result, in less than ten years realized, showed his wisdom, and will perpetuate the record of his patriotism. On the other hand, Houston regarded the extreme Northern agitation, which only expressed theoretical dissent, as an utterance more harmless, when unopposed, than if it were either repressed or discussed. His course was shaped accordingly, in the new debates that arose in the new Congress. The first session of this Congress, prolonged from December 1, 1851, to August 31, 1852, offered few occasions which drew him out, except in quiet discussion of subordinate matters of legislative business.

Soon after the opening of the session, December 12th, a resolution extending hospitalities and a reception by the Senate to Kossuth, the exiled champion of Hungarian independence, was offered and passed. The grand form, the broad intellect, and the captivating eloquence of the Hungarian chief, made an unwonted appeal to the American people; always enthusiastic for leaders, either of popular liberty or of independent government. While the people at large did not discriminate between these two distinct ideas, the statesmen proper of the American Republic were ruled by them in their sympathy for the Hungarian exile. In the vote for the resolution, which prevailed, Houston, in the record of the Senate, is mentioned as abstaining from voting, having paired with Senator Rusk, who was absent. This simple record shows that one or the other of the two Senators from Texas had made the distinc-

tion between the separation of one monarchy from another, because of opposing claims to hereditary right to rule, and the struggle of a people for republican government. On the 5th January, 1852, Kossuth was received in the Senate; when, after recording the formal speeches of introduction with Kossuth's replies, the *Congressional Globe* adds this record:

"Among the incidents of the reception, it may be mentioned that when the martial figure of General Houston approached Kossuth, there appeared to be a special attraction in the person of the hero of San Jacinto. Mr. Houston said: 'Sir, you are welcome to the Senate of the United States.' Kossuth feelingly replied: 'I can only wish I had been as successful as you, sir.' To this Houston responded: 'God grant you may be, sir.'"

At a later period Houston said, explaining his course toward Kossuth:

"When the advent of the illustrious stranger, Kossuth, was announced, I was not captivated by his advent, Mr. President. A portion of my life had been spent among the Indians. They are a cautious and considerate people, and I had learned to reconnoitre character a little when it comes about me, and I am liable to come in contact with it. I played the Indian and was wary. I received him, sir, in concurrence with the other Senators. I wished his country liberty as I wished the world liberty; but I did not wish to disregard our relations and obligations to other countries. He was hailed, he was greeted, he was welcomed on some occasions more triumphantly than even Lafayette, the friend of Washington. What claims had he upon us? He had claims of sympathy. If he ever flashed his sword for liberty he had a claim on our admiration and our fraternal feelings. But he had not done it—he retreated with a body-guard of five thousand; and after he had negotiated for a succedaneum, for a resting-place, he went away, leaving 'poor Hungary' down-trodden and bleeding. Sir, much as I admire the patriots who strike for liberty—much as I admire the noble people whom Kossuth purported to represent—much as I admire all men who have struggled, even unfortunately or misguidedly, for liberty, no matter where—much as I admire the promptings which actuated them, and love the cause in which they have been engaged, yet when a man proves recreant to a noble cause, forgets his people, lives in comfort, splendor, and display, when they have to bite the dust or gnaw the file in agony, I have no sympathy for that man."

He then compared the course of the United States Government toward Texas:

"Was there then (in the Texan Revolution) a voice heard in this chamber advocating or introducing a resolution in vindication of the rights of Texas? Not one voice was heard at that time. Those gallant spirits who fell in hecatombs, with their footsteps almost on American soil, were hardly washed out or obliterated, yet this nation was not convulsed. Did Texas ever complain to this Government? In 1843, when she did remonstrate, what was it? She said to the three great powers of the earth, to France, England, and the United States: 'We ask no assistance; we invoke the invasion of our enemies; and upon a well-arranged and well-fought field, we will stake our liberty. But compel our

adversary to observe the rules of civilized warfare.' That was all we asked. The Government of the United States, acting upon its wise and prudent and proper policy, did not interfere."

On the 22d of December, Gen. Foote, of Mississippi, offered a resolution to this effect: "That the compromise measures of the last Congress shall be regarded a 'final adjustment' of the questions dividing the North and the South." Houston interposed: "I am the only Senator who voted for all the compromise measures, Mr. Sturgeon, of Pennsylvania, excepted; who is not now a Senator. On questions of internal improvements, of the tariff, and of free soil, I have acted with the Democratic party. To gentlemen who differ from me as to the compromise measures, I say, 'Show me your faith without works, and I will show you my faith by my works.'" He had devoted himself, he went on to say, to the business of the Senate; to legislation for the country; not to fixing political platforms. He had hoped sectional agitation was dying away. "Mr. Clay, author of the compromise measures, true to his spirit for a third of a century, is sick and kept from his seat. I have defended his action. The resolution of the Senator from Mississippi is unnecessary. Why not resolve that the independent treasury bill is a final adjustment?" He had been censured, he continued, for using the word "Oligarchy" as applied to the State Government of South Carolina. He had only used it because the people of the State have no voice in State affairs. He added:

"I recall how, when in the House of Representatives, in 1824, I heard with amazement the idea that there might be secession, disunion, resistance to the constitutional action of the Federal Government. I could hardly think it possible that a representative of any portion of the American people would have the fierce temerity to suggest this. I have heard principles of disunion announced in this hall, and have heard Senators utter what was treason, not *technically*, but which was not stripped of one particle of the moral turpitude of treason. What a delightful comment on the freedom of our institutions that this privilege is allowed. I have only to say that they who, for the sake of disunion, conspire against the Union and the Constitution, are aptly described in holy writ as 'raging waves of the sea, foaming out their own shame; wandering stars, to whom is reserved the blackness of darkness forever.'"

Mr. Butler, of South Carolina, replied courteously that the right of suffrage in that State was restricted by early limitations of property qualification, which in other and newer States have been removed. Mr. Foote, in defence of his resolution, charged General Houston with catering to popular Northern prejudices. Houston merely replied, "I said the same lately at Montgomery, Ala."

The only matter of importance which called out Houston to make a set speech during the remainder of the session, related to

appointments and appropriations for the Indians. On a report made to the Senate, June 9, 1852, as to an incompetent Indian agent, Houston stated :

"These men are not accustomed to meet Indians. Texas, when independent, expended only \$10,000 annually, and had peace. Now the United States expends \$6,000,000 annually on the same border, and there is no protection. I am not saying anything against President Fillmore, for whom I entertain the respect that I hope ever to show toward the Chief Magistrate of this country."

He added afterward :

"The President of the United States, in his relation to the Indians, is the only *father* we have ever heard of on this continent. So far as the President of Texas was concerned, he was a *brother* to the Indians."

On the 12th August, when the appropriation made to the Indians was discussed, Houston showed that by withholding \$84,000 from the Comanches, the U. S. Government had been led to a war which cost \$48,000,000. "Sir," he exclaimed, "until we do justice to the Indians, until we are truthful and righteous in our legislation in regard to them, we can expect nothing but that Heaven will cause retributive justice to fall, if not upon the offenders, upon the nation that despoils the poor Indians. Be truthful, be just, and they will honor our flag ; and indeed, defend it."

This long and eventful session of Congress, like the two sessions of the previous Congress, owed much of its success to the heroic and patriotic course of Houston. During the month of August, Charles Sumner uttered the first of his "Philippics," so called because in style and manner they were studiously conformed to the rhetoric of Demosthenes' celebrated appeals against Philip, and of Cicero's rebukes against Cataline ; as the very framing of the sentences of this anti-slavery leader revealed. The oration of this session, entitled "Slavery Sectional, Freedom National," designed, as it was, to insist upon theoretical principle rather than to urge any practical matter of legislation, was allowed by Houston to pass without notice. A single remark dropped August 27th, on a bill to give the public printing to Mr. Richie, former editor of the *Richmond Enquirer*, but then editor of a Democratic organ at Washington, indicated the freedom from partisan as opposed to public interest, which ruled Houston's entire course. He remarked, in supporting the resolution, "I would as soon vote, as for years I have, to give the public printing to Gales & Seaton, who have opposed me in politics, as I would vote for the present resolution, offered in behalf of a gentleman of my own party."

The intelligent and general respect shown for Houston's judgment on questions of international as well as constitutional law,

was indicated when, on February 2d, Senator Clarke, of Rhode Island, quoting at length from eminent European and American authors, on a nice question of interpretation, cited at length the statement of Houston on the relations of the United States to European Governments, in their right to intervention in neighboring American States. The death of Mr. Clay, June 29, 1852, called forth the appreciation of his brother Senators, by his appointment to accompany the remains to his home in Kentucky. The declining health of Mr. Webster, who died October 24, 1852, led to a natural and just comparison between the universally admired passages of his reply to Hayne,—grand outbursts, as they were, of deep patriotic sentiment,—and the like utterances of Houston. In Houston, however, there was less of the somber and more of the hopeful. Houston was the Nestor, not the Jeremiah of the national crisis.

The second session of the Thirty-second Congress, opening December 6, 1852, furnished little to call forth the Texan Senator ; for the Presidential canvass, resulting in the election of General F. Pierce, of New Hampshire, as President, and of Rufus King, of Alabama, as Vice-President, changed the character of the executive administration which was to follow the brief Congressional session. It was natural that the time of the Senate should be given to legitimate legislative conference ; and in this Houston filled his place and bore his share. On the 6th January, 1853, a resolution was proposed that the "Committee on Bribery and Abuses in Elections" investigate local disputes, to which Houston gave his adhesion. On the 13th of January he reported in favor of an increase of the "sword exercise" at the National Military Academy at West Point. On the 1st February he sustained a resolution in favor of supervision of the supply of clothing in the navy, and in opposition to the increase of naval officers. On the 20th February, 1853, his colleague, Mr. Rusk, presented resolutions from the Legislature of Texas, appointing Gen. Sam Houston Senator for the term of six years, from March 4th ensuing ; and expressing special confidence in his course on national issues ; an announcement which called forth a general murmur of satisfaction, both on the floor of the Senate and in the galleries. On the 23d February an appropriation for the removal of the Indians from Florida, called forth his usual intelligent and fixed views on the best modes of treating with the Indians. He remarked : "A regiment to hold an Indian tribe in subjection costs no less than \$1,200,000 annually ; whereas \$10,000 to aid them would be more effective. I never knew, during the whole course of my life, a treaty made in good faith with the Indians that was violated by them." On the 25th February he spoke in favor of a supervision of the national armories

by civilians who were intelligent among business men, since army officers failed in knowledge of the tricks of contractors, and in the management of mechanics. On the 1st March he spoke in favor of special care in payments for service, in taking and collating census reports. On the 2d March he spoke on the appropriation for mail steamers from San Francisco ; replying to the suggestion that the subject should be discussed in secret session, with this remark : " Public opinion is well regulated. When the public decide, their judgment is generally correct." On the 3d March he unfolded frauds in private bills before Congress. Thus up to the last day of the session he showed fidelity in that most important part of civil administration, the watch for unfaithfulness in public office. His sternness, when he thought there was fraud, and his manliness when charges were found to be made by interested parties, became noted in many conspicuous instances ; a specimen of which will be cited as characteristic, under the incoming Democratic administration ; to whose political policy, though not to all their administrative measures, he was intelligently devoted.

CHAPTER XXIII.

HOUSTON UNDER THE ADMINISTRATION OF PRESIDENT PIERCE, 1853 TO 1857.

THE 4th March, 1853, brought in Gen. Franklin Pierce as President ; with Gov. Wm. L. Marcy, the controlling mind of the administration, as Secretary of State. Senator King, of Alabama, who had presided with such impartiality and dignity in the Senate under Mr. Fillmore's administration, was elected Vice-President ; but his extreme illness and his death on the 18th April, 1853, prevented his taking his seat as President of the Senate. In his absence, Senator J. D. Bright, of Indiana, was chosen President *pro tem*. Among the new Senators who took their seats in the Thirty-third Congress, which then opened, were : Judah P. Benjamin and John Slidell, of Louisiana ; both of whom became eminent and noted after the formation of the Southern Confederacy. From the New England States came two new men, who proved especially able : Wm. Pitt Fessenden, of Maine, and Henry Wilson, of Massachusetts ; the latter being preceded for a few months by that model of statesmanlike culture and urbanity, Edward Everett.

During this, the Thirty-third Congress, Houston, whose reputation and influence were now at their height, was especially calm, clear, and dignified in debate. During the Executive session to receive and ratify new appointments made by the President, on April 6, 1853, Houston urged the printing of the Report of Bartlett and Gray, on New Mexico, on the ground that the thirst for such works should be encouraged in the American people. On the reassembling of Congress, the Kansas-Nebraska bill of Senator Douglas, was early introduced, and was urged as an administration measure. On the 15th February, 1854, Houston reviewed his own course as to the Missouri Compromise, which that bill proposed to set aside ; with the supposed idea that the territory west of the Mississippi, once belonging to France, would be open for the introduction of slavery. As the bill involved the removal of the Indians, Houston reviewed again his relations to them from 1818. In justifying his course on the Missouri Compromise, he alluded to the fact, that of three hundred men in the Senate and House of Representatives when that measure was finally made effective to the harmony of Northern and Southern interests, only three remained :

Everett of Massachusetts, Benton of Missouri, and himself. He closed with this appeal: "We are acting as trustees for posterity; and according to our decision our children are to live in harmony or in anarchy!" On the 3d March, just on the eve of the passage of the bill, Houston made that logical and earnest appeal which first appeared in the "*Life of Sam Houston*," published in New York the following winter. He said, in substance: "Mr. President, this unusual night's sitting is without precedent in the history of any previous Congress at this stage of the session. The extraordinary circumstances in which we find ourselves placed would seem to indicate a crisis in the affairs of the country of no ordinary importance; a crisis that portends either good or evil to our institutions. The extraordinary character of the bill before the Senate, as well as the manner in which it is presented to the body, demands the greatest deliberation. This, sir, is the anniversary of a protracted session in which the organization of the Territory of Nebraska was elaborately discussed on the last day of the last session, as to-night, until the morning dawn." Remarking then that the opposition at that time was, to the provisions as to Indian tribes; while now, it was proposed to repeal the Missouri Compromise, he alluded to the boldness of the measure and the sophistry of its proposal, and exclaimed: "Mr. President, I can not believe that the agitation created will be confined to the Senate Chamber. From what we have witnessed here to-night, this will not be the exclusive arena for the exercise of human passions. If the Republic be not shaken, I will thank heaven for its kindness in maintaining its stability." Analyzing then the argument that the people of a Territory are sovereign in admitting or excluding slavery, he showed its incorrectness from the ordinance of 1787 in new States brought into the Union, both North and South. He alluded to the fact that the South had stood by the Compromise; and he met the objections of Mr. Atchinson, of Missouri, that it had not been applied to Oregon; Houston showing that it was applied to Texas; and it was upon its provisions that the State came into the Union. He showed that the South could only be injured by it; and especially argued that Texas, the terminus of the slave population, would have the largest disproportion between slaves and whites; and he exclaimed: "Then, sir, it will become the gulf of slavery, and there its terrible eddies will whirl, if convulsions take place." He then urged that no necessity for abrogation, since the Compromise, had arisen; adding: "Three years have passed in tranquillity and peace. How, and where, and why, and when, and with whom this measure originated, Heaven only knows; for I have no cognizance of the facts. So far back as 1848, President Polk recognized the

Missouri Compromise as a binding force upon this country. The astute statesmen who managed and controlled its adoption, Clay and Webster, never contemplated its repeal." He proceeded then to show how the affiliation of Abolitionists and Free-Soilers with the weaker party, the Whigs in the North, would bring in dangerous partisan combinations, and exclaimed: "This is an eminently perilous measure; 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? What, if a measure unwholesome or unwise is brought into the Senate, and it comes from the party of which I am a member? While its introduction is an error, is it not my duty to correct that error as far as I possibly can? When every look to the setting sun carries me to the bosom of a family dependent upon me, think you I could be alien to them? Never! never!!" Satirizing then the idea that additional territory for the introduction of slavery was proffered to the South, he pictured Jacob proffering a share of his booty to Esau, and Esau's reply: "I have enough, my brother; keep that thou hast unto thyself," and he added: "If this is the only offering tendered to the South, we will not ask it; we do not want it; the people will be angry if you give it. If you are indebted in anything to the South, all I have to say is, that you might find some other occasion when it would be more agreeable to cancel the obligation." Replying to the objection that the Missouri Compromise was unconstitutional, he said: "Mr. Jefferson confessed that he found no constitutional authority for the acquisition of Louisiana." He asked if the acquisition of Florida or of Texas was constitutional; and replied that "compromises, like compacts, are legitimate matters of legislation." In closing this branch of his subject, he said: "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 have 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 this. Fondly had I cherished the desire and the expectation from 1850, until after the introduction of this bill. My hopes are less sanguine now. My anxieties increase, but 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 in the North who are enemies of the South, with efficient weapons to contend with.” Taking up then the case of the Indians, and alluding to the statement that God had made them an inferior race, and that there is no use in doing anything for them, he cited the argument of Ross, the Cherokee, in his defence of their treaty with the United States, as superior in skill and effect to Spanish diplomats as to Florida ; and, alluding to the common suggestion, that Indians like Canaanites, might be exterminated, he showed that Indians were not idolaters, but believers in the Great Spirit, ready to receive Christianity, and advanced in American civilization. He severely rebuked the suggestion that sickly sentimentalism prompted appeals for the Indians ; and declared : “ If you will not do justice to them, the sin will lie at your door. Providence, in His own way, will accomplish all His purposes ; and He may some day avenge the wrongs of the Indians upon our nation. As a people, we can save them ; and the sooner the great work is begun, the sooner will humanity have cause to rejoice in its accomplishment.” He closed with this eloquent appeal : “ Sir, the friends who have survived the distinguished men who took prominent parts in the drama of the compromise of 1850, ought to feel gratified that those men are not capable of participating in the events of to-day ; but that they were permitted, after they had accomplished their labors, and had seen their country in peace, to leave the world, as Simeon did, with the exclamation : ‘ Lord, now lettest Thou Thy servant depart in peace, for mine eyes have seen Thy salvation.’ They departed in peace, and they left their country in peace. They felt, as they were about to be gathered to the tombs of their fathers, that the country they had loved so well, and which had honored them—that country upon whose name and fame their doings had shed a bright lustre which shines abroad throughout all Christendom—was reposing in peace and happiness. What would their emotions be if they could now be present and see an effort made, if not so designed, to undo all 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 had 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 American 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.”

A few days after this speech of Houston, a memorial, signed by 3,000 New England clergymen, was presented to the Senate, protesting against the repeal of the Missouri Compromise as it related to Kansas and Nebraska. A long and heated discussion followed. Houston defended the right of the memorialists in a lengthy speech.

Prior to the assembling of the second session of the Thirty-third Congress, an event occurred which gave special significance to Houston's subsequent speeches in the Senate. On the 11th Oct., 1854, the General Committee of the Democracy of New Hampshire met, and after deliberation nominated as “The People's Candidate,” for the office of President of the United States, from March 4, 1857, Gen. Sam Houston, of Texas. In an address prepared by their organ, Hon. Edmund Burke, the fact that the Democratic administration in power had yielded to the agitation which demanded an “unsettling of the compromise measures of 1850,” is urged as the cause of defections from the party in the New England, Middle, and Western States ; and, it is urged, that nothing can arrest this tendency but “the immediate nomination, by the people, for the office of President of the United States, of some citizen of the Republic distinguished alike for his abilities, experience in public affairs, and unquestionable statesmanship.” The propriety of a “people's nomination” is urged from history ; that from the origin of the Government, beginning with the nomination of John Adams, the second President, Jefferson, Madison, and Monroe, had been nominated by a Congressional caucus ; the corruption of which system appeared when Wm. H. Crawford, the regular Democratic Congressional nominee, was overwhelmingly outvoted by Gen. Jackson, the people's candidate ; and when by Congressional intrigue John Quincy Adams was made President, which led to the popular election in 1828 of Gen. Jackson. As to the proposed candidate, Houston's brilliant military career, as successful as that of Jackson, is traced ; to which, far beyond the previous record of Jackson, his civil career is summarized thus :

“ Throughout his long career, Gen. Houston has been an inflexible Democrat. He is a disciple of the school of Jefferson and Jackson. He has filled many of the highest public offices, in all which he has acquitted himself with remarkable

ability and with unsuspected integrity. In all positions, the most responsible as well as the most trying and perilous, he has been eminently successful. He has ever proved himself equal to any emergency in which he has been placed. As General, statesman, orator, and legislator, he has displayed talents and ability of the first order. He is a man of honor. He keeps faith with the humblest as well as the highest. He has never broken his word with the humblest Indian with whom he has had to deal, nor with sovereign States. He believes in the sacredness of treaties, of compacts, and of compromises, whether in the form of conventions, constitutions, or solemn acts of Congress. He preserves his faith with the North, as he would require the North to preserve its faith with the South. Under his administration, the rights of all sections of the Union would be protected and preserved. He is a Union man, and never would permit this glorious confederacy of sovereign States to be dissevered by the aggressions of fanaticism on the one side, nor by unjustifiable rebellion on the other. He would secure justice to the States and to the people."

This address, appearing a few weeks before the meeting of the second session of the Thirty-third Congress, naturally called forth the bitter opposition of the men whose selfish ambition, which had nearly brought ruin on Texas, had been thwarted by the hero and patriot who had made Texas the type of nobleness in her independence; and thus, too, had made its moulder the hope of the times in which he was then moving, as events showed! The "*Life of Sam Houston*," which shortly after appeared, was rendered necessary by false publications, which he was too high-minded to stoop to contradict; that *Life* justifying the writer's announcement on the title-page—"The only authentic memoir of him ever published." It is sufficient here to state, that all those false publications originated from two sources. First, the narrow men, who from the day of Houston's grand victory at San Jacinto, which made him the recognized head among both the Northern and Southern settlers of Texas, because he alone had the united impartiality and justice to appreciate both, and the skill and heroism to harmonize the two elements, were eaten up with the gangrene of envy. Second, the determined disunionists of the Gulf States, few in number, and only found in those States, irritated by jealousy, were ready to use any means to drive from the path of their selfish ambition the man who, more than all others united, blocked their way to the accomplishment of their ends. The former class sought in offensive publications to disaffect the *people* of the South, who confided in Houston's integrity and wisdom. The latter class soon met him in debate in the Senate. Still others, in published manifestoes, arraigned his motives, declaring them to be inspired by personal ambition to secure the Presidency rather than by genuine regard to the welfare of the people of the entire country. With this call of the New Hampshire Democracy before the country, and with this "*Life of*

Houston" just in the hands of the people, the second and short session of the Thirty-third Congress met Dec. 4, 1854.

The speech of Houston, in reply to the numerous assaults made on him, which brought out the whole nobleness of his character, was made on the last day of the year, Dec. 31, 1854. From the most opposite points, from the younger Dodge of Iowa, in the Northwest, and from Mr. Mallory in the Southeast, came the coincident charge that Houston was inspired by either a real or professed sickly sentimentality in his appeals for justice to the Indians; Senator Dodge averring that an abolitionist of Western New York could not show greater weakness; Senator Mallory insinuating that Houston was seeking to win the vote of the "Know Nothings," who opposed the promotion of Irish Catholics, in his expected canvass for the Presidency; while the spirit of detraction went so far as to charge that when, more than two years before, he was one of the Senate Committee to convey the body of Henry Clay for burial to Kentucky, he had, for *effect's sake*, kissed the forehead of the admired leader in compromise, when the coffin was opened for his fellow-citizens to view, for the last time, the face of their adored political leader. Houston's reply was calm, dignified, and heroic. He said, in the progress of his speech:

"Mr. President, I hardly know what to say in reply to the Senator from Iowa. In the first place, let me say to that Senator, and to the honorable Senator from Florida, that they were talking about things of which I know very little, for I was not in the United States when the occurrences to which they alluded took place, and I was not, therefore, familiar with the history of those wars. I have already stated that occasions occur where outlaws among the Indians commit acts of aggression on the whites, and the whites immediately retaliate on the Indian nations; and these nations, in self-defence, become involved in war. But I never knew a case where a treaty, which was made and carried out in good faith, was violated by the Indians. I have stood here alone in this body, against a powerful array of talent and influence, contending for what I conceived to be a great principle, and which must obtain, or the Indian race be exterminated." After quoting high authorities who agreed with him, Houston added: "There are not less than two thousand prisoners in the hands of the Comanches; four hundred in one band in my own State. The prisoners can be reclaimed from these Indians, who are coming down to settle upon their reservations. They take no prisoners but women and boys. The boys they treat with a degree of barbarity unprecedented, and their cruelties toward the females are nameless and atrocious. Our Government is silent in relation to them. Has humanity no claims upon us in this respect? Has justice no demand unanswered? In my boyish days, before manhood had hardened my thews and muscles, I received balls and arrows in this body in defence of suffering humanity, particularly women and children, against the Indians; and I aided in reclaiming the brightest spot of the South—Alabama. When I remember that, in those early days, I assisted in rescuing females and children from the

relentless tomahawk and scalping-knife, it seems to me that the charge that I have stooped to court favor by the expression of my sentiments on this question, is one which falls harmless at my feet. I hardly know what to think of the gentleman's remarks as to catering for the Presidency. Of the 'Know Nothings' *I know nothing*. If the object of those to whom the Senator from Iowa has referred is to prevent men of infamous character and paupers from coming here, I agree with them. I would say, establish a law requiring every person from abroad, before being received here, to bring an endorsement from one of our Consuls abroad, and produce evidence of good character from the place whence he emigrates, so that when he comes here we may receive him into full communion with all the rights guaranteed to him by the laws which may exist at the time of his emigration. When the Senator from Iowa supposes that I would cater for the Presidency of the United States he does me great injustice. I would not cater for any office beneath Heaven. But, sir, I know one thing; if it were to be thrust upon me, I should make a great many changes in some small matters."

The "Life of Houston," issued at that period, contained extended speeches bearing on Indian affairs made by him in the Senate just at that juncture. Among these lengthy speeches the following utterances are worthy of enduring record. On the 29th January, 1855, Houston in the Senate argued: "They are a people isolated in their interests, and solely dependent for protection and justice upon the Government of the United States. The Indians have been charged with an aggressive and hostile spirit toward the whites; but we find, upon inquiry, that every instance of that sort which has been imputed to them has been induced and provoked by the white man, either by acts of direct aggression upon the Indians, or by his own incaution, alluring them to a violation of the security of the whites." After citation of numerous instances, in which he alludes to early days, Houston said: "The course which has been pursued, since the days of William Penn to the present moment, has not been entirely successful in conciliating the Indians. But under the management of Washington, of the first Adams, of Madison, of Monroe, of the second Adams, of Jackson, and of Polk, we have, with few exceptions, been very successful in maintaining peace with them. The suggestions made by our fathers in relation to their civilization and humanization are exemplified and illustrated in the present condition of the southern tribes, who have received the greatest benefits of the light shed on them; and they have responded to it by the cultivation of mind, by the development of resources, both physical and intellectual, which reflect lustre on their character.

"When Texas was annexed to the United States, these Indians, on account of faith having been maintained with them by the then Executive of Texas, refused to meet and confer with the commis-

sioners sent to them by the President of the United States until they had the sanction of the Government of Texas ; and the symbols of confidence were put in the hands of the commissioners before the Indians would treat with them. Take an illustration : One of their chiefs, with his wife and child, and twelve men came to Fort Belknap, some one hundred and fifty or two hundred miles west of the fort at Hamilton's Valley. Property had been stolen by Indians. It was not known which of thirteen different tribes had taken it, for outlaws occasionally congregated from each, half a dozen of them stealing off from their tribes without the influence of their chiefs operating upon them. They were outlaws, careless of the destiny of their tribes, and reckless of the crimes which they might commit, so long as they could gratify their cupidity, and recompense their daring. These men had taken some property. Dragoons came on in the direction of the Red River, and reached Fort Belknap. So soon as they arrived, the officer said to this chief : ' Sir, I retain you as a prisoner. It is true you came here under a white flag : but I am an officer ; I have the power ; I take you prisoner, and you must stay here a prisoner until the horses are brought back. Your men must stay, too, except one, whom I will send to your tribe with the intelligence of the fact.' The chief said : ' My tribe have not committed the robbery ; it is a great distance from me ; it is in another direction. I come from the rising sun ; that is toward the setting sun ; I was far from it ; you are between me and it ; I did not do it.' ' But,' said the officer, ' you are a prisoner.' The officer put him in the guard-house. Imprisonment is eternal infamy to an Indian. A prairie Indian would rather die a thousand deaths than submit to the disgrace of imprisonment. You may wound and mutilate him as you please, you may crush every limb in the body of a prairie Indian, and if he can make no other resistance he will spit defiance at you when you come within his reach. This chief, meditating upon his deep disgrace, knowing that he was irreparably dishonored, unless he could wash out his stains with blood, resolved that night that he would either die a free man or rescue himself from dishonor. He rose in the night. He would not leave his wife and child in the hands of his enemy ; so he took his knife, and stabbed his squaw and little one to the heart. Not a groan was heard, for he well knew where to apply the poignard. He went and shot down the sentinel, rushed upon the superior officers, was shot, and perished like a warrior, in an attempt to wipe a stain from his honor. His men fled, and returned to their tribe, but it was to bring blood, carnage, and conflagration upon our settlements. They came not again as brothers to smoke the calumet of peace, but with brands in their hands to

set fire to our houses. Contrast that with the previous years ; contrast it with the harmony which had before existed, and you see the lamentable results of sending, as Indian agents and army officers to take charge of Indians, men who know nothing about the Indian character. Sir, while people are seeking to civilize and Christianize men on the banks of the Ganges, or the Jordan, or in Burrampootah, why should not the same philanthropic influence be extended through society, and be exerted in behalf of the American Indians ? Is not the soul of an American Indian, in the prairie, worth as much as the soul of a man on the Ganges, or in Jerusalem ? Surely it is."

The Thirty-fourth Congress did not present many occasions to call forth Houston, and that for two reasons : first, as he was before the country as a candidate for the next Presidential canvass, it seemed becoming that he should confine himself only to his official duties as Senator ; second, as is usual during the latter half of any Presidential term, party leaders seek to avoid new issues which may compromise them before the people, and hence bring forward few new issues. The first session of the Thirty-fourth Congress opened December 3, 1855, and closed August 18, 1856. Important bills left unpassed, seeming to call for it, the President recalled Congress before they had left Washington, and an extra session was held from August 21st to August 30th. The second session met December 1, 1856, and closed March 4, 1857. During this entire period Houston was prompt in the special business which demanded his attention ; while he was a silent but impartial actor amid scenes of excitement, where his balanced judgment forbade him to become a participator.

On the 21st February, 1856, Houston took part in a discussion which was part of a series, in which his clear mind pointed out the distinction between the duties and authority of naval officers called in the ports of other nations to delicate yet imperative duties, and the duties and authority of army officers within the national territory. The instructions given to Commodore McAuley, then cruising on special duty in the West Indies, having been called for, Houston in a brief speech set forth the peculiar duties of naval officers, making it bear on the practical matter of the pay allowed them in their public relations. This was followed by farther explanations called out March 10th. On the 1st April the trial of Capt. Ritchie, an officer of the army, drew from him his usual balanced views.

The exciting incident of the session was the assault made May 22d by Hon. Preston S. Brooks, a member of the House of Representatives from South Carolina, on Hon. Charles Sumner, Senator

from Massachusetts. In a speech which occupied two days of the session, Mr. Sumner had delivered his carefully prepared address entitled "The Crime against Kansas." Portions of its statements were regarded as personally offensive to Senator Butler, of South Carolina. The age of the venerable Senator led his young kinsman to assume his place, and to inflict an assault with a cane upon Senator Sumner while seated in his place after the close of the morning session of May 22d; which, as the blows fell on his head, left scalp-wounds which required weeks of healing, and left also a permanent spinal affection. It was not the province of the Senate, but of the House, to take action in the premises. All calm judges, both in and out of Congress, regretted the act of Mr. Brooks as a youthful indiscretion. Houston's silence was more impressive than words could be. He saw in the heat called forth on both sides another indication that his patriotic efforts could not stay the progress which hot words were making toward deadly blows.

On the 15th July discussions again calling out contrasts between the army and navy came up, and for some weeks Houston's ripe and rare experience was called out. In a speech on the Naval Retiring Board he showed that there were more naval officers than could be employed, and that the army furnished in this regard no analogy, since there were so many ways in which army officers at home could be employed, while naval officers abroad could have no corresponding employ. On the 16th August, again, when there was a proposal to increase the officers of the army, he urged their employ as engineers, in place of civilians, on surveys, and also on public works, such as custom-houses; since this employ was required both for economy and efficiency. At the same time he opposed an increase of the rank and file of the army; since, in case of war, the better reliance was on volunteers, who had homes to protect and who only needed trained officers.

To the honor of the administration of Gen. Pierce, and of his Secretaries, Marcy of the State Department, Dobbin of the Navy, is to be mentioned the effective inauguration of plans for the suppression of the slave-trade, brought about by the employ of American cruisers in American waters, while British cruisers were accomplishing little on the African coasts. Houston supported this effort.

CHAPTER XXIV.

HOUSTON UNDER PRESIDENT BUCHANAN, FROM MARCH 4, 1857, TILL HIS RETIREMENT
FROM THE U. S. SENATE, MARCH 4, 1859.

THE election of James Buchanan as President was an indication that the party to whose true interests Houston had given his patriotic devotion, were not gifted with his clear vision of interests impending in the future. He accepted the situation; wasted no energies in complaints; was sustained by conscious integrity of motive and correctness of judgment; and his "last days" were his "best" in the counsels of the Senate. Though assuming no prominence he watched occasions when duty called for action, and he quietly but faithfully employed them. This character of Houston shone out all the more conspicuous, because deep religious conviction, as well as patriotic fidelity, ruled him; and that, though the people of his own State listened no more to the counsel of age, but to the rash counsels of the young. The succession of Rehoboam to Solomon is but a type for ages and nations.

The meeting of the 35th Congress, December 7, 1857, just after the new Presidential election, found the veteran hero of Texas promptly in his seat in the Senate, where more than ever he was greeted with respect and reverence by his comrades, and by the people of Washington. The first session, beginning December 7, 1857, lasted till June 14, 1858; the second opened December 6, 1858, and closed March 4, 1859, which was the expiration of Houston's term. On the 11th February, 1858, Houston presented resolutions of his State as to the impeachment of Judge Watrous. On the 16th February he proposed an act establishing a Protectorate by the U. S. Government over Mexico and Central America; urging, as oft before, that the people needed to be defended against the intrigues of political leaders, who oppressed them. On the 17th March, when a petition from Utah came to the Senate, and some from policy would suppress it, the commanding voice of Houston was heard from his seat: "Let us have it read."

Early in March, 1858, the news came that he had been superseded in the Senate, by vote of the Legislature of Texas. Houston made no allusion to it, except as references to it by other Senators compelled his notice. On the 19th March he used the following language:

"I was not the enemy of slavery, nor was I its propagandist, nor will I ever be. I believe it was the breaking down of the barrier that secured our institutions in the South, when the Missouri compromise line was abandoned. It was only opening the door to free soil. I wish it to be understood that there are more people in the South than the statesmen and politicians that are seen in her public assemblies. There is a gallant yeomanry, a chivalrous and generous population, whose hardy hands are adapted as well to toiling for the procurement of the necessities of life and the nurture of their families, as they are to the application of arms to vindicate their rights. They are the men whose voice will be heard when you carry the question of union or disunion to their homes."

On the 23d March, when he was again called out, he said :

"The Legislature of Texas have superseded me in accordance with my wishes, by an election, to take effect March 4, 1859; till then it will be my duty to carry out their wishes. It has always been a cardinal principle of my democracy that when the will of a constituency on any measure is known to the representative, he is bound to execute, in all good faith, that known will; or he is bound to resign his situation, in order that another man may be selected who will carry out their views. I therefore vote for the bill pending, knowing it to be in accordance with the views of three-fourths, at least, of the Legislature of Texas."

On the 20th April Houston was drawn out in the only lengthy speech of this session. The bill proposing a Protectorate of the United States over Mexico and the Central American States, having been objected to, an amendment, omitting the mention of the latter, was pending. Forgetting the relation in which he now stood to his State, animated still by pure devotion to her interests in common with those of the country at large, Houston urged the following considerations :

"Texas is most interested in the proposed Protectorate of the 2,000 miles of the border between the United States and Mexico, for 1,000 miles are on the Texan line. Mexico is both powerless and faithless. I alone, of 261 members of the Senate and House of Representatives, who were present in December, 1823, when the Monroe doctrine was announced, remain here to sustain it. Nearly all who then favored it, Webster, Clay, Benton, and others, are now dead. It was to such men, counseled by a Cabinet of such men as John Quincy Adams, Wm. H. Crawford, John C. Calhoun, Samuel L. Southard, William Wirt, and John McLean, that President Monroe addressed himself in such confident and resolute language with reference to the ulterior purposes of this country. I shall never cease to remember the exultant delight with which his noble sentiments were hailed. They met not only a cordial, but an enthusiastic reception, both in and out of Congress. They were approved with as much unanimity as if the entire population of the Union had been previously prepared to re-echo their utterance. At that epoch there was a broad, towering spirit of nationality extant. The States stood in the endearing relation to each other of one for all and all for one. The Constitution was their political text-book, the glory of the Republic their resolute aim. Practically there was but one party, animated but by one

object, our upward and onward career. As if in atonement for the wrong inflicted on the country by the angry Missouri controversy, which was then fresh in every mind, there seemed to be no circumscription to that genuine patriotism which everywhere within our embraces displayed itself. May we not trust, Mr. President, that a similar result will ensue from the still more angry Kansas controversy, and that the benign influences of such results will be as durable as creation ! This will assuredly be the case if the only question asked within this Capitol, when an embryo State asks for admission into the Union, shall be, 'Does her Constitution conform to the national requirement, a Republican form of Government?'"

Houston then went into an extended history of Mr. Monroe's words, and how they were commented on ; that he was opposed to the so-called Holy Alliance, which sought to re-establish Spain in her former possessions. "Its position was: 'that crowned heads have a derived power to preserve what is legally established, was, as it ought to be, the invariable policy of those whom God has rendered responsible for power.' This is its language. Our excellent Minister to the Netherlands, Christopher Hughes, on the 25th August, 1823, at Liverpool revealed it. Great Britain, through Minister Canning, sought the co-operation of our Government. Monroe's reply was as a destructive earthquake to hopes of American acquiescence, at Paris. It was hailed by the Marquis of Lansdowne, in the House of Lords, in the following February, who said: 'He could grudge to the United States the glory of having thus early thrown her shield over those struggles for freedom which were so important, not only to America, but to the whole world. Let their lordships look to what had happened in the United States. There, a population of 3,000,000 had, in forty years, been increased to 10,000,000.' Brougham, in the House of Commons, echoed the same sentiment. 'He trusted that as the United States had the glory of setting, we should have the good taste to follow the example of holding fast by free institutions, and of ever assisting our brother freemen, in whatever part of the globe they might be found, in placing bounds to that infamous alliance.'" In June, when called upon to vote, Houston responded to an objector: "Any one from motives of humanity is entitled to undertake to become a protector. I should not feel myself restrained, at my age, to interpose in behalf of humanity, and to arrest the cruelties and murders committed on a defenceless people."

True to his instinct, Houston, shortly after this speech, in view of the pressure of business in the Senate, moved a resolution that the Senate meet at 11 o'clock instead of 12 o'clock, that there might be more time given for deliberation on important measures. On the 5th May Houston replied to Senator Hale, of New Hampshire, who had disparaged West Point Military Academy because so.

many of its cadets did not finish their course, or left the service after completing their course. Houston approved this thinning of the ranks as a benefit to the service, and exclaimed: "Practical men, not martinets, are wanted." He urged, however, that the course might, in some respects, like those of colleges, require adaptation to the practical demands of the service; and said: "I doubt whether the extent to which theoretical study is carried there is essential to every officer constituting the army of the United States."

The meeting of the second session, December 6, 1858, found Houston cheerful and devoted in his Senatorial duties. On the 23d December, 1858, when the motion to go into the new hall, just then near completion, after the holidays, was pressed, Houston said: "That as his term expired on the 4th March, it was a matter in which he could be disinterested. He urged, however, that the change was necessary for the health of the members." On the same day he presented and urged a memorial giving a pension to the widow of Col. Trumbull. He said that this duty, imposed by friends of his in the North, was imperative. Col. Trumbull did not fall in battle, but died from lingering disease contracted by exposure in the service. He urged that men who, after faithful and protracted preparation for the service, had lived for years on small salaries, were entitled to remuneration in the brief years of their later service. On the 10th January, 1859, when provision was proposed to exclude ex-Members of Congress from the floor of the new Senate Chamber, since they were so often there as mere lobbyists, Houston provoked merriment by a humorous allusion to its possible application to himself. On the 5th January Houston made honorable mention of Gen. Quitman, commending his gallantry in coming to the relief of Texas in her need; though by unworthy detention prevented from being present at the decisive battle. On the 12th January Houston spoke on the Pacific Railroad bill, urging that the southern route through Texas be chosen as the most economical, and least liable to interruption in winter. On the 31st January he spoke on the Indian reservation; urging to the last his views of domesticating the Indians, and declaring that he believed even the warlike Comanches might be trained, like other Mexican Indians, to habits of civilized society.

On the 28th February Houston delivered his farewell address to the Senate.

No man ever left the city of Washington with such unanimous esteem for mingled nobleness of character and faithfulness in action as Sam Houston. The following mention of him in the *National Intelligencer*, which for half a century was esteemed

throughout the United States and Europe as the impartial chronicler of passing events—a mention made during the memorable session of the Peace Commissioners, who met in January, 1861—deserves to be added as the closing record of his Congressional life. The *Intelligencer* of February 28, 1861, has this statement: "Texas is raising an army. The Legislature has authorized the new Governor to issue State bonds to the amount of \$500,000 to repel invasion." In its issue of March 2d, the *Intelligencer* quotes as follows from the *New York Journal of Commerce*: "A letter from Cape Verde, Texas, received in this city from Col. Waite, makes no mention of an order to relieve Major-Gen. Twiggs, who delivered up the United States property to Texas. The telegraph does not say to whom, but probably not to Gov. Houston." The *Intelligencer* explains: "It was to the committee of three on public safety."

The *Intelligencer* of March 6th contains the following citation:

"The Austin, Texas, *Intelligencer* has been permitted to publish the following extract from a letter written by Gov. Houston to an old friend, defining his position: 'You say it is reported that I am for secession. Ask those who say this to point to a word of mine authorizing the statement. I have declared myself in favor of peace, of harmony, of compromise, in order to obtain a fair expression of the will of the people. Dangerous as may be the precedent inaugurated by the convention before the majesty of the law which recognizes the power to submit the question of disunion to the people, I yield, in the same spirit that actuated Andrew Jackson in paying the fine arbitrarily imposed on him at New Orleans. I am determined that those who would overthrow shall learn no lesson from me. I still believe that secession will bring ruin and civil war; yet, if the people will, I can bear it with them. Sixty-seven years of freedom, the recollection of past triumphs and sufferings, the memories of heroes, whom I have seen and known, and whose venerated shades would haunt my footsteps were I to falter now, may perhaps have made me too devoted to the Constitution and the Union. But, be it so. Did I believe that liberty and the rights of the South demanded the sacrifice I would not hesitate. I believe that less concession than was necessary to frame the Constitution will now preserve it. Thus believing, I can not vote for secession. I have hesitated to say anything on this topic, because I desire the people to act for themselves. My views are on record. Yet it is perhaps but right that my old friends should know that the charge that I am for secession is false.'"

In his memoir of Houston in "Johnson's Cyclopædia," Hon. A. H. Stephens, of Georgia, says: "His decided opposition to the policy of secession lost him the confidence of those for whom he had done so much."

CHAPTER XXV.

CAREER OF HOUSTON AS GOVERNOR OF TEXAS—STATE MEASURES—WANT OF HARMONY BETWEEN THE EXECUTIVE AND THE LEGISLATURE—SECESSION—HIS DEPOSITION FROM THE GUBERNATORIAL OFFICE.

IN November, 1857, while still acting as United States Senator, Gen. Houston was a candidate for Governor, and was defeated by Hardin R. Runnels.* In November, 1859, he was again a candidate, and defeated Governor Runnels.† In both instances he was an independent candidate, running against the regular Democratic nominee.

On the 21st December, 1859, Sam Houston was inaugurated Governor of Texas. Political excitement was intense. The questions which had been discussed, from the adoption of the Federal Constitution, and the Virginia and Kentucky resolutions of 1798 and 1799, down to the adoption by Congress of the Fugitive Slave Bill, had nearly reached their issue in the wager of battle. The gathering clouds foretold the coming storm. The great political canvass was just opening which resulted, in November, 1860, in the election of Abraham Lincoln as President of the United States. Houston was independent in politics at this time, but he had no sympathy with the party that elected Lincoln as President, although he was ardently attached to the Union, and as ardently opposed to secession.

He commenced his Gubernatorial administration with a Legislature not in harmony with him, and from this time up to March 18, 1861, when he ceased to be Governor, he was beset by unusual difficulties. Agitation pervaded the State. Fires, supposed to be incendiary, occurred frequently in various parts of the Territory. The Indians had been removed from their reservation, but continued to be more hostile and barbarous than ever. Cortina frequently committed depredations on the Rio Grande frontier, crossing to the Texas side, and committing thefts and murders. To obtain accu-

* At the election in 1857, there were 56,180 votes polled. Hardin R. Runnels received 32,552; Sam Houston, 23,628, for Governor. F. R. Lubbock, 33,379; Jesse Grimes, 20,818; F. Smith, 878, for Lieut.-Governor.

† At the election in 1859, 64,027 votes were cast. Sam Houston received 36,257 votes; Hardin R. Runnels, 27,500, for Governor.

rate information, commissioners were sent to the Rio Grande, after which, Major Forbes Britton was dispatched to Washington to secure protection on that border. These measures resulted in an order from the War Department to Col. Robert E. Lee, then in command in Texas, to cross the river, if necessary, and break up Cortina's band. With equal promptness Gov. Houston used his best efforts to protect the frontier. A few days after his inauguration he ordered Captains W. C. Dalrymple, Edward Burleson, and John C. Connor to raise companies of sixty men for frontier protection. In February Lieutenants White, Salmon, and Walker were directed to raise companies of twenty-five men each.

The frontier continued to be harassed. The Governor, on the 9th of March, empowered each Chief-Justice of the frontier counties, to call out a company of fifteen men at any time necessary. Captain Peter Tomlinson was authorized to raise a company of forty-eight men, to scour the country between the Frio and the Rio Grande. To compel the Indians to return to their own country, Col. M. T. Johnson organized an expedition. A party of savages, who had been committing serious depredations in Palo Pinto and Jack Counties, were pursued, later in the year, by Captain L. S. Ross, and severely punished.

A controversy appeared in the news journals of May, 1860, between Governor Houston and the Comptroller of the State, Hon. Clement R. Johns. The points in debate do not seem to have been any charges of peculation, fraud, or corruption, but wholly involve the question of executing a law, and supervising and attending to its execution.

But the exciting scenes of the Presidential election of 1860 absorbed public attention.* Governor Houston addressed letters to

* *Private letter to Gen. George Washington Crawford, of Washington, Texas.*

"AUSTIN, 8th September, 1860.

"MY DEAR GENERAL:—Your favor has this moment been received, and I as frankly reply as you wrote to me. Personally, I like Breckinridge more than either of the candidates in the field, and 'tis because he is an amiable gentleman, as well as a man of fine intelligence, and I think him quite as honest as either of the other candidates. My wish and object is to beat Lincoln with any man in the field. The question is, how is this to be done? If Breckinridge alone were in the field opposed to Lincoln, could he do it? I think not. Now! why not? Because, if he were to get all the Southern States, as he would do, could that elect him? No! Could he certainly get any free State? I think not, brought forward as he was by Yancey-Rhett-Keitt and the disunion influence, and supported by these men and others equally odious to the national feeling. His friends, too, of the *N. Y. Herald*, Col. Orr, and others, concede that he stands no chance of election. If a Union ticket is supported North and South, it can be elected, I think, and let the electors only be pledged to cast their votes for the strongest man against Lincoln, and in this

the Governors of the other Southern States, proposing some concerted action; to these letters there came no favorable response. On the 17th December he issued a proclamation, convening the Legislature in extra session, January 21, 1861. His message deplored the election of Messrs. Lincoln and Hamlin, but in it he could see no cause for the immediate and separate secession of Texas. He informed the Legislature that he had ordered an election to be held on the first Monday in February, to elect delegates to a Convention of the Southern States, contemplated by the joint resolution of February 16, 1858, to devise means for the maintenance of their Constitutional rights, and to demand redress for the grievances they had been suffering at the hands of many of the Northern States. Neither the Legislature nor the leading politicians of the State harmonized with the sentiments of Governor Houston. The people by common consent, instead of waiting until the first Monday in February, and electing delegates to a Convention of the Southern States as contemplated in the act of February, 1858, and ordered by the Governor's proclamation on the 8th of January, elected delegates to a State Convention, composed of two members for every member of the House of Representatives. This Convention met in Austin, January 23, 1861, and was organized by

way he may be defeated, otherwise I think Lincoln will be elected by the electoral colleges. By voting for a Union ticket it will not exclude Mr. Breckinridge if he stands on the Union principle, and, if he does not, no one ought to vote for him, or any other man who can not stand there. By voting for men, as electors, who are pledged to principle, and not to this or that individual, the design of the Constitution will be answered. It is certainly as safe for the country to rely on the discretion and judgment of electors, acting under the responsibility of a Constitutional obligation, as it is to rely on the members of a Convention to nominate a candidate, and, therefore, I am willing to rely on the honesty and discretion of the electors, if any should be elected on the Union ticket, so to act and vote, if they can, to defeat Lincoln. This is what I go for, and any man before him that may be elected. I have sworn that I would never vote for any man, directly, who voted for or supported the Nebraska Bill. Douglas and Breckinridge are in the same category on this subject; and I might, by voting the Union ticket, indirectly vote for either. As for Mr. Bell, I regard him as a slim chance for a President, and would not *directly* vote for him, although he voted against the Nebraska Bill. There is a tale to that! So you see I do not go for man or men, but for principle, and if Mr. Bell should stand on any platform, after filching it, I can not help it, or for any consideration come out in favor of a man who has no chance of success, and who has allowed himself to be used by odious men, and for no good purpose that I can perceive. So far as men are concerned I will look on with folded arms. So far as principle is concerned I will always be ready to speak out. Give our love to the ladies.

"Thine truly,

HOUSTON.

"P. S.—The mail is closing. . . . How can a Jackson Democrat vote for Rhett or Yancey, or their representative?"

electing Oran M. Roberts, President, and R. T. Browrigg, Secretary. The Legislature promptly recognized the Convention, although not specially summoned by the Executive of the State, and the Governor announced that he would not be a barrier to the wishes of the people of the State. The Ordinance of Secession was passed, revoking the ordinance adopted in Convention on the 4th July, 1845, and declaring that Texas "is a separate, sovereign State, and that her citizens and people are absolved from all allegiance to the United States or the Government thereof." The Legislature and Convention both adjourned after the adoption of the ordinance. In accordance with the ordinance of the Convention, Governor Houston issued his proclamation for an election to be held on the 23d February, at which the people were requested to vote for or against secession. The election was held, and resulted in 39,415 votes for, and 13,841 votes against secession.

On the 4th of March the Convention re-assembled, and sent a committee to confer with the Governor, and announce to him that "Texas was now a free, sovereign, and independent State," free from and independent of that Union, into which fifteen years before it had gone with such enthusiasm. Governor Houston contended that the functions of the Convention had ceased with the passage of the ordinance of secession, and its submission to the vote of the people, and protested against any further action by the Convention. Notwithstanding the Governor's protest, on the same day the Convention passed an ordinance uniting Texas with the new Confederation, which had been formed at Montgomery, Alabama. On the 14th of March the Convention passed an additional ordinance, requiring all State officers to take the oath of allegiance to the Constitution of the "Confederate States," adopted and published by the Convention then sitting at Montgomery, Alabama. Governor Houston and the Secretary of State, Hon. E. W. Cave, refused to take said oath. Their offices were declared vacant. The other public officers took the required oath, and were continued in office. Hon. Edward Clark, the Lieutenant-Governor, having taken the prescribed oath to support the Constitution of the "Confederate States," was sworn in and duly installed as Governor on the 16th of March. The office building of the Governor continued to be occupied by General Houston until the 18th of March, when Governor Clark entered the room before General Houston reached it in the morning, and thereafter held undisputed possession. The Legislature having re-assembled on March 18th, according to adjournment, General Houston sent a message to that body, setting forth the injustice of his removal, and protesting against the usurpation of the office of Governor by Governor Ed-

ward Clark. This was the last act having any official significance which General Sam Houston ever performed. He quietly retired with his family to his home at Huntsville, and remained a passive spectator of passing events. The following letter, addressed to Col. Waite, of the United States Army, San Antonio, Texas, will explain itself :

“AUSTIN, Texas, *March 29, 1861.*

“DEAR SIR :—I have received intelligence that you have received, or will soon receive, orders to concentrate 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 to most earnestly 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.

“Thine,

SAM HOUSTON.”

Gen. Houston loved the Union. He did not believe the “Confederate States” could maintain their independence, and yet he allowed his oldest son to enter the Confederate army. The successes of the Confederate arms up to April, 1863, rather inclined him to believe that under Robert E. Lee, Stonewall Jackson, and a favoring Divine Providence the Confederacy might live, although opposed to his convictions.

CHAPTER XXVI.

CLOSING DAYS—RESOLUTIONS OF TEXAS HOUSE OF REPRESENTATIVES, AND SPEECH OF HON. J. H. BANTON, OF WALKER COUNTY.

AFTER his ejection from the Gubernatorial office Gen. Houston retired with his family to his residence at Huntsville, Walker County. With calm dignity he watched the events of the war then waging. He had no confidence in the success of the "Confederate States." He so far sympathized with the South as to allow his eldest son, as has been before remarked, to enter the Confederate army, in which he was a lieutenant, and distinguished himself in chivalrous conduct in the contests in Louisiana, and by his devotion to the land of his nativity while a prisoner of war under Federal control. Occasionally he appeared at parades, and noticed the drill of troops, and sometimes gave vent to his fund of humor at the expense of some whose chivalry consisted in words. On one occasion a captain was drilling his company, while Gen. Houston was one of the lookers-on. The captain, observing him, said to him, "General, will you drill my company a little for me?" "With great pleasure, sir," said the General. Taking his position in front of the company, he commenced: "Attention, company! Eyes right!" The order was obeyed. The General then observed, "Gentlemen, do you see anything of ——?" Unanimously they replied "No." "Then, front face!" Again the order was executed. "Now, gentlemen," said the General, "do you see anything of ——?" Again the reply was "No." "Then, gentlemen, eyes left!" Once more the order was carried out. "Well, now, gentlemen, do you see anything of ——?" Again the company reply "No." "No," says the General, "and you will not see anything of him where there is any danger, while this war lasts." Then turning to the captain, he said: "Captain, I turn the company over to you again; they are very well drilled indeed."

But worn down with anxiety, and suffering from disease and pain, his constitution gave way in the summer of 1863, just after the fall of Vicksburg had spread dismay all over Texas. In health he stood with an erect, well-made form, a giant in strength. His hair turned prematurely gray from herculean labors. His eye was

ever soft and clear, and beamed with a smile which no man can wear whose heart does not overflow with love of country and philanthropy to his race. He suffered during his long and eventful life from few, if any, physical ailments. But no surgical skill was ever able to close up the wound which he received in his right shoulder from two rifle-balls, at Tohopeka. That wound discharged every day for forty-seven years. His linen was wet with its discharge in the hour of his death. In an almost miraculous manner he entirely recovered from the wound in his ankle, received at the battle of San Jacinto. Surrounded by his family (except Lieut. Sam Houston, Jr., who was on the field of battle), his great frame succumbed to the power of the destroyer, and his great soul passed to the presence of his God on the 26th day of July, 1863. He was attended by admiring friends, and conversed freely on his soul's welfare with Rev. Mr. Cockrell, pastor of the Huntsville Presbyterian Church. The House of Representatives of Texas adopted the following resolutions at its session, about three months thereafter, which were introduced by an address from Hon. J. H. Banton, Representative of Walker County. The following is a transcript of the resolutions forwarded to Mrs. Houston :

"HOUSE OF REPRESENTATIVES,
"STATE OF TEXAS, Nov. 3, 1863. }

"Mr. J. H. Banton, of Walker, offered the following resolutions, to wit :

"*Resolved*, That the House has heard with deep regret that the distinguished statesman, patriot, and soldier, General Sam Houston, departed this life on the 26th day of July, 1863, at his residence in Walker County.

"*Resolved*, That in his death the State has lost one of its distinguished citizens and public servants, and one of its ablest and most zealous advocates and defenders of its rights, liberties, and its honor.

"*Resolved*, That so great a light can be illy spared in this dark hour of our country's existence, and its going out is alike a State and a national calamity.

"*Resolved*, 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 the State.

"*Resolved*, That the sympathies and condolence of the people of the State be tendered the afflicted family of the deceased.

"*Resolved*, That the Clerk of the House furnish the surviving widow of the deceased a copy of these proceedings, and that they be spread upon the journals of the House.

"*Resolved*, That as a further token of respect to the memory of the distinguished dead, this House do now adjourn to 10 A.M. to-morrow ; which was adopted, and after some appropriate remarks from Mr. Banton, the House adjourned to 10 A.M. to-morrow."

Mr. Banton said :

"MR. SPEAKER: As announced in the resolutions which have been read from the clerk's desk, Gen. Sam Houston is no more. A great man has fallen. Texas' most distinguished citizen has ceased to exist among us, and it is but fitting and just that we, the representatives of the people, should betoken the high esteem in which he was held by them; and give expression to that deep feeling of regret which pervades the whole country in consequence of its great bereavement. As the representative of the county of his residence, and as his friend and admirer, I feel it incumbent on me to bespeak for the resolutions the favorable consideration of the House. And in doing so I will not presume, sir, on the intelligence of this honorable and enlightened body, by attempting even an epitome of the history of the life, character, and public services of a man whose name is as familiar as household words, even to the very children of the most obscure hamlets of the State, and whose fame is coextensive with civilization itself. His deeds, which constitute the history of his life, at the same time constitute a very large, important, and inseparable portion of the history of the country. To know the history of the one is in a very great measure to know the history of the other. And while those deeds, both military and civil, have made his renown and given immortality to his name, they have gilded his country's history with undying glory. Under his leadership in the field, Texans acquired a reputation for chivalry, daring, gallantry, and all that's glorious in war, which their indomitable descendants and successors in this second struggle for liberty and independence, with pride emulate. His civil deeds in the legislative and administrative departments of Government have not been less distinguished, and contributed no less to his own renown and the greatness of the State. I believe, sir, I do no injustice to the distinguished living or dead of this State when I say Sam Houston was the most remarkable man known to its history. May I not safely assert that his life is more fruitful of remarkable and thrilling events and incidents than that of any other man of his generation? Profound, far-seeing, and comprehensive in statesmanship; bold, daring, glorious in war; a dear lover of peace, with wonderful capacity to enjoy private life and the family circle, he combined all the elements necessary to constitute him truly a great man. Such, sir, is the man whom Texas has the honor of claiming as her own, and whose death we now lament. And though he leaves an enduring monument of his greatness and worth in the history of his country and the affections of his countrymen, yet I would it were in our power at this time to erect a material monument, towering and colossal, like the majestic form of him in whose honor it is reared, as a token of that high esteem in which he was held by the people of the State. And I indulge the hope that the day is not far distant, when grim-visaged war will depart, and smiling peace, with her attendant innumerable blessings, will return to make the heart to rejoice and crown the land with plenty—when a grateful and liberal people can rear to the memory of Thomas J. Rusk and Sam Houston, twin brothers in the glorious struggle for Texan independence, two lofty monuments whose majestic proportions shall be fit representatives of these noble heroes, towering above all else, the ornaments and pride of the State, perpetual remembrancers of the noble deeds of noble patriots, serving to stimulate the laudable ambition of the aspiring youths of the State through many generations.

"Sir, I was with Gen. Houston in his last illness and in his last moments on

earth. He who was Sam Houston in life was emphatically and characteristically Sam Houston in death. The same reverence-inspiring form, the same piercing eye, the same gigantic mind ! Death came upon him like a 'deep sleep,' and he sank as sets the sun in the peaceful and quiet splendors of a summer's eve. It affords me much pleasure to state to the House that he died in the triumphs of that faith which he professed during the last decade of his life. And she who performed so important a part in his reformation, the partner of his bosom, had from his own dying lips ample assurances that her labors in that behalf had not been in vain, and that he was sustained by an abiding faith in the Author of his redemption, and by that living hope which is 'as an anchor of the soul, both sure and steadfast, and which entereth into that within the veil.' There is, sir, to my mind something majestic, magnificent, and yet instructive and beautiful, in such a life and such a death. He whose career was as brilliant and in some respects as erratic as the comet in its wildest flights, revolved with equal splendor, yet with lamblike humility, during the last years of his life around the great Sun of Righteousness as the center of his attraction. But, pleasing as are these consoling reflections in bereavement, I will not longer indulge in them. Gen. Houston leaves a most devoted wife and large and lovely family of children, who lament in the bitterness of their souls the loss of him who was their comfort, their stay, and their pride. Full of years and of honors, he has gone to rest.

"And now that the war of faction and of party is over with him, and the tongue of envy is hushed, all can see and acknowledge his great worth, and honor his immortal memory. Whatever may have been his faults or errors (and to say his long and eventful life was free from them is more than can be said of mortal man), none can question his pure and undying devotion to his country, especially Texas, and the 'patriotic pride' with which he at all times beheld her prosperity. We might say of Texas, that she was his handiwork ; he loved her as a father loveth his own child, rejoiced with her when she rejoiced, and wept with her when she wept. Always as jealous of her rights and honor as of his own, he never, when in his power to prevent it, suffered the one infringed or the other tarnished. And I doubt not that as long as there are those who love Texas, and desire the perpetuation of the rights, liberties, and honor of her people, and as long as her glorious history is read, the name of Houston will be honored and revered and his noble deeds emulated by a grateful people."

CHAPTER XXVII.

GEN. HOUSTON'S RELIGIOUS LIFE—LETTER OF REV. GEO. W. SAMSON, D.D.—STATEMENT OF REV. GEO. W. BAINES, SEN.

HON. L. D. EVANS was a Member of the House of Representatives from Texas when Gen. Houston was a Senator from Texas. He told the writer that he always knew, night and morning, from occupying a room just under Gen. Houston's, when Gen. Houston retired, from his regular habit of kneeling for prayer, when he laid down for sleep and rose up for the day's duties. It is stated on good authority that he kept generally a supply of "Nelson's Cause and Cure of Infidelity," and gave copies away gratuitously to such of his friends as avowed skepticism about Christianity.

The following letter will give an insight into the incidents which led to his public profession of religion, when he was immersed, November 19, 1854, by Rev. Rufus C. Burleson, D.D., and became a member of the Independence Baptist Church. As a member of the Church, Gen. Houston took a deep interest in all that appertained to the religious growth and prosperity of its members, and gave liberally of his means to advance Christian education and missions. It is stated that the Rev. J. W. D. Creath, having reached his house while on a mission, having lost his horse, he readily supplied him with another, saying, "Take him; the King's business requires haste." He was never asked to pray in public that he did not kneel down with the congregation and offer up an humble, fervent prayer.

"COLUMBIAN COLLEGE,
Washington, D. C., *March* 28, 1866. }

"REV. WM. CAREY CRANE, D. D.

"MY DEAR SIR.—Your letter, asking that I would note down for your use any reminiscences of General Sam Houston that might be of value in your proposed Memoir, is received. It is, of course, in reference to his religious character and life that you will expect me to reply. Of his views as a statesman, and of his course in his political life, it did not belong to my relationship as a chosen pastor to take account; and others to whom that field belongs can supply all you desire.

"It is natural to men of the world, and even to Christians, so far as they are controlled by worldly interests, to entertain doubts of the sincerity and genuine-

ness of the professed religious conversion of such men as General Houston. The prophet of the Old Testament realized this when he asked, 'Can the Ethiopian change his skin, or the leopard his spots? Then may ye also do good that are accustomed to do evil' (Jer. xiii. 23). It is yet more to be expected that 'Israelites, indeed,' like Nathaniel, men 'in whom there is no guile,' will ask, 'Can any good thing come out of Nazareth?' (John i. 46-47.) When men who have for years been under the control of passion and worldliness profess to have experienced a religious change, their conduct will, undoubtedly, be more closely scrutinized than that of men outwardly moral. Yet it is ever to be remembered that men of blood, and of towering appetites and passions, like David and Saul of Tarsus, become the most manifest marks of the power of God to redeem fallen human nature; the one, 'a man after God's own heart,' though a murderer and an adulterer; the other, 'breathing out threatenings and slaughters,' yet a 'chosen vessel to bear Christ's name to the Gentiles,' though the churches of Judea could not believe for years 'that he was a disciple.'

"Shortly after the annexation of Texas as a sister State to the American Union, the tall form of 'Sam Houston,' as he was familiarly called, draped in his Mexican blanket, as a shield against the blasts of winter, at Washington, was seen one Sabbath morning entering the sanctuary of the Baptist church on E Street, near the City Hall. Frankly approaching the pastor after service, he said that respect for his wife, one of the best Christians on earth, had brought him there. When the hope was expressed that feelings deeper, and obligations more imperative than those which bound him in devotion to a companion so worthy, would soon bind him to the house of God, a warm pressure of the hand, and a hearty response to the suggestion, showed that there were convictions beyond what were avowed that struggled in his mind. From that time, for twelve years, always in the morning, and often at night, he might be seen seated in a pew near the pulpit. For a time, mechanically, and from habit, he appeared provided, as in the Senate, with his pocket-knife and bit of pine, carving some little work for his own or other children, yet frequently arrested in his employ, and, looking up intently to catch some connection of thought that struck him in the sermon. In a few months the service seemed to absorb all his thoughts, and the whole outline of the discourse was so noted, that he could write it down in his Sunday evening letter to his wife.

"Not many months after, a sermon from the text, 'Better is he that ruleth his spirit than he that taketh a city' (Prov. xvi. 32), seemed to rivet his attention. The fixedness of his gaze naturally drew the preacher's to him, and the interest manifested by the hero of so many battles gave, doubtless, a turn and an unction to some suggestions thrown in by the speaker and observed by the special hearer, though none others in the audience took notice of it. Often afterward General Houston referred to that sermon as having fastened convictions of his own need and duty upon his mind from which he could never rid himself.

"As the sermon referred to seemed to have been blessed in convincing him of his sinful need, so a series of evening discourses on Old Testament examples of Christian faith, delivered some months yet later, had the effect of guiding him to the grounds of hope, and of Christian redemption for men of his character and life. After separate discourses on Paul's catalogue, in the 11th chapter of

his letter to the Hebrews, first, on the three antediluvian examples of saving faith, Abel, Enoch, and Noah ; next, on the four of the patriarchal period, Abraham, Isaac, Jacob, and Joseph ; then of the two in the transition period of Israel's origin as a nation, Moses, the law-giver, and Joshua, the military founder of the Hebrew State ; the four men around whose history clusters the interest of the reign of the Judges, Barak, Gideon, Jephthah, and Samson, were each made the theme of a sermon. Strange specimens of Christians these men were admitted to be ; doubtful sharers of the thorough redemption, and the genuine renewal which faith in the Redeemer, then to come, always gives. Men they were, who, from their external conduct alone, presented in the Old Testament history of their lives as military and civil leaders, we should never dream were men of humble faith in God ; but whose " life hid with Christ in God " Paul is inspired to bring out, for the instruction and comfort of kindred spirits in these last days. As the circumstances of the age in which these men were depicted, an age of settlement in a new land, of conquest over rude and heathen tribes, and even of border and intestine warfare among independent and jealous States not yet consolidated into a nationality, General Houston followed the narrative, and seemed to ponder the resemblance to times and circumstances through which he and thousands of his comrades had passed. When little hints from the inspired record of their lives in the Book of Judges were made to reveal their meaning in the strong light of Paul's statement about them, statements which, as the great apostle unto the Gentiles, of that Gospel which, four hundred and thirty years before the Law was preached unto Abraham, he was inspired to make, and it was made to appear that men leading so rough a life might yet be genuine servants of God and be redeemed by Christ, Gen. Houston's whole soul appeared to be absorbed in the contemplation. He, too, became a sincere believer in that same Redeemer.

" It was his practice, as intimated, to spend his Sabbath afternoons in writing to his wife, not only incidents of the week, but abstracts of the sermons that he heard. Often her replies, sometimes commenting on the doctrine, often urging the exhortation of the sermons reported, were read with intense interest to the pastor. Some of these are treasured as instructive and pleasant memories. Among these remembrances were comments on a discourse of the Rev. Dr. Dewey at the Unitarian Church. The General had expressed his wish to gratify some friends of Dr. Dewey by hearing once, at least, this great and cultured expounder of the history and moral lessons of Jesus as an unequalled human teacher. No mind could have better discriminated than his did, between the excellence and value of all that was urged by the preacher, and that *omitted* " truth as it is in Jesus," on which he could alone rely as his own personal hope of redemption.

" His reading became more and more decidedly religious ; and what he had found valuable to himself he was fond of imparting to others. He early expressed a wish to obtain a copy of ' Nelson on Infidelity,' of which he had heard as eminently adapted to men of his caste of mind. Its perusal so met his own intellectual demands, that he sought, through the same source, several copies for distribution to some of his special friends, whose religious views he thought needed such an aid. At another time he procured several copies of the ' Western Sketch-Book,' and ' Adam and David,' by Rev. Mr. Gallagher, the eloquent and devoted Presbyterian pioneer in the Mississippi valley, whose subsequent

service as Chaplain of the House of Representatives was so blest to many. One set of these volumes, elegantly bound, he presented to his attached Washington pastor; whom, for years before his public Christian profession, he always called 'brother.' On another occasion, to aid his own Bible study, as well as to facilitate that of those whom he most esteemed, he bought three copies of that expensive work, 'West's Analysis of the Bible,' one of which volumes he presented to his wife's pastor in Texas, and a second to his own pastor at Washington.

"During the session of 1854 he expressed his conviction that he ought to make a profession of religion, by the public ordinance of baptism. The question was debated whether he ought to receive this rite, and make that public consecration in the presence of his associates in Congress at Washington, or amid his family and early companions in his Texan home. The scale turned in favor of the latter suggestion.

"On his return to Congress the next winter, many eyes were on him; and the tests of his thorough and fixed devotion of himself to God were anxiously looked for by his pastor. They became at once apparent, and remained immovable. Calling early after his arrival to see him, an hour was spent in conversation on his profession, and the grounds which had led to it. On rising to leave, the pastor was followed as usual to the door, and, as often happened, the General asked: 'Brother S., is there anything I can do for you?' his reference being to claims of humanity, sometimes presented to him. The reply was, 'No, General, I have no tax upon you at present.' Immediately, however, the recollection was awakened that the next Sabbath was the season for the Lord's supper, and that with one of the leading brethren of the church, General Houston had formerly a trying, and yet unsettled controversy, in his official capacity as the head of a Senate Committee. At once, prompted by the recollection, the pastor added, still holding his hand, 'General, I recall that statement in part; I have nothing to ask of you as a man, but I have something to ask of you as a Christian pastor.' Fixing his keen eye, as he looked down upon mine, he meekly but firmly asked, 'What is it, brother S.?' 'General,' was the reply, 'you know the alienation between you and brother W. You will meet at the Lord's supper next Sabbath evening; you ought not to meet till that difficulty is settled. Now I wish you, after service on Sunday morning, to let me bring you two together, and without a word of attempt at justification on either side, I wish you to take him by the hand, and say with all your heart, that you will forgive and forget and bury the past, and that you wish him to do the same, and hereafter to meet you as brothers in Christ.' The fire began to glow in his eyes, his brow to knit, his teeth to clench, and his whole frame shook with the struggle of the old man within him; but in an instant, the man whose passion had been terrible, indeed ungovernable on so many a bloody battle-field, was changed from the lion into the lamb. He meekly replied, 'Brother S., I will do it.' And, what he promised was done, and in an air of majestic frankness and nobleness of soul, such as moved every beholder. From that hour I never have doubted that General Houston was a man renewed by the Holy Spirit.

"Many a time the Christian pastor is asked if he thinks such and such an one, baptized and received into the fellowship of the church, perhaps a playful child, a pleasure-loving youth, a morose head of a family, a miserly business man, can be a Christian. If such men as Jephthah and Samson and David and Solomon could be true servants of God, *because* saved by *faith*, not by works of right-

eousness, then such men as Sam Houston give the strongest of all testimony that they are born of God. The pastor, the wife, see that life hidden with Christ in God, shining out so often and so brightly, that they can not err in judgment. The world, and even the mass of Christians who see only occasional exhibitions of Christian principle, seldom called out in the routine of busy life, should trust these better judges. The angels see more clearly; they know who truly repents, and they rejoice over him; they come when he dies to bear him to their home; and they will gather all such with unerring certainty into one band, in the day of the revelation of God's righteous judgment. It is more than a hope, it is the intelligent confidence of his long-attached pastor, that Sam Houston will be there found among that band.

"I am, your brother,

G. W. SAMSON."

An interesting incident in the religious life of Gen. Sam Houston is subjoined, furnished by Rev. George W. Baines, of Salado, Texas :

"When Gen. Houston made a public profession of religion I was living at Anderson, in Grimes County, Texas, and serving the church at Brenham, Washington County. I heard of the revival meeting at Independence, where Gen. Houston then lived, and of his conversion. On my way to Brenham, on Friday, I went by Independence, and rode up to the General's gate about dusk. Sister Houston saw me, and came out to meet me, evidently excited, and exclaimed: 'Oh, Bro. Baines, I am so glad to see you. Gen. Houston has professed religion, but says he can not join the church, and I want you to talk to him about it, for I know he has the greatest confidence in your knowledge of such things. Communion is his difficulty. He says he can never take the communion elements, because, while he thinks he is a Christian, yet he may be mistaken, and if he should be, then by eating and drinking unworthily his damnation would be sealed.' She further said that brother Burleson and others had tried to satisfy him, but had failed, and she was very anxious for him to see me. He was gone to the meeting, and I did not see him until we met at the table next morning. There he proposed to ride with me on my way to Brenham, which he did. On our way he said to me: 'My wife and other friends seem anxious for me to join the church, and I would do so if I could. But with my present convictions, which I received when a boy, it is impossible.' I then asked him to state his convictions, which he did as follows; said he: 'When I was quite young I went with my mother to the Presbyterian church, of which she was a member. It was a communion season, and the great Dr. Blackburn preached. During the communion service he quoted the passage in Corinthians which sets forth the fearful danger of eating and drinking unworthily, and urged the awful necessity that each one of the communicants should be very careful in examining himself lest he should not really be in the faith—not be a real Christian—and therefore not be worthy to eat the emblems of the sacred body and blood of the Lord Jesus, and he told them plainly that if they should thus eat and drink unworthily they would thereby seal their damnation forever. Now,' said Gen. Houston to me, 'while I enjoy a sweet peace of mind in believing in the Lord Jesus as my Saviour, yet I know it is possible that I may be mistaken in this matter. And if I should be, then should I join the church and

commune unworthily, there would be no possibility ever to correct the sad and awful mistake.' Then said I, 'Well, General, I see your difficulty, and it is a very reasonable one as you see it. But I think I can show you that it has no scriptural foundation at all. First, allow me to say that I have not the least shadow of doubt as to your honesty in your statement of what Dr. Blackburn said. But yet I think it possible that you misunderstood him. But upon the ground that you are correct in your statement, I think I can so present the doctrine of the passage referred to that if you will read it over carefully you will see that Dr. Blackburn made a fearful mistake in his exegesis. He missed entirely the true teaching of the inspired apostle.' Then I told him that I understood the apostle to administer a rebuke to the Corinthian brethren for their observance of the ordinance in that they made it a feast, and ate and drank to gratify their natural appetites, instead of remembering and discerning the Lord's body as He had directed them to do. He reminds them also of the true nature of the Lord's Supper, and that he had received it of the Lord Jesus just as he delivered it to them with the law governing it as a Christian ordinance and duty. But they by their perversion had so changed it that when they came together it was not to eat the Lord's supper, and thus show forth His death as His law of the ordinance required them to do. So they violated this law, and thereby brought upon themselves the condemnation of this law governing this holy ordinance. Then I think that the question in the mind of the apostle was one of manner, as indicated by the word unworthily, which is an adverb of manner, and describes, not their faith in Christ, or relationship as Christians to Christ, but the manner in which they discharged their duty, in eating and drinking the emblems of His body. Therefore, when the apostle says, 'Let a man examine himself, and so let him eat,' I do not believe he had any reference to the question of their being Christians, or to the laws governing that matter; but reference alone to the law governing their ordinance, and the questions of right views, motives, and purposes, as set forth in that law. If this be so, then the danger against which the apostle cautioned the Corinthians was not that eating and drinking unworthily would be a violation of the law governing their Christian existence or being, but such unworthy acts would be a violation of the law of this ordinance which governs their well-being, happiness, and usefulness as Christians in a very great degree. 'Thus,' said I to the General, 'you see why I said that Dr. B. made a fearful mistake, perverting entirely the true doctrine of the passage to which he referred.' 'Yes,' said the General, 'I see it clearly, and now I will return home and read that chapter carefully. Your views are new to me, but they seem to be very reasonable, and I thank you for them.' We then parted. I went on to my appointment. He returned, read the Scriptures mentioned, and joined the church."

CHAPTER XXVIII.

ANECDOTES—INTERESTING LETTER OF GEN. E. G. W. BUTLER.

NUMEROUS anecdotes affecting public affairs and private individuals are related, of which Gen. Houston is the central figure. Many of them indicate the bitter satire, the caustic sarcasm which sometimes escaped him when a sense of wrong or injustice was apparent. A few of those only should find a place in this memoir.

Two of these are taken from Hon. Ashbel Smith's "Reminiscences of the Texas Republic." They are given in Col. Smith's own vigorous and classical language. It is illustrative of the times of the first administration of President Houston :

"San Antonio was much the largest, richest, most influential city of Texas of that period. It was remote from the seat of government. There was no intervening population between it and the Mexican frontier. For its protection, and that of the country, a considerable squadron of cavalry was stationed in that city. This squadron was, indeed, the only military of Texas kept mobilized that was ready to take the field. Major Western, who commanded this body of cavalry, had by some acts and significant innuendoes intimated that he cared very little for the *one horse* Government in the city of Houston. President Houston was apprehensive that an order to recall the Major, or to relieve him, might be disobeyed. It was announced publicly that a Minister would be appointed to represent Texas at the Court of St. James. Col. Wm. H. Patton was going to San Antonio on his own private business. President Houston, in a long and friendly conversation with Col. Patton, at length adverted as by accident to the proposed mission to England. He spoke of Major Western, lauded his polished manners, his courtly address, his diplomatic ability, said the Major strongly reminded him of Mr. Van Buren, asked Col. Patton what he thought of the appointment of Major Western for this mission. All this he begged Col. Patton to hold in strict confidence. Nothing was absolutely determined on. 'Col. Patton need not be surprised at anything.' The President, waiting till he heard of Col. Patton's safe arrival in San Antonio, sent through the War Department orders to Major Western to report in person at the seat

of government. The Major presented himself in Houston, radiant and decorous as Titus at the head of the Roman Legions, organized for the conquest of Jerusalem. Time rolled on. The Major became visibly impatient, despite the gracious accord with which President Houston greeted him. At length he began to inquire very quietly who was to be appointed to England. He inquired of your speaker, who was a member of Houston's staff, but Ashbel Smith 'knew nothing of Cabinet matters; he was not a member of the Cabinet.' Finally instructions were being made out in the State Department, and Gen. J. Pinckney Henderson was making preparations to leave for London. The rumor leaked out. 'The Major would not believe it.' 'President Houston had better judgment of men.' 'What did Henderson know of diplomacy?' The appointment of Gen. Henderson became an established fact. The Major was disgusted. 'He would go back to San Antonio,' and so he did, but he found his successor there well established in command of the cavalry. Referring to this matter at the time, Gen. Houston said to your speaker that he would have no pronunciamientos of the Mexican fashion in Texas during his Presidency. During his second Presidency he had to confront and ward off the far more perilous danger of two pronunciamientos which were threatened, and which might have proved disastrous but for his consummate tact in charming them down. Recurring to the incident just related, Gen. Houston at a subsequent time provided comfortably for his disappointed old friend, the Major, by placing him at the head of the Indian Bureau."

While the subject of annexation was still unsettled, Col. Smith says further that: "An incident which then occurred is not without signification as to the opinions he then pondered over. He was leaving Washington on the Brazos for Eastern Texas one morning in February, 1845. He came into my room, booted, spurred, whip in hand. Said he: 'Saxe Weimar (the name of his saddle-horse) is at the door, saddled. I have come to leave Houston's last words with you. If the Congress of the United States shall not by the fourth of March pass some measure of annexation which Texas can with honor accede to, Houston will take the stump against annexation for all time to come.' When he wished to be emphatic he spoke of himself by name, Houston in the third person. Without another word, embracing after his fashion, he mounted, and left."

"At one period the war fever ran very high, and on one occasion a committee of gallant gentlemen waited on Houston, asking his advice and co-operation, and they requested him to address our fellow-citizens in this sense. He made a public speech, which he

concluded with advice, as he had been desired to give it. This advice was in two words, 'Plant corn.'"

Many traditionary stories are current illustrative of his wit, his adroit cuts upon individuals offensive to him, and his opinions of men and measures ; but their record will not serve to enhance his fame, and may embitter feelings which time has soothed, and time will let die. There is, however, one told by the late Col. James W. Scott, a member of his staff, and his devoted friend, which may be taken as a specimen of numerous others of similar character.

Living on the road to Austin, whither he and his staff had to pass for his inauguration the second time into the Presidency, was a man who was much embittered against Houston, although he had never seen him, and who had said that he would kill Gen. Houston if he should ever see him. The members of the staff were warned not to allow Gen. Houston to call or stop at this man's house,—a suitable stopping-place otherwise after a day's ride. Having traveled most of the day, and time for stopping nearly arrived, Gen. Houston and his party approached this man's house. Calling to his staff, the General said : "We have traveled far enough ; here is a good stopping-place ; let us see if we can not obtain quarters here for the night." The gentlemen of the staff remonstrated with him, telling him what they had heard of this man. "Well," said Houston, "this is the right place at which to stop. We will stop here." The staff knew that there could be no successful resistance to his will once formed, and they determined to await in perfect silence the issue. Riding up to the entrance of the house, Gen. Houston inquired of the man in front if he and his party could be entertained for the night. He was courteously answered in the affirmative ; thereupon he and his staff proceeded to store their luggage on the portico, and send their horses to the stable. The staff superintended this business, while Gen. Houston seated himself on the portico. Observing some children, he called them up, commenced telling them some stories, and soon had them hanging around his chair, gazing wistfully into his face, seeking more stories. Shortly afterward the lady of the house made her appearance, and the owner of the place also gathered near, and when the staff returned from looking after the horses, they found, to their amazement and consternation, the whole household fascinated by Houston's conversation. Supper was announced, but just as the master of the house was about to serve his guests from the dish before him, Houston touched his arm, and said : "My friend, although I do not profess religion [at that time the General had not joined the church], still I always ask God's blessing when I partake of His bounty. Allow me to ask a blessing." "Certainly,

sir," said the master of the house, who by this time was completely under the spell of Houston's magnetic presence, "ask a blessing." He asked the blessing, talked cheerfully while eating, telling agreeable incidents, quite captivating the man, his lady, and their children. Supper over, conversation ensued until it was near the usual bed-time, and the man suggested that "Rooms were ready, if the gentlemen were desirous of retiring." "Well," said Gen. Houston, "have you a Bible? It is always my habit to read a portion of Scripture before I retire." The lady of the house was only too glad to get something done which looked like religion in the house, and she soon procured a Bible. Houston read a brief, familiar passage, and made some appropriate comments thereon, then observed: "Having done all I do usually at home, we are ready to retire." He and his staff retired, without exchanging words. In the morning, at breakfast, he again asked a blessing. After breakfast the staff proceeded to get up the teams for travel, while Gen. Houston still conversed with the family. The horses ready, and before any settlement had been made, one of the staff stepped forward, and said, forgetting the injunction, "General, we are ready to start." The man looked up, startled, and inquired, "General! Who?" "General Houston," said the General, "Houston himself." "Are you General Houston?" said the amazed man. Without the slightest exhibition of concern, Houston replied, "I am, sir." "Well," said the entertainer, "I have always said I would kill you on sight; but, sir, any man that can talk to my wife and children as you have talked, ask such a blessing on the meals, read the Bible, and comment on it, as you have done, is always welcome to my house." "Well," says General Houston, "what must we pay you for your trouble and hospitality?" "Nothing, sir. You and your staff can call as often as you please. From this time on I shall be a Houston man." And Col. Scott said that man was an inflexible friend of Gen. Houston ever afterward.

"ST. LOUIS, MO., *April 9, 1881.*

"MY DEAR SIR: At the instance of our learned friend, the Rev. G. W. Samson, of New York, 'the pastor of Sam Houston' while a United States Senator, I sit down to write to you concerning our early association and correspondence, and the annexation of Texas.

"When, in 1816, I was appointed a cadet in the United States Military Academy, by request of Andrew Jackson, my guardian, Houston was a lieutenant in the First Infantry, and on duty in the Adjutant-General's office of the Southern Division, commanded by Maj.-Gen. Andrew Jackson, and of which Col. Robert Butler, my gallant cousin, was Adjutant-General. He resigned his commission March 1, 1818, was elected to Congress in 1823, and being then a Lieutenant of Artillery, on topographical service in Washington, I had the pleasure of again meeting my old friend. I soon discovered that he had lost none of his *eccen-*

trickities. He made me accompany him to every hat store in Washington in search of a hat with 'a very narrow rim'; and, finally, to the Capitol, to select his seat in the House of Representatives.

"After having selected his seat, as he imagined, he turned to me, and remarked: 'Now, Butler, I am a Member of Congress, and I will show Mr. Calhoun that I have not forgotten his insult to me when a poor lieutenant.'

"When a lieutenant, he once went to Washington in charge of an Indian delegation, dressed, as was his wont, in *Indian costume*. For this Mr. Calhoun, then Secretary of War, reproved him, and he never forgot nor forgave him.

"You, sir, and your good friend Dr. Samson, know more than I do of his after and remarkable career—his election as Governor of Tennessee; his first and unfortunate marriage; his resignation and sojourn among the Cherokee Indians; and his advent to Texas. I will therefore conclude with a few remarks upon the 're-annexation of Texas,' as Robert J. Walker termed it, and Houston's connection therewith; and with reference to the advance of Gen. Taylor's army into Mexico, concerning which I, then a private citizen of Louisiana, exercised no little influence.

"You recollect President Van Buren's rejection of President Houston's proffer of the annexation of Texas to the United States for the alleged reason, 'We already have elements of strife enough, and when the fruit is ripe, it will fall into our lap'; but really from *sectional motives*, for which Robert J. Walker, the able champion of annexation, defeated his renomination to the Presidency by springing the 'two-thirds rule' upon him.

"Years passed away; Houston had been succeeded as President of Texas by Jones, and Van Buren as President of the United States by Harrison, and, at his death, by Tyler, when, in 1844, my old friend and West Point classmate, Andrew Jackson Donelson, was sent as *chargé d'affaires* to Texas, to negotiate a 'Treaty of Annexation.' Finding Houston violently opposed to it, and Jones consequently indisposed or indifferent, Donelson induced him to convene the Texan Congress, believing it and the people to be in favor of it.

"During the interval, Donelson came to me at my plantation in the parish of Iberville, Louisiana. He read to me his correspondence with the Texan Government, and its apparent indifference; of his visit to Houston, in the interior, and his indignation toward Van Buren, and consequent opposition to the proposed treaty; and, finally, remarked that Houston seemed to be under the influence of Elliott and Saligny, the English and French representatives near the Government of Texas, who were endeavoring to defeat annexation, and to negotiate treaties of commerce or alliance, 'offensive and defensive,' with the Governments of England and France.

"I therefore advised him to return at once to Texas, to appeal to the *people*, many of whom he knew, and to use every means in his power to counteract the efforts of Elliott and Saligny. He returned immediately to the seat of the Texas Government; and, a few days after his arrival, Capt. Elliott was holding forth at one end of the dinner-table of the hotel against annexation, in a loud voice, when Donelson, who sat at the other end, remarked, in an equally loud voice, 'Captain Elliott, I think you are making a fool of yourself.' That finished the cause of the gallant captain; for any one who knows a Texan can imagine the effect upon those present of Donelson's remark.

"In the meantime I went to the 'Hermitage,' at the request of my venerable

friend and godfather, Andrew Jackson, to take a final and sad leave of him; and annexation and Houston were his constant theme. Soon after my return to my plantation, the papers announced that Gen. Houston would be in New Orleans on a certain day, on his way to the 'Hermitage,' to take leave of his dying friend. Knowing that he would reach that city the evening before the 'annexation meeting at the Arcade,' I wrote to him as follows, and my letter may be among his papers: 'My dear General, allow me to recall myself to your remembrance by informing you that I have just returned from a pilgrimage to the "Hermitage," to take a final and sad leave of our dear old friend; and his parting inquiry of me, in regard to annexation, was, "Edward, what will Houston do?" It is owing to my inability to answer that question that I now address you; and it can not be possible that a native of Virginia and a citizen of Tennessee can have so far forgotten what is due to himself and his country as to lend himself for an instant to the representatives of England and France.'

"That there might be no mistake, I gave the letter to Capt. Hart, who, the day following, assured me that he placed it in Gen. Houston's hands; and after several speeches had been made at the 'Arcade meeting' in favor of annexation, Gen. Houston was called for, when, after some prefatory remarks, he said: 'My friends, I have been accused of lending myself to England and France; but, I assure you, I have been only *coquetting* with them.' He proceeded to the 'Hermitage,' and returned through Alabama, making speeches on his way *in favor of annexation*; and it became a fixed fact.

"Toward the close of President Tyler's administration, Maj. Donelson was elected a delegate to the Democratic Convention at Baltimore from Tennessee, and I from Louisiana, when Gen. Jackson wrote to me, requesting me to go by the way of the 'Hermitage,' as he wished Maj. Donelson and myself to go on together. I could not attend the Convention, which repudiated Van Buren, and nominated Polk for President. During Maj. Donelson's visit to me, I inquired as to the General's object in wishing us to go together. He seemed surprised at the inquiry, and replied: 'Made sure that Mr. Van Buren's rejection of Texas had put an end to his pretensions, and he wished to direct our attention to *Mr. Polk*'; and when I inquired of him at parting, 'In case we can not nominate our friend Van Buren, what shall I do?' he replied: 'Throw your friend overboard; and go for your country.'

"Now, my dear sir, in view of the part which you see I took in the annexation of Texas, that which I took in causing the forward movement of Gen. Taylor's army into Mexico, forms a somewhat strange coincidence.

"When my brave and patriotic old friend Gen. Taylor, after the brilliant affairs of *Palo Alto* and *Resaca la Palma*, sat down for weeks at Matamoras, knowing his want of self-reliance and the desire of the Government that he should march upon Monterey, I wrote to him to that effect, and he responded: 'I have not heard from the Secretary of War for two months, and do not know the wishes and intentions of the Government in regard to the movements of this army. If an advance into Mexico is intended, Gen. Scott, who knows the wishes of the Government, is the proper person to command its army and to carry out its wishes.'

"Alarmed by the receipt of even a letter, and that after Gen. Scott's refusal of the command, from fear of 'a fire in his rear,' I wrote to Senator Cass, gave him an extract from Gen. Taylor's letter, and begged him to see the President

and Secretary of War without delay, and have him properly advised and instructed.

"Gen. Cass replied: 'I have conferred with the President and Secretary of War, in conformity to your request, and without committing Gen. Taylor, who has the entire confidence of the Government; and Gen. Taylor has been fully advised of its wishes, and furnished with the necessary instructions.' The result you know.

"Faithfully and truly yours,

E. G. M. BUTLER."

Not only in Texas, where he was the idol of "the people," but in Washington and New York, the *people* clustered about Houston as a father, and hundreds were proud to have taken his hand, to have met his benign smile, and to have received from him a word of heartfelt tenderness. Called in New York to take part, in the winter of 1853-4, in a course of public lectures for a benevolent object, inaugurated by J. T. Smith, Esq., in which several clever eminent gentlemen took part, Houston's calm dignity of manner, his profound good sense, and his overmastering spirit of patriotic earnestness, captivated his hearers. At church, in Washington, the aisles would be blocked by people pressing forward, at the close of the service, toward the pulpit, near which he always sat; the humblest hearer, as well as men of prominent positions, pressing to exchange greetings with the hero and statesman of his generation. In the vestibule the colored occupants of the gallery waited to welcome him, and were eager to receive his kind and genuine expressions of esteem. Those twelve years in Washington, interspersed with visits farther north, were full of incidents, and rich in sentiments uttered, which a volume would not contain. Most of all, it was what Houston did *not* do and say—especially amid the exciting scenes attending the assault on the Massachusetts Senator—the theme of excited comment in public and private, which brought out Houston's greatness. The remark of the old Greek sage, that "he had sometimes repented speaking, never keeping silent,"—the highest of all examples, that of "the Just One," condemned to death though faultless, who, when insulted, "yet opened not His mouth,"—these models of the most transcendent greatness thoughtful observers saw often realized in Sam Houston.

CHAPTER XXIX.

DOMESTIC LIFE OF SAM HOUSTON—MRS. MARGARET MOFFETTE LEA HOUSTON—POETRY.

THE early domestic troubles of the hero of San Jacinto have been briefly detailed. Gen. Houston rarely, if ever, alluded to them, nor did he in anywise reflect upon the character or memory of the first Mrs. Houston.

The history of his relations to the second Mrs. Houston is alike honorable to all parties, and a noble tribute to the exalted excellence of a pure, lovely, well-developed female character.

The second Mrs. Houston, Margaret Moffette Lea, daughter of Temple and Nancy Lea, was born in Perry Co., Alabama, April 11, 1819. She received the best advantages of the schools of Alabama, and through all her life continued to improve her intellectual powers by reading and study. Associating with the most cultivated people of Alabama, possessed of winning manners and conversational powers, she attracted no little attention from men of eminence in Church and State.

She was a thorough student of the Bible, and was devotedly attached to the principles of practical Christianity. The writer first met her in Marion, Alabama, in 1839, at a time when she was regarded as the most attractive and fascinating young lady in that part of Alabama. She became a member of Siloam Baptist Church, Marion, and was baptized by Rev. Peter Crawford, then pastor of that church.

On a visit to Mobile she first met Gen. Houston. He was at that time given to occasional excesses in drinking, by which he had acquired the name among the Indians of "Big Drunk." His romantic history, his brilliant career as the savior of Texas, his commanding figure, winning manners, and vivacious conversation, won the heart of the young Alabamian.

She was asked by the writer why she ran the risk of unhappiness and misfortune by consenting to link her destinies with those of Gen. Houston, at a time when he gave way to such excesses? She replied, that "not only had he won her heart, but she had conceived the idea that she could be the means of reforming him, and she meant to devote herself to the work."

According to her wishes, and to the astonishment of her friends, she was married to Gen. Sam Houston in Marion, Alabama, May 9th, 1840.

It was not long before her influence induced him to give up strong drink, to which he never returned.

"There is a sorrow which even the hero can not bear. The storms of life may beat against the frail dwelling of man as wildly as they will, and the proud and the generous heart may still withstand the blast. But when the poisoned shaft of disappointment strikes the bosom where all we love or live for is treasured, the fruit of this world turns to ashes, and the charm of life is broken. Then it is that, often, reason and bliss take their flight together."

When this dark cloud fell over the path of Houston, he buried his sorrows in the flowing bowl. His indulgences began with the wreck of his hopes, and, like many noble and generous spirits, he gave himself up to the fatal enchantress. But his excesses were exaggerated a hundredfold. We believe no man can say that he ever saw Houston rendered incompetent, by any indulgence, to perform any offices of private or public life a single hour. But the days of his indulgences passed away. When the sunlight of domestic happiness again shone through his dwelling, and he was sustained once more by that great conservative principle of a man's life, a happy home, illumined by the smile of an affectionate and devoted wife, his good angel came back, and for years no man was more exemplary in all the duties and all the virtues of the citizen, the father, and the husband. From that moment he espoused the great cause of virtue and temperance with all the earnestness of his nature. Whenever an opportunity presented itself, he has eloquently spoken, in public and in private, in favor of that beneficent movement which has restored many thousands of generous but misguided men to the long-abandoned embraces of weeping families, and to the nobler duties of citizenship. And who could better tell the horrors and woes of the poor inebriate's life than the man who had experienced them? Who could more eloquently and winningly woo back the wanderer to the fold of virtue than he who had just returned to its hallowed enclosure? Blessings on the head of the devoted and beautiful wife, whose tender persuasions prove too strong for the clamors of appetite and the allurements of vice! In winning the stricken wanderer back to the pure charities of home she saved one of its noblest citizens; and so benign has been the influence of his wonderful example, and so calm and so holy a light beamed around the altars of his prairie home, that his children will, with the nation he saved, rise up and call him blessed. Houston's indulgences never were carried so far as to

give a shock to his constitution. They were only occasional at any period.

As a woman, Mrs. Houston was as remarkable as was General Houston as a man. True to principle, firm in her convictions, spiritual in her ideas of religion, devoted to her husband and her children, she considered the strict performance of the great duties of domestic life as an achievement of moral heroism. The good of the land were always welcome to her fireside, and cordially entertained at her hospitable board.

While thus absorbed in home duties, Mrs. Houston was busied with her pen ; her private letters and her magazine contributions all being tinged with the one aim of her life ; as the moral and religious guide of her children, and the guardian angel of her husband's private and public life. During his Senatorial career Houston was never so happy as in receiving her weekly letters, in reading portions of them to his trusted friends, and in writing his Sunday afternoon replies. The contributions of Mrs. Houston to the *Mothers' Journal*, of Philadelphia, were as highly prized by its numerous readers as by him who rejoiced that their sentiment and their suggestions were realized in his own household.

Eight children blessed their married life : 1st, Sam ; 2d, Nancy Elizabeth ; 3d, Margaret Lea ; 4th, Mary William ; 5th, Antoinette Power ; 6th, Andrew Jackson ; 7th, William Rogers ; 8th, And. Temple ; all grown and married, except the two younger ones, and all occupying commanding positions in society. The following lines of poetry will evince respectable poetical talent and strong affection :

TO MY HUSBAND.

December, 1844, on Retirement from the Presidency.

Dearest, the cloud hath left thy brow,
The shade of thoughtfulness, of care,
And deep anxiety ; and now
The sunshine of content is there.

Its sweet return, with joy I hail ;
And never may thy country's woes
Again that hallow'd light dispel,
And mar thy bosom's calm repose !

God hath crown'd thy years of toil
With full fruition, and I pray
That on the harvest still His smile
May shed its ever gladdening ray.

Life of Sam Houston.

Thy task is done ; another eye
 Than thine must guard thy country's weal ;
 And oh ! may wisdom from on high
 To him the one true path reveal !

When erst was spread the mighty waste
 Of waters, fathoms wide and far,
 And darkness rested there, unchased
 By ray of sun, or moon, or star,

God bade the gloomy deep recede,
 And so young earth rose on his view ;
 Swift at his word the waters fled,
 And darkness spread its wings and flew.

The same strong arm hath put to flight
 Our country's foes ; the ruthless band
 That swept in splendid pomp and might
 Across our fair and fertile land.

The same Almighty hand hath raised
 On these wild plains a structure fair,
 And well may wondering nations gaze
 At aught so marvelous and rare.

This task is done. The holy shade
 Of calm retirement waits thee now.
 The lamp of hope relit hath shed
 Its sweet refulgence o'er thy brow.

Far from the busy haunts of men,
 Oh ! may thy soul each fleeting hour
 Upon the breath of prayer ascend
 To Him who rules with love and power.

—M. M. HOUSTON

OUR DAUGHTERS.

Our eldest is an autumn bloom.
 Just as the summer rose grew pale
 She smiled upon our woodland home,
 The brightest flower in all the vale.

The second April came with showers,
 The buds to ope, and vines to wreath,
 And left the sweetest of its flowers
 Upon my joyous heart to breathe.

Sweet month ! but two short years had past,
 And lo ! with smiles again she came,
 And left a bloom fair as the last,
 A strange bright flower for me to name !

Almost two years had passed away,
And winter looked upon my flowers
With meaning smile that seemed to say,
"I bring no vine-wreath for your bowers."

No spring bird's song, nor summer breeze,
Nor leaves of autumn's glowing hue,
To throw around my lone, bare trees ;
But winter has its offering too.

And oh ! the brightest rose there lay
Upon his hand ! "It is thine own."
He whispered, as he passed away,
"Oh, guard it well, the fragile one."

My beauteous gifts ! how carefully
Their tender branches I must train !
That each fair plant on earth may be
A household joy ! And yet in vain

My fondest care without that aid
The blessed Lord alone can give.
Father ! these earthly blooms must fade,
But let their souls before Thee live.

My buds of innocence in time
Be formed to bloom beyond the skies,
Within the cloudless spirit's clime
Unfading flowers of Paradise.

HUNTSVILLE, Texas, *March 14, 1856.*

—M. M. HOUSTON.

After the death of Gen. Houston Mrs. Houston returned to their former residence at Independence, Texas, for the purpose of educating her children in Baylor University and Baylor Female College. Her health was much impaired by asthma, still she availed herself of all opportunities of doing good, and signalized her sympathy with the suffering and dying during the prevalence of yellow fever and kindred diseases in Texas in the summer and fall of 1867. Just at the close of that season she was herself prostrated by disease, of which, in entire resignation to the Divine will, she died December 3, 1867, leaving a noble example of a blameless and useful life to her children, who survived her.

Gen. Houston's remains are buried at Huntsville, while Mrs. Houston's remains are buried alongside of those of her mother, at Independence, Texas. A simple, small, plain slab is placed over the hero's grave, with these words : "Gen. Sam Houston, born March 2, 1793. Died July 26, 1863." Nothing as yet signalizes the spot where the remains of his companion lie.

CHAPTER XXX.

GENERAL ESTIMATE OF HOUSTON'S CHARACTER.

IT has been said by one already frequently quoted, "That Gen. Houston's judgment was pre-eminently calm and thoughtful; his very bursts of tempestuous passion (in early life) were pre-meditated. In intercourse with Houston running through more than a quarter of a century I never imagined there was more than one human being to whose judgment he deferred, and to which he postponed his own. That man was Andrew Jackson." Just before Jackson's death he visited the Hero of New Orleans at the Hermitage. The "Hero of San Jacinto" went to bid a last adieu to his earliest and most lasting personal and political friend. It was an affecting meeting. Houston's noble wife, who was present, described it as one of the most remarkable imaginable. Both were patriots, soldiers, leaders, statesmen. Both had perilled life in youth on the battle-field for their country. Jackson loved the Union, the United States; yet not even he ever loved the Union of the States with more intense affection than Houston.

The history of Sam Houston is alike the property of the American people at large, and of the people of Texas specially. The part which he bore in the liberation of an oppressed colony, in gathering ardent and invincible spirits about him, in leading them to victory, his skill as a General, his statesmanship as Congressman, President, Senator, and Governor, will ever form one of the brightest pages of American history.

Justly has it been remarked that American history¹ will be incomplete without assigning the chief place to the most sagacious statesman which the Southwest has ever produced. Born of Scotch-Irish parentage, near the greatest of Virginia's physical marvels in Rockbridge County, the character-nursery of the McDowells, Moores, Tuckers, Letchers, and Stonewall Jacksons, with the blood of the McClungs and the Alexanders coursing in his veins, he gave early promise in his erratic boyhood, and wild life among uncivilized men, of the destiny which unerring wisdom had marked out for him. Thrown at an early age upon his own resources, content with a soldier's hard fare and a hero's fate, we find him, under the lead and following the fortunes of Andrew Jackson, distin-

guished in all battles, and wounded in one of the memorable contests between the forces of Jackson and the Indians in Alabama. From the soldier he passed to the statesman. Elected, almost by acclamation, District Attorney, Major-General, Member of Congress, and Governor of Tennessee, matrimonial infelicity determines him to surrender all his brilliant prospects of future distinction in Tennessee. Immediately he resigns the office of Governor, and goes into exile. On that resolution hung a future which is filled with some of the most remarkable events of modern times. A confidential correspondent of the President of the United States, he visits Texas, is elected a delegate of Anglo-Mexicans struggling for liberty and natural rights; is twice elected General of the small armies raised for defence and independence; is the heroic chief of the immortal battle of San Jacinto; is President of the young Republic for five years, discharging duty with success, and to the marked advancement of the nation; is Senator from Texas in the Congress of the United States from 1846 to 1859, and is Governor of the State at the most critical period of its history, at the opening of the most remarkable contest which has occurred in the later history of the world.

Gen. Sam Houston was one of the most remarkable men in the history of Anglo-Saxon civilization. That he had faults, and grave ones, no one will deny. But that his remarkable excellences of character completely overshadow the dark sides of his character is equally undeniable. He was opposed bitterly, and he resented as bitterly. Treated with injustice, he was unrelenting and merciless, until he made a public profession of Christianity, when his whole course of conduct underwent a change. An ardent friend in the United States of Andrew Jackson, counseled by the hero of New Orleans in his career as General in Texas, he shared the obloquy cast upon Jackson in the Union, and did not escape the effects of that obloquy as a General and President in Texas, as his chief antagonists in Texas had also been the political opponents of General Jackson in the United States. His opponents were patriotic and chivalrous men, anxious for the same ends for which he was willing to lay down his life, but seeking for these ends by more rapid and dashing methods. They all contributed to the independence of Texas, and should all be remembered with undying devotion by all true patriotic spirits of Texas. That the policy of Houston and his administrative ability was most successful, is his best vindication from all assaults of opponents. But let "the dead past bury its dead." The achievements of his life are his best eulogy.

1. He was a man of marked individuality. He possessed this trait in common with Washington and Jefferson, Jackson and Clay,

Webster and Calhoun. He thought for himself, thought closely; exercised his reasoning powers, and formed clear, cool, and calm judgments. He studied books little, but men much. He analyzed thoroughly the philosophy of events, and linked measures with their sequences.

2. He maintained a lofty independence of spirit. He was willing to concede to others all he claimed for himself. Capacity for independent thought is the first quality of a commander. No leader of public opinion was ever successful in impressing his ideas upon others who did not maintain some originality of thought, which is but another name for independence of idea. Gen. Houston had such independence of spirit that he would have reached the highest point of success in any walk or profession of life.

3. He had the gift of prophetic political sagacity. Calhoun had this gift in a remarkable degree. Other statesmen of America have exhibited it, to the wonder of their contemporaries. Houston possessed it so remarkably, that there is hardly an instance in which he made a political prediction that the event did not correspond with his prediction. It so happened in all matters pertaining to the Republic, and it so happened in the contest between the States resisting or advocating secession from the Union.

4. He possessed administrative ability fitted for the grandest governments and the deepest problems of political economy. He investigated details, and grouped them into masses. He thought nothing unworthy of notice connected with the success of a measure or a plan. The beginning and the end he connected with unerring links. He could wait patiently to see the workings of any scheme. He came, almost by intuition, to the high capacity of a great executive officer. Contrasting measures, means and ends, it may be safely declared that no American executive officer ever surpassed Gen. Houston. [His administration during both terms of the Presidency of the Republic was signalized by extraordinary ability in regulating finances, and in establishing peaceful relations with foreign countries and the Indian tribes. His Indian correspondence is a marvel of sagacity and genius. His letters to Santa Anna are remarkable for point, sarcasm, clear detail of facts, and unbounded patriotism.]

5. He was a soldier. Fear never blanched the cheek of Sam Houston. Dread of danger never dismayed his courageous soul nor withheld him from a peril for a right or liberty. His courage was the courage of a predetermined thought; resolved to make a sacrifice only with the highest possibility of a grand advantage. Had Gen. Houston risked an engagement with Santa Anna near Goliad, or at a period earlier than he did at San Jacinto, numbers

would have won the victory, and Texas would have been enslaved. In this Fabian policy of retreat he proved the truth of the old adage, that "discretion is the better part of valor." He had served under Jackson, and in the regular army of the United States as a lieutenant, sufficiently long to give him practice in military drill and the art of war. He had mingled with frontiersmen so long and intimately that he knew better than any other man of his times how to bring under control men not used to obedience to any will save their own. Whether fighting with Indians at Tohopeka, or with Mexicans at San Jacinto, Gen. Houston proved himself a hero as well as a soldier.

6. He was a statesman. He was not a learned lawyer. He exhibited no great fondness for the bar. But on the stump, in the legislative hall, or in the Senate Chamber, he delighted to meet the "foeman worthy of his steel." In discussing affairs of high moment involving the welfare of a State, or looking to the perpetuity or rupture of the Federal Union, his ideas, drawn deep from his thoughtful brain, would take the courage of eagle's wings and soar to the loftiest heights of reason and law. His statesmanship settled the foundations of the Republic against all opposition. Of that opposition, Hon. Ashbel Smith thus speaks, in his "Reminiscences of the Texas Republic":

"There was in Texas a party composed of gentlemen of great ability, of former public services, of high ambition, of ardent imaginations, of lofty patriotism, opposed to the administrations of Sam Houston and of Anson Jones, with the unreasoning energy so often characteristic of party contests. They were out of office, which they coveted, and the success of the Houstonian policy already adverted to, crowned with peace, seemed to insure indefinite continuance in power of the Houston party, and indefinite exclusion of the leaders of the opposition. Among them were some of the bravest spirits that fought at San Jacinto, and who had borne full share in organizing the Government of the Republic. In the opposition, also, were adventurous spirits, whose day-dreams were of warlike expeditions; men as bold, as ardent, as Cortez or Pizarro, and whose fancies reveled in desperate battles, and in imaginary plunder of the halls of the Montezumas. The pacific policy of Houston, long and solid peace with Mexico, sounded a long farewell, 'the occupation gone' for these restless spirits. The contingencies of annexation offered chances of war. War came, but, alas! for their dreams, it was waged under other auspices, other leaders, other counsels, in none of which had they part."

Transferred from the arena of politics in the Lone Star Republic to the arena of the Republic of the United States, Gen. Houston took rank with the "giants of power" who honored with their presence, their speech and their opinions, the Senate of the United States of forty years ago.

7. He was distinguished for fortitude. His powers of endurance were severely taxed in his boyhood, owing to the misconceptions of his brothers. His fortitude was exhibited in the severe service of the Indian wars. It was shown in his patient submission to the unjust treatment of his opponents before and succeeding the battle of San Jacinto. It never forsook him during his political life, even to the hour of his ejection from the position of Governor of the State of Texas.

Great in adversity, great in prosperity, great out of office, great in office, as a soldier, General, Member of Congress, Governor of two States, President of a Republic, and United States Senator, he has placed his name near the apex of the unmouldering pillar of fame.

APPENDIX.

TEXAN DECLARATION OF INDEPENDENCE.

IN the General Convention of the People of Texas at Washington on the Brazos, March 8, 1836, Mr. George C. Childress offered the following resolutions :

Resolved, That the President appoint a Committee, to consist of five delegates, to draft a *Declaration of Independence*.

Mr. Martin Parmer offered the following as a substitute :

Resolved, That the President appoint one delegate from each municipality, as a Committee to draft a *Declaration of Independence*.

Mr. Parmer's resolution was negatived, and that of Mr. Childress adopted ; whereupon the President appointed as the Committee Messrs. George C. Childress, of Milam ; James Gaines, of Sabine ; Edward Conrad, of Refugio ; Collin McKinney, of Red River ; and Bailey Hardeman, of Matagorda.

On the second day, March 2d, Mr. Robert Potter moved the appointment of a Committee of one from each municipality to draft a Constitution for the (contemplated) Republic of Texas, which was carried, and Messrs. Martin Parmer, Chairman, Robert Potter, Charles B. Stewart, Edwin Waller, Jesse Grimes, Robert M. Coleman, John Fisher, John W. Bunton, James Gaines, Lorenzo de Zavala, Stephen H. Everitt, Bailey Hardeman, Elijah Stapp, William C. Crawford, Claiborne West, James Power, Jose Antonio Navarro, Collin McKinney, William Menefee, William Motley, and Michael B. Menard were appointed the committee.

On the same day, March 2d, Mr. Childress, Chairman of the Committee, reported the draft of a Declaration of Independence, and "asked that the same be received by the Convention as their report."

Here I quote from the Journals :

"Mr. Houston moved that the report be received by the Convention, which, on being seconded, was done.

"On Mr. Collingsworth's motion, seconded, the House resolved into a committee of the whole, upon the report of the Committee on Independence.

"Mr. Collingsworth was called to the chair, whereupon Mr. Houston introduced the following resolution :

"Resolved, That the Declaration of Independence, reported by the Commit-

tee, be adopted; that the same be engrossed and signed by the delegates of this Convention.

"And the question being put, the resolution was unanimously adopted."

The Declaration of Independence was thus unanimously adopted, enrolled, and signed on the second day of the session—being March 2d—as follows:

The Declaration of Independence, made by the Delegates of the People of Texas, in General Convention, at Washington, March 2, 1836.

When a government has ceased to protect the lives, liberty, and property of the people from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and, so far from being a guarantee for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression; when the federal republican constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever ready minions of power and the usual instruments of tyrants; when, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued, and, so far from the petitions and remonstrances being disregarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to enforce a new government upon them at the point of the bayonet:

When, in consequence of such acts of malfeasance and abduction on the part of the government, anarchy prevails, and civil society is dissolved into its original elements, in such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands, in extreme cases, enjoins it as a right toward themselves, and a sacred obligation to their posterity, to abolish such government and create another in its stead, calculated to rescue them from impending dangers, and to secure their welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world in justification of the hazardous but unavoidable step now taken of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who, having overturned the constitution of his country, now offers, as the cruel alternative, either to abandon our homes,

acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It hath sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed, through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this, too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate state government, and have, in accordance with the provisions of the national constitution, presented to the general congress a republican constitution, which was, without a *just* cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our constitution and the establishment of a state government.

It has failed and refused to secure, on a firm basis, the right of trial by jury, the palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domains), and although it is an axiom in political science that, unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity for self-government.

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks on our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant parts for confiscation.

It denies us the right of worshiping the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interests of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defence—the rightful property of freemen, and formidable only to tyrannical governments.

It has invaded our country both by sea and by land, with the intent to lay waste our territory, and drive us from our homes, and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping-knife, to massacre the inhabitants of our defenceless frontiers.

It has been, during the whole time of our connection with it, the contempti-

ble sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These and other grievances were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance; our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been made from the interior. We are therefore forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government: that they are unfit to be free, and incapable of self-government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare, that our political connection with the Mexican nation has forever ended, and that the people of Texas do now constitute a FREE, SOVEREIGN, AND INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the Supreme Arbiter of the destinies of nations.

In witness whereof we have hereunto subscribed our names.

RICHARD ELLIS,

President and Delegate from Red River.

H. S. KIMBLE, Secretary.

[The names of the signers will be found on the following page.]

On the 16th March, the Convention adopted the Executive Ordinance, by which was constituted the Government *ad interim* of the Republic of Texas.

The Constitution of the Republic of Texas was adopted at a late hour on the night of the 17th of March, but was neither engrossed nor enrolled for the signature of the members prior to the adjournment next day. The Secretary was instructed to enroll it for presentation. As I learn from the Hon. Jesse Grimes, Mr. Kimble, the Secretary, took it to Nashville, Tennessee, where it was published in one of the papers, from which it was republished in a Cincinnati paper, and from the latter copied into the Texas *Telegraph* of August 2d of the same year, being its first publication in Texas. No enrolled copy having been preserved, this printed copy was recognized and adopted.

NAMES, AGE, PLACE OF BIRTH, AND FORMER RESIDENCE OF THE SIGNERS OF THE TEXAN DECLARATION OF INDEPENDENCE, MARCH 2, 1836.

NAMES.	AGE.	PLACE OF BIRTH.	FORMER RESIDENCE.
Richard Ellis.....	54	Virginia	Alabama.
C. B. Stewart.....	30	South Carolina.....	Louisiana.
James Collingsworth.....	30	Tennessee.....	Tennessee.
Edwin Waller.....	35	Virginia.....	Missouri.
Asa Brigham.....	46	Massachusetts	Louisiana.
J. S. D. Byron.....	38	Georgia.....	Florida.
Fras. Ruis.....	54	Bexar, Texas.....	_____
J. Anto. Navarro	41	Bexar, Texas.....	_____
J. B. Badgett.....	29	North Carolina.....	Arkansas Territory.
W. D. Lacy.....	28	Kentucky.....	Tennessee.
William Meniffee.....	40	Tennessee.....	Alabama.
John Fisher.....	36	Virginia.....	Virginia.
M. Coldwell.....	38	Kentucky.....	Missouri.
W. Motley.....	24	Virginia.....	Kentucky.
L. D. Zavala.....	47	Yucatan.....	Mexico.
George W. Smyth.....	33	North Carolina.....	Alabama.
S. H. Everitt.....	29	New York.....	New York.
E. Stapp.....	53	Virginia.....	Missouri.
Clae. West.....	36	Tennessee.....	Louisiana.
W. B. Scates.....	30	Virginia.....	Kentucky.
M B. Menard.....	31	Canada.....	Illinois.
A B. Hardin.....	38	Georgia.....	Tennessee.
J. W. Buntun.....	28	Tennessee.....	Tennessee.
Thomas G. Gazeley.....	35	New York.....	Louisiana.
R. M. Coleman.....	37	Kentucky.....	Kentucky.
S. C. Robertson*.....	50	North Carolina.....	Tennessee.
George C. Childress*.....	32	Tennessee.....	Tennessee.
B. Hardiman.....	41	Tennessee.....	Tennessee.
R. Potter.....	36	North Carolina.....	North Carolina.
Thomas J. Rusk.....	29	South Carolina.....	Georgia.
Charles S. Taylor.....	28	England.....	New York.
John S. Roberts.....	40	Virginia.....	Louisiana.
R. Hamilton.....	53	Scotland.....	North Carolina.
C. McKinney.....	70	New Jersey.....	Kentucky.
A. H. Lattimer.....	27	Tennessee.....	Tennessee.
James Power.....	48	Ireland.....	Louisiana.
Sam Houston.....	43	Virginia.....	Tennessee.
David Thomas.....	35	Tennessee.....	Tennessee.
E. Conrad.....	26	Pennsylvania.....	Pennsylvania.
Martin Parmer.....	58	Virginia.....	Missouri.
E. O. Legrand.....	33	North Carolina.....	Alabama.
S. W. Blount.....	28	Georgia.....	Georgia.
James Gaines.....	60	Virginia.....	Louisiana.
W. Clark, Jr.....	37	North Carolina.....	Georgia.
S. O. Pennington.....	27	Kentucky.....	Arkansas Territory.
W. C. Crawford.....	31	North Carolina.....	Alabama.
John Turner.....	34	North Carolina.....	Tennessee.
B. B. Goodrich.....	37	Virginia.....	Alabama.
G. W. Barnett.....	43	South Carolina.....	Mississippi.
J. G. Swisher.....	41	Tennessee.....	Tennessee.
Jesse Grimes.....	48	North Carolina.....	Alabama.
S. Rhoads Fisher*.....	41	Pennsylvania.....	Pennsylvania.
Samuel A. Maverick*.....	29	South Carolina.....	South Carolina.
John White Bower*.....	27	Georgia.....	Arkansas Territory.
James R. Woods*.....	34	Kentucky.....	Kentucky.
Andrew Briscoe*.....	—	_____.....	_____
John W. Moore*.....	—	_____.....	_____
Thomas Barnett.....	—	_____.....	_____

Members who failed to reach the Convention in time: James Kerr, from Jackson, born in Kentucky, September 24, 1790, came to Texas in 1825; John J. Linn, from Victoria, born in Ireland, in 1802, came to Texas in 1830; Juan Antonio Padilla, from Victoria, a Mexican.

* Not present at the signing.

The above is from a statement furnished in the Convention to Dr. B. B. Goodrich by the members themselves.

LIFE AND SELECT LITERARY REMAINS
OF
SAM HOUSTON.

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PART I.
PART I.
STATE PAPERS.

FIRST MESSAGE AS GOVERNOR TO THE TENNESSEE
LEGISLATURE, 1827.

GENTLEMEN OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES :

I N legislating for a Government like ours, where many of our most valuable institutions are founded on experiment, the best informed minds could not, in the earlier progress of things, determine with reasonable certainty upon the regulations and rules of action best suited to the circumstances of society, and the permanent good of the country. Experience alone can develop the fitness of measures, and the salutary or pernicious influence of particular laws. It is a duty, however, which you take pleasure in acknowledging, that you will examine with patience and great care into the nature and extent of alleged grievances and their proposed remedies. If the subject has received any light from the history of our own times, or of our own country, opinions can be formed with less difficulty, and nothing which is not in itself morally wrong is more to be deprecated in a free country than excessive legislation.

The simplicity of our laws, in connection with the certainty of their execution, is perhaps better calculated to inspire confidence in the citizen, and regard for the institutions of his country, than any other motive which can be presented to his mind. The necessity of all law grows out of the wants and interests of society, and when these are relieved or defended we may always rely with much confidence on the virtue and intelligence of the people.

In the early settlement of all parts of our country, the attention of the pioneers had been naturally and properly directed to collecting around them comforts and conveniences necessary to the sustenance of life, but with the progress of improvement great and accumulating surplus products have arisen which require artificial facilities in conveying them to market, in addition to the advantages afforded by our water-courses in their natural state. Hence it has been that for many years past public attention has, by my predecessors in office, been repeatedly called to the subject of internal improvements. All agree that it is a matter legitimately, if not exclusively, within the scope of separate State jurisdiction, and all are equally agreed that great and valuable improvements could be made within our State at a comparatively moderate expenditure of the public funds.

A chief obstacle to the attainment of these ends has heretofore been found in the selection of such points of commencement as would unite public opinion in their favor.

Each individual, impelled by a feeling incident to our nature, attaches an

undue portion of regard to the objects which have fallen under his more immediate attention, and to the points more directly affecting the interest of himself or his particular constituents. To obviate these conflicting interests, and to give confidence to all that the system would in its range embrace, by regular and just succession, every portion of the State, the appointment of skillful engineers has been recommended to your particular consideration. Their attention should be directed to a classification of all the objects to be embraced in the general plan; to the practicability and probable expense of such leading objects of general improvement as affect, to the greatest extent, the greatest portion of the community, and the comparative advantages resulting from the different modes of expenditure, by clearing out the natural channels, constructing canals, common turnpikes, or the more modern and popular system of railways.

Our fellow-citizens of East Tennessee, though able to furnish in the greatest abundance, and of the best quality, flour and other articles of the first necessity, have heretofore been doomed to strive against the natural obstructions in the Tennessee River, shut out as they are from Mobile, the more natural, and perhaps the more profitable channel of commerce.

Engineers employed by the Government of the United States have, for some time past, been engaged in ascertaining the practicability of a canal on the north bank of the Tennessee River, whereby the obstructions of the Muscle Shoals will be surmounted; their survey has not yet been completed, but we have much ground to hope that it will be fully made at no distant day, and that it will result in much substantial good to the people of Tennessee and Alabama.

It is greatly to be desired that at some period before the adjournment of the present session such report could be received, as would enable the Legislature of this State to determine with reasonable certainty on the nature and extent of interest which we should take in the enterprise.

The eastern section of the State is not alone interested in facilitating the ascending and descending navigation of the Muscle Shoals; several of our more populous, wealthy, and cotton-growing counties of the South are equally concerned.

Should the difficulties of navigation through the whole length of the Tennessee be so strongly presented as to forbid the hope of their early removal, our attention should be the more promptly and zealously directed to the project of connecting the waters of the Hiwassee with those of the Coosa. The intercourse between East Tennessee and South Alabama promises the most solid advantages to both parties. Supplies and provisions, important and necessary to Alabama, can at all times be furnished from Tennessee to Mobile, and intermediate points, whilst our people could receive in return, not only cash, but groceries and other heavy articles of import, which are now procured through other channels, after much delay, and at great expense.

Superadded to these is the national consideration of warlike defense; for past experience has proved that whilst the population of Kentucky and West Tennessee are mainly to be relied on for defending from invasion the great emporium of the West, the brave and hardy mountaineers of East Tennessee are equally necessary to the protection of Mobile, and all the contiguous portions of the Gulf of Mexico.

The development of wealth in the middle counties of our State has not been

more the result of favorable soil and climate than of natural advantage, and facility in the navigation of Cumberland River. That noble stream has but few impediments to a safe passage for steamboats far above Nashville. The nature of these impediments is now so well understood that there would be but little danger of injudicious application of any means that might be appropriated to their removal. The time has now gone by when the successful navigation of the Cumberland is considered by any portion of our citizens as being exclusively beneficial to Nashville. The history and experience of the last seven years have given ample testimony of the direct benefit resulting to every county west of the Cumberland mountain. The deep richness of soil in all the counties watered by Elk, Duck, and Cumberland Rivers is very unfriendly to the construction of public roads upon the ordinary plan; the population residing in the neighborhood of great and leading market-roads can not, with the labor and time justly devoted to that duty, continue such repairs as our present laws contemplate for all public highways. The existing laws, it is believed, are not unreasonable in their general provisions, and although more than one attempt has been already made to encourage private investment in turnpike stock, the terms of incorporation have in none been sufficiently approved.

The western district of the State is peculiarly blessed with streams intersecting the country, of gentle deep current, and susceptible of great improvement at comparatively small expense. The wealth and population of the country has already, and without any adventitious aids from public funds or public institutions, progressed more rapidly and more steadily than had been hoped for, even by the most sanguine anticipations. The claims of warrant-holders are now all, or nearly all, satisfied, and the scattered remnants of land that remain vacant or unappropriated, though belonging to the General Government by the terms of the cession and compact, will never be of sufficient value to defray half the expense of bringing them into market. All reasonable calculation at present justifies the belief that the memorials heretofore sent by the Legislature will at the next, or some early session of Congress, be disposed of in a way to meet the wishes of Tennessee.

A relinquishment of their title, and a privilege vested in our State authorities to perfect grants, would enable us to open offices convenient to the enterers, on a plan similar to that now pursued north and east of the reservation line; and whatever may have heretofore been deemed our truest policy in disposing of our vacant lands, to me it seems evident that at whatever period we may open offices in the different counties of the western district, the system of forcing prices to the highest possible amount ought to be abandoned. The first care of all governments should be to provide that each individual should have a permanent home and residence. The difference between the highest and lowest product resulting to the State from the disposal of these lands can be of little public consideration, whilst to indigent individuals already in possession, or wishing to become purchasers, it may be matter of the greatest importance; and as the two principal divisions of the State have already received a patrimony for public uses in some of its most valuable lands, it may not be unreasonable in our fellow-citizens residing west of the reservation line to expect that any revenue hereafter derived from the lands in that section of country should be chiefly expended amongst themselves for the purposes of general education and internal improvement.

The peculiar condition of the people south of French Broad and Holston continues to be a subject of remonstrance and petition ; it has already been a source of much legislation, and although by some late enactments it may be thought difficult again to open their case within any reasonable hope of advantage, yet it seems to me that their situation still entitles them to the very grave and serious consideration of the general assembly. It is true, that according to all the ordinary rules governing compacts, the settlers are bound to pay, and without hesitation, the amount stipulated as the price of their lands ; but it must at the same time be confessed that the contract in some of its leading features bears the stamp of obligation submitted to under duress.

The occupants of that country were, with very few exceptions, poor, and destitute of visible effects of any kind ; they had migrated from the older States because they were poor ; they had made small improvements at the imminent hazard of their lives, and had for several years formed a barrier between the Holston settlements and their savage foes. The era of peace and prosperity to other parts of the country found them in possession of their humble log-cabins, unable to leave them in the hope of procuring better, and prepared in their minds to cling to the spot endeared to them by so many interesting recollections, whatever might be the terms of tenure imposed on them by the Government. If in this situation they are forced to raise obligation on themselves which they might then believe, and may have since found to be beyond their ability, should not the Legislature, with the kindest feelings of parental regard, seek with sedulous anxiety for any circumstance of amelioration in the adjustment of claims yet due from them, which even-handed justice will admit ?

The interest on all the installments due from the purchase of the Hiwassee sales has now become due, and the great balance of principal owing to the State from that class of debtors will, by the terms of sale, be payable at a short period. A combination of circumstances meeting at the time of these sales, force the prices up to a standard of value which experience has shown to be wholly fallacious ; a paper currency deluged the country, and being everywhere considered to be as legitimately the representative of property as specie itself, the facilities of procuring it baffle the calculations of the most cautious and prudent. When the day of sober reckoning came, and the true aspect of things was presented to us all, no one could boast of having seen farther than his neighbor ; the delusion had spread through all orders and conditions of society, and surely we should not now be backward in relieving, by every proper expedient, those who are still victims of that period of general infatuation. The act of the last session of the general assembly, permitting the purchasers to make payment in the notes of the Nashville bank, was no less politic than humane. Considerable collections were thereby effected in a species of fund which, though not immediately available, will become so at no distant day.

From the earliest history of our Government, and even before we had existed as an independent State, the question of boundary and territorial limits had presented obstacles to the harmonious intercourse which ought ever to exist between sister republics. I am not aware that at this time there can any possible misunderstanding arise as to our boundary, of jurisdiction on the north ; but in the application of one particular provision of the compact made with Kentucky in the winter of 1820, there seems a difficulty in construction, which ought no longer to exist. Acting on the spirit of compromise and conciliation ever enter-

tained by us, it was conceded that, whilst Walker's line should continue to be the true jurisdictional boundary between us, the State of Kentucky should have the benefit and privilege of entering, and perfecting grants to all vacant lands lying between that line and the true latitude of 36° and $30'$ North.

The terms of the compact made ample provision for ascertaining at any time the line of boundary ; but there was no stipulation whereby either State could, at her own pleasure, or in any other way, establish or run the degree of latitude. More than two years ago the authorities of Kentucky, without our participation, fixed and run a line which she contends is the true line of latitude ; and we have subsequently employed mathematicians on our part who have, without the participation of Kentucky, taken observations and made a report differing materially from the views of our sister State. From this unsettled state of affairs it is but reasonable to expect that unpleasant controversies will arise, especially between those citizens of the different States who reside on or adjoining the disputed territory ; and it is very desirable that the Legislature should, at the present session, take such definitive measure as will put the subject forever at rest.

The cheering prospect which we have of a permanent fund for the establishment and support of common schools, is the source of much comfort and gratification to the heart of every patriot and friend to the perpetuity of our free institutions. It is not to be presumed that the limited means on which we have had to commence will enable us to mature any practical plan of operation within a year or two ; but the good work has been seriously commenced, and we have every ground for reasonable hope that it will go on and prosper. Already has the fund set apart for that laudable object increased to an amount which promises the means of much positive usefulness to that portion of the community for whose benefit and advantage it was originally designed. No longer will the means of elementary learning be limited to those whose private resources are equal to the expense, but the road to distinction in every department of science and moral excellence will be equally open to all the youth of our country whose ambition may urge them on in the contest of honorable emulation.

EXECUTIVE OFFICE, }
Nashville, Oct. 15, 1827. }

SAM HOUSTON.

I, D. A. NUNN, Secretary of State of the State of Tennessee, do certify that the above and foregoing is a true and perfect copy of the message of his Excellency Governor Sam Houston, the original of which is in said office.

In testimony whereof I have hereunto signed my official signature ; and by order of the Governor have hereunto fixed the great seal of the

[L. S.] State at the department in the city of Nashville this November the 15th, 1881.

D. A. NUNN,

Secretary of State.

INAUGURAL ADDRESS AS PRESIDENT OF THE REPUBLIC OF TEXAS, DELIVERED BEFORE THE TEXAN CONGRESS.

COLUMBIA, TEXAS, *Oct. 22, 1836.*

The House met pursuant to adjournment, at 3 o'clock P.M.

The Speaker rose and administered the oath of office to the President, and then to the Vice-President, as prescribed in the Constitution.

Whereupon the President delivered the following address :

MR. SPEAKER AND GENTLEMEN : Deeply impressed with a sense of responsibility devolving on me, I can not, in justice to myself, repress the emotions of my heart, or restrain the feelings which my sense of obligation to my fellow-citizens has inspired. Their suffrage was gratuitously bestowed. Preferred to others, possibly superior in merit to myself, called to the most important station among mankind, by the voice of a free people, it is utterly impossible not to feel impressed with the deepest sensations of delicacy in my present situation before mankind. It is not here alone, but before all nations, our present attitude has rendered my position and that of the country one of peculiar interest.

A spot on earth almost unknown to the geography of the age, almost destitute of resources, comparatively few in numbers, we modestly remonstrated against oppression ; and when invaded by a numerous host, we dared to proclaim our independence and to strike for freedom on the breast of the oppressors. As yet our course is onward. We are only in the outset of the campaign of liberty. Futurity has locked up the destiny which awaits our people.

Who with apathy can contemplate a situation so imposing in the physical and moral world ? None ! No, not one. The relations among ourselves are peculiarly delicate and important ; for no matter what zeal or fidelity I may possess in the discharge of my official duties, if I do not obtain a co-operation and an honest support from the co-ordinate departments of the Government, wreck and ruin must be the inevitable consequences of my administration.

If, then, in the discharge of my duty, my competency should fail in the attainment of the great objects in view, it would become your sacred duty to correct my errors, and sustain me by your superior wisdom. This much I anticipate ; this much I demand. I am perfectly aware of the difficulties that surround me, and the convulsive throes through which my country must pass. I have never been emulous of the honors of the civic wreath ; when merited, it crowns a happy destiny. A country situated like ours, is environed with difficulties ; its administration fraught with perplexities. Had it been my destiny, I would infinitely have preferred the toils, privations, and perils of a soldier, to the duties of my present station. Nothing but zeal, stimulated by the holy spirit of patriotism, and guided by philosophy and wisdom, can give that impetus to our energies, necessary to surmount the difficulties with which our political path is obstructed.

By the aid of your intelligence, I trust all impediments to our situation will be removed ; that all wounds in the body politic will be healed, and that the constitution of the Republic will derive strength and vigor equal to all opposing energies. I shall confidently anticipate the establishment of constitutional liberty. In the attainment of this object we must regard our relative situation to other countries.

A subject of no small importance to our welfare is the situation of an extensive frontier, bordered by Indians, and subject to their depredations. Treaties

of peace and amity, and maintenance of good faith with the Indians, present themselves to my mind as the most rational grounds on which to obtain their friendship. Abstain on our part from aggression, establish commerce with the different tribes, supply their useful and necessary wants, maintain even-handed justice with them, and natural reason will teach them the utility of our friendship.

Admonished by the past, we can not in justice disregard our national enemies; vigilance will apprise us of their approach, a disciplined and valiant army will insure their discomfiture. Without discrimination and system, how unavailing would all the resources of an old and overpowering treasury prove to us. It would be as unprofitable to us in our present situation as the rich diamond locked in the bosom of adamant. We can not hope that the bosom of our beautiful prairies will soon be visited with the balmy breezes of peace. We may again look for the day when their verdure will be converted into dyes of crimson. We must keep all our energies alive, our army organized and disciplined and increased agreeably to our present necessities. With these preparations we can meet and vanquish despotic thousands; this is the attitude which we at present regard as our own. We are battling for human liberty; reason and friendship must characterize our acts.

The course which our enemies have pursued had been opposed to every principle of civilized warfare; bad faith, inhumanity, and devastation marked their path of invasion. We were a little band contending for liberty; they were thousands, well appointed, munitioned, and provisioned, seeking to rivet chains upon us, or extirpate us from the earth. Their cruelties have incurred the universal denunciation of Christendom. They will not pass from their nation during the present generation.

The contrast of our conduct is manifest. We were hunted down as the felon wolf; our little band driven from fastness to fastness; exasperated to the last extreme, while the blood of our kindred and our friends was invoking the vengeance of an offended God, was smoking to the high Heaven, we met the enemy, and vanquished them. They fell in battle, or suppliantly kneeled, and were spared. We offered up our vengeance at the shrine of humanity, while Christianity rejoiced at the act, and viewed with delightful pride the ennobling sacrifice. The civilized world contemplated with proud emotions conduct which reflected so much glory on the Anglo-Saxon race. The moral effect has done more toward our liberation than the defeat of the army of veterans. When our cause has been presented to our friends in the land of our origin, they have embraced it with the warmest sympathies. They have rendered us manly and efficient aid. They have rallied to our standard, they have fought side by side with our warriors, they have bled, and their dust is mingling with our heroes.

At this moment I discover numbers around me who battled in the field of San Jacinto, and whose chivalry and valor have identified them with the glory of the country, its name, its soil, and its liberty. There sits a gentleman within my view whose personal and political services to Texas have been invaluable. He was the first in the United States to espouse our cause. His purse was ever open to our necessities. His hand was extended to our aid. His presence among us, and his return to the embraces of his family and friends, will inspire new efforts in behalf of our cause. (The attention of the Speaker, and that of Congress was directed to Wm. Christy, Esq., of New Orleans, who sat, by invitation, within the bar.)

A circumstance of the highest import will claim the attention of the Court of Washington. In the election which has recently transpired the important subject of annexation to the United States of America was submitted to the consideration of the people. They have expressed their feelings and wishes on that momentous question. They have, with an unanimity unparalleled, declared that they will be reunited to the great republican family of the North. The appeal is made by a willing people. Will our friends disregard it? They have already bestowed upon us their warmest sympathies. Their manly and generous feelings have been enlisted in our behalf. We are cheered by the hope that they will receive us to a participancy of their civil, political, and religious rights, and hail us welcome into the great family of freemen.

Our misfortunes have been their misfortunes; our sorrows, too, have been theirs; and their joy at our success has been irrepressible.

A thousand considerations press upon me, each claiming attention; but the shortness of the notice of this emergency will not enable me to do justice to those subjects, and will necessarily induce their postponement for the present.

(Here the President paused for a few seconds, and disengaged his sword.)

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

The Vice-President then followed, and delivered the succeeding address.

MESSAGE TO THE CONGRESS OF THE REPUBLIC OF TEXAS.

EXECUTIVE DEPARTMENT, }
REPUBLIC OF TEXAS. }

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

GENTLEMEN:—Circumstances involving important interests to the country have induced the call of a special session of Congress, which subjects will require your attention and profound deliberation; the frequent call of extraordinary sessions is to be deprecated, and would have been avoided on the present occasion, especially as the annual session of Congress will occur so soon; but the necessity of your present meeting could not be so well anticipated by any future action of your honorable body as it can at the present moment.

At the last session of Congress provision was made for the appointment of a Commission to run the line between the Government of the United States and Texas; this measure was based so as to correspond with measures which have been adopted on the part of the Government of the States; it was nevertheless deemed satisfactory as to its correctness, and has subsequently been verified, as

will be shown to your honorable body by documents, which will be referred for your consideration.

The land law, which was passed by the last Congress of the Republic of Texas, and which was designed to take effect on the first day of October next, could not go into operation without conflicting with subjects too important to be disregarded, inasmuch as some of the land districts would necessarily fall within that section of country over which the United States have for some years exercised civil jurisdiction, but over which there is no doubt that the Government of Texas, so soon as the limits of each country are defined, will be manifestly entitled to the civil as well as the political jurisdiction thereof. It is to be deplored that so soon as measures had been adopted by the Government of the United States on this subject, that the Government of Texas was not apprised of the fact, or its agents near the Government, until the 17th of June last, when a communication was made to our agent by the honorable Secretary of State, for the first time, of the desires of that Government.

Although authority was given to the Executive of Texas to appoint a Commission for the purpose of running the line, in accordance with stipulations long since existing, yet no appointment has been made, for the reason that no satisfactory intelligence had reached this Government in relation to the course which the Government of the United States might wish to pursue. No time had been lost in communicating to our Minister at Washington city, the course which had been adopted at the last session of Congress. As early as the 4th of August last, a special communication was made upon that subject by our Minister. We are advised that he had received no response to his communication. It is to be hoped, as the Congress of the United States is now in session, that the subject of the boundary line will claim the prompt action of that Government, and that such measures will be adopted by its functionaries as will lead to a speedy termination of the subject, and obviate all such embarrassments as might result from its further procrastination. Nothing, I feel confident, on the part of this Government will be omitted which can conduce to the amicable adjustment of a matter desirable and important to the two countries. As the land law which has been referred to is necessarily connected with this subject, it will be for the honorable Congress to determine what modifications or revisions may be proper for adoption.

The period at which the annual session of Congress will take place being so near at hand, it is presumed that the present session will not adjourn previous to that time; therefore I have abstained from submitting any other subjects for the present other than those which induced the call of the present session. At the commencement of the next session the Executive will have it in his power to present to Congress the situation of the country generally, and to submit subjects connected immediately with the defense of the nation, and its financial resources for their action.

Whilst we invoke the continuance of favors which have been conferred upon us by an Almighty Being, and render to Him our grateful homage, let us remember that the important trusts in which we are placed demand of us unceasing exertions to defend and preserve our independence, by our united efforts to promote the happiness of our constituents, and the prosperity and glory of our country.

(Signed),

SAM HOUSTON.

CITY OF HOUSTON, *September 25, 1837.*

MESSAGE TO THE CONGRESS OF THE REPUBLIC OF TEXAS.

Second Session of the First Congress, held by adjournment at the City of Houston, and commencing Monday, May 1st, 1837.

HOUSTON, *May 5, 1837.*

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

With peculiar pleasure I greet your return to the Capitol. At the adjournment of the last session, the country was under the apprehension of an invasion from our enemy, which created much solicitude, and had an unkind influence on our foreign relations. It was temporary in its effects, as was manifested in the recognition of our independence by the Government of the United States of America. We now occupy the proud attitude of a sovereign and independent Republic, which will impose upon us the obligation of evincing to the world that we are worthy to be free. This will only be accomplished by wise legislation, the maintenance of our integrity, and the faithful and just redemption of our plighted faith wherever it has been pledged. Nothing can be better calculated to advance our interests and character than the establishment of a liberal and disinterested policy enlightened by patriotism and guided by wisdom.

The plan of legislating for present emergencies, without reference to a general and permanent system, will render a government less stable in its institutions, and less prosperous in its progress, than it must be where a proper foundation is laid and a corresponding fabric is erected on its basis. Diversified interests must exist in every community, and that system which is best calculated to promote the general interest is the one which should be adopted and adhered to with fidelity. The representatives of the sovereign people, by a calm and deliberate discussion of the various interests of the different sections of our country, will be enabled to arrive at such conclusions as will induce them to adopt a course which must be in its effects both salutary and pleasing to every true patriot.

The views which must actuate every friend of the country will be the advancement of its glory and the happiness of its citizens. The present prospects of crops in our country is a subject of sincere gratulation, and, while it reflects lustre on the industry and enterprise of our citizens, it should inspire us with veneration and gratitude to a Divine Providence for this manifestation of His continued favor.

Among the various subjects of deep and vital interest to the country is that of our finances. The demands on our treasury since the adjournment of Congress have been great, without the means of meeting them, and of rendering that aid which was in every way so desirable.

The several acts providing for the issues of land scrip to the agents specified have been complied with, and I regret to say that comparatively none of the responsibilities incurred by the laws have been met by these agents to whom the scrip was issued. A compliance with the conditions of the law placed the agents beyond the control of the Executive, and left it without resources, so far as the supplies of the army and navy were dependent upon the means placed in their hands. Repeated calls have been made upon them to render their accounts current to the proper department, but no response has been given, nor reason rendered for protesting the drafts which have been drawn upon them. This state of affairs being presented, the Executive resorted to the only alterna-

tive left, and directed that no farther sales of scrip should take place by them, but that the means remaining in their hands should be immediately passed over to the special agent of the Government, and that they should render their accounts accordingly. To this subject the early attention of Congress is earnestly requested.

The Commissioners sent to the United States, for the purpose of negotiating a loan of five millions, have constantly reported so unfavorably of the money-market, that it was not deemed necessary to issue the bonds until recently. One of the gentlemen indicating a wish to retire, after having been much delayed on his journey by ill-health, and the other giving us no hope of being able to effect anything by present exertions, it was thought proper to permit them both to return, and others have been appointed, and proceeded to the United States with a part of the bonds, and with confident hopes of success.

The public domain of the country being the foundation of its finances, will demand the most serious and enlightened judgment of Congress, and, from its importance, urge the necessity of adopting some secure system for the future government of that branch of our resources, and for the regulation of the rights which have been acquired under former laws in relation to it. The views of the Executive having been given during the last session of Congress in relation to the land bill submitted for approval, have undergone no change, but time has only given to them additional weight. By reference to the bill, it must be manifest to all that it is not adapted to our situation, and should it be permitted to go into effect the public interest must suffer injury, and the public faith, so far as it is concerned in the redemption of pledges based on her public domain, must also suffer serious prejudice. I would recommend that some plan be devised that will ascertain all the located lands of the country; this being done, the vacant lands will be readily indicated, and prevent, in future, conflict of titles. Unless some precaution of this character is adopted, endless litigation must be the consequence.

The subject of the undefined limits on our northeastern frontier, between the United States and this Republic, will require the action of Congress. The boundaries have been so well described by the treaty of 1819, between Spain and the United States, that little difficulty is apprehended in defining and establishing our just line, and obviating all trifling difficulties which may have at any time existed through a want of proper consideration. Provision for the appointment of a commissioner, to meet one on the part of the United States, is desirable. Connected with the subject of boundary is that of the Caddo Indians, inhabiting a portion of our northeastern frontier. By a treaty recently held with that tribe they have ceded certain lands to the United States, and have shown a disposition to amalgamate with the wild Indians within our unquestionable boundary, while late advices have assured me that the United States agent of the tribe has issued to the warriors rifles and ammunition. The condition and disposition of these Indians, as well as their thefts and murders upon our borders, have been subjects on which our ministers at Washington City have been advised and instructed to make immediate and urgent remonstrances to that Government, and I am well assured, from the character of the gentlemen, that they have not been wanting to their duty in this respect. The principal aggressions on our frontiers have either been instigated or perpetrated by the Caddos. It would be painful to suppose, under the circumstances, that the United States

agent, in furnishing them the means of further injury to the exposed frontier inhabitants of our country, had acted under the orders of his Government. It is due to his Government to suppose that he had proceeded unadvisedly, and that the stipulations of the treaty concluded between the United States and Mexico, in April, 1830, will be rigidly adhered to so far as they appertain to the United States and Republic of Texas. It was among the first objects of the Constitutional Government, on assuming its duties, to adopt such measures as would give peace and security to our extended frontier. For this purpose, commissioners were appointed, at an early period, to hold treaties with several of the most numerous and active of the frontier tribes. As yet, nothing has been effected, owing in part to the season of the year at which the business was commenced, as well as to other causes. A hope is entertained that something beneficial will shortly result, as our commissioners are in constant expectation of forming a treaty with the associate bands of the prairies. This Government has recently received information, from sources entirely satisfactory, that a delegation, consisting of twenty Northern Indians, residing on the borders of the United States, had visited the town of Matamoras and had stipulated with the Mexican authorities to furnish that Government three thousand warriors, well armed, so soon as it would invade Texas. Commenting upon such alliances in the present age would be an insult to chivalry, and a reflection upon the hearts and understandings of those who have sought to establish the maxim that war is calamitous enough without the evils of treachery and massacre, which devote alike the female and the warrior to cruelty and death. Assurances are rendered to this Government that citizens of this Republic have lately been made prisoners by the Caddos, and that scalps recently taken on our frontier have been seen in their nation. It is within the province of this Government to inquire into the causes which have produced these calamities, and no vigilance on my part shall be wanting to prevent their recurrence. I feel fully aware that the policy of this Government is to pursue a just and liberal course toward our Indian neighbors, and to prevent all encroachments upon their rights.

The army of Texas has never been in a more favorable condition than at present. The permanent force in the field is sufficient to meet all the emergencies of invasions while at the shortest notice the defence of the country can be brought into immediate action in that event.

I feel assured that a system of discipline, subordination, and police has been established in the army, which reflects much credit upon its General, and does no less honor to the officers and soldiers than to our country. They have encountered many privations and difficulties within the last season, which it was impossible for the Government to avert, owing to causes already stated, and I am proud to say, that order has been manifested, and the spirits of those men devoted to liberty have not sunk into pusillanimity and weakness, but have been borne up and illumined by the ardent hope that they may, ere long, meet an enemy opposed to human rights, when they can evince to the world, that they are the descendants of freemen, and that they are invincible. I feel a pleasure in recommending their condition to the consideration of Congress; and trust that every possible aid may be rendered to their comfort, efficiency, and glory. At the same time I feel assured that they will not disregard the history of revolutions, and that one important truth will not escape their observation, viz.: that those who contend for liberty, must be prepared to endure privations. The

glory of the soldier is always proportioned to the difficulty and danger of his achievements. The situation of the army at the adjournment of the last session of Congress, was far from what was desirable to the country. Since then an organization has taken place, and much credit is due to the officers and soldiers for their ready obedience to the law and regulations which have been enacted for their government. By the reduction of the number of supernumerary officers, its expenses have been diminished to the amount of \$229,032 per annum. The requisite number of officers are now in command, and the organization is complete.

The insufficiency of our navy must be a subject of serious consideration. When the constitutional Government assumed its functions, the armed vessels, *Brutus* and *Invincible*, were in the Port of New York, and remained there until a few weeks past, when they returned, but without either crews or provisions for a cruise.

The *Independence*, having not more than two weeks' provisions, was taken to New Orleans some months since, where she has been detained, and has not yet been reported to this Government for service.

At an early day a confidential officer was dispatched to the United States, for the purpose of purchasing such vessels as would enable us to keep the command of the Gulf from our enemy.

He has reported to the proper department, and his arrival is daily expected with one or more fine vessels, in preparation to defend our commerce, and make reprisals on the enemy.

Our commerce has suffered to some extent, and a small portion of supplies for the army has been captured and taken into Mexican ports. I take leave to call the serious attention of Congress to the establishment of a naval dépôt at some point on our coast, which will add greatly to our efficiency at sea, and at the same time diminish our expenses.

The suspension of business attendant on the removal of the public archive and documents, with other reasons, has rendered it impossible to lay before Congress detailed reports of the several departments of the Government, showing their condition; but so soon as practicable, and at an early day, they will be submitted, and all important information referred to Congress.

Not unconnected with the naval force of the country, is the subject of the African slave trade. It can not be disbelieved that thousands of Africans have lately been imported to the Island of Cuba, with a design to transfer a large portion of them into this Republic. This unholy and cruel traffic has called down the reprobation of the humane and just of all civilized nations. Our abhorrence to it is clearly expressed in our constitution and laws. Nor has it rested alone upon the declaration of our policy, but has long since been a subject of representation to the Government of the United States, our ministers apprising it of every fact which would enable it to devise such means as would prevent either the landing or introduction of Africans into our country.

The naval force of Texas not being in a situation to be diverted from our immediate defence, will be a sufficient reason why the Governments of the United States and England should employ such a portion of their forces in the Gulf as will at once arrest the accursed trade, and redeem this republic from the suspicion of connivance; which would be as detrimental to its character as the practice is repugnant to the feelings of its citizens. Should the traffic continue, the

odium can not rest upon us, but will remain a blot upon the escutcheon of nations who have power, and withhold their hand from the work of humanity.

It will be proper to remark that our attitude in relation to the subject of annexation to the United States of America, has undergone no important change since the adjournment of the last session of Congress. Our ministers at Washington City gave to the subject of our national concerns, their able, zealous, and untiring attention, and much credit is due to them for the character which they sustained in advocating our interests at a foreign court. The period at which the Congress of the United States was compelled to adjourn, prevented any action of that Government, relative to annexation. It will, it is hoped, be referred to the action of the next session, and receive an early determination.

In the meantime it will be proper for Texas to pursue a course of policy which will be beneficial to her in a character substantive, and to secure her existence and her rights, without reference to contingencies. For it is not possible to determine what are to be her future relations to the civilized nations of the globe. Blessed with a soil the most fertile, and climate the most delightful and salubrious, Texas must attract the attention of all the commercial and manufacturing nations of the world.

Her cotton, sugar, indigo, wines, poultries, live stock, and precious minerals will all become objects of mercantile enterprise and activity.

Nor can we lose sight of the important production of the live oak. It is but reasonable to say that four-fifths of all that species of timber now in the world, is to be found growing in Texas, while many millions' worth of it is daily decaying on our cultivated fields.

To establish such intercourse with nations friendly to us, as will induce them to seek our market with their manufactures and commodities, and receive from us in exchange our productions, will become our most imperative duty.

Texas with her superior natural advantages must become a point of attraction, and the policy of establishing with her the earliest relations of friendship and commerce, will not escape the eye of statesmen.

England has not disregarded our situation thus far, nor can we believe, from the indications already manifested by her, that she is to regard our prosperity with unkind feelings of suspicion or indifference.

Should our resources be regulated by a wise and politic system of legislation, we must remain independent and become a prosperous people.

Our relations to Mexico since the last session of Congress, have undergone no important change, nor have overtures been made by either nation.

Texas, confident that she can sustain the rights for which she has contended, is not willing to invoke the mediation of other powers! While Mexico, blind to her interest and her future existence, seems determined on protracting the war without regard to her internal commotions. Revolution is stalking abroad throughout her land, while she is unable to defend her frontier against the incursions of the bands of predatory Indians on the frontier of the Rio Grande; from Santa Fé to Matamoras.

Early in last winter a correspondence was opened by the Secretary of State with the Mexican Consul at New Orleans, containing propositions to exchange prisoners, so far as the number of Texans would extend, and then to release the excess of Mexican prisoners on parole. Notwithstanding the humanity and liberality of this offer, it has met no official response from that Government. It seemed

to me, that it would be in accordance with the civilization of the age, to release all the prisoners, and to permit them to leave our shores so soon as they can do so. In the meantime I have learned that our citizens, as well as the prisoners at Matamoras (amounting to thirteen in number), have been liberated. It is impossible for me to account for the apathy with which Mexico treated the subject, and her willingness to permit a portion of the bravest troops of the nation to remain prisoners in exile, when a just policy would at once have restored them to their country and homes.

Congress will no doubt find it necessary to revise the laws of the Republic, and to direct that a digest be made of those of Coahuila and Texas, so far as they may be useful to the establishment of rights acquired under them.

It will be seen that the adoption of the common laws of England, with modifications adapted to our situation, is required by the provisions of the Constitution.

Nothing can conduce more to the order and stability of a Government, than the simplicity of laws, the proper definition of rights, and their impartial and consistent administration.

I will not close this communication to your honorable body, without presenting to your consideration, the claims of citizens of the United States, who acquired as they conceived, *bona fide* titles to lands in Texas.

It is due to many of these individuals, to suggest, that their generous and manly efforts in behalf of our cause, will entitle them to the most favorable decisions of Congress.

Their means have aided us in the darkest hours of our probation, and recently have aided in dispelling our embarrassments. Such men deserve the gratitude, as well as the justice of the country.

While reflecting upon the dispensations of an Almighty Being, who has conducted our country through scenes of unparalleled privation, massacre, and suffering, it is but gratitude and sensibility to render to Him our most devout thanks, and invoke His kind benignity and future providence, that He will preserve and govern us a *chosen people*.

(Signed), SAM HOUSTON.

MESSAGE TO THE CONGRESS OF THE REPUBLIC OF TEXAS.

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, Nov. 21, 1837. }

GENTLEMEN: Congress having been apprised of the reasons which have delayed the Executive in presenting his views to their consideration, at the commencement of the annual session, will supersede the necessity of an apology.

The important responsibility which at the commencement of every community or nation, must devolve upon its law-givers and officers, is manifest to all but the heedless, and will be properly estimated by the patriotic and virtuous of every country on whom those duties may be conferred. Upon their exertions must the happiness and prosperity of a nation depend at home, and by their acts will its character be ascertained and determined in the opinions of the enlightened abroad. Our relations to the nations of Europe, as well as to the Governments of South America, have yet to be established, nor has the impor-

tance of this subject been disregarded, particularly with England and France, as our commercial relations, so far as they depend upon European supplies, must exist with those nations. Since the departure of our Commissioner to the Court of St. James, no intelligence from him has reached this Government.

For the regulation of the circumstances of foreign ministers, agents, and consuls, it will be necessary to pass enactments, or to adopt some system to facilitate the desires of the Government, and obviate the embarrassments which must impede their success. Upon this subject a report of the Secretary of State will be presented to Congress for consideration.

The relations which existed between this country and the United States, at the period of my last communication on the subject, have undergone no important change, unless we regard the correspondence of our minister at Washington, with the honorable Secretary of State, as indicating the determination of the Government of the United States upon the subject of our *annexation*. This government, from the expression of the people of Texas, having in the most frank and undisguised manner presented their desires for annexation, and enforced them by considerations which appeared conclusively to be beneficial to both countries, did hope that the United States would deem it their interest, while in the prosecution of a wise and just policy, to receive and embrace Texas as an integral part of the Union of the North. The consummation of this desire seems to be postponed for the present, and will render the course which we should adopt palpable and necessary. Recognized as we have been by the United States a free, sovereign, and independent nation, it becomes our imperative duty to pursue such a course of policy and legislation as will at once command the respect and confidence of other nations, while our internal safety and prosperity will be secured. A fair and liberal policy should be extended to all nations who may desire to establish commercial relations with us, or who may deem it proper to introduce their fabrics or commodities into our country.

The Chargé d'Affaires of the United States, duly accredited, has been received in the Government of Texas, and confidence is entertained that the most friendly reciprocal understanding between the two countries will be established and preserved. This circumstance originating with our mother country, the first to hail Texas as a member of the great family of nations, is calculated to awaken in us emotions the most friendly, and inspire us with a manly confidence in our condition.

A well-organized judiciary, composed of enlightened and honest members, is the palladium of civil liberty. The present existing laws are doubtless as perfect as could have been expected to arise under the circumstances in which they were created. Experience and time have demonstrated to us their insufficiency, and forcibly inculcate the necessity of a remedy. The resources of the several counties up to this time, have not authorized the creation of jails. For the remedy of this defect, I would recommend that authority be given to the several district judges (where information shall be filed) in cases of felony, to direct the immediate trial of the accused. From this course no prejudice can arise to the culprit, while the country will be relieved from a burden, and the opportunities of the guilty to escape from justice will be diminished. The regulations of fees and perquisites connected with the judicial department of the Government is a subject of much importance, and should claim the scrutiny and consideration of Congress. If this is done we may hope that cupidity will be disappointed, and extortion banished from our land.

The finances of our country since the commencement of the revolution up to this time, have been in a more embarrassed situation, doubtless, than any other nation ever experienced. 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 in cash. The several amounts which had been appropriated for specific or general purposes depended upon the sale of scrip, and *that*, by acts of Congress, was placed in the hands of foreign agents who were irresponsible to the Executive, having given no security so as to insure accountability, and furthermore, placed beyond the jurisdiction of ourselves. This imaginary and unfortunate expedient is now at an end, and has left the Government in a situation to afford the most ample redemption of all her pledges and responsibilities.

A boundless revenue to the country will arise from the opening of the Land Offices, and so soon as that can take place consistently with the positive provisions of the Constitution, and regulated by such enactments as will guard the public interest against fraud and imposition, it will meet the desire of the Executive, and promote the public tranquillity.

Owing to the financial derangement in the United States, from which our currency was almost entirely derived, and where it was hoped that this country could obtain a negotiation for five millions of dollars, our expectations have not been realized. By the last advices from our agents of the loan they had not succeeded, but regarded the prospect of success greater than they had been at any previous time.

The enactments of Congress authorizing the funding of a portion of the public debt, in connection with the issue of a half-million of treasury notes, is calculated in a short time to relieve the Government from embarrassment and establish a currency of her own, superior in value to any which can be introduced of the non-specie paying banks of the United States. The resources of the Government, which are pledged for the payment of the interest, and the redemption of our notes and certificates, are ample and unquestionable, and as long as Congress may decline issuing an excess of notes, or does not exceed a half-million of dollars, and that amount is received at the treasury, for all dues to Government, at par with gold and silver, we will have a sound currency, and one that will have credit in countries which have commercial intercourse with us. Five hundred thousand dollars will supply all the necessities of exchange among ourselves; and while it is received for revenue, and in payment for public lands, should it not be sufficient for the purposes of exchange, the precious metals will find their way into our country and supply the deficiency or scarcity of our currency, giving to it additional value. The issuing of a greater amount of notes than what would meet the actual necessities of a circulating medium (while the Government is continually receiving it in revenue, and paying it out for demands against it), would cause depreciation in its value, in the same proportion to the surplus amount that may be issued. As no experiment has yet been tried to ascertain the requisite amount, no possible prejudices can result to the country or to individuals by adhering to the present enactments on the subject until the next session of Congress, while, by pursuing a contrary course, it may involve our finances in difficulty irremediable.

The report of the Secretary of the Treasury is submitted to Congress, and is the result of much application and attention to the subject of finance, and em-

braces views and a system as well adapted to our situation as any that could be presented at the present time. Intimately connected with the resources of the treasury is the accountability of the receiving and disbursing officers of the Government. It must be the case with us as with all other countries, that defalcations will take place ; to guard against this evil, it is proper that responsibility should be secured in future, and that some mode should be pointed out which will authorize process to issue against those who have heretofore been defaulters in any office or department.

The first Congress which met after the Convention authorized the President to accept the services of twenty thousand men. Exercising his discretion upon the subject, he has not deemed it necessary, thus far, to marshal so large a force and maintain it in the field, or to commence offensive war, but has determined to await some indications on the part of the enemy that will, in the opinion of the world, justify the most decisive measures to secure our independence, and establish an honorable peace. To this end, the officers and soldiers have been furloughed, except such a part as was necessary for maintaining certain positions which were regarded as most requisite for our present circumstances.

It is gratifying to assure the honorable Congress that a large portion of those that were furloughed have directed their attention to agriculture and the mechanic arts ; they have become citizens, and now their lives, as well as their future hopes, are identified with the destiny of Texas.

Since the commencement of the present administration the war department has been the most laborious and difficult in the performance of its duties ; it has been improving in its organization, and it is believed that, under the direction of the gentleman who is placed at its head, a system will very soon be established, and the facilities of the country, inasmuch as they are connected with the department, greatly increased.

The militia of all republics must be regarded and esteemed as the bulwark of liberty, and particularly so while the generation remains which have achieved the emancipation of their country. With them liberty has begun, and they will preserve it at every hazard. Their organization and discipline should claim the first attention of Congress, and, as soon as it is perfected, Texas will be in a most confident attitude of success over all her enemies. The present militia laws are not so perfect as to preclude amendment, nor has it been in the power of the War Department to execute the wishes of Congress, owing to various causes over which it had no control. It is hoped that Congress will give such direction to the subject as will give the greatest efficiency to that arm of the service. The report of the Secretary will be submitted to the Congress for consideration.

The extraordinary embarrassment of the finances of the country, at the commencement of the Revolution, and its continuance until the adoption of the present system, has been such as to prevent the creation of an efficient navy. The extent of our seaboard inculcates the necessity, and manifests the advantages, which must result to the Government from the command of the Gulf of Mexico. The certain means which Texas now possesses, and must have at her disposal, induce the Executive to urge the most ample appropriations, in addition to those which have been made at the present session of Congress. There can be no doubt but that the enemy will avail themselves of every advantage by

sea which may be within their power. Therefore, it will be incumbent on us, not alone to make preparations to meet them, but to maintain active operations by sea and by land. Whenever our gallant tars have met the enemy they have evinced the most daring chivalry and indomitable courage, nor has our flag ever been struck to less than *five times* our force, and then not until after a protracted engagement.

In the creation of a navy, I recommend to the earnest attention of Congress the enactment of such laws and regulations as will enable the Government to control the conduct of its officers, and to punish them promptly for disobedience of orders. It may be of importance to our amicable relations with other powers. A circumstance occurring on the last cruise which was directed by the Executive, demands of me in this communication to notice the same to the honorable Congress. Orders were issued from the Navy Department, by direction of the Executive, to the Commander of the Navy, *that all neutral flags should be respected, unless the vessel was bound to an enemy's port, and had on board articles contraband of war.* In violation of these orders, the *Eliza Russell*, an English brig, was seized and sent into port, with a valuable cargo of fine goods, but containing nothing *contraband of war.* Upon information of the circumstances, the Executive directed her immediate release, and the payment of damages, so far as he deemed it within his competency. The subject will be presented to Congress by the owner of the vessel, with a minute statement of all the facts. The circumstances of the case were immediately communicated to our Commissioner near the Court of St. James, and the Executive has been assured that the despatch would reach England by the time of his arrival. Other acts connected with the cruise, of a character not calculated to elevate us in the scale of nations, were done either without orders, or in direct violation of those which had been issued by the department. These facts imperiously demand of the Executive a *frank and solemn disavowal of all things done, either in contravention or violation of his orders.*

The accompanying report of the Acting-Secretary of the Navy will present his views on the subject of its improvement and utility to the country. The report is referred to the consideration of Congress.

Heretofore, difficulties insuperable were presented to the establishment and regular conveyance of the mail, but by indefatigable attention and labor the Postmaster-General has been enabled to give efficiency to the department, and hereafter, with suitable aid from Congress, there will be but little difficulty in the regular transmission of mails and the circulation of intelligence throughout the Republic. It is not to be expected that any revenue can arise to the Government from this department, but it is thought that a higher rate of postage might be established without oppressing any portion of the community, but with advantage to the revenue, as it will be seen by a report of the department herewith submitted.

It is much to be deplored that one important item of intelligence has not been circulated throughout the Republic. The Secretary of State, to whom the duty of having the laws published was assigned by Congress, has used every exertion possible to attain the object, but for the want of means (as Congress had omitted to make an appropriation necessary for the payment of printing), he has not had it in his power to have it completed. But for this circumstance the work would have been finished, and the laws distributed. This subject is presented to Con-

gress without any suggestion, as its importance to the community will be a sufficient recommendation to its attention.

It is of much interest to our country that our relations with our Indian neighbors should be placed upon a basis of lasting peace and friendship. Convinced of this truth, it has been the policy of the administration to seek out every possible means to accomplish this object, and give security to our frontier. At this time I deem the indications more favorable than they have been since Texas assumed her present attitude. Measures are in progress with the several tribes, which, with the aid of suitable appropriations by Congress, may enable us to attain the objects of peace and friendly intercourse. Apprised of these facts, it is desirable that the citizens of Texas should so deport themselves, as to become the aggressors in no case, but to evince a conciliatory disposition whenever it can be done consistently, with justice and humanity. Unofficially it has been communicated to the Executive that several small tribes residing within our settlements express a disposition (if the Government will assign to them a country on the frontier) to remove from their present situations. The undeviating opinion of the Executive has been, that from the establishment of trading-houses on the frontier (under prudent regulations), and the appointment of capable and honest agents, the happiest results might be anticipated for the country. The intercourse between the citizens and Indians should be regulated by acts of Congress which experience will readily suggest. The situation of Texas at this time would doubtless justify the establishment of martial law at such out-posts as are detached from the body of our population, and it does seem to me that no injury could arise from the adoption of the measure. In this communication the Executive has no hesitancy in presenting the claims of those who have been wounded and disabled in the defence of the liberties of Texas. It is the policy of all Governments to reward those who have rendered great and important services to their country, and when disabled to secure to them pensions, proportionate to their disability. The Texan Congress can not eschew the necessity of adopting this course in relation to her brave and gallant defenders. The widows and orphans of those matchless spirits who perished in the Alamo, and the heroic and gallant band who were basely massacred on the plains of Goliad, have peculiar claims upon the sensibility and justice of the Congress and the nation. It is to be regretted that the merits of this subject have not had the good fortune to claim the earlier notice of Congress. Therefore it is recommended to their immediate attention and provision.

In relation to Mexico it is proper to state that previous to the capture of the Texan schooner of war, *Independence*, by two Mexican brigs and a schooner of war, the Executive had issued an order for the release of all the prisoners of war who had been taken at San Jacinto, which order owing to the news of the capture was countermanded for the purposes of *reprisal*, if the Government of Mexico should again disregard or violate the laws of war. With a desire to release the chivalric officers and gallant crew who had so bravely maintained the honor of our flag and the citizens of Texas (among whom was our minister, the Hon. Wm. H. Wharton), the Government dispatched Col. John A. Wharton and thirty Mexican prisoners, with a cartel. He was treated by the authorities at Matamoras in a manner which has always characterized a vain and ignorant nation. Although Col. Wharton presented himself under the protection of a flag of truce, he represents "that he was not received by the Mexican authorities,

but on the contrary, was treated with every incivility and indignity that could be offered to an ordinary criminal or pirate." In addition to the prisoners sent with Col. Wharton, a vessel had been chartered and upwards of sixty prisoners were sent from Galveston to Matamoras. Those of the officers and citizens who had not escaped were subsequently released, after a cruel and rigid confinement of months. The ground on which they were released is unknown to the Executive, inasmuch as no communication accompanied their return.

To speculate upon the course which Mexico intends to pursue would be idle and ridiculous. Since the first invitation of the Anglo-Saxon race to this country, the narrative of her conduct would be but the history of her perfidy, and a manifestation of our wrongs. The first settlers of Texas entered a wilderness, and expelled the savage cannibals who had maintained this fair region against the boasted power of Mexico. The enterprise of the people, with the accumulation of plenty, excited the cupidity of their Government; and persons were sent among us to grant pretended titles to lands, while they extorted from industry its honest gains, and left us in a situation liable to further demands and extortion, without a right to the soil which had been pledged to us by every legal and political solemnity. The form of government under which we were invited, and for which the citizens of Texas periled their lives, in eighteen hundred and thirty-two, was the constitution of eighteen hundred and twenty-four. It was changed and the iron yoke of slavery was tendered in its stead. Oppression begot resistance, and rebellion gave us liberty and independence.

It is vain to suppose that Mexico, imbecile as she is, and distracted by internal factions, can ever reconquer the fair region of Texas, and maintain her conquest. The same spirits who have subdued the wilderness, and repelled the boasted invincibility of Mexico, *yet* live. Our soil is consecrated by the blood of martyrs, and we will defend it or perish!

A blind infatuation may impel Mexico to another attempt to subjugate free-men, and precipitate her own catastrophe—while wisdom and a just policy might enable her to improve her own social and political relations, and establish her Government on a rational and firm foundation. Were it possible for Mexico to drive from the soil of Texas, or massacre the race which now inhabit its bright regions, their last faint whisper, arousing their kindred of the United States of the North, would be the death knell of Mexico, and their chivalric and daring enterprise would not alone prompt them to avenge the wrongs of brothers, but would impel them to loftier achievements, and Mexico herself become an object of conquest. Let Mexico then counsel with her safety!!!

The cause of Texas being just, let us look with heartfelt reverence to the great Arbiter of Nations, and by our virtues as a people, endeavor to insure a continuance of His benefactions.

(Signed),

SAM HOUSTON.

FIRST GENERAL MESSAGE TO THE CONGRESS OF THE
REPUBLIC OF TEXAS.

EXECUTIVE DEPARTMENT, }
CITY OF AUSTIN, Dec. 20, 1841. }

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

It affords me pleasure to salute you as the representatives of the nation. Elevated a second time, by the suffrages of a free and enlightened people, to the chief magistracy of our country, I proceed to the discharge of the embarrassing and weighty responsibilities of my office with the utmost solicitude. It seems that we have arrived at a crisis, in our national progress, which is neither cheering for the present nor flattering for the future. I heartily regret that truth will not allow me to approach the Congress with the usual felicitations of present and prospective happiness. The time has arrived when facts must be submitted in their simplest dress. Unawed by sectional or party influences, I shall occupy the position my constituents have assigned me with unslumbering vigilance, and a sacred determination to act with decision and to speak with candor. The people must be heard and their rights protected. The constitution must be observed, and the laws must be obeyed.

My intention was to have made this communication to the honorable Congress at an earlier day; but, notwithstanding my unremitting exertions since my inauguration, to make myself acquainted with the true condition of the Government, I have not yet been able to derive that clear and satisfactory information which I deemed important to the correctness of my opinions. The conclusion I have arrived at, in reference to the existing state of things, and the measures to be adopted to extricate ourselves from crushing embarrassment, and to provide for the absolute wants of the Government and people, will be laid before Congress with all the brevity the importance of the subjects alluded to will permit.

The annual message of my predecessor, at the opening of the present session of Congress, has placed the condition of our foreign relations generally before you. As yet, I have been unable to examine the voluminous correspondence of our agents abroad, on file in the State-office. I can not, therefore, advise, at this time, any particular legislation on this subject.

From our contiguity to the United States, and our intimate and daily intercourse with its citizens, the Executive views it as a matter of much magnitude to effectuate, at the earliest period, a treaty with that power of a more definite and specific character than that which constitutes the basis of our subsisting relations. I do not doubt that the Congress will provide the necessary means of attaining an object at once so desirable and necessary.

We stand in the same attitude toward Mexico as we did in 1836. Overtures have been made by my predecessors for the purpose of securing an amicable adjustment of existing difficulties; but, as often as made, they have been rejected under circumstances which have not exempted this Government from humiliation. Therefore, until a disposition is evinced on the part of Mexico herself to solicit friendly relations, the present Executive of Texas will neither incur the expense nor risk the degradation of further advances. Aware of the Mexicans, and believing, as I always have, that Mexico is and will remain unable to invade us with any hope of success, I would recommend the kindest treatment of her citizens, so far, at least, as they might be disposed to engage in commerce with

ours. But in every instance where they shall enter our territory with inimical or hostile intentions they should be treated as common enemies. I believe that any interference in the revolutions and distractions of Mexico is not only incompatible with the dignity and interests of Texas, but directly calculated to exasperate our national enemy, while it weakens our resources by sacrificing those of our citizens who may engage in their partisan quarrels to their proverbial perfidy and to certain destruction. This is demonstrated by the issue of every enterprise of the kind in which our countrymen have been participants. The feuds and contests which have arisen, and may continue to arise, have for their object personal aggrandizement; the leaders in which are better entitled to the appellation of bandits than of either patriots or statesmen. These individuals have no exalted principles of action, and should receive no encouragement from us. The Executive, therefore, should be fully empowered to arrest and prevent the predatory warfare occasionally carried on within our territories, to the injury of our Western settlers.

It is my desire that this Government should assume a station in relation to this subject not inconsistent with national respectability, and conducive to our best interests. Mexico has more to lose in a contest with Texas than Texas has with Mexico. Her civil commotions will exhaust her resources and diminish her means of aggression; while emigration to Texas will give us population and resources, and they will give us power to resist aggression.

Our Indian relations are far from being satisfactory. For years large appropriations have been made by Congress for the defence of the frontiers. With what success they have been employed the whole country is familiar. The measures adopted under the late administration were directly at variance with those recommended by the first constitutional Executive. On the safety and security of our frontier settlements materially depend the increase of emigration, the extension of our limits, and the general quietude and prosperity of all our citizens. It is, therefore, important that means should be provided for the Executive and placed at his disposal, to enable him to accomplish these objects, and to meet pressing emergencies. That they are within our reach I have no doubt. A thorough knowledge of the Indian character has induced a firm belief on my part that a sum less than one-fourth of the amount heretofore annually expended for these purposes would procure and maintain peace with all the Indian tribes now upon our borders. I would suggest that a number of posts be established at suitable points, extending from our western border to Red River; that treaties be concluded with the several tribes, and that one or more traders be established, under proper regulations, at each of these posts, with from twenty-five to thirty men for their protection. I do not doubt that this system, once established, would conciliate the Indians, open a lucrative commerce with them, and bring continued peace to our entire frontier. Their intercourse with us would enable them to obtain articles of convenience and comfort which they could not otherwise procure, unless by a very indirect trade with more remote tribes who have commerce with traders of the United States. Finding a disposition on our own part to treat them fairly and justly, and dreading a loss of the advantages and facilities of trade, they would be powerfully affected, both by feelings of confidence and motives of interest, to preserve peace and maintain good faith. The hope of obtaining peace by means of war has, hitherto, proved utterly fallacious. It is better calculated to irritate than to

humble them. Neither can we pursue with the hope of exterminating them. Millions have been expended in the attempt, and what has been the result? War and theft are their vocation; and their incursions are made upon us with impunity. We can not pursue them with success. Our citizens, so continually harassed, are dispirited. Industry and enterprise are alike embarrassed; the former prevented, and the latter discouraged. How far it is necessary for Congress to provide for the attainment of these objects is referred to their consideration.

In commencing my official duties, it was reasonable to suppose I should have found the ordinary facilities of conducting the affairs of government. On the contrary, I find it in a condition more deplorable than it was at the period of its commencement. There is not a dollar in its treasury; the nation is involved from ten to fifteen millions. The precise amount of its liabilities has not been ascertained, nor does the Executive expect, deprived as he is of the means of transacting the public business, to be able to ascertain its true condition within any reasonable time. Business connected with some of the important branches of the different departments has remained unsettled and unascertained for the last three years. Until its true condition is known the adequate remedies can not be applied. We are not only without money, but without credit, and, for want of punctuality, without character. At our first commencement we were not without credit, nor had a want of punctuality then impaired our character abroad or confidence at home. Patriotism, industry, and enterprise are now our only resources, apart from our public domain and the precarious revenues of the country. These remain our only hope, and must be improved, husbanded, and properly employed.

As my predecessor recommended no definite course in relation to our finances, I will not hesitate in recommending the only plan which, to my mind, appears practicable and efficient. View it as we may, it will at least find justification in necessity. We have no money—we can not redeem our liabilities. These facts are known, and we had as well avow them by our legislation as demonstrate them by every day's experience. I would, therefore, recommend to the honorable Congress a total suspension of the redemption of our liabilities to a period sufficiently remote to enable the Government to redeem, in good faith, such as it ought to redeem. It is known to the Executive that, to a considerable amount, they have been justly incurred, whilst he has reason to believe that many will be brought forward not by any means entitled to governmental consideration. To attempt a redemption of our present liabilities by taxing our population to the amount necessary would be to them ruinous. Much as we might have deprecated this course of policy, we have now no other remedy left. The evil is upon us. While many just claims are thus deferred, we can only refer our creditors to our inability to pay our debts.

To sustain our present system of government, it is proper that we should adopt such a course of policy as will not prove insupportable to its citizens, and at the same time provide for its necessary expenditures and preserve a due advertency to our existing obligations. I would, therefore, recommend that the law authorizing the assessment of double taxes be repealed; that the direct tax be reduced one-half, and that all taxes hereafter assessed be receivable only in gold and silver, or paper of unquestionable character—the receiving office to be held responsible for its value. I would further recommend that all dues and

duties which may hereafter accrue to the Government be paid in gold and silver, or equivalent currency. The present tariff may require some revision and modification, and, on some articles, a reduction. This, however, will become a matter of consideration for the Congress. I would further recommend to the attention of the honorable Congress the propriety and absolute necessity of resorting to a new issue of paper, not exceeding in amount three hundred and fifty thousand dollars—not more than fifty thousand dollars of which to be issued in any one month until the whole shall be put in circulation. The Government must be supported, and the people must have a currency. It is designed for this new issue to take the place of the present promissory note system, and be receivable for all the revenues of the Government as equivalent to specie. For the redemption of this new species of paper I would recommend that one million acres of the public domain, lying within the territory known as the Cherokee country be specially set apart and reserved; and these lands, or the proceeds thereof, when brought into market, be pledged as a guaranty for that purpose. It is further recommended to the Congress to authorize the negotiation of a loan of three hundred thousand dollars to meet the emergencies of the country. The security upon which this loan is intended to be made will be specific portions of the public domain set apart, designated and specially reserved for its final payment; in default of which, on the part of the Government, said lands to become the property of the Government bondholders, on such conditions as may be agreed upon by the contracting parties; and the lands thus hypothecated not to be subject to any legislation that might divert their proceeds from the objects avowed.

The Executive feels fully satisfied that this system, once adopted in good faith, and adhered to, will furnish the country with a sufficient currency, and maintain its credit unimpaired. The *excessive* and *unnecessary* emission of the promissory notes of the Government has produced the depreciation of and destroyed the currency of the country. An amount not exceeding five hundred thousand dollars will answer all the conveniences of Government, and, in my opinion, remain in value equal to gold and silver. Experience has instructed us in the ruinous policy of issuing a greater amount of governmental liabilities than were necessary for the purposes of trade and commerce. The rock on which we have been wrecked must, in future, be avoided. So long as the amount did not exceed six hundred and fifty thousand dollars, our money remained nearly at par in foreign markets, whilst at home it suffered no depreciation. In the ratio of excessive increase in issue was its depreciation, until it sunk into its present almost valueless condition. In commencing anew, it is proper that we adopt a system from which no emergency will induce a departure. Instructed by experience in the fallacy of the past, we can have no excuse for a failure in our pledges of the future.

The principal reason why I incline to diminish direct taxation and rely upon impost duties as a source of revenue, is that I deem them the most just and equitable, and least burthensome to the actual laborer and productive classes of the country. Direct taxation bears immediately upon the farmer, whilst a larger portion of the community can only be reached by impost duties. It is not the agriculturist that is generally the consumer of articles of foreign manufacture and importation; but, those who produce nothing from the soil, and rely upon other pursuits for a subsistence, and who are not so directly engaged in developing the resources of the country, will be most sensibly affected by tariff regulations, and

thereby contribute a fair proportion to the support of the Government. If the farmer is necessarily compelled to purchase articles for consumption of foreign importation, he will contribute through the merchant to that branch of revenue—the merchant having added the duty to the price of the article sold. The merchant will receive the produce of the farmer in exchange for his goods, whereas, otherwise, the farmer would pay cash into the treasury for his direct taxes, where, of course, nothing could be receivable but money.

Thus have I submitted my views to the Congress, in relation to the finances of the country, not in the spirit of dictation, but of recommendation and advisement. Upon the system that may be adopted depends our national existence.

The Executive being held responsible for the execution of the laws and the defense of the nation, must have the necessary means placed at his command for their accomplishment. At this time there are none; nor has the President, on any occasion, any disposition to violate the Constitution by expending the substance of the country, or incurring national liabilities, by the use of means which have not been appropriated to him by the laws. This will become a subject for the consideration of the honorable Congress, and is so impressively manifest that I need not urge it as a subject of importance upon your attention. It is expected by our constituents, and they ought not to be disappointed. It is the peculiar province of the Congress to furnish the Executive with means to execute his duties to the country in affording protection to its citizens. Without means he can neither execute his trusts nor redeem his obligations.

During my former term of service, as the Executive of the nation, the then Congress denied me all requisite aid for the defense of the country. Repeated calls were made upon me for assistance and protection against Indian incursion and depredation, and I could render neither because the means had been denied me, and my power had been transferred to the Major-General of the Militia. Evil was produced to the country by these unauthorized acts, whilst the Executive was held responsible by the people or misfortunes which are attributable to the Congress alone. It is sincerely to be hoped that like unfortunate and improvident legislation may never again be experienced in our country.

With regard to our navy, I deem but few remarks necessary. Its situation and condition have been subjects of discussion before the honorable Congress for some time past, and as its final action has not been taken in relation to the matter, a becoming sense of official decorum will, for the present, suspend the expression of my opinion. If the law, directing the course which shall be pursued with the navy, remains unaltered, I shall proceed forthwith in its execution, according to the intention and in the spirit with which it was enacted.

The subject of reform is one which has claimed the attention and consideration of the people, and one, in my opinion, of general as well as vital importance to the country. A judicious system of economy now adopted may be of advantage for the future. It must be beneficial if its provisions are not violated. The time when *retrenchment* was necessary and important, and would have prevented our present calamities, has gone by. Whether the precautionary measures adopted by legislation have been executed or not, is for the Congress to determine. *Reform*, it would seem, is intended for the remedy of evils which have existed—the greatest of which is the unnecessary expenditure of the public resources. To prevent this for the future, if it has already been the case, is not only the duty of the Legislature but of the Executive, so far as the Execu-

tive may have delegated to him the power. The Constitution provides that certain means should be placed within his control, to enable him to exercise all his legitimate powers. Amongst these are the services of certain officers, such as are necessary for the collection, safe keeping, and disbursement of the treasure of the country. These, also, are to be responsible and accountable to the Executive for the trusts delegated to them. If their trusts are violated, they are amenable to the laws and accountable to the Executive. He is responsible to the nation, and if the means necessary are placed in his power, and he does not employ them to the advancement of the public good, or should use them for purposes not contemplated by law, he is answerable for their perversion. I would respectfully suggest to the honorable Congress that I desire to exercise no privileges or power but that which is delegated to me by the Constitution, or accorded to me by the Congress under the sanction of that instrument. I do, at the same time, solicit from your honorable bodies, as the representatives of the nation, such provision and assistance as has heretofore been deemed indispensable to the administration of the Government. The same facilities will be required by the present Executive that were accorded to his predecessor during the first two years of his administration. Indeed, there is reason—pressing reason—why those facilities should not be diminished. The accumulation of business in the offices, and the derangement which has been consequent upon the consolidation of several departments during the last Congress, and the unsettled state of some bureaus for years past, overwhelm the officers now in service with a task which they are totally unable to perform.

The objects of retrenchment should be to dispense with all the unnecessary officers, and retain those only which are necessary to the speedy and accurate transaction of business. Persons who have public business to transact in the offices will, otherwise, be detained at the seat of government at great individual expense and detriment for weeks and months. That there should be a responsible head to each department of the Government, agreeably to its first organization, to my mind is clear and decided; and that they should receive a just and liberal compensation is beyond all question. Men of capacity and character can not afford to bestow their time, and incur the responsibilities of office, without an adequate reward. With such men employed, the Government has a right to expect beneficial results. If adequate salaries are not given to them to command their services, the consequence will be that necessity will compel the selection of such to fill those high places as will bring into the Government neither capacity, character, nor responsibility. If those aids, which I regard as indispensable, are furnished the Executive in the administration of the Government, he, at all times, will be prepared and willing to meet his responsibilities to the nation. If they are within his control, he will be answerable for their employment. He will be able to hold the subordinates of his administration accountable, and to establish the strictest accountability in the offices of the various departments. Without these aids, so necessary to the existence of the Government, many important duties must be neglected.

The people hope much, and expect much, in our present calamitous condition. Should the Executive not receive the necessary support from Congress, their hopes as well as expectations must be disappointed. The co-operation of Congress, with the aid of the judiciary, will be necessary to their accomplishment. With this assistance afforded, I will always be proud and happy to respond

to the requisitions of my countrymen. If the power is given me, and I do not exercise it with fidelity and ability in the promotion of the best interests of the nation, I will never assume the plea of incapacity, for I would feel, after the confidence expressed by my countrymen in my capacity and patriotism, that I should be accountable for the motives of my heart as well as the exercise of my intellectual faculties.

In the promotion of the prosperity and glory of my country, every energy of my mind shall be employed; and, to extricate our fair land from the misfortunes which overshadow its present prospects, my exertions shall be continued, with a fervent and devout invocation to the God who buildeth up nations, that the clouds which now lower upon our destiny may be dispelled, and that His wisdom may direct us in the path of glory and honor, and that the people of this nation may be established in virtue, prosperity, and happiness.

SAM HOUSTON.

MESSAGE AT EXTRA SESSION TO THE CONGRESS OF THE
REPUBLIC OF TEXAS.

EXECUTIVE DEPARTMENT, }
CITY OF HOUSTON, *June 27, 1842.* }

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

Events have transpired since your adjournment which, in the opinion of the Executive, demand the action of Congress in extraordinary session. The termination of your last session left the Executive surrounded with numerous and insuperable difficulties, to which circumstances, since arising, have added causes of embarrassment requiring the exercise of all the wisdom, energy, and patriotism which the nation can command. The necessary aids were solicited to meet the emergencies which have since taken place and which were anticipated by the Executive; but the honorable Congress did not accord in his suggestions, and the precautionary measures requisite were not adopted.

A demonstration by Mexico on our frontier has taken place; and a marauding party, under the most imposing aspect, has penetrated our territory as far as San Antonio. A violent excitement and commotion throughout the country were the consequence; and our brave citizens of the frontier, without order, regularity, or discipline, rushed to the supposed scene of action. On the arrival, however, at the point of expected conflict, they found that the enemy had retreated with great precipitation. No organization of the men took place, nor was any report made to the Executive, or Department of War, of their numbers or condition. Rumor, however, at last induced the belief that there was an assemblage of citizens at Bexar who were ready to rush with impetuosity across the Rio Grande. Acting under this impression, the Executive directed the organization of the men, and the prosecution of a campaign, if it could be commenced with any prospect of success. But for various reasons this was not done. No organization, although attempted, could be accomplished. Difficulties arose among themselves as to who should lead them; and, in the end, they found themselves, on examination, totally unprepared for a campaign—inasmuch as they had left their homes upon a momentary summons, and were

destitute of the means for efficient and protracted service. The result was, they returned to their homes, and the orders of the Government were not executed.

Before the excitement incident to this incursion had subsided in the community, the pompous declaration of the self-created potentate of Mexico had reached our shores, denouncing the subjugation of Texas, and lavishing upon its Government and people unmeasured abuse. Disregarding all the pledges which he had voluntarily made of a friendly disposition toward the recognition and establishment of our rights, he evinces, upon his assumption of power, the most malignant hostility toward our country, and holds out the idea of immediate invasion and "molestation."

It is not for us to act upon the supposition that this declaration, deliberately made by him while in supreme authority, was intended merely to give him a temporary popularity at home and to furnish a pretext for levying contributions and maintaining a large standing army, for the purpose of establishing himself permanently in the possession of usurped power and securing the means of oppressing his countrymen, or that it was designed only to embarrass our intercourse and relations with other countries, and, if possible, in that way retard the prosperity of Texas. But we are to regard, with peculiar vigilance and attention, our internal safety and well-being, as well as our foreign relations, and secure ourselves in season against every contingency which might arise from his threats. Our past and present position toward Mexico are matters which can not be viewed with indifference or contemplated with apathy.

If it be within the power of the nation, it is indispensable that protection be given to the frontiers. Our citizens have been and are still liable to continual annoyances from the enemy. No *formidable* invasion, it is true, has been attempted since 1836; nor do I believe they will be ever able to effect its accomplishment. But though this is my firm conviction, I am nevertheless equally satisfied that they will interpose every impediment to the peace, prosperity, and settlement of our frontier. I esteem it, therefore, the high and imperious duty of those to whom the Government of the country is confided, to adopt such a course of policy as will effectually counteract the designs of Mexico. The question then arises, are we capable, with the resources at our command, of preventing these evils; and if so, shall those resources be employed for that object?

From the circumstances which have transpired, the Executive was induced to believe that it was now quite time to adopt and pursue such a course of policy as will secure to us peace and the recognition of our independence. Under the conviction that immediate invasion was meditated, he felt himself fully authorized, under existing laws, to invite emigrants from the United States with a view of giving protection to our advanced settlement; and, so far as he had power, and even beyond the means afforded him by Government, he has proceeded in the organization of the militia, so as to place them in the best possible condition to prosecute a war, should the honorable Congress deem it necessary or expedient to adopt such a course. At an early day it is expected that the proper department will be prepared to report the condition of the militia.

Emigration, to some extent, has been the consequence of the invitation of the Executive; and thus far, the emigrants have been sustained almost entirely by private contributions. That they can be any longer supported without the action of the Government, can not be expected. No matter how great the feeling of patriotism may be, nor how strong the conviction on the frontier of the

necessity for offensive action against Mexico, individuals can not sustain a war which properly belongs to the whole nation. The prompt attention of Congress is, therefore, invited to this subject. The time between the 20th and 28th of July, has been designated for the general rendezvous of emigrants upon the frontier; and if Congress should think proper to decide that invasion should not take place, it is important that the fact should be immediately known. If, on the other hand, war should be determined on, it is indispensable that co-operation should immediately take place between the emigrants and the militia of the country in its prosecution.

The citizen who resides upon the frontier of the Southwest, subject to continual alarms, and he who is located in conscious security upon the banks of the Sabine, constitute such an integral part of the national community, that, under the law, the protection of them, as well as all our citizens, in the rights of life and property, should be the object, as it is the duty of the Government. Unless continued and permanent protection is given to our frontier inhabitants, our settlements must recede from point to point; which will not only contract our limits, but have a tendency to create discontent and distrust in our capacity for self-government. The infelicity arising from such a state of things must arrest our prosperity, and finally prove disastrous to the country.

Were we to retaliate upon the enemy by aggressive warfare, we could at least impress them with the calamities which have thus far been incident to us alone, and create in them a desire for that peace which would be mutually advantageous to both parties. Can this be done without invasion on our part?

To enable us to adopt this course, the positive action of Congress will be necessary. It rests with them to decide.

By the constitution, the power to call out the militia is given exclusively to the Congress; and however great the necessity for calling them out might be deemed by the Executive, he would only feel authorized to do so in case of actual invasion or insurrection.

Not having heretofore been an advocate for offensive measures, the Executive has looked with peculiar interest and solicitude to the subject—owing to our recent and present condition. If we could possibly anticipate the establishment of amicable relations with Mexico, from the mediation of any power mutually friendly, the urgency of the action on the part of the Government would be diminished, and we might hope to arrest evils which the conduct of Mexico seems to enforce upon us. Our citizens could cultivate their farms in peace and grow rich by industry, while the emigration of foreign capitalists to the country would add to the material wealth and increase our store of intelligence and enterprise. But from the manner in which offers of mediation have been received and treated by Gen. Santa Anna, the Executive is confidently assured, upon the highest authority, that Texas can expect nothing from that desire. Being admonished of this fact, then, we must assume an attitude that will protect us from future inconvenience and danger.

Should the honorable Congress, however, deem it unwise or impracticable to invade Mexico, and think proper to place at the disposition of the Executive an amount comparatively trifling, with power to establish such regulations as he may think proper, he will be enabled to maintain such a force on the southwestern frontier as will secure it from alarm and danger, unless produced by a regular and formidable invasion.

The honorable Congress at the last session, though respectfully called on by the Executive, refused to indicate any wish or opinion in relation to the naval arm of her defense, although at the time it was engaged in foreign service unauthorized by law, and unexampled in the history of any other country; and thus was thrown upon the Executive the responsibility of keeping it employed without adequate provision or appropriations to meet the necessities of the service—of continuing it in the situation in which it then was, or, when its commander might think proper to return, of causing it to be laid up in ordinary without means for its preservation from ruin. The contract, however, under which it was absent at length expired, and it returned at a crisis when it was deemed advisable by the Executive to have it, without expense to the Government, refitted and continued in active operation. It is expected that, in a few days, the principal part of the squadron will be on the gulf prepared for active and efficient service.

In order to preserve one of the vessels from utter ruin, she has been placed in charge of an individual who is bound to refit and equip her for service, and hold her in a condition advantageous to the country. The steamship *Zavala*, though reputed one of the best vessels of her class in American waters, for the want of repairs and the means of preservation, is now sunk; but in such a situation that, if the Congress desire it, and she is placed at the disposition of the Executive with the necessary means, she can be repaired and rendered highly useful to the Government.

I need not urge the high importance of this branch of the public service and the necessity of maintaining it at all hazards in a state of efficiency. We are apprised that all the capacities and energies of our enemy are directed to the attainment of naval superiority over us upon the gulf; and unless we are in a situation to successfully compete with them, our commerce will be ruined and many calamities visited upon us. If our sea-coast is without this means of defense, we shall be in the most vulnerable condition for attack, and we may expect the infliction of wounds from which we could not readily recover. This subject and that of our military condition in connection with the report of the honorable the Secretary of War and Marine, are respectfully submitted for the examination and action of Congress.

The crisis demands the employment of all the wisdom, energy, and resources of the nation. To give efficiency to whatever course your honorable body may determine to be necessary in relation to our enemy, there must be a requisition made upon all our means, and their application must be regulated by discretion, and the most systematic and rigid rules; otherwise, every effort made by us will prove abortive and sink us but yet deeper into misfortune. At this time of great prostration in the financial concerns of the world, we, in common with every other people, experience a portion of the general inconvenience.

The plan presented to the last session of Congress in relation to the revenues of the country, was not adopted. It was recommended that the direct tax, as then existing, be reduced but one-half; but, instead of that, it was abolished—or, what amounts to the same thing, reduced so low as not to compensate for its collection. The currency, therefore, created at that session was left to rely upon the duties arising from importations; and, consequently, the demand for our issues has been confined to that channel of the revenue. Although but a fraction more than one-third of the amount authorized to be issued has been

put in circulation, yet, from a want of confidence in the guarantee given for its redemption, our exchequer paper has frequently been at a discount of fifty per centum. At least one-half the revenue, also, to which the Government is entitled from import duties has not, and will not be collected, unless power is given to the Executive, or the head of the Finance Department, to declare and establish such ports of entry on the Red River and the Sabine, as may be deemed necessary to prevent smuggling and the illicit introduction of goods into the country.

The Government can not exist without a revenue. Its officers and agents must be supported. The pittance afforded them at present is utterly insufficient for that purpose; and some of the most active and efficient officers have retired, and others have notified the Executive of their determination to do so. They are totally unable, from their salaries, to obtain the indispensable necessities of life. Without necessary and competent officers, no Government can be properly administered. The Executive has found his labors more than twofold greater since the commencement of his present official term, than they were during the entire period of his last administration—a period of more than two years, when he had to organize a Government out of chaos and give it direction. The means placed in his hands at this time for the conduct of the Government, does not exceed one-sixth of the amount annually allowed to his predecessor for the administration of the civil department.

The depreciation of our funds and the embarrassment of our currency have arisen from various causes; among which are the repeal, in effect, of direct taxation, thereby cutting off an important branch of revenue—the want of power to enforce the collection of import duties, and the establishment of the warehousing system. To these may be added the failure of the recommendation made to the last session of Congress involving, as was conceived matter of the highest consideration in the establishment of a currency: I mean the hypothecation or disposition of a portion of the Cherokee country, as a guarantee for the ultimate redemption and absorption of the Exchequer bills.

Had the Executive been authorized to have had surveyed and brought into market two hundred thousand acres of those lands, under such regulations as he might have deemed advisable,—fixing the minimum price at two dollars per acre—the entire amount of Exchequer bills would long since have been withdrawn from circulation, and a large amount of gold and silver introduced into the country as a circulating medium, whilst the import duties would now have been paid in specie. This, too, could have been done without incurring any expense to the Government. The cost of bringing into market and disposing of the lands could have been defrayed without requiring the advance of any means for that purpose. To these causes the present condition of our currency, in the opinion of the Executive, may be mainly ascribed, and he would most earnestly recommend them to the scrutiny and consideration of the honorable Congress, believing, as he does, that the existence of the Government depends upon the policy and principles he has laid down.

Without resources no civilized nation was ever known to exist, and that we have ample resources to sustain ourselves no one who will reflect a moment can doubt. The extent of public domain owned by Texas and yet unappropriated can not amount to less than one hundred and fifty millions of acres—resources,

in proportion to our population, unparalleled by any other country ; but yet they lie neglected and profitless.

Since the present administration commenced, contracts for colonizing a small portion of our vacant territory have been made, altogether more advantageous to the Government than any previously entered into. But these contracts can prove of no immediate avail to our finances.

If the Executive had been invested with authority to have disposed of a portion of the public domain, there is little doubt that it might have been employed with great advantage to the present and prospective condition of the currency. The policy of husbanding means for the use of posterity can not be justified in the present emergency of our affairs. If we are enabled to leave them in the enjoyment of independence, and free from pecuniary involvement, it is all that we should desire.

Even supposing our national debt to exceed twelve millions of dollars, our means are more than sufficient to pay the whole ; and, in a state of peace, our import duties alone would be adequate to defray all the necessary expenses of government, without the necessity of resorting to oppressive taxation. Our vacant lands can be applied to the liquidation of every farthing of our national liabilities, and a large portion still remain untouched.

A matter of the liveliest interest to the community is the regular transportation of the mails ; but, for the want of appropriations by the last Congress, their transportation throughout entirely ceased. Communication between the different sections, and the circulation of intelligence, have been wholly obstructed. On account of this state of things, the Executive has found himself greatly embarrassed in disseminating, as well as receiving, correct and speedy information, for he had not one dollar at his disposition for the employment of expresses, even under the most urgent circumstances. During the late excitement rumor was generally the basis of impressions and action which, as was to be expected, not unfrequently produced unpleasant consequences in the community.

Owing to the suspension of the mails, the laws and journals of the last session of Congress have not been distributed, and, it may be remarked that, for some cause unknown to the Executive, an important portion of the public printing has not yet been executed.

In the recent advance of the Mexicans upon Bexar, apprehension for the safety of the Government archives at the city of Austin was so great, that all business in the public offices was suspended, and those in charge of them deemed it a matter of prudence and security to secrete the public records in the earth, so that if the enemy should advance upon and sack the place, they might not be so liable to destruction.

Under these circumstances, and as soon as the Executive was apprised of the condition of the frontier, and of the apprehensions entertained by the inhabitants, he immediately directed the archives, and such other property as was portable, to be removed to this place. Although the emergency would have justified the step without any express authority under the Constitution or laws, yet, in this case, he was not driven to the assumption of that responsibility. He acted in strict accordance with his powers and duty under the Constitution. He is also fully satisfied of the policy, as well as the necessity, of the location of the seat of government at some point within the Republic where the archives will be secure, and where the functions of the Government can be more efficiently exercised

than they could be at a point as remote from the seaboard, and as much detached from the body of settlements and the mass of population as the city of Austin. Should any occasion arise for the concentration of all the effective force of the country at some particular point on the frontier, the fact of the location of the seat of government at a point so much exposed would necessarily draw off considerable strength from the action, and perhaps more valuable service in another quarter, to guard the archives against either Mexican or Indian enemies. This embarrassment would be obviated by its location at some interior situation, where it would be secure from danger and alarm, accessible to intelligence, and convenient for its dissemination throughout the country. During the last year, the expense to the Government for transportation to the city of Austin, over and above what it would have been to any point on the seaboard, exceeded seventy thousand dollars; and the extra cost of transportation of the mail, aside from all other expense and inconvenience attending its remote and detached situation, amounts to many thousands more.

If we are to remain in our present unsettled condition, it is of the utmost importance that the seat of government be established at some point convenient for the speedy and efficient transaction of the public business.

From the insecurity of the public records, the Executive was induced to the adoption of the course which he has pursued; and it being in accordance with the dictates of the Constitution and his own judgment, he sees no reason to revoke the decision, or yield to the illegal resistance which has been offered to the execution of his orders by an association who constituted themselves a committee to contravene and obstruct the performance of his constitutional duty.

Unfortunately for the peace and the welfare of the community, no law has yet been passed defining the offense of insurrection. In view, therefore, of the condition of things as they have existed, and to some extent still exist, it is hoped the attention of Congress will be directed to this subject. Whilst persons are permitted to resist the laws in existence, and to act with impunity in open defiance of them, obstructing the civil functionaries of the Government in the discharge of their legal and constitutional duties, the rights of individuals must be sacrificed, their lives and persons rendered insecure, and anarchy triumph over order. The Congress has the power of remedying these evils by the enactment of necessary and salutary laws, the omission to do which can not have any other effect than to license and increase evils already existing to an alarming extent.

It is to be hoped that, under no circumstances whatever, will the courts of justice be suspended in the exercise of their appropriate jurisdiction, but that they will maintain their influence by holding their regular sessions, and being at all times prepared to punish those who may violate the laws. In the opinion of the Executive, nothing is better calculated to strengthen the social and political bonds which should unite the members of a community, one with another, than the maintenance of an able, honest, and independent judiciary. If the Congress resolves upon the prosecution of active war, it might be well, where individuals were actually engaged in the service, to suspend *civil* process as to them, so long as they are absent in the discharge of public or official duty, but no longer.

In thus discharging the duty which this occasion has devolved upon me, I have submitted for your consideration what I conceived of the highest

interest to the Republic, and in the prosecution of your labors you have my earnest desires that they will be conducted by intelligence and influenced by wisdom, to the attainment of such objects as will afford encouragement to every patriot, and redound with eminent advantages to our country.

SAM HOUSTON.

GENERAL MESSAGE TO THE SEVENTH CONGRESS OF THE
REPUBLIC OF TEXAS.

EXECUTIVE DEPARTMENT, }
WASHINGTON, *December 1, 1842.* }

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

Circumstances, involving the general interests and condition of the country, have induced an earlier call of the honorable Congress than was anticipated. During our existence as a people, no deliberative body has ever been convened under more interesting and important circumstances; nor do I believe it will ever devolve on any assembly of men to act upon subjects of more vital importance to their country and mankind.

Since the commencement of legislation in Texas, as a separate and independent power, we find the proceedings of Congress but too frequently characterized by acts of selfishness and partiality. The public good has but too often been disregarded, and the national interests left out of view; and thus, without establishing any general principle or system of legislation, temporary expediency has been substituted for a due consideration of the public good. Under this state of things, it is but true, that the nation has been gradually declining. Instead of deriving advantages and facilities from the lapse of time, its decline, since the year 1838, to its present point of depression, has been regular and more rapid than perhaps that of any other country on the globe possessing the same natural advantages. From possessing a currency nearly at par, with a circulating medium but little more than half a million, and with a credit unparalleled for a country of its age, we find ourselves in a condition utterly destitute of credit, without a currency, without means, and millions in debt. Instead of improving from an increased immigration, the introduction of wealth, and the improvement of our social condition, we discover that a want of confidence at home and distrust abroad are impediments which have to be counter-acted before our prosperity can be advanced.

Very few congressional enactments, it is believed, will be necessary at least to arrest the evils, if not to produce for and to place Texas, once more, in an attitude cheering to the patriot and creating confidence throughout the land. Our external difficulties, if managed with propriety, are of less magnitude than they have been regarded; and no country on the globe can boast natural advantages and facilities comparable to those of Texas. We possess every needful resource of competency, wealth, and national independence. To develop these, and convert them to the benefit of the nation, will require but little legislation; and that course of policy adopted to this end should be pursued by the functionaries of the Government.

The chimera of a splendid government, administered upon a magnificent scale, has passed off, and left us all the realities of depression, national calamity,

and destitution. The lessons of prudence and economy which experience has inculcated should not be lost, but rendered available, that some of the evils incurred may be remedied whilst others may be averted.

Although we have an enemy upon our frontier, and are not in a situation to retaliate in such manner as our disposition would urge us to do, and to carry war into their territory; yet, if our resources are carefully economized and properly employed we can render their predatory warfare harmless. Instead of permitting ourselves to be excited and irritated, so as to vanquish ourselves by disorderly rallies to the frontiers, we have it in our power to maintain a force sufficient, under regular discipline, to secure us against serious aggression, and deter the enemy from repeated incursions. As it has hitherto been, the people have rushed to the frontier on the first alarm given of the enemy's approach. A want of discipline and subordination was the consequence; and after consuming the substance of the frontier settlers, they have returned to their homes, leaving behind them an exhausted country; and, for the want of order and discipline, have permitted the enemy to escape without chastisement.

When alarms have been given, instead of apprising the Executive, through the department of war by express, and giving notice to the several counties on the frontier, whose duty it was to hold their militia in instant readiness, they have appealed directly to the citizens and invoked their aid, with whom concert of action could not be expected. The consequence was, that the Executive, upon the receipt of this irregular information, issued the proper orders; but owing to the delays incident to a want of effective organization in the militia, celerity could not be given to the movements required; and the enemy, after having produced great excitement, effected their retreat. These circumstances caused a campaign to be projected by individuals, not functionaries of Government, without first having obtained the advice and sanction of the Executive—they pledging ample supplies for those who should engage in the campaign to the Rio Grande. Whatever the opinions of the Executive under these circumstances may have been, aware that the opinion prevailed that it was practicable by private means, to conduct a campaign, and having ordered out such of the militia as would have it in their power to reach the frontier before the season would be too far advanced to meet the emergency which had but recently existed, he determined to give all the aid, efficiency, and direction to the patriotic ardor of the people that the means in his power would permit. But it is impossible that campaigns can be either projected or conducted with success or advantage to the country, unless under the auspices of the Government. Individuals can not know the situation of our relations, either foreign or domestic. A campaign may be designed by the Government for the purpose of effecting a particular object; for instance, a surprise of the enemy. It may require all the resources of the country, the greatest secrecy, and that the whole force of the country should be in readiness to act in concert so as to effect the design. If individuals assume the right of projecting campaigns, they are liable, not only to thwart the designs of the Government, but, by a diversion of a portion of its means, bring on disaster and insure the greatest calamities to the country. Indeed, it has not been unfrequent upon the frontier to project and conduct campaigns without reporting to the proper department any fact or circumstances connected with them from beginning to end. Public stores and munitions of

war have also been applied in this way without the sanction or even the knowledge of the Government.

At the commencement of the present administration, it was the earnest desire of the Executive to be enabled by acts of Congress to maintain a force on the frontier, amounting to from one to two hundred men. Could this have been done, he remains satisfied and confirmed in the opinion that the recent calamities and annoyances upon the frontier would not have occurred. Less than one-fourth of the amount which the incursions of the enemy have cost the country and the frontier citizens would have sustained the force requisite. Unless something can be done to prevent the system of molestation practiced by the enemy, it will cause Texas to subdue herself. If the whole country is to be agitated and called from their homes at the appearance of a few hundred rancheros, who can make a display, on our frontier and again recross the Rio Grande before our citizens have left their homes, a few only having rallied, in numbers sufficient to jeopardize themselves without effecting any useful object, we can never hope for security to our frontier or tranquillity to its citizens. If it is impossible to maintain such a regular force, as would be adequate with the present means of the Government, it is at least within the power of Congress to enact such laws as will compel the requisite number of militia to be furnished by draft from the counties as will meet the necessities of the frontier. In this way we have the means of giving protection to that interesting portion of our countrymen, who have adventured to the West and South. And the Executive continues to regard it, as he has ever done, of vital importance to the citizens. They have taken their position on the frontier and sustained themselves under every disadvantage. They have claims upon the sympathies as well as the protection of the country.

No doubt can now be entertained that the prime object of the enemy is to molest our frontier and harass and annoy our seaboard. To use such precautions as their policy will enjoin upon us, should be equally the primary object of the honorable Congress. Should assurances of undoubted character have been given that the enemy are strengthening themselves by water, every means should be employed, and precaution taken, to render abortive any attack which they might make upon our seaboard. The Port of Galveston is now in a condition of defense more efficient than could be expected when we take into view the means placed at the disposition of the Government, and the necessity of relying mainly upon the contributions and labor of the citizens of that place. Col. George W. Hockley, an officer of skill and great efficiency, was appointed Acting Colonel of Ordnance by the Executive, and assigned to the duties of engineer and ordnance officer for that station, to continue during the emergency which enforced the necessity of his appointment.

For the want of means, every possible embarrassment has been presented to the administration. Texas, in truth, presents an anomaly in the history of nations; for no country has ever existed without a currency, nor has any Government ever been administered without means. The transition from a state of things, where unrestricted and unlimited extravagance prevailed and disbursements were made without appropriations by Congress, to a state of things where we are without means, without appropriations, and without disbursements, is well calculated to bring odium upon the administration of the Government, unless examination is made into the causes which have led to its situation

and the circumstances which have involved it in its present unfortunate dilemma.

Aware of the attitude in which the country must be placed, the present Executive, upon coming into office, recommended such measures of finance as he was satisfied would, to some extent, relieve the existing embarrassments, and eventually extricate the country from its involvements. The system recommended was not adopted. The issue of Exchequer bills, the representative part of the system, was adopted; but the foundation of the issue was not regarded. Authority to hypothecate the Cherokee lands, or to make sale of them or any portion thereof, was omitted to be given. The collection of the direct tax was, also, postponed for six months after the usual period for its collection; and the Exchequer bills of necessity referred for redemption to imports and licenses alone. The excitements in the country have prevented importations; and persons owing their license tax have refused to pay. The process of collection is so tedious that unless some prompt remedy is devised by Congress, it is useless to regard such tax as a source of public revenue. The Exchequer bills being thus left dependent upon import duties for their redemption—no other demand existing for them—depreciated, and at one time were worth in market but twenty-five cents on the dollar, though the whole amount issued up to this time is only about one hundred and twenty-five thousand dollars, and the amount now in circulation can not by possibility exceed thirty thousand. Had the requisite authority been given for the hypothecation of the Cherokee country for the redemption of these bills, and had the time for the collection of the direct tax not been postponed, and the license tax been collectable, and the warehousing system been abolished, it is believed a sum more than double the amount of two hundred thousand dollars could have already been brought into the treasury.

At the extra session in June last, a law was passed authorizing the Executive to have surveyed and brought into market four hundred thousand acres of the Cherokee lands, but under such restrictions that they amounted to a prohibition. Competent surveyors, after contracting for the execution of the work, declined its prosecution, having been assured that such hindrances would be interposed as would render their efforts, if not abortive, at least unpleasant. For the purpose of placing this subject at rest in future, and that the just may not be prejudiced any longer in its interests, there will be laid before the honorable Congress at an early day an opinion of the Attorney-General which for ability, clearness, and conclusion must place the question of right in the Government forever at rest, and enable the Congress to adopt such measures as will convert some of the most valuable resources of the nation into means; and have a tendency, with other measures, to sustain further issues, if needful, under the Exchequer law, to an extent double that now authorized to be issued. It is recommended to the honorable Congress that a law be passed prohibiting the circulation within the limits of the Republic, of the notes of all foreign banks, and that all individual and corporation notes intended for circulation as currency in the Republic be suppressed; and that engraved Exchequer bills of denominations ranging from twelve and a half cents to one dollar, and from one dollar to one hundred dollars, be issued and made receivable for all dues to the Government, except those arising from imports and tonnage; and that these latter be receivable in nothing but gold and silver. That the Exchequers can be sustained by

a course of this kind, there can be no doubt. Up to this time, none of them have been husbanded but for the purposes of paying duties. The demand will be greatly increased, and as soon as the taxes are collected they will become an object of procurement. If prudence is observed in their issue, the whole amount now authorized would not be sufficient to pay the direct taxes, and that deficit must be made up in gold and silver. It is impossible, under these circumstances, that the money should not be at par—from the time that taxes are collectable, as the demand would be greater than the amount in circulation to meet it. According to the amount of circulating medium in the United States, estimating our population at one hundred thousand souls, our circulation ought to be six hundred thousand dollars, or six dollars for each individual. Supposing this data to be correct, a circulating medium of one-third of that sum would, from the force of circumstances, sustain itself at par, controlled by the absolute wants of the country. I view the subject of the finances of the nation as of vital importance to its existence, and that they can be sustained in a sound and healthy condition, the Executive entertains not a doubt.

To enforce the collection of the revenues is also of the highest importance. The enactment of laws without their enforcement is of no avail to the country. If resistance is made to the constituted authorities, of what avail are enactments on paper without the means or the power to punish? It is the duty of Congress to enact such laws as will enable the Executive to command the power commensurate to their execution. Resistance to the constituted authorities, and to the laws of the land, is one of the most flagrant offenses that can be committed against society, and is entitled to no milder appellation than that of sedition or rebellion. The Constitution has declared these offenses, but has not prescribed a remedy for the punishment of offenders. That power is delegated to Congress. The attention of the honorable Congress has, therefore, been called to it, and salutary enactments requested. They are now urged as indispensable to the public safety and the execution of the laws. The law has delegated to the President the power to call out the militia to suppress insurrection, without giving any definition to the crime, or authorizing the infliction of any adequate punishment. No tribunal is appointed for the trial of the offense. Instances have occurred within the last three years of a character well calculated to enforce a conviction upon the mind of every patriot that the offense should no longer be disregarded or the delinquents unpunished. Our prosperity as a nation depends upon the security of life and property being guaranteed to the peaceful citizen, and the punishment of those who disregard the letter and spirit of our social compact. When men take the laws into their own hands, or undertake to construe the Constitution in derogation of the constituted authorities of the land, it manifests a diseased condition of the body politic, and demands of the law-making power the prescription of a remedy, whilst the Executive, by his oath, is bound to enforce it. The punishment of offenses ought to “be as prompt and summary as the nature of our institutions will admit. The reason is manifest. There are not jails and prisons in the country, for the confinement of the accused, nor are the several counties in a situation to pay a tax sufficient to ensure the safe-keeping of culprits.”

Our foreign relations have undergone no material change since the last Executive communication to the honorable Congress, with the exception of the exchange of ratification of the treaties of Great Britain. No information has

been received in relation to the mediation of that power between Texas and Mexico. It is hoped, however, that before the adjournment of the present session it will be in the power of the Executive to submit to the honorable Congress important information embracing that subject. A treaty of amity, commerce, and navigation has been negotiated by our minister, the Hon. James Reily, with the Government of the United States. The treaty not having yet been received, it will not be within the power of the Executive to submit it to the honorable Senate for their consideration as early as he anticipated. Its arrival, however, is daily expected.

Nothing is better calculated to present the deplorable financial condition of Texas than the situation of our post-office and mail establishment. For the years 1840 and 1841, not less than one hundred and ninety thousand four hundred and seventy dollars in promissory notes, besides four thousand two hundred and fifty-eight dollars in Exchequer bills, were appropriated to sustain the establishment. For the service of the present year, Congress appropriated only five thousand dollars in Exchequer bills, without making any allowance for their depreciation, nor did they leave any discretion with the Executive to sustain this important branch of the Government. Texas, at this time, furnishes the singular fact of a government without the means of conveying intelligence, or distributing the laws throughout the Republic. It is, doubtless, the only community on earth at this time, purporting to be a nation, that is similarly situated. Instead of inquiring into causes which have produced this state of things, and the reasons which enforce them upon the country, it is imputed to the delinquency of the administration. It is for Congress to determine whether means can be devised; and if they can, whether they will be employed in sustaining the mail establishment. There is reason to believe that the proceeds arising from a well-regulated mail establishment would go far towards defraying the expenses incident to its maintenance. The diffusion of general intelligence throughout a country like ours, subject to the frequent causes of excitement on the frontier, is of great importance. The ready circulation of intelligence would prevent much confusion and commotion throughout the country, and enable the Executive to command the means of its defense with some degree of certainty; whereas, he has had to rely alone upon the procurement of expresses, without the means at his command of even defraying their expenses while in service. When, indeed, he could obtain them at all, they had to rely upon the future ability of the Government for compensation. A free government can not exist without mails. At the called session in June, the attention of the honorable Congress was most earnestly invoked to this subject, but met with no favorable response, and has therefore remained neglected up to this time for the want of means, though, with great exertions, some of the principal routes have been partially maintained.

Another subject of some importance in the present crisis I deem it my duty to present to the honorable Congress. In the month of March last, during the incursion of the enemy, under the provisions of the Constitution, the President felt it to be his imperative duty to order a removal of the archives and heads of departments from the city of Austin to a place of safety. As to the propriety and necessity of the act, no reasonable doubt could exist. The Constitution declares that the President and heads of departments shall remain and keep their offices at the seat of government, unless removed by the permission of Congress,

“ or unless in cases of emergency, in time of war, the public interest may require their removal.”

That this emergency did exist to a most palpable extent is demonstrated by the fact that, for temporary security, the archives were buried, with a view to secure them from injury. The Executive, in accordance with this information, ordered their immediate removal to the city of Houston as a place of undoubted security. Agents were ordered to provide transportation, so as to effect it with the greatest dispatch, and to secure the public arms and stores which were at that point, and which have since sustained much damage and loss by their non-removal. The President considered that he was the sole judge of the emergency requiring their removal. Resistance, however, has been offered and continued up to the present time. Acts of the most seditious and unauthorized character have been perpetrated by persons styling themselves the “ Archives Committee,” positively refusing obedience to the orders of the Executive, and refusing to permit individuals to remove from that place with their effects unless a passport was granted by some member of said committee. The Executive felt a reluctance to have recourse to such measures as would have enabled him to carry out the provisions of the Constitution. During the late incursion of the Mexicans, the Executive has been informed that a prominent individual made application to call and select such papers as he deemed of importance, for the purpose of conveying them to a place of safety. The Commissioner of the General Land Office, anxious to secure the archives in his charge from injury, attempted their removal, but his authority was resisted—the committee proposing to remove them, but at the same time to retain a supervision of them, and to designate the point to which they were to be removed—thereby clearly conceding the insecurity of their present situation, and assuming to themselves the power of resisting the constitutional authorities of the country, and interfering with the constitutional right and duty of the Executive. The causes which at first existed under the provision of the Constitution for the order for their removal by the Executive still exist with undiminished force. This flagrant violation of all civil rule inculcates the indispensable necessity of some Congressional enactment for the purpose of suppressing insurrectionary acts toward the authorities of the country. If individuals are permitted to associate themselves into bodies for the purpose of resisting the Constitution and laws of the country, the laws cease to be operative. The salutary provisions of the Constitution are nugatory, and rebellion and anarchy take their place. The reasons for the removal of the archives from the city of Austin still existing, it was deemed most proper to convene the Congress at this point. The subject was laid before Congress at the late extra session, and no definitive action took place. In addition to the fact that the Supreme Court had been, by law, recently removed to the town of Washington, and the removal of the archives to the same place would be attended with no public expense, the Executive regarded it as, in many respects, under existing circumstances, the most eligible, safe, and convenient location for the seat of government.

The Executive has been informed that public arms, and other Government property of much value, and which would be of great convenience in our present circumstances, are distributed in various parts of the country, having been appropriated by individuals to their private use, which they refuse to give up in compliance with the orders of the Government. It is therefore suggested, whether

it would not be proper to invest the Executive with authority to enforce the collection of the same, that it may be applied to the public benefit.

While presenting subjects to the consideration of your honorable body, of vital importance to the nation, our Indian relations will be entitled to at least secondary estimation. Soon after the commencement of the present administration the President, anxious to renew that course of policy which he was satisfied could alone give peace and security to the frontiers, availed himself of every means of information upon the subject, and from assurances of the Indians themselves, as well as officers of the United States Government employed in the Indian Department, he was satisfied that a sincere disposition toward peace was entertained by the Indians. He accordingly dispatched Commissioners to the east of Red River (whither the Indians of Texas had generally retired with their families, and from whence they sent out war parties to the frontiers of Texas) for the purpose of establishing amicable relations. They met the Indians, and entered into negotiations with them, with the ulterior arrangements to meet again on the Brazos at the Waco Village, as the Commissioners understood it, in the month of October last. The Commissioners attended, but, owing to some cause, the Indians were unable to attend. Some difficulties intervened at the time of the formation of the treaty east of the Red River. The principal ground on which it was believed the Comanches would not enter into a treaty or adventure themselves to a council arose from the circumstances attending the unfortunate affair which occurred in Bexar in the Spring of 1840, in which they lost many of their principal chiefs, after they had received a solemn invitation to come in and establish friendly relations. It was alleged that they were yet crying for their kindred, and that the clouds of sorrow yet rested upon their nation, because their chiefs were no more, and they had not the light of their counsel to point to the path in which they should walk. Other tribes who had been friendly with the colonists of Texas, and had always been friendly and commercial with the first settlers of the country, though they had occasion to deplore many circumstances, were nevertheless anxious to return with their women to where buffalo were abundant, and where they could obtain subsistence for their families, live at peace with the citizens of Texas, and carry on trade, and maintain friendly intercourse.

The Government of the United States has indicated a willingness to guarantee peace and maintain the treaty stipulations which may be entered into on the part of the Indians, provided Texas maintains good faith on her part. That friendly relations can be established there is no doubt, and messengers are now out among the various tribes for the purpose of ascertaining the particular reasons why the chiefs of the several tribes did not meet our Commissioners at the Waco Village; and the Executive will not be remiss in the proper appliance of whatever may contribute to the achievement of our object, so truly desirable to the interests of the country. It has not been to him a matter of much astonishment that the chiefs did not attend. The season has been one of unprecedented character. The high waters, the inclemency of the weather, and the range of the buffalo being further south than is usual at this season of the year, would interpose difficulties to the attendance of the Indians that seem to be quite satisfactory for their absence. If a treaty is once concluded, and good faith maintained on the part of the people of Texas, there can be no doubt that friendly relations will be maintained with the Indians. When only a few hun-

dred families existed in the colonies Texas had friendship and commerce with the border tribes. Those who engaged in the commerce found it profitable, and but few interruptions took place between the whites and the Indians. Since then causes have arisen that have broken off all commerce, and such has been the exasperation of feeling on the part of the Indians that there was no medium by which they could be approached, unless through tribes resident within the limits of the United States, or the Indian agents of that country. The fact of all the commerce of the Indians with Texas ceasing would induce them to seek a market for their spoils acquired by depredations committed upon our citizens. This they could readily find at trading houses on the Red River, and with the various tribes in friendship with the United States who could furnish them articles obtained from the United States traders, who would regard it as a fair traffic. The border Indians having secured their wives and children beyond the limits of our territory, were incited to continual outrage on our citizens, and regarded us as irreconcilable enemies to them. Extermination of all Indians within our borders having been announced by the former Executive upon his coming into office, they viewed every act of hostility on their part as one of retaliation, and their hostility having nothing of interest to counteract or restrain it, has exposed the frontiers of Texas to continual depredations. Let peace once be made with them, let them realize that they can obtain such articles as they require within the vicinity of their families and hunting-grounds, maintain good faith on our part, and they will at once perceive that their interest is to remain at peace and in commerce with us; that their women and children may remain secure in their wigwams, and renew their agriculture. Their warriors will be changed into hunters; and should they entertain a passion for war, its theater will be distant from their families; they will find new enemies to make war upon, at least as profitable as Texas; and we shall enjoy the benefits of a lucrative commerce, and become the recipients of the fruits of their enterprise, whilst our citizens will enjoy security, and our frontiers exemption from alarm.

All the information within the control of the Executive will be submitted to the honorable Congress in the progress of the session.

Gentlemen, that your deliberations may be attended with the most salutary benefits to the country, and that in its present depressed condition it may derive under a munificent providence essential aid from the exercise of your patriotism and wisdom, is my most fervent desire.

SAM HOUSTON.

GENERAL MESSAGE TO THE EIGHTH CONGRESS OF THE
REPUBLIC OF TEXAS.

EXECUTIVE DEPARTMENT, }
WASHINGTON, *December 12, 1843.* }

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

It affords me pleasure to greet you as the representatives of the nation, and to felicitate you upon the present promising aspect of our affairs. Abroad we are at peace with all the world; at home plenty fills the land. Our population is increasing, and our settlements rapidly extending.

In augmenting and securing permanently these blessings to the country I confidently rely upon your intelligent and patriotic co-operation. I rejoice that you have it in your power to aid the Executive in pursuing such a policy and perfecting such measures as may redound to our present and future prosperity.

At the commencement of the present administration, as all will recollect, the country was in a troubled and embarrassed condition. Our relations with Mexico were of the most annoying, hostile, and unpleasant character. No prospect of an amicable adjustment of existing difficulties appeared. Hundreds of our citizens were prisoners, and in chains; our navy was subsidized to a revolutionary portion of that country, and the enemy meditating and making incursions within our limits, and executing every annoyance upon our border inhabitants. As a nation, we were without a currency, without credit at home or abroad, and without mails to disseminate intelligence. Our resources could not be rendered available, and by this chain of untoward circumstances our citizens were despondent as to the future; and those governments with which friendly relations had been established regarded our condition with apathy. We seemed to stand surrounded with difficulties, and without power or expedients to redeem us from the thralldom.

In addition to all this, the various Indian tribes upon our frontier, extending from the Red River to the Rio Grande, were hostile. Their frequent inroads upon our adventurous and enterprising settlers had been attended with many melancholy scenes of blood. The husband and the father being dead in the field which his industry had opened, and his wife and children carried into a cruel captivity, were almost daily occurrences in our border neighborhoods. There was not a cent in the coffers of the Government, whereby it might afford relief to our people thus exposed and suffering.

These circumstances naturally deterred emigration, and spread abroad distrust in the minds of the public as to the willingness of the Government to afford protection which the condition of the frontiers so imperiously demanded.

This want of confidence deprived us of many a strong arm for the sword or the plough, and prevented the introduction of capital so necessary to the speedy development and increase of our national wealth.

Our situation is now different. For more than a year past we have experienced no annoyance from our Mexican adversary. The great powers which have recognized our independence have evinced by their endeavors to bring about a friendly and permanent adjustment of our difficulties with Mexico the most lively and efficient solicitude.

In accordance with the desire of this Government, made known to the Governments of the United States, France, and Great Britain, that they should so far interpose as to prevent the mode of aggression practiced against us by Mexico as being repugnant to the genius of the age; they have given us the kindest assurances that they would employ their good offices in a manner consistent with the friendly relations in which they stood to the contending parties; and, if possible, by changing the mode of warfare waged by Mexico, divest it of many characteristics incompatible with the practice of civilized belligerents.

The uniformly active and friendly offices which Her Britannic Majesty's Government has, at the earnest request of this, interposed between Texas and Mexico can not fail to be regarded as highly gratifying evidence of its generous and friendly disposition, and of a sincere and disinterested desire to produce

results as far as may be compatible with the relations subsisting between Great Britain and Mexico, in complete accordance with the assurances which have been given. Nor has the Executive any distrust that all the professions on the part of Her Britannic Majesty will not be efficiently fulfilled.

In the month of June last, a dispatch from the Chargé d'Affaires of Great Britain near this Government announced the willingness of Mexico to proclaim an armistice, and suspend all hostile action in case the same policy should be adopted by this Government. Under these circumstances, the Executive did not hesitate to meet the proposition and embrace the policy indicated. He accordingly issued his proclamation declaring the establishment of the armistice; and commissioners were subsequently appointed, and dispatched to the point designated for the purpose of arranging with the Mexican commissioners the terms of the armistice preliminary to further negotiations for peace at the capital. Since their departure the Executive has received no important intelligence from them, but confidently expects, during the present session of the honorable Congress, to be able to lay before them some account of the progress of the mission. He is satisfied that nothing will be wanting on the part of the gentlemen chosen for that service to forward an object for which their patriotism and qualifications seemed to point them out. The Executive has no disinclination to an honorable peace; and he hopes that Mexico, like Texas, will be disposed to put an end to a protracted war, the further continuance of which can only prove detrimental to both. As far as a frank, sincere, and upright policy will go in the attainment of an honorable and permanent peace, it shall not be wanting on the part of the Executive, whatever might be the advantages anticipated from a continuance of the contest with the increased population and resources of this country. That Mexico will evince the same disposition, and avert the evils of war by a mild and pacific policy is, I am quite sure, desired by the mutual friends of the two countries. If peace can once be established, the commercial intercourse of the people of both could not fail to create that state of feeling which would soon obliterate the recollection of past conflicts, and cement the two nations together by all the ties of the most agreeable understanding.

A further prosecution of the war could have no other effect than to insure the destruction of human life, the consumption of resources of both parties, and the demoralization of their national character. The wisdom and policy of the statesmen of the present day are repugnant to war and bloodshed. In this respect the social and political feelings of civilized nations seem to have undergone a revolution. Governments that heretofore sought to increase by every means the number of their triumphs, and embodied their national glory in the number of their victories, are now yielding to the policy and dictates of peace; by which intelligence is advanced, national wealth increased, and the moral tone of society improved.

Immediately upon the receipt of authentic intelligence of the capture of our men at Meir, the Government adopted such measures as it was hoped would preserve their lives and restore them to liberty. Letters were addressed to the friendly powers upon this subject, soliciting their prompt and efficient interposition. But, although remonstrances were made by the British and American ministers at Mexico, and although the greatest expedition was used, their interposition did not prevail until some of our brave men had been consigned to destruction. The fact that individuals associated with Gen. Somervell's com-

mand at Laredo, had perpetrated acts of a most unwarrantable and disgraceful character, and such as were not sanctioned by the general sentiment of the army, operated as a reason for the expedition and urgency of the Government. It was apprehended that so soon as our men fell into the power of the enemy, they would retaliate; and men innocent of all crime or outrage fell victims to the faults of others.

Intelligence was received some time since from Mexico through Her Britannic Majesty's minister near this Government, that the supreme Government of Mexico was willing to restore all Texans held as prisoners by that Government, provided we should pursue a reciprocal course. Accordingly, a proclamation was issued restoring all Mexican prisoners to full liberty and tendering them free passport and safe convoy to the Rio Grande. A similar proclamation had been issued in April, 1837.

The Government of his Majesty the King of the French continues to manifest, as it has heretofore, the most friendly disposition toward Texas; and there is every reason to believe that its friendly offices will neither be suspended nor withdrawn. In confirmation of this, it may be mentioned that the Government of the King has expressed the desire and intention of establishing between our own ports and those of France, a more direct and convenient intercourse by a line of royal steamships. The establishment of this line will have a powerful tendency to increase our commerce with that country, and, at the same time, afford highly desirable facilities for the transmission of intelligence and for emigration—both of which are important *desiderata*. These objects have presented themselves since the present Executive came into office; for then our relations with France were not of the most agreeable character. He consequently found himself under the necessity of re-establishing the friendly relations which had been broken off by his predecessor, by making reparation for the treatment which the Chargé d'Affaires of the king had received, not in strict accordance with the relations which should be maintained with friendly powers through their public ministers.

With the view of extending our friendly and commercial relations with the continent of Europe, since the adjournment of the last Congress, a diplomatic agent, in the character of Chargé d'Affaires to the Netherlands, but empowered to form treaties of amity, navigation, and commerce with Belgium and the Hanse Towns, has been appointed. Commerce with these latter has already opened and is increasing. Several vessels from Bremen, richly freighted with merchandise, have visited our ports, and returned laden with the cottons and other productions of Texas. The Bremen Senate have also communicated, through their commercial agent in this country, a resolution of that Government declaring that, upon the adoption of a similar resolution by this Government, commercial relations shall at once be established between us, upon a reciprocal footing. This subject will claim the early attention of the honorable Congress.

Our minister at Paris has also been furnished with proper powers to open relations with the Government of Spain—provided he shall be able to give it, in addition to the many other onerous and important duties which now devolve upon him, his attention. The importance of a commercial treaty with Spain, from our contiguity to the rich and prolific island of Cuba, which would afford a market for many of our redundant products, would seem to demand early exertions to open this intercourse. And, if the means of the nation will justify

it, the Executive has no hesitation in recommending that suitable provision be made for a diplomatic agent at that court.

From the commencement of our national existence until within the last spring and summer, no circumstance of an unpleasant character has occurred between the United States and Texas. It is true that the treaty of amity, navigation, and commerce, concluded at Washington in July, 1842, for causes unknown to the Executive, was not ratified by the Government of the former; but it is possible that the action necessary to its ratification will yet be taken. It may, however, admit of a doubt whether the rejection of that treaty may not prove signally advantageous in the end to our citizens; for it will be recollected that, by a comparatively small expenditure, the course of trade may be turned from the Red River into our own ports and commercial towns, through the medium of a turnpike or railroad and the channels of our rivers. Indeed, it is natural always to prefer the least obstructed and most advantageous way to market. And the time may not be far distant when a rich commerce, which has hitherto found its way to the ocean through the rivers and ports of other countries, will be poured into our own, and materially assist in building up and supporting our institutions.

It is with sincere regret that I feel called upon to lay before the honorable Congress the fact of an infraction of our revenue laws by the citizens of the United States, attended with circumstances of a very unpleasant character. It appears that a quantity of goods, ascending Red River, were landed within our territory and there stored, without any communication with, and without the knowledge of, any of our revenue officers, and when discovered and legally seized by the collector of customs, were reclaimed by force, and that officer treated in the most harsh and cruel manner. Having been seized and bound, his life was menaced with drawn weapons if he attempted to make any resistance, and he remained in this situation until the goods were reloaded by the force in attendance for the purpose of violently reclaiming them.

In addition to this, I deem it proper to present to the honorable Congress some notice of the usage received from the United States officers by a battalion of men under the command of Colonel Jacob Snively, who had been out for the purpose of making reclamation for the injuries sustained by the members of the Santa Fé expedition, and for goods taken from traders sent out by order of the President in 1841.

The command of Colonel Snively had all the official sanctions of this Government necessary to protect them from interference or molestation by the troops of the United States, and the Executive entertains not a doubt that they were acting within the limits of Texas. They were, however, disarmed by the troops of the United States, under the command of an officer of the regular army. The alternative presented to them by that officer was, either to march to Missouri or attempt, at imminent hazard, a return to our settlements through a wilderness infested by large bands of Kiaway and other hostile Indians, with only five guns to every hundred men. They were thus exposed to extreme jeopardy, but owing to a combination of fortunate circumstances did not become victims.

The question of how far one friendly nation has the right to invade the territory of another, without the most urgent necessity, and interfere with its officers and troops acting under authority, is a subject proper for discussion at

this time. These things have been the subject of representations to the Government of the United States, and as a reparation has been asked for the injuries and indignities thus inflicted, it does not appear necessary that the present Congress should take any special action in reference thereto.

Although officers of the United States Government were concerned in these matters of complaint, either before or after their perpetration, the Executive can not for a moment suppose that when the facts are presented, with the proofs of which they are susceptible, that the Government of the United States will withhold that reparation due from a great nation to a power unable to coerce a compliance with the rules of justice. The characteristic magnanimity of the United States, their immediate neighborhood to this country, and all the circumstances connected therewith, induce the belief that speedy and ample justice will be accorded to Texas, and all cause of complaint cease to exist.

Through agents appointed by the Executive, the Government has succeeded in approaching and concluding treaties of friendship and intercourse with the various tribes of Indians inhabiting the territory of Texas, south of Red River, with the exception of the kindred bands of Comanches and Kiaways. These latter tribes, owing to the occurrences of some few years since, the recollection of which was still strong, were disinclined to any intercourse with the Government or the people of Texas, and much time and trouble were necessarily required to conciliate them so far as to consent to a suspension of hostilities, which, I am happy to say, has been done. They have agreed to meet the commissioners of the Government for the purpose of concluding a peace.

Everything has been done, commensurate with the means appropriated by Congress, for pacificating and tranquillizing all our border enemies. The three commissioners of the Government were for months arduously engaged in executing the duties assigned them. Their zeal, ability, and disregard of privation, enabled them to triumph over every obstacle that energy and patriotism could overcome. With a suitable appropriation, it is confidently expected that relations of intercourse and friendship with all the tribes, to whose depredations our frontiers have been exposed, can be established; and with some slight amendments to existing laws we may look forward to the preservation of uninterrupted peace. It is clear to the mind of the Executive that if good faith is maintained on the part of the whites, and the Indians treated with mildness and justice, the best protection will be afforded to our frontiers, with all the advantages of a lucrative commerce through our traders. Those tribes which desire to establish habitations and cultivate the soil will find inducements to settle near the sources and upon the tributaries of our rivers; and those who adhere to their roving habits will find the prairies sufficiently extensive, far beyond the abode of the white man, to furnish them with game for their families; whilst their friendly intercourse with our traders will enable them to engage with more facility in the chase. By rendering them dependent upon us for the most essential articles of Indian use and consumption, they will find it to their interest to maintain peace. Our Government, at the same time, by enacting and enforcing salutary laws, can restrain the whites from aggression, and thus impress the Indians with a due sense of our justice toward them. In this way, our former enemies may be converted into useful and lasting friends.

Nothing shall be wanting on the part of the Executive, within the means afforded him, for the promotion of a policy dictated by a sense of justice, and approved by experience. He is satisfied that it will, if carried out, do more to give security to our frontiers than millions expended in fitting expeditions which have never resulted in anything beneficial to the country. Instead of the large sums heretofore annually expended for the purpose of frontier protection, it is believed that the expense of the present year connected with the Indian operations of the Government will exceed but little, if any, the sum of ten thousand dollars.

A policy that was once condemned, and opposed with the greatest vehemence and its projector and advocate denounced, seems now, from the results which have already been attained, to receive that consideration satisfactory to every patriot. It has for many months past arrested the tomahawk, rendered useless the scalping-knife, and afforded the most remote and exposed settlers on our frontier the opportunity of cultivating their fields in peace and reposing in security.

At the close of the last administration the Government came to my hands without a currency, as well as without credit, or the prospect of obtaining the means for conducting its affairs. It was found to be indispensably necessary for the Congress to declare our inability to redeem, at that time, the paper which had been lavishly issued, estimated at at least twelve millions. Appalling and disheartening as was our situation, a plan for a currency was recommended to the representatives of the people for their adoption. The recommendation met the concurrence of Congress only in part; for some of the guarantees essential, as the Executive conceived, to restore confidence, and ensure the redemption of the new currency, were withheld. And notwithstanding the wants and difficulties of the Government at that period, the direct taxes were actually greatly reduced, and their collection postponed nearly twelve months beyond the time they had usually been paid in. Thus was the Government left to rely solely upon the duties upon imports, which from the unsettled state of the country arising from rumors of invasion, were very limited. Under these embarrassing circumstances the experiment of creating and sustaining the new currency was made. The consequence was that the value of Exchequer bills fell as low as twenty-five cents on the dollar. And, in addition to the many other impediments to be encountered, it seemed to be the private interest of many to depreciate their value; and, by promoting their individual advantage, to deprive the Government of this slender means of existence.

By a judicious restraint, however, upon the issues, reducing them much within the amount authorized by law, a currency has been established, notwithstanding the hindrances mentioned, and the delinquency of officers entrusted with the collection of the revenue. The wise and economical administration of the finances of the country by the head of the Treasury, has raised its value to a par with gold and silver; and by the continuance of the same course it can not be doubted that the same value can be supported. It is certainly a subject for gratulation that the practicability of re-establishing the soundness of our currency, and maintaining our credit, has at length been demonstrated.

It is necessary and proper that the country should be supplied with a circulating medium. This may be effected by issuing no more Exchequers at any one time, than the Government can redeem in gold and silver. It is estimated that

but about thirteen thousand dollars of these bills are now in circulation ; and there is but little reason to anticipate an emergency while the Government is administered upon its present economical system, which would require a larger issue than the Government will have it in its power to control or redeem.

The Executive believes that one of the strongest supports to our currency will be the exclusion by law from circulation within our limits after some given period, say three months, all foreign bank paper. Within the last few years, the people of this country have sustained frequent and heavy losses by the failure of foreign banks, and the depreciation of their paper, as well as from the circulation of spurious notes, purporting to be issued by banks which never had existence. To these may be added the circulation of counterfeits. It is impossible for the community generally to judge of the genuine character or real value of this foreign currency, and of their liability to be cheated and defrauded by every swindler, whether he be the special agent of some broken bank, or a dealer in spurious or counterfeit notes. These evils have not been light ; and, as it is the right as well as the duty of Government to regulate its currency and protect its citizens from imposition and harm, the Executive recommends, as the most efficient means of performing this duty, the entire exclusion of the bills of all foreign banks. Congress has the undoubted right of inhibiting by law counterfeiting and the passing of counterfeit paper ; and they have equally clearly the power to inhibit the introduction and circulation of all valueless foreign bank issues, or those liable to become so in the hands of our citizens.

In connection with this, I would also recommend the prohibition and suppression by statute of every description of paper in the character of bank, individual, or corporation notes issued within the Republic, and intended or used for circulation as currency. If the honorable Congress should concur in the adoption of this measure, the Executive is convinced, by experience, that it would go far to sustain the national currency ; and better enable the Government to furnish a circulating medium.

The defects in the system now in force for the collection of the revenues are of such a magnitude as to require the particular attention of the honorable Congress. The reliance heretofore placed upon the collection of the direct taxes for the purposes of Government has, under the existing system, proved almost wholly fallacious. That the Government must be supported, and that those who render service to it must be remunerated, all who have an abiding interest in the Government will admit. To insure efficient government, or even to supply its absolute wants, some system must be devised which will secure the prompt and faithful collection of the revenues provided by law. Hitherto, in many parts of the country, the most flagrant dereliction of duty has occurred on the part of collectors of direct taxes. In several instances sheriffs have failed and refused to give bond for the faithful performance of their duties, and for the payment to Government of the public moneys received by them. In this way there can no longer be any doubt the Government has been deprived of the revenues paid by the people for its support, which have been used by unfaithful agents for purposes of speculation and private emolument.

It is believed that this state of things arises, in a great degree, from the mode of selecting the collectors of the revenue. Our sheriffs are elected by the people, and, as a consequence, are not readily controlled, except through the same tardy and uncertain medium. The control of the Treasury Department in the collection

of the taxes is thus almost totally destroyed. Were the country laid off into convenient collectoral districts, and a collector appointed for each by the Secretary of the Treasury, and nominated by the President to the Senate, it is believed that existing defects might in a great measure be obviated. The collector thus appointed, under bonds in amount sufficient to indemnify the Government, and with appropriate penalties, would be more directly responsible to the head of the Treasury for the honest and faithful discharge of his duties. As it is, that department remains, in many instances, ignorant of the very names of the collectors of taxes until they themselves choose to make their report, and is thus deprived of the means of protecting the public interests, and of enforcing in all sections of the Republic, as is contemplated by the laws, an equal support of the institutions of the country. The Executive, therefore, earnestly recommends the adoption of this system, believing it will tend to the general welfare, and operate impartially upon all our citizens.

It may be well to allude to a fact which has greatly prejudiced the character of the nation. The charge that we had repudiated our government liabilities has been industriously urged, not only abroad but at home, as a cause of distrust and an accusation of bad faith. Other governments of high respectability have done so. Texas never has, and, I trust, never will. It is true that our liabilities were increased to so large an amount, during the administration of my predecessor, as to render it not only expedient, but indispensably necessary, to defer their payment until the country could so far recover as to be able to comply fully with all its obligations. The fact that many of these liabilities were incurred for purposes not only not sanctioned by the Legislature, but entirely illegal and impolitic, has never with me constituted a reason for a refusal to pay them at the earliest moment within our power. Notwithstanding the mischievous and utterly groundless publications emanating from some of our public journals, the good faith of the nation will finally be thoroughly vindicated by the redemption of every dollar for which it stands pledged. That we have not been able to do so before this time has, perhaps, been a fault as well as a misfortune; but nations, like individuals, are sometimes compelled to yield to the force of circumstances.

But Texas has done all in her power, consistent with a due regard to self-existence, to preserve, even under these adverse circumstances, the national faith. From an examination of our statute-book, it will appear that holders of our liabilities have had a fair and favorable chance for secure and profitable investment. Our public domain comprises at least one hundred and fifty millions of choice lands, which have been, and are now, held subject to the redemption of our public debt. The adaptation of our climate and soil to the production of the great staples of the southwestern States of the American Union is, perhaps, superior to that of any other upon the North American continent. These lands may be easily acquired, under existing laws, by all holders of our promissory notes, at two dollars per acre. The opportunities thus presented to foreigners, or non residents, to become possessed of them, are certainly very desirable. Our Constitution inhibits foreigners from holding lands unless the title emanate directly from the Government to the purchaser, which would be the case under the law alluded to. A large portion of our national debt was created by the issuance of promissory notes at six for one; that is, at a par value of sixteen and two-thirds cents in the dollar, and many of them have been obtained by the

present holders at a much lower rate. Hence, the real price at which our public lands may be acquired will not exceed thirty-three and one-third cents per acre.

As a further evidence of the disposition of the Government to comply, as far as possible, and as soon as possible, with its engagements, it may be mentioned that all land dues and fees for patents, as well as all the taxes assessed previous to the last year, large amounts of which still remain unpaid, are yet receivable in the promissory notes of the Government.

From these facts, it must be apparent to all, except the eye of prejudice, that Texas has never entertained the design of repudiation. Had such been the case, these laws providing for the redemption of our promissory notes would not have remained in force.

The Executive has looked upon the question whether our liabilities were legally or judiciously incurred, as one not proper to be examined; but, simply, whether the national faith is involved in their redemption. He has, heretofore, and will ever continue to, set his face against every measure which may even have the appearance of sullyng the national character. He sees neither reason nor necessity for deviating from this course. He is clearly of opinion that our public faith should be, and will be, held sacred, and that all our obligations will be redeemed to the uttermost cent at the earliest period our means will justify.

To prevent the evil of further involvement to the country, the Executive respectfully suggests to the honorable Congress the total repeal of all laws heretofore enacted authorizing the negotiation of foreign loans. The action under these laws has already been productive of serious detriment; and the nation certainly possesses resources within itself of not only sustaining the Government, but, as soon as they can be made available, of discharging all our outstanding liabilities.

Notwithstanding an almost total failure in the collection of the direct taxes, the revenues of the last two years have been commensurate to the support of the Government, upon the rigidly economical scale upon which it has been administered. For the present year, there will be a surplus in the Treasury.

Although the crops of the present season, owing to the continued rains which have fallen during the period when the planter was gathering his products for market, will fall short of the calculation at one time made, from the prospect of superabundance, yet there is every reason to believe that our exports for the present year will largely exceed the imports. And from the best data in possession of the Treasury Department similar results are anticipated for the ensuing year. This can not but be taken as encouraging evidence of our growing prosperity.

The assessments of direct taxes amount to forty-nine thousand, upon which only thirteen thousand dollars have been paid in. This fact will satisfactorily answer the question as to the source whence we must derive means for the purposes of government. Had it been reduced to the necessity of relying alone upon the direct taxes, it must inevitably have ceased its functions.

The attention of the honorable Congress has, heretofore, been invoked to the subject of devising some method for enabling the officers of Government to enforce the laws and execute their duties. To enact laws without giving the power

of inflicting punishment for their infraction is certainly a political paradox. The Constitution and laws recognize the offenses of treason, insurrection, mutiny, and sedition; but the Congress has never appropriated anything to their commission. Resistance to the execution of a law by persons associated for the purpose is sedition, and individuals setting themselves up in armed bodies in defiance of the laws, and with a view of preventing their operation, is insurrection. That acts of this character have been committed to no inconsiderable extent is well known in the Republic. They have a deleterious effect upon our character abroad as a nation, and produce distrust as to our capability of self-government. It is within the power of Congress to define these offenses, affix the proper penalties, and authorize the officers entrusted with the execution of the laws to punish offenders in a speedy and certain manner. It may become necessary to our national existence that these things should be corrected; and it is also due to the peaceful and law-abiding citizen that his rights should be protected and his person secure under the shield and operation of the law. So long as he remains insecure, either in person or property, the strongest incentives to a patriotic course of conduct are wanting. The obligations existing between the Government and its citizens are reciprocal.

As it is impossible to foretell the result of the negotiations now pending between this country and Mexico, it is deemed prudent, and the Executive earnestly recommends to the honorable Congress, that a sufficient fund be placed at his disposal for any emergency that might require the hostile action of the Government. And he would likewise recommend that such laws be enacted as will enable him to reclaim the public property and arms which have been from time to time issued to individuals, and which are now scattered throughout the Republic.

He would also further recommend, during the progress of the negotiations alluded to, that a force be maintained at such point, or points, on our frontier, as may be necessary for preserving order, and suppressing any irregularities or disturbances which might arise from the acts of unauthorized persons within the territory unoccupied by either of the parties concerned in those negotiations. A correct policy dictates the propriety of preventing for the future, as far as practicable, the existence of the bands of robbers which have heretofore frequented that district of country. An estimate of the amount for this service will be furnished.

For the last two years, the officer acting upon our southwestern frontier has rendered the most important services to the country—and even more than could have been expected, from the limited means appropriated to sustain him. But five hundred dollars were given by the last Congress for the support of the force under his command. This was totally inadequate; and debts were necessarily contracted which, when the services rendered are taken into view, are of an inconsiderable amount, for the payment of which it is hoped the Congress will readily make the requisite appropriation.

The Executive, during the present session, will lay before the honorable Congress a system of internal improvements, which will embrace the removal of obstructions in our rivers, as well as the construction of roads and the erection of bridges, the want of which operates as an almost insuperable barrier to the planting interests of the country in the transportation of their crops to market. The facilities possessed by Texas for works of this character will enable us to

make them with comparatively small cost; and, by the plan in view, without the increase of taxation, or the expenditure of any means necessary to the support of Government.

Reports and exhibits from the several departments accompany this communication, and the Executive will always be ready to furnish, with pleasure, such information to the honorable Congress as may develop and explain the minutest transactions of the administration. The ability, fidelity, and economy with which the business of the several departments has been conducted, leave him no ground for wishing to eschew the examination; and, on his own part, the most rigid accountability.

The discharge of the duties which necessarily devolve upon the legislative and executive departments of Government in the present condition of our national affairs, can not fail to inculcate a unity of action, stimulated by a sincere and ardent desire to promote and advance the only objects for which Governments are instituted.

That the result of our joint labors may not only meet the expectations of our constituents, but that they may add to the general happiness and prosperity of the country, is my earnest hope.

That our country has enjoyed frequent manifestations of the favor and kindness of an overruling Providence, all must be duly sensible, and it should therefore be our increasing care by acts of justice and uprightness to merit a continuance of divine favor, without which no people can be happy, and no nation great or prosperous.

SAM HOUSTON.

PRESIDENT HOUSTON'S LAST MESSAGE TO THE CONGRESS OF THE REPUBLIC OF TEXAS.

EXECUTIVE DEPARTMENT, }
WASHINGTON, *December 4, 1844.* }

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

In meeting again and for the last time during my official term, now about to close, the assembled representatives of the people of Texas, in their annual session, I avail myself of the occasion to congratulate them upon the condition of the country, in its foreign and domestic relations, and to join with them in unaffected thanks to a propitious Providence for the numerous favors which have been vouchsafed to us as a people. We have many reasons to feel grateful to that omnipotent arm which has been so constantly stretched out to supply our wants and to sustain us in every trial, alike in peace and war.

As my services as Chief Magistrate must now so soon come to an end, it will only be necessary for me to lay before the honorable Congress a succinct view of the principal transactions of the Government within the last year, and to make such suggestions as may naturally arise out of the facts submitted—leaving to my successor the further duty of proposing for legislative consideration such subjects as may seem to him proper for the security and welfare of the nation.

Since your last adjournment, our relations have been extended upon the continent of Europe, by the negotiation of treaties of amity, navigation, and commerce with some of the German States, with which a respectable trade, convenient and profitable, has already sprung up.

The Governments of Great Britain and France still maintain toward us those sentiments of friendship and good feeling which have ever marked their intercourse with us, and which it should continue to be our studious care, by every proper manifestation on our part, to strengthen and reciprocate. There is no ground to suspect that the late agitation of international questions between this Republic and that of the United States has, in any degree, abated their desire for our continued prosperity and independence, or caused them to relax their good offices to bring about the speedy and honorable adjustment of our difficulties with Mexico. That they should evince anxiety for our separate existence and permanent independence as a nation, is not only natural, but entirely commendable. They will never require of us, I am fully assured, any sacrifice of honor or interest; and if they did, we should be quite free, as I am certain we should be ready, to refuse it. They are too well acquainted with the history of our origin and progress to suppose, for an instant, that we would, under any circumstances, surrender one jot or tittle of that liberty and right to self-government which we achieved in the sanguinary conflicts of revolution, or give up a single privilege secured to us by our laws and Constitution. They will not ask it—they do not expect it—we would not yield it.

Our relations with the United States remain in the same condition as at the time of my last annual communication. We are still without any treaty stipulations between the two countries. Within the last two years, all attempts at their establishment have been negatived by the ratifying power of that Government. That any effort for the same purpose will meet with better success, for some time to come, I am wholly unable to determine.

In all but the name, we still continue at peace with Mexico. Since the autumn of 1842, no incursion has been made within our borders. The moral effect of public opinion throughout the enlightened world, if not the decided intervention of powers mutually friendly, seems to have arrested that course of conduct heretofore practiced against us, on the part of our enemy, and so plainly subversive of every rule of honorable warfare.

Those of our citizens who surrendered to the officers of Mexico, under pledges of the treatment usually accorded to prisoners of war, have all been released from the captivity in which they were so perfidiously retained, and permitted to return home, with the exception of José Antonio Navarro, one of the ill-fated number composing the Santa Fé expedition, who alone remains to bear the vengeance of a Government which seems to delight in inflicting upon a helpless individual those wrongs and cruelties which would degrade the head of any other to a level with the rudest savage.

The laws of the last Congress touching our prisoners in Mexico were carried out as fully and as speedily as circumstances would permit.

The commission sent out by this Government to confer with a similar commission on the part of Mexico, in regard to the establishment of an armistice between the two countries, concluded their labors in the month of February last. Under the instruction by which they were governed, it became necessary for the Executive to approve or reject their proceedings. As soon as they were submitted, he did not hesitate, for reasons palpably manifest, to adopt the latter course.

The subsequent manifesto of the Mexican Government, in relation to this subject, disregarding, as it did, every ordinary courtesy, even between belliger-

ents, and descending into the vilest and most unmerited abuse of the people of Texas, forced upon the President the necessity of a response. He accordingly replied in such terms as he believed the occasion required at his hands.

Our Indian affairs are in as good condition as the most sanguine could reasonably have anticipated. When it is remembered that a great while necessarily elapsed before the various tribes, all of whom were in a state of the most bitter hostility, could be reached through the agents of the Government, and that they are now taken as different communities, completely pacified and in regular friendly intercourse with our trading establishments, in the judgment of the unprejudiced and impartial, the policy which could inculcate and maintain peace, and thereby save the frontiers from savage depredations and butcheries, will be viewed as satisfactorily demonstrated. It is not denied, that there are among the Indians, as among our own people, individuals who will disregard all law and commit excesses of the most flagrant character; but it is unjust to attribute to a tribe or body of men disposed to obey the laws, what is properly chargeable to a few renegades and desperadoes. Other Governments of far superior resources for imposing restraints upon the wild men of the forests and prairies, have not been exempt from the infraction of treaties and the occasional commission of acts of rapine and blood. We must therefore expect to suffer in a greater or less degree from the same causes. But even this, in the opinion of the Executive, does not furnish overruling testimony against the policy which he has constantly recommended, and which he has had the happiness to see so fully and so satisfactorily tested.

The appropriation made by the last Congress, for the service of the Indian Department for the present year, has been found insufficient to meet the necessary expenditures. An additional sum is therefore respectfully asked to cover outstanding liabilities necessarily incurred—amounting altogether to not more than four thousand dollars.

It will appear from the Report of the Secretary of the Treasury, that the finances of the country are in a most healthy and prosperous condition. It is believed the receipts from the various sources of revenue will at least equal the expenditures and perhaps leave a small surplus in the Treasury. The Executive has no hesitation in declaring that this would have been the case to a comparatively large amount, if the recommendations he has so frequently made in relation to the more prompt and certain collection of the revenues had been responded to by the honorable Congress, by the enactment of the legal provisions deemed absolutely indispensable for this object. It is plainly unjust that the law-abiding citizen and faithful officer should be charged with the burthens of Government, and the dishonest and unpatriotic be permitted, by the defects of our statutes, to be relieved from the contribution of their fair proportion. Had the necessary laws been passed as recommended, we should have received from customs, upon our eastern boundary, as is estimated, some seventy-five thousand dollars more annually than have been collected; making, within the last three years, the sum of two hundred and twenty-five thousand dollars, which has been totally lost, and which at this time would enable us to be in a far better state of preparation for the contingencies to which every nation is liable, and for undertaking the various improvements which our situation as a rising people makes obligatory upon us.

It is only necessary to mention, in order to show the striking propriety of ad-

equate amendments to our revenue laws, that the defalcations which have already occurred in the collection of the direct taxes alone, amount to more than fifty-two thousand dollars; and the defalcations of the late collectors of import duties, at the two ports of Galveston and San Augustine, reach nearly thirty thousand dollars. It is obvious, therefore, that the laws must be so improved by the action of the Legislature as to secure the more certain and prompt transmission of the public moneys. Otherwise, no safe calculation can be made as to the means annually appropriated for the support of Government.

The total amount of expenditures for all purposes, during the present administration, up to the first of November last, excluding fifty thousand eight hundred and seventy-three dollars and eighty-two cents, incurred during the administration of my predecessor, and paid by this, is four hundred and sixty-six thousand one hundred and fifty-eight dollars and nine cents, leaving a balance of five thousand nine hundred and forty-eight dollars and ninety-one cents, after carrying on the Government for the last three years. It should be mentioned, also, that the estimate of expenditures dates back to the first of December, 1841, and that of receipts to the first of February, 1842, at which time Exchequer bills began to be received for revenue—a space of two months during which the expenses of Government were being incurred, without the receipt of a dollar to meet them.

It appears, from the several enactments on the subject, that the amount appropriated for sustaining the Post-Office establishment, during the administration of my predecessor, was two hundred and fifty-two thousand nine hundred and seventy dollars, and that the like appropriations during the last three years, for the same purpose, amount to but about twenty-nine thousand. Notwithstanding, however, this great difference in the means afforded for the support of this important branch of the public service, it is believed that, by the exercise of proper economy, the mails have been regularly transported upon all the routes prescribed by law, so as to give the greatest benefit possible under the means which could be applied.

This statement, it is believed, will best explain the conduct of the administration in the management of its finances, and, perhaps, satisfy the people of the Republic that all within its power has been done to economize the means which they had contributed for the support of our institutions. Much hardship has been encountered, and sometimes extreme perplexity endured, by all the public officers, by the fluctuations to which the currency has been subjected. But they have the satisfaction to know that, although they have frequently received less than one-half the compensation assigned them by law for their services, they have materially assisted in sustaining their country in the time of difficulty and need.

During the past summer, dissensions of a most unfortunate character, arising from private and personal causes, and leading to the most deplorable excesses against life and property, existed in the county of Shelby, and extended in some degree to the surrounding districts. The necessity for the prompt intervention of the Government to arrest this state of things became imperative, and, accordingly, the Executive proceeded in person to a convenient point near the scene of difficulties, and ordered out a military force deemed sufficient for the effectual attainment of the object in view. He is happy to say that the citizen soldiery obeyed the call upon their patriotic services with the utmost alacrity;

by which the reign of order and the supremacy of the laws were speedily re-established.

It was deemed prudent, in order to secure the maintenance of these blessings, and to give due protection to the civil authorities in the administration of justice, to station a company of men in the county of Shelby. For the purpose, a corps of volunteers were enrolled, and continued in service as long as the Government thought it advisable for the preservation of peace.

The Executive does not doubt that the honorable Congress will readily perceive the necessity which existed for the exertion of the strength of the Government for the suppression of the disorders alluded to, and that they will as readily make provision for the payment of the expenses incurred in doing so.

It appears that the force authorized to be kept in service for the protection of the southwestern frontier has not been adequate to afford the security anticipated. The Government, being desirous to extend every facility in its power for the better security of that border, authorized the raising of a company in addition to that already in the field. The expenses thus incurred are small, and it is hoped that the necessary means will be provided for their payment.

Reports from the several departments and bureaus are herewith respectfully transmitted, and the attention of the honorable Congress invited to their contents.

I have now only to add the hope that your deliberations may be characterized by that wisdom and harmony so essential to the attainment of those great ends for which you are here assembled; with my fervent desire that all your labors may, under the guidance of Heaven, give additional force and energy to all those principles of private^a and public virtue so indispensable to the stability, prosperity, and success of the Government and people of the Republic.

SAM HOUSTON.

VALEDICTORY REMARKS MADE AT WASHINGTON TO THE CONGRESS OF THE REPUBLIC OF TEXAS,

ON THE OCCASION OF RETIRING FROM THE PRESIDENCY OF THE REPUBLIC,
DECEMBER 9, 1844.

Gentlemen of the Senate and of the House of Representatives, and Fellow-citizens: This numerous and respectable assemblage of the free citizens of Texas and their representatives, exhibits the best possible commentary upon the successful action and happy influence of the institutions of our country. We have met together for no purpose but that of adding another testimonial to the practicability of enlightened self-government—to witness a change of officers without the change of office—to obey the high behests of our written Constitution in good-will and fellowship, as members of the same great political family, sensible of our rights and fully understanding our duty.

I am about to lay down the authority with which my countrymen, three years since, so generously and confidingly invested me, and to return again to the ranks of my fellow-citizens. But in retiring from the high office which I have occupied to the walks of private life, I can not forbear the expression of the

cordial gratitude which inspires my bosom. The constant and unfailing support which I have had from the people, in every vicissitude, demands of me a candid and grateful acknowledgment of my enduring obligations. From them I have derived a sustaining influence, which has enabled me to meet the most tremendous shocks and to pursue, without faltering, the course which I deemed proper for the advancement of the public interests and the security of the general welfare.

I proudly confess that to the people I owe whatever of good I may have achieved by my official labors, for without the support which they so fully accorded me, I could have acquired neither advantage for the Republic nor satisfaction for myself.

It is true that collisions have existed between the Executive and the Legislature. Both were tenacious of what they deemed their peculiar privileges ; and in the maintenance of which both may have erred.

In various instances, the Executive was constrained by what he believed to be his most solemn duty to his conscience and his country to interpose his prerogative to arrest immature, latitudinous, and dangerous legislation. Under the Constitution, his weight in the enactment of laws is just equal to two-thirds of either House of Congress. Were it otherwise he would be but little more than a mere automaton, and the balance of power and the co-ordinate character of these two divisions of Government would be utterly destroyed. The Executive has never denied to the Congress purity of motive and honesty of purpose. He has sincerely lamented the existence of any cause, apparent or real, for the occasional disagreements which have occurred, and has deplored the necessity of resorting to the Executive veto to save the country from still greater evils. In the exercise of this power he was aware that two-thirds of the Legislature could correct any error he might commit ; and that beyond them stood the Judiciary, as the final umpire to decide between him and them and preserve the Constitution inviolate.

I have now no reason to conceal the convictions of my judgment or the feelings of my heart. I stand here not to ask the concurrence of any branch of the Government in any of my acts, but to declare, in all sincerity, that the differences to which I have alluded, and the necessity for which I truly regret, arose on my part from a patriotic conception of duty. I may have been mistaken. In my retirement therefore, I take with me no animosities. If ever they existed they are buried in the past ; and I would hope that those with whom it was my lot to come in conflict, in the discharge of my official functions, will exercise toward my acts and motives the same degree of candor.

In leaving my station, I leave the country tranquil at home, and, in effect, at peace with all nations. If some annoyances still exist on the frontier, it will be remembered that it has taken years to attain our present position. The savage hordes by whom we have been molested, have at length, by the policy I have pursued with constancy, become generally peaceful. The occasional difficulties which arise are not to be compared with those of former days.

It is not reasonable to suppose that a work of so great magnitude and importance could be accomplished in a little while. Some twelve or fourteen different tribes of Indians, not harmonizing among themselves, and accustomed to depredate upon all around them, had long carried on hostilities upon our borders, and despoiled us of our citizens. With them we have at last, I trust, succeeded in establishing a lasting friendship.

Our foreign relations, so far as the United States, France, England, Holland, and some of the principal States of Germany are concerned, are of the most agreeable character, and we have every assurance of their continuance.

As to Mexico, she still maintains the attitude of nominal hostility. Instructed by experience, she might be expected to have become more reasonable; but the vain-glorious and pompous gasconade so characteristic of that nation, would indicate that she is not quite ready to acknowledge the independence we have achieved. If, however, she attempts the infliction of the injuries which she has so often denounced, I am fully assured that the same spirit which animated the heroic men who won the liberty we now enjoy, will call to the field a yet mightier host to avenge the wrongs we have endured, and establish beyond question our title to full dominion over all we claim.

When I look around me, my fellow-citizens, and see and know that the prospects of the Republic are brightening, its resources developing, its commerce extending, and its moral influence in the community of nations increasing, my heart is filled with sensations of joy and pride. A poor and despised people a few years ago, borne down by depressing influences at home and abroad, we have risen, in defiance of all obstacles, to a respectable place in the eye of the world. One great nation is inviting us to a full participancy in all its privileges, and to a full community of laws and interests. Others desire our separate and independent national existence, and are ready to throw into our lap the richest gifts and favors.

The attitude of Texas now, to my apprehension, is one of peculiar interest. The United States have spurned her twice already. Let her, therefore, maintain her position firmly as it is, and work out her own political salvation. Let her legislation proceed upon the supposition that we are to be and remain an independent people. If Texas goes begging again for admission into the United States she will only degrade herself. They will spurn her again from their threshold, and other nations will look upon her with unmingled pity. Let Texas, therefore, maintain her position. If the United States shall open the door, and ask her to come into her great family of States, you will then have other conductors, better than myself, to lead you into the beloved land from which we have sprung—the land of the broad stripes and bright stars. But let us be as we are until that opportunity is presented, and then let us go in, if at all, united in one phalanx, and sustained by the opinion of the world.

If we remain an independent nation, our territory will be extensive—unlimited.

The Pacific alone will bound the mighty march of our race and our empire. From Europe and America her soil is to be peopled. In regions where the savage and the buffalo now roam uncontrolled, the enterprise and industry of the Anglo-American are yet to find an extensive field of development.

With union, industry, and virtue, we have nothing to apprehend. If left alone, we have our destiny in our own hands, and may become a nation distinguished for its wealth and power.

It is true we have been visited with inconveniences and evils. It is but a short time since we were without a currency—without available means, and everything to do, for our national paper was depreciated to almost nothing. A currency, however, has been at length established. Hard money is disbursed by

the Government and circulates in the community. The period has arrived, I hope, when this currency may be maintained, and all other eschewed, unless intended as a representative of the precious metals actually in deposit. And I would not recommend the extension of the system further than merely to give the necessary facilities, as a medium of transmission or exchange. Relying upon the disposition of Congress not to extend their appropriations beyond the revenues arising from import duties, and the direct taxes secured, it will be seen that the Government can move on, and, at the same time, sustain the currency.

In the advancement of the Republic, from the earliest period of its history up to the present moment, we think we have demonstrated to the world our capacity for self-government. Among our people are to be found the intelligent and enterprising from almost every part of the globe. Though from different States and of different habits, manners, sects, and languages, they have acted with a degree of concord and unanimity almost miraculous.

The world respects our position, and will sustain us by their good opinion, and it is to moral influences that we should look, as much as to the point of the bayonet or the power of the cannon.

My countrymen ! Give to the rising generation instruction. Establish schools everywhere among you. You will thus diffuse intelligence throughout the mass—that greatest safeguard to our free institutions. Among us, education confers rank and influence—ignorance is the parent of degradation. Intelligence elevates man to the highest destiny, but ignorance degrades him to slavery.

In quitting my present position, and a second time retiring from the Chief-Magistracy of the Republic, I feel the highest satisfaction in being able to leave my countrymen in the enjoyment of civil and religious freedom, and surrounded by many evidences of present and increasing prosperity. This happy condition is ascribable to that wise and benign Providence which has watched over our progress, and conducted us to the attainment of blessings so invaluable. Let us, therefore, strive to deserve the favor of Heaven, that we may be established in all the privileges of freemen, and achieve that destiny which is always accorded to the faithful pursuit of good and patriotic objects.

It is unnecessary for me to detain you longer. I now, therefore, take leave of you, my countrymen, with the devout trust that the God who has inspired you with faithful and patriotic devotion will bless you with His choicest gifts. I shall bear with me into the retirement in which I intend to pass the remainder of my life the grateful and abiding recollection of your many favors.

PART II.

INDIAN TALKS.

TALK TO BORDER CHIEFS.

CITY OF HOUSTON, *July 6, 1842.*

TO THE CHIEFS OF THE BORDER TRIBES :

MY FRIENDS :—The path between us has been red, 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 some of 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 council of friends. I will not forget this talk—nor my people.

Your brother,

SAM HOUSTON.

LETTER TO CHIEF OF APACHES.

CITY OF HOUSTON, *September 1, 1842.*

MY BROTHER :—We are far from each other ; we have not shaken hands. I have heard from you. The message was peace and friendship. With your son Antonio I send my friends, Dr. Cottle and Dr. Tower, with my talk. They will make it to you.

If you can come to see me, I will make the path between us white, and it shall remain open. There is no blood between us. We have had no wars ; your enemies are our enemies. They will not keep friendship with us ;

they will not tell the truth. When we shake hands we will become friends. Our friendship shall not cease. We will be friends when people around us are not at war. The tomahawk shall never be raised between us.

You and your friends shall trade with our people, and you shall buy from us such things as you need, and our price shall not be great. We will buy from you your furs, your horses, your silver and gold. Treat my friends as brothers, and we will treat you likewise when you come to see us. We shall then write down a treaty which shall not wear out, but shall remain with our children, that they may know their fathers had shaken hands and smoked together the pipe of peace.

I hope the Great Spirit may give light to your path, and the clouds of sorrow never rest upon your journey of life.

Thy brother,

SAM HOUSTON.

LETTER TO CASTRO AND FLACO.

CITY OF HOUSTON, *September 1, 1842.*

TO CASTRO AND FLACO :

MY BROTHERS :—I send to you Drs. Tower and Cottle, on their way to the Apache nation. Antonio, an Apache, is with them. They want you to send some of your people with them. I hope you will do so ; and if they want horses, I wish you would let them have good ones for them to ride. I will make presents to the Lipans who may go with my agents to the Apache nation.

I am, your brother,

SAM HOUSTON.

LETTER TO RED BEAR AND OTHER CHIEFS.

EXECUTIVE DEPARTMENT, }
WASHINGTON, *October 18, 1842.* }

TO THE RED BEAR AND CHIEFS OF THE COUNCIL :

MY BROTHERS :—The path between us is open ; it has become white. We wish it to remain open, and that it shall no more be stained with blood. The last Council took brush out of our way. Clouds hang no longer over us, but the sun gives light to our footsteps. Darkness is taken away from us, and we can look at each other as friends. I send councilors with my talk. They will give it to you. Hear it, and remember my words. I have never opened my lips to tell a red brother a lie. My red brothers, who know me, will tell you that my counsel has always been for peace ; that I have eaten bread and drank water with the red men. They listened to my words and were not troubled. A bad chief came in my place, and told them lies and did them much harm. His counsel was listened to, and the people did evil. His counsel is no more heard, and the people love peace with their red brothers. You, too, love peace ; and you wish to kill the buffalo for your women and children. There are many in Texas, and we wish you to enjoy them. We are willing that your women and children should be free from harm.

Your Great Father, and ours of the United States, wishes the red men and the people of Texas to be brothers. He has written to me, and told me that you wanted peace, and would keep it. Because peace is good, we have listened to him. You, too, have heard his wishes, and you know the wishes of our red brothers on the Arkansas. Let us be like brothers, and bury the tomahawk forever.

Bad men make trouble : they can not be at peace ; but when the water is clear they will disturb it and make it muddy. The Mexicans have lately come to San Antonio and brought war with them ; they killed some of our people, and we killed and wounded many of them. We drove them out of the country ; they fled in sorrow. If they come back again they shall no more leave our country, or it will be after they have been taken prisoners. Their coming has disturbed us ; and for that reason I can not go to the Council to meet you, as I had intended. But my friends that I send to you will tell you all things, and make a treaty with you that I will look upon and rejoice at. You will counsel together. They will bring me all the words that you speak to them. The Great Spirit will hear the words that I speak to you, and He will know the truth of the words that you send to me. When truth is spoken His countenance will rejoice ; but before him who speaketh lies, the Great Spirit will place darkness, and will not give light to his going. Let all the red men make peace ; let no man injure his brother ; let us meet every year in council, that we may know the heart of each other. I wish some of the chiefs of my red brothers to come and see me at Washington. They shall come in peace, and none shall make them afraid.

The messenger from the Queen of England and the messenger from the United States are both in Texas, and will be in Washington, if they are not sick. They will be happy to see my brothers. If the Big Mush is in council he has not forgotten my words ; and he knows my counsel was always that of a brother ; and that I never deceived my red brothers, the Cherokees. They had much trouble and sorrow brought upon them, but it was done by chiefs whose counsel was wicked, and I was far off and could not hinder the mischief that was brought upon his people. Our great council is to meet within one moon and I will send a talk to our agent at the trading-house, who will send it to my red brothers.

Let the war-whoop be no more heard in our prairies—let songs of joy be heard upon our hills. In our valleys let there be laughter and in our wigwams let the voices of our women and children be heard—let trouble be taken away far from us ; and when our warriors meet together, let them smoke the pipe of peace and be happy.

Your brother,

SAM HOUSTON.

TALK TO BORDER CHIEFS.

EXECUTIVE DEPARTMENT, }
WASHINGTON, *February* 13. 1843. }

BROTHERS:—The great rains, like your sorrows, I hope have passed away, and the sun is again shining upon us. When we all make peace, it will be

to the heart like the sunshine is to our eyes. We will feel joy and gladness. Sorrow will no longer fill our hearts. The noise of an enemy will not be near us; and there will be none to make us afraid. The voices of our women and children will be gladness. They will be heard, cheerful as the song of birds, which sing in the green woods of summer.

The sleep of your people will not be disturbed. The hunter will not be alarmed in his camp. When our people meet their red brothers they will grasp them by the hand as friends and they will no more remember their sorrows.

I will send good agents and jacks, or we will buy your sheep and goats, if you should bring any to our trading-houses.

I have sent for fine lances, to make presents to the chiefs who are most friendly, and I will send them by the agents in October, or I will send for the chiefs and with my own hand I will present them. I hope one chief of each (at least) will come to see me so soon as the treaty is over. My counselors will show the way to my house.

Come, and no harm shall fall upon you, but you shall return to your people with presents and happy. You may rely upon my words—they are not false—nor will I let harm trouble you as it did at Bexar. These sorrows must be forgotten. The thoughts of them only make the heart sad. Sorrow can not bring back our friends. Let peace now be made, that we may lose no more, and trouble will not come upon us. Let the wild brothers who love the prairies go to you who will give you my talk, and when you may wish it, they will send your talks to me. My ears will be open to your words. My heart will be warm toward you and your people.

If my people act badly toward your people, I will punish them. Our laws have given to the head chief of Texas a right to do so. If your people do wrong to us, they must be punished. I will keep our people from stealing from you, and you must not let your people steal from ours.

Bad men who are our enemies must be looked upon by you as enemies. You will be our neighbors and friends, and those who would injure us would do you wrong likewise. Let no Indians trouble our frontier and we will make you presents as brothers. When we know that you are our friends, we will sell you arms, powder, and lead to kill game. We will buy your skins, your mules, horses, and hunt buffalo, and those who have houses build them, and plant corn in their own fields. While they remain friends I will keep trouble and sorrow far from them. Their women and children shall not weep for the loss of warriors or friends in battle.

The Great Spirit will be kind to all people who love peace. Let all the Red Brothers listen to their chiefs when they counsel to speak peace!

Your brother,

SAM HOUSTON.

To the Chiefs of the Border Tribes.

LETTER TO INDIAN CHIEF LINNEY.

WASHINGTON, *March 5, 1843.*

MY BROTHER:—Your talk came to me. I read it and was happy! I remembered other days. Our words came back to my thoughts. We spoke

to each other face to face. Our hearts were open to each other. Words of kindness entered into them and gave light to our countenances. When we talked together, our people were in our thoughts, and we remembered the women and children of our nations,—you have kept your words, nor have I forgotten mine. You wish to raise corn in our country, and to be our friends. I know that you and our Delaware brothers are good men and will not use crooked ways with your friends. I have written to our commissioners and told them to let the Shawnees, Delawares, and Kickapoos settle on the waters of the Brazos and raise corn. They will also keep all bad red men from our frontier, or, if any should come, they will treat them as enemies. You will stand by us and keep trouble from our people. If red men come to our settlements or hurt our people when they meet them, the blame may fall upon good red brothers, and cause injury to them and their people. So that our brothers must watch all those whose hearts are not straight and who walk in crooked paths and bushes.

If your people and my friendly brothers should raise corn and live on the Brazos and trade to our trading-houses and receive the talk of our agents, you must get the wild brothers to make peace and keep it. If they do not, you must look upon them as enemies, because they will bring harm upon your people, and this will cause great sorrow and crying with your women and children, and the loss of warriors sinks deep in the hearts of the chiefs and wise men of a nation.

Our traders will buy from you all that you may have to sell, and the horses and mules which you may bring to them will get you all the things which you may wish to buy for your warriors, your women, and children.

The red brothers all know that my words to them have never been forgotten by me. They have never been swallowed up by darkness, nor has the light of the sun consumed them. Truth can not perish, but the words of a liar are as nothing. I wish you to come and we will again shake hands and counsel together. Bring other chiefs with you. Talk to all the red men to make peace. War can not make them happy. It has lasted too long. Let it now be ended and cease forever. Tell all my red brothers to listen to my commissioners, and to walk by the words of my counsel. If they hear me and keep my words, their homes shall be happy—their fires shall burn brightly, and the pipe of peace shall be handed round the hearth of their wigwams. The tomahawk shall no more be raised in war. Nor shall the dog howl for his master who has been slain in battle. Joy shall take the place of sorrow; and the laughing of your children shall be heard in place of the cries of women. Your brother, SAM HOUSTON.

TALK TO VARIOUS BORDER TRIBES.

EXECUTIVE DEPARTMENT,
WASHINGTON, TEXAS, *March 20, 1843.*

TO THE HEAD CHIEFS OF THE WICHETAWS, IONIES, IOW-A-ASHES, WACOES, TA-WACK-A-NIES, CADDOES, AND OTHER TRIBES:

BROTHERS:—I send this talk to you by Gov. Butler, the Agent of our Great Brother, the President of the United States. The words I speak to

you are the words of a brother, who has never told his red brothers what was not true.

Between your people and ours there has been war. Trouble has been in the path between us, and it has been stained with blood. While there is war no people can be happy. When the warriors are absent from home their wives and children may be killed by their enemies. If the warriors return with scalps or have stolen horses, it will not bring back their women and children to them. Their wigwams will be desolate, and they will have to kindle new fires, and by them watch for their enemies.

If they make peace, they can rest with their people and be happy. The hunter can kill his buffaloes and the squaws can make corn, and there shall be none to trouble them. We are willing to make a line with you, beyond which our people will not hunt. You shall come to our trading-houses in peace; none shall raise a hand against you, nor make war upon your people. Our traders will have goods such as you may wish to buy, so soon as you have made peace. The goods shall be such as you need, and they will be sold to you cheap. We will have agents to act for you, and see that no one shall do wrong to you.

When you wish to sell our traders horses, mules, peltries, or any other articles, you shall have a good price for them, and you shall not be cheated. You need not doubt the words which I speak to you. If wrong has been done to the red brothers in Texas, it was not done by the chiefs who are now in power. They were bad deeds, and the people condemn them. They are now passed away. It will do us no good to wrong the red brothers. Peace will make the *white* as well as the *red* brothers happy. Let us meet in peace and talk together, as men who desire to walk in straight paths. Let the young men of your nations take counsel of their chiefs and wise men. Then they will bring happiness to your people instead of sorrow and trouble.

Our Great Brother, the President of the United States, desires that the chiefs of Texas and the chiefs of the red men should make peace, and bury the tomahawk forever. I will send a councilor to the Grand Council of the Cherokees; and (if you send chiefs there) he will make a treaty that will take out of our path the stain of blood and make it white, that we can walk in it and live as brothers, and he will appoint a great council in Texas. Our Great Brother will look upon us with pleasure, and the Great Spirit will give light to the path in which we walk, and our children will follow our counsel and walk in the path which we have made smooth.

Your brother,

SAM HOUSTON.

TO THE LIPANS, IN MEMORY OF FLACO, THEIR CHIEF.

EXECUTIVE DEPARTMENT, }
WASHINGTON, *March 28, 1843.* }

TO THE MEMORY OF GEN. FLACO, CHIEF OF LIPANS:

MY BROTHER:—My heart is sad! A dark cloud rests upon your nation. Grief has sounded in your camp. The voice of Flaco is silent. His words

are not heard in council. The chief is no more. His life has fled to the Great Spirit. His eyes are closed. His heart no longer leaps at the sight of the buffalo. The voices of your camp are no longer heard to cry : " Flaco has returned from the chase !" Your chiefs look down on the earth and groan in trouble. Your warriors weep. The loud voices of grief are heard from your women and children. The song of birds is silent. The ears of your people hear no pleasant sound. Sorrow whispers in the winds. The noise of the tempest passes. It is not heard. Your hearts are heavy.

The name of Flaco brought joy to all hearts. Joy was on every face. Your people were happy. Flaco is no longer seen in the fight. His voice is no longer heard in battle. The enemy no longer make a path for his glory. His valor is no longer a guard for your people. The right of your nation is broken. Flaco was a friend to his white brothers. They will not forget him. They will remember the red warrior. His father will not be forgotten. We will be kind to the Lipans. Grass shall not grow in the path between us. Let your wise men give the counsel of peace. Let your young men walk in the white path. The gray-headed men of your nation will teach wisdom. I will hold my red brothers by the hand.

Thy brother,

SAM HOUSTON.

LETTER TO A-CAH-QUASH, CHIEF, ETC.

WASHINGTON, TEXAS, *April 19, 1843*

TO A-CAH-QUASH, CHIEF OF WACOES, ETC. :

BROTHER :—It has been represented to me to-day that upwards of two hundred horses have been taken from the Lipans and Toncahuas by some of the wild Indians, said to be a party of Wacoes. They are supposed to be the thirty out at the time my brother was here, and who did not know of the treaty.

As these horses were stolen after my brother had signed the treaty of peace, it is expected that he will see them returned to the Delaware trading-house, so that the Lipans and Toncahuas may get them. On account of the peace the agent prevented the warriors of the Lipans and Toncahuas from pursuing and retaking their horses, and referred the matter to me to say what should be done. I have told them that you would have them returned, for I had all confidence in your words. By returning the horses it will help to make peace with all the red brothers, and the Toncahuas will not wish to fight or ever again eat people ; and the Lipans will be at peace forever with the Wacoes and their friends. The Lipans and Toncahuas say if they do not get their horses, that they will make war until they get pay for them. This my brother, the Waco chief, knows. I do not like my red brothers to have war. Let all my red brothers make peace, and keep it.

Your brother,

SAM HOUSTON.

TALK TO PAH-HAH-YOU-CO.

EXECUTIVE DEPARTMENT,
WASHINGTON, May 4, 1843. }

TO PAH-HAH-YOU-CO, COMANCHE CHIEF, ETC.:

MY BROTHER :—Our fires have burned far from each other. Your talk has reached me by our Delaware friend, Jim Shaw. My ears were opened to your words—they were words of peace. I have laid them up in my heart. I send you my words by the same friend. With him I send two of my young chiefs. The first is a war-chief. They have eaten bread with me. They have sat by my side. They have learned to love the red brothers. I send them that they may tell you many things. They know the counsel of peace which I have always given. They will speak to you words of truth only.

Chiefs who wish to be friendly should talk to each other. They should know the thoughts of each other, and love peace. Peace will make the red and the white men happy. If we have war our men must perish in battle. They will not return to our feasts, nor will they again sit by the council-fire. Peace will save our warriors from death. They can then kill the buffalo, and their women and children have nothing to fear.

Your people can come to our trading-houses. Such things as your people need, our traders will have to sell to them. You will not have to go to a great distance, but in the midst of your hunting-grounds you can find goods; and the journeys which you make will be in a land where you have buffalo and water. The warmth of the south will give you grass in winter, and you will no longer have to travel to the snows of the north to get your goods. They will buy your horses and your mules, your silver and your gold, and all that you have to sell. When you make peace with us, and we know that you are our friends and there is no more war upon our borders, we will sell you powder and lead, tomahawks, spears, guns, and knives, so that you can kill buffalo enough for your women and children. Friends sell these things to each other, and we can not let you have them till there is peace; and when the path between us has become smooth and all trouble is removed out of it, we will know that you are our friends and not our enemies. When you make peace you can come to see me, and none will do you hurt. Comanche chiefs and other red brothers came to me and made peace, and they returned to their people without harm. Troubles again grew up between our people. Prisoners were taken from each other. Bad traders went amongst you and hurt many of your people. At a council in San Antonio your chiefs were slain. This brought great sorrow upon your nation. The man who counseled to do this bad thing is no longer a chief in Texas. His voice is not heard among the people.

We must forget these sorrows. Our people have bled, and your people have done us much harm. You must do so no more; you have our people prisoners, and your people are amongst us, prisoners likewise.

When you and your chiefs come to the council at Bird's Fort on the Trinity, at the full moon in August, and make peace, you must bring all our prisoners, and we will give you your prisoners in return. We have not

sold your prisoners, nor have we treated them unkindly. We have looked upon them as our children, and they have not been hungry amongst us. I send you two prisoners, that you may see them, and know that they have been well treated. You must bring all our prisoners to the council; and when peace has been made, and we have become friends forever, we will give you all your prisoners. When you look upon them you will see that the white people have been kind to their red prisoners; and when peace is made no more prisoners will be taken, but the path between us will remain open, and when we meet our red brothers, the Comanches, we will take them by the hand as friends—we will sit by the same fire, and the pipe of peace which I send you by Jim Shaw, shall be smoked. It has been smoked in the council of friends, and the smoke which rose from it showed that the red and white man sat together in peace—that they had made a smooth path between their fires, and had taken away the clouds of trouble from their nations.

Your brother,

SAM HOUSTON.

TALK TO VARIOUS BORDER TRIBES OF INDIANS.

TO THE HEAD CHIEFS OF THE WICHETAWS, IOMIES, IOW-A-ASHES, TAH-WACKANIES, CADDOES, COMANCHES, AND OTHER TRIBES:

MY BROTHERS:—I send this talk to you by the Chief Counselor of my warriors. The words I shall speak to you are the words of a brother, who has never told his red brother what was not true.

Those that I send to you have sat by my side and eaten bread with me. They have learned to love the red brothers. They know the counsels of peace which I have always given. They will tell you of many things which it will be good to hear. They will speak the words of truth only.

Chiefs who wish to be friendly should talk to each other. They should know each other's thoughts and have peace. Peace will make the red and white men happy.

If we have war, our men must perish in battle. They will not return to our feasts, nor sit by our council fires. Peace will save our warriors from death and our women and children from trouble. Then the buffalo can be killed and the wigwams filled with plenty. Hunger and distress will be far away.

When peace is made firm between us, trading-houses will be established and all things that your people need, our traders will have to sell to them. You will not have to go to a great distance, but in the midst of your hunting-grounds you can find land where you will find buffalo and water. The warm sun of the South will give you grass in winter, and no longer will you have to travel to the snows of the North to get your goods. You can sell your horses and your mules—your silver and your gold, and all you have to dispose of, to our traders. When peace is made firm between us, and we know that you are our friends, and there is no more war upon our borders, we will sell you powder and lead, tomahawks, spears, guns, and knives, so that you can kill your game without trouble. Friends only sell these things to each other; and we can not let you have them until we have made a

firm and lasting peace. When the path between us is smooth and white, and all trouble removed from our footsteps, we shall then know that you are our friends and not our enemies. When the Great Spirit smiles, clouds and darkness are taken away from our path. When He frowns, war and death and trouble come upon us. Let us listen to the counsels of the old men. Let us live like brothers and be happy.

When the pipe of peace is smoked, you may come to see me, and none will do you harm. The white and the red men will meet as brothers. The Comanches once made peace with me at Houston. ✓

We smoked together, and they returned safely to their people. But a bad chief came in my place, and bad traders went among them and carried trouble with them. At a council in San Antonio many Comanche chiefs were killed by bad men. I was then far away, and did not hear of it till it was over. I was filled with sorrow. My heart was sad. The man who counseled to do this bad thing is no longer a chief in Texas. His voice is no longer heard among the people, and he has no more power to harm the red men.

These things shall no more take place. We must forget our sorrows, and walk together like brothers in the path of peace.

Our people have suffered, and we have done each other much harm. War has been among us; and the white and the red warrior have been killed. We have prisoners and your people have prisoners of ours. When we meet in council they shall be exchanged. The white and red prisoners shall all return to their homes, and we will take prisoners no more. When you see the red prisoners they will tell you that they have been well treated. They have not been hurt; and when our prisoners are brought to the council you will find yours there also.

I send my war counselor to invite the chiefs of our red brothers in Texas and on the borders, to meet in council at Bird's Fort on the Trinity, at the full moon in August. The chiefs of the white and red men will there sit around the same fire and smoke the pipe of peace. Many of our Delaware, Shawnee, Waco, Caddo, other friends and brothers will be there. They have made peace, and will speak for us.

Our great brother, the President of the United States, is anxious to see peace established between Texas and all the red people. The chiefs he sends to you will say so.

A talk like this has been sent to the Comanches by our Delaware brothers, and white chiefs, who will see them, and invite them to the council.

Your brother, SAM HOUSTON.

EXECUTIVE DEPARTMENT,
WASHINGTON, *May 30, 1843.*

LETTER TO A-CAH-QUASH.

TRINITY RIVER, *September 13, 1843.*

TO A-CAH-QUASH, WACO CHIEF:

MY BROTHER:—I send you my friend to shake you by the hand, and tell you that my heart is still warm toward you. Col. Eldredge has told me all

your good actions, and they are many. Your actions are like the sun—they do not change. My heart is glad, and I hope your path will be sunshine.

I hope to see you, with Luis Sanchez, soon. Col. Eldredge will see that you come in peace and are happy.

Your brother,

SAM HOUSTON.

TALK TO PAH-HAH-YUCO.

EXECUTIVE DEPARTMENT,
WASHINGTON, *December 14, 1843.* }

TO PAH-HAH-YUCO, CHIEF OF COMANCHES :

MY BROTHER :—Your talk has reached me through the young chiefs that I sent to see you and talk to you about peace. My ears were opened and my heart was very glad. Your words are laid up in my remembrance. I was happy to hear that the little prisoners I sent you arrived safely, and were restored to their family and friends. We have several more which we wish to send home.

My young chiefs were well treated and protected from harm. This was right : it was the conduct of a good friend. Our fires now burn far from each other ; but I hope to shake you by the hand and thank you for all this. We are all brothers ; the same blood flows in our veins. Let us all, then, be friends. Let us meet and shake hands in the prairies, at the council, and at the trading-houses. Chiefs should love peace, for war brings death and distress upon the people. The warrior is no more seen around the council-fire, and the women and children weep in sorrow. Peace will make all happy ; and plenty will fill the tent of every family. The buffalo can be hunted without fear, and the hunter return to his home laden with the fruits of the chase. Peace will enable our traders to sell you whatever you want and buy whatever you have to sell. In the midst of your hunting-grounds you can find goods : and you will not have to go so far as heretofore for what you buy, or to dispose of what you have to sell. At a convenient distance you can find traders who will purchase your mules and your horses, your silver and your gold, your skins, and all things else you have to sell. When we know you are our friends, and a permanent treaty is made, we will sell your people powder, lead, tomahawks, guns, spears, and knives, so that they may hunt and kill game and live happily. Friends only sell these things to each other. When the path between us is made smooth, and all harm to each other moved far away, then we shall know each other to be friends and not enemies. When peace is made you may come to me, and no one shall harm you. Others of my red brothers have come to see me and shake me by the hand, and have returned safely. The Comanche chiefs came and made a treaty with me at Houston and received presents, and returned to their people without harm. Bad men went amongst you, and brought upon the white and the red men great trouble. But they are no longer heard in our councils. They have no more any power to do harm. The people have put them aside. They were bad men,

and killed the Comanche chiefs who came to San Antonio to make peace. They are now gone, and can not do your people any more injury. We must now forget past sorrows, and embrace each other as friends and brothers. I have always been the friend of the red man. The Delawares, Cherokees, and Shawnees will tell you this.

I saw the treaty which Pah-hah-yuco made with my young chief, to do no more harm till the council. This was very good, and my heart was glad. It showed that you would be a friend to the whites and our brother. The council at Bird's Fort and the great rains and high waters, have prevented my young chiefs from meeting you in council; and I send my chiefs, who will give you this, to tell you the reason, and to request you and all your chiefs to attend a council to be held on or near Tahwoccany Creek, about the full moon in April next. My Great Brother, the President of the United States, has been invited to send some of his chiefs to the council, and see the people of Texas make peace with their red brothers. My Great Brother is anxious for peace, and will see that both the white and red men do right, and injure each other no more.

I hope my good friend Pah-hah-yuco and the chiefs of the several bands of the Comanches and Kiaways, will be present at the council on Tahwoccany Creek at the time appointed. I hope, also, that they will send runners and invite each other to the council, that all may be there to make peace, that there may be no more war and distress between the white and red man, and that the traders may furnish all the several bands with goods. The prisoners we have of your people will be at the council, and when our people among you are given up, they will all be restored to their kindred and friends, and be happy. The little prisoners I sent you are pledges of my sincerity. I never told a red brother a lie. Bring all our prisoners, and all yours shall be given up as soon as a peace is made. When you see them you will say that they have been well treated. They have not been hurt. The white people have been kind to the red prisoners. When peace is made no more prisoners shall be taken. The white and the red man will meet and shake hands, and sit around the same fire and smoke the pipe as friends and brothers. There will be none to make them afraid.

Come with your chiefs to the council; and those I send to speak to you will be your friends, and will speak nothing but truth and peace.

Your brother,

SAM HOUSTON.

LETTER TO A-CAH-QUASH.

EXECUTIVE DEPARTMENT,
WASHINGTON, *December 14, 1843.*

TO A-CAH-QUASH, CHIEF OF WACOES, ETC. :

MY BROTHER:—I have heard of you in the prairies. I was rejoiced. My friends told me that you yet walked in the white path. Your words came to me by the lean captain [Gen. Geo. W. Terrell]. My heart is warm toward my friends. I will never forget that you were amongst the first to walk in the path between the red and the white man. To let you

know that you are not forgotten, and that I hold the friendly chief of the red men near my heart, I send you presents. Our nation is yet young, but will make us rich, and then I will send many presents to our red brothers. At the council at Tahwocany Creek in April next, I will send you a new pipe that I have had made at a great distance from here. It will be a pipe of peace. You will smoke it with our red friends at the council; and if I can not be there to meet you, you must come to see me, and we will smoke at my own fire-side. I will look for the great chiefs of the different bands. If they come to see me they shall not go away hungry.

I will expect you to go and stay with my friends till they go to the Comanches, and stay with them till the council.

I hope the Great Spirit will smile upon you and preserve you, and give many blessings to my red brothers.

Your brother,

SAM HOUSTON.

TALK TO KECHI CHIEF.

EXECUTIVE DEPARTMENT,
WASHINGTON, *December 21, 1843.* }

TO SAH-HAD-DUCK, CHIEF OF THE KECHIES:

MY BROTHER:—My ears are always open to the voices of my red brothers. When they speak I hear them. You have brought a talk from the Comanches. I am ready to hear it. I will send by you a talk back to them. It shall be a talk of peace.

If you wish to come and see me and the chiefs of this nation in council, they are here. The white chief who takes you this talk will show you and your friends the way to my house, or he will send a friend that will bring you in a safe path. A-cal-quash and other chiefs have been here with us. They know that we are kind to our red brothers. When you come to see us you will find our hearts open. We do not shut our doors against our friends. Blood has been taken out of our path; and when you come to see me, you will find the path white. The feet of all good men go in a straight path.

When you shall have come to see me, I will send men with you who will see you safe back to your hunting-grounds, with talks of friendship to the Comanches and all our red brothers. If the red brothers should wish to come down with you to see me, you may tell them to bring their peltries and trade, if they wish to do so.

Your brother,

SAM HOUSTON.

TALK TO SAH-SAH-RO-KE, KECHI CHIEF.

EXECUTIVE DEPARTMENT,
WASHINGTON, *January 31, 1844.* }

MY BROTHER:—You started to hunt the white path of peace—you found and walked in it amongst white people, until you came to my house. You found the talk which I sent you true. You saw the great council of your

white brothers, and you know they intend to have peace. As the chief of all this nation, I wish to make peace with all the red brothers. I have spoken to you, and you know what my words are. The talk which you brought from the Comanches and other red people is good. My ears were open to hear it, and my heart rejoiced that there was to be no more blood in the path between us. You will now turn your face to the Comanches and Kiaways and to all the red people. You will take the words of the chief of Texas with you. Their ears will be open, and they will listen to what you have to say to them.

You will tell them what I have said about peace and the words which I have spoken about prisoners. If ours are brought, they shall have all theirs. In about two and a half moons I wish the Comanches to meet us in council at Tahwoccany Creek. I will expect all the Comanche chiefs to be there, that the tomahawks may be buried, and that no more blood may be shed, or mischief done till the grass ceases to grow and the water to run. Their prisoners will all be there to go home with their people, and ours must be there also. Before then I will try and send traders up to the Kechi village. At the treaty-ground there will be corn, tobacco, and some lead to give to those who are friendly and make peace—for we will never give these things to those who are our enemies.

You can say to those tribes which make corn, that they may settle down in their villages, and that I will send them hoes and axes, and when we get the trading-houses built, that I will send them many other presents. This will not be done to buy peace, but to help our friends to make corn and other things for their women and children to eat.

I want you to take this talk in a hurry, that the Comanches, Kiaways, and other red brothers may come to the council at the time spoken of. After the treaty is made an agent will stay at the trading-house near the treaty-ground. The agent will send me your talk in writing, and if any mischief is done to your people, you will not get mad till you hear from me, and I will have the men punished that did wrong. If the young men of your nations do bad, or say that they will not walk in your counsel, you must punish them, or it will bring trouble upon your women and children. You have seen me and talked with me and heard my words. You know I will not lie—and therefore keep them in your heart.

Your brother,

SAM HOUSTON.

LETTER TO WACO CHIEF, ACAH-QUASH.

CITY OF HOUSTON, *May 2, 1844.*

TO ACAH-QUASH :

MY BROTHER :—I was happy to hear from you. My heart swelled with pleasure. I remembered that we were friends, and that the path between us was white. I was sorry that the Comanches did not come down to the treaty, but I expect them when the leaves turn yellow. In four moons I will expect some chiefs ; when green corn is to be eaten.

If you can come down with the Commissioners, I will wish you to do so,

and bring José Maria with you. Lately I have heard that bad men have been down from some of the tribes of our brothers. They stole horses, and two of them were killed. Some of the horses were taken by the whites, and the others they ran off with. These I want you to have given up, that there may be no trouble. The men killed were supposed to be Wacoos. It was wrong for them to come down into the settlements until a treaty was made with all our red brothers, and without a paper from the agent, Mr. Sloat. When my red brothers wish to come into the settlements to hunt or see me, they will call upon him or Major Western, if he is at the trading-house ; and if it is proper, either of them will give a paper showing that it is a visit of friendship, and not to steal horses or to do any mischief. Then our people will be glad to see them.

When you come down to see me, we will send away all trouble, and if the whites have done wrong they shall be punished, as bad men should be. You will embrace your red brothers for me. When you come to see me, my heart will be open to receive you and José Maria.

Your brother,

SAM HOUSTON.

PART III.

LETTERS AND DOCUMENTS.

LETTER TO SANTA ANNA.

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, *March 21, 1842.*

MOST EXCELLENT SIR:—Your communications to Mr. Bee and General Hamilton, dated at the Palace of the Government of Mexico, have been recently presented to my notice. At the first convenient leisure, I have not failed to appropriate my attention to the subjects embraced within the scope of your remarks.

They would have met a more ready attention had it not been for a marauding incursion made by a Mexican force on the defenseless town of San Antonio, on the inhabited frontier of Texas. Apprehending that the force had some other character more important than that of bandits and plunderers, commanded as it was by regular officers, it produced a momentary excitement, and claimed the attention of the Executive. But, as the bandits have withdrawn, characterizing their retreat by pillage and plunder, as has been usual with Mexicans, I am left at leisure to resume in tranquillity the duties of my station.

In reference to your correspondence with Mr. Bee and General Hamilton, I have no remark to offer in relation to the communications which those gentlemen assumed the individual responsibility of making to you. The very nature of the correspondence manifests the fact that it was not done under the sanction of this Government, but rests solely upon their action as individuals. Had your response regarded them in the light in which they were presented to you, it would have superseded the necessity of any notice from me. But as you have thought proper to laud my conduct as an individual, and refer to transactions connected with this country, with which I had official identity, and which I also at this time possess, and as you have taken the liberty, to an unwarrantable extent, to animadvert upon circumstances connected with Texas as a nation, I feel myself compelled by a sense of duty to refute a portion of the calumnies which you have presented to the world under the sanction of your official averment.

You appear to have seized upon the flimsy pretext of confidential communications unknown to the officers of this Government, and unknown to the world until divulged by you, for the purpose of manufacturing a capital

of popularity at home, and which you have submitted to the world as a manifesto in behalf of what you are pleased to term the rights of a great nation, "by so many titles respectable."

Whatever opinions you may have entertained in relation to the difficulties existing between Mexico and Texas can not materially vary the facts and principles involved, nor will they materially influence the decision of mankind upon the justice of our cause.

Decency and self-respect, at least, should have induced, on your part, the pursuit of a course different from that which you have adopted. The abuse and ribald epithets which you have applied to the citizens of this country, as well as those of the Mississippi valley of the United States, are doubtless characteristic of the individual who gave them utterance. So far as the people of this country are concerned, I shall refer mankind to a history of facts and circumstances connected with the settlement of the country. I shall pass by with slight notice your remarks relative to the people of the United States. So far as our origin is connected with them, and the unity of sympathy exists, we are proud to hail them as our kindred—kindred in blood, kindred in laws, kindred in all the ennobling attributes of humanity. They will hear your taunts of defiance with the same contempt and derision that Texans regard your silly gasconade. If they have heretofore sympathized with us in our struggle for liberty and independence, it was from a knowledge of the fact that we had been deceived and oppressed by Mexico, and that the cause in which we were engaged was that of humanity struggling against usurpation and despotism.

The people of Texas were invited to migrate to this country for the purpose of enjoying equal rights and constitutional liberty. They were promised the shield of the Constitution of 1824, adopted by Mexico. Confiding in this pledge, they removed to the country to encounter all the privations of a wilderness, under the alluring promises of free institutions. Other reasons operated also. Citizens of the United States had engaged in the revolution of Mexico, in 1812. They fought gallantly in the achievement of Mexican independence, and many of them survive, and to this day occupy the soil which their privations and valor assisted in achieving. On their removal here, they brought with them no aspirations or projects but such as were loyal to the Constitution of Mexico. They repelled the Indian savages; they encountered every discomfort; they subdued the wilderness, and converted into cultivated fields the idle waste of this now prolific territory. Their courage and enterprise achieved that which the imbecility of your countrymen had either neglected, or left for centuries unaccomplished. Their situation, however, was not disregarded by Mexico, though she did not, as might have been expected, extend to them a protecting and fostering care, but viewed them as objects of cupidity, rapacity, and at last jealousy.

The Texans, enduring the annoyances and oppressions inflicted upon them, remained faithful to the Constitution of Mexico. In 1832, when an attempt was made to destroy that Constitution, and when you, sir, threw yourself forward as its avowed champion, you were sustained with all the fidelity and valor that freemen could contribute. On the avowal of your principles, and in accordance with them, the people put down the serviles of

despotism at Anahuac, Velasco, and Nacogdoches. They treated the captives of that struggle with humanity, and sent them to Mexico subject to your orders. They regarded you as the friend of liberty and free institutions; they hailed you as a benefactor of mankind; your name and your actions were lauded, and the manifestations you had given in behalf of the nation were themes of satisfaction and delight to the Texan patriots.

You can well imagine the transition of feeling which ensued on your accession to power. Your subversion of the Constitution of 1824, your establishment of centralism, your conquest of Zacatecas, characterized by every act of violence, cruelty, and rapine, inflicted upon us the profoundest astonishment. We realized all the uncertainty of men awakening to reality from the unconsciousness of delirium. In succession came your orders for the Texans to surrender their private arms. The mask was thrown aside and the monster of despotism displayed in all the habiliments of loathsome detestation. Then was presented to Texans the alternative of tamely crouching to the tyrant's lash, or exalting themselves to the attributes of freemen. They chose the latter. To chastise them for their presumption induced your advance upon Texas, with your boasted veteran army, mustering a force nearly equal to the whole population of this country at that time. You besieged and took the Alamo; but under what circumstances? Not those, surely, which should characterize a general of the nineteenth century. You assailed one hundred and fifty men, destitute of every supply requisite for the defense of that place. Its brave defenders, worn by vigilance and duty beyond the power of human nature to sustain, were at length overwhelmed by a force of nine thousand men, and the place taken. I ask you, sir, what scenes followed? Were they such as should characterize an able general, a magnanimous warrior, and the President of a great nation numbering eight millions of souls? No. Manliness and generosity would sicken at the recital of the scenes incident to your success, and humanity itself would blush to class you among the chivalric spirits of the age of vandalism. This you have been pleased to class in the "succession of your victories"; and I presume you would next include the massacre at Goliad.

Your triumph there, if such you are pleased to term it, was not the triumph of arms—it was the success of perfidy. Fannin and his brave companions had beaten back and defied your veteran soldiers. Although outnumbered more than seven to one, their valiant, hearty, and indomitable courage, with holy devotion to the cause of freedom, foiled every effort directed by your general to insure his success by arms. He had recourse to a flag of truce; and when the surrender of the little patriot band was secured by the most solemn treaty stipulations, what were the tragic scenes that ensued to Mexican perfidy? The conditions of the surrender were submitted to you; and, though you have denied the facts, instead of restoring them to liberty, according to the capitulation, you ordered them to be executed contrary to every pledge given them, contrary to the rules of war, and contrary to every principle of humanity. Yet at this day, you have the effrontery to animadvert upon the conduct of Texans relative to your captivity after the battle of San Jacinto.

You have presumed to arraign the conduct of the then existing Cabinet,

and to charge it with bad faith; and though you are pleased to commend the conduct of the illustrious Stephen F. Austin, the father of Texas, and myself, for acts of generosity exercised toward you, you take much care to insinuate that we only were capable of appreciating your proper merits. That you may no longer be induced to misconstrue acts of generosity and appropriate them to the gratification of your self-complacent disposition, I will inform you that they were acts of magnanimity characteristic of the nation to which we belong. They had nothing to do with your merits or demerits. The perfidy and cruelty which had been exercised toward our companions in arms did not enter into our calculation. Your sacrifice would not restore to our gallant companions their lives, nor to our country their services. Although the laws of war would have justified the retaliation of your execution, yet it would have characterized the acts of a nation by passion and revenge; and would have evinced to the world that individuals who had an influence on the destinies of a people were subject to the capricious impulses of vengeance, of which you had so recently set an example.

So far as I was concerned in preserving your life and subsequent liberation, I was only influenced by considerations of mercy, humanity, and the establishment of a national character.

Humanity was gratified by your preservation. The magnanimous of all nations would have justified your release, had they known how little its influence was dreaded by the Texans. If, upon your return to Mexico, you should have power, and a disposition to redeem the pledges you had voluntarily made to myself, as well as this Government, of an earnest disposition to see the independence of Texas recognized by Mexico, I believed it would have a tendency to restore peace to the two nations, diminish the aggregate sufferings of their citizens, and promote the prosperity of both countries. In the event that you were not disposed to redeem the pledges thus given, but urge a prosecution of the war by Mexico against us, I wished to evince to mankind that Texans had magnanimity, resources, and confidence sufficient to sustain them against all your influence in favor of their subjugation.

Your liberation was induced by such principles as these; and though you tendered pledges, doubtless to facilitate and insure your release, they were received, but not accepted, as a condition. I believe that pledges made in duress are not obligatory upon the individual making them; and, if you intended to exercise the influence which you declared you would, the unconditional liberty extended to you would interpose no obstacle to their fulfillment.

Without adverting to any treaty stipulations which you had made with the Cabinet of Texas, I gave you your entire liberty and safe conduct to the city of Washington.

You have asserted to the world that you have given no pledge to the Texan Government whatever of your disposition in favor of its separation from Mexico. That the tribunal to which you have appealed, may judge of the validity of your assertion, I shall submit with this communication a letter of yours addressed to me at Columbia, dated the 5th November, 1836, after my determination to give you your liberty had been communicated. I shall present it in the original, accompanied with its translation into En-

glish. I will also give publicity to a veto which I communicated to the Senate, in consequence of a resolution of that honorable body respecting your detention as a prisoner.

You have spoken of events subsequent to the battle of San Jacinto, and endeavor to convey the idea that promises had been extorted from you "under the rifles of a tumultuous soldiery." I am at a loss to comprehend your meaning by this reference. When you were brought into the encampment as a prisoner, the second day after the battle, you were conducted to the presence of the commander-in-chief—not amidst noise and tumult, nor did any exist. When the character of the prisoner became known to the army, much curiosity was excited; but there was no menace used nor violence offered. You were treated with calmness, and every courtesy extended to you that our situation would afford. Had you been a private gentleman and friend, you could have received no greater facilities than those which were extended to you. As you desired, you were placed near my person, and were never sent with the rest of the prisoners. You were informed that you could have your camp-bed and markée brought to my quarters, where I lay confined with my wound. You were permitted to command the services of your attendants. You were informed, also, that your baggage would be selected from the spoils taken by the army on the field; which was accordingly done, and never inspected. These privileges were granted by my order. Your aide-de-camp, Colonel Almonte, and your private secretary, were permitted to remain with you in your markée. A guard was detailed for the purpose of allaying any apprehension you might have for your personal safety, and every liberty extended to you except your absolute release.

You submitted propositions to me embracing the questions of the recognition of the Texan independence, and the termination of our struggle. I unequivocally refused the acceptance of any offer upon the subject of a treaty, alleging as reasons that we had a constitutional Government, and that the subject would properly come before the Cabinet of Texas, the members of which would be present in camp within a few days. You urged the further consideration of your propositions upon me, declaring that you would rather enter into stipulations with a General of the army than with the civil authorities of the country. I positively declined taking any action upon them, and they were referred to the Cabinet on its arrival. Declining the consideration of your proposals myself, I required you to issue orders forthwith to the General next in command to evacuate Texas with the troops composing the Mexican army, and to fall back with them to Monterey. Orders to this effect were issued by you to General Filisola, and dispatched by an express, which could not overtake him, however, until he had reached the Colorado on his retreat, conducted in the greatest panic and confusion. Owing to his precipitate flight, and your execution of my orders, the Mexicans were permitted to leave Texas without further molestation.

In the meantime, General Adrian Woll, of the Mexican army, came into the encampment at San Jacinto without my knowledge, and not "upon my word or honor"; nor was I apprised of his presence until I learned that he, together with his aide, had been traversing our lines. So soon as I was

advised of this fact I ordered them to my presence, and instructed them that such conduct would not be tolerated, and caused them to be placed under vigilance. This reason I deemed sufficient to detain General Woll as a prisoner of war. His subsequent conduct to Captain Dimitt was such as to justify any unfavorable opinion which I had formed of his character. He had rendered himself so obnoxious to the army, that, from a desire for his personal security, I did not permit his release until he could go in perfect safety. In no respect had the prisoners taken on that occasion reason of complaint. Their lives were all forfeited by the laws of war, conformably to the precedent which you had exhibited.

General Cos, who had surrendered in 1835, a prisoner of war, at San Antonio, where one hundred and ninety-five Texans stormed and took the Alamo, with the town, when it was defended by seventeen hundred regular troops of Mexico, was again taken prisoner at San Jacinto, after he had violated his parole of honor, by which he had forfeited his life to the law of arms. Yet such was the lenity of Texans that *even he was spared*, thereby interposing mercy to prevent reclamation being made for the brave Texans perfidiously massacred.

From the 5th of May I had no connection with the encampment, nor the treatment which the prisoners received, until the month of October, when I was inducted into the office of chief magistrate of the nation. It is true that you were chained to an iron bar, but not until an attempt had been made to release you, with your knowledge and assent. A vessel had arrived at Orizimbo, on the Brazos, where you were confined. In possession of its captain were found wines and other liquors mixed with poison, for the purpose of poisoning the officers and guard in whose charge you were, and thereby insuring your escape. In consequence of the sensation produced by this circumstance, you were confined and treated in the manner you have so pathetically portrayed.

Whilst confined by my wounds in San Augustine, I learned that it was the intention of the army to take you to the theater of Fannin's massacre, and there to have had you executed. Upon the advertisement of this fact, I immediately sent an express to the army solemnly protesting against any such act, and interposing every obstacle possible against your further molestation, or any action which might not recognize you as a prisoner of war.

Your recent communications have necessarily awakened attention to these facts, otherwise they would have remained unrecited by me. Any part which I bore in the transaction is not related in imitation of the egotistical style of your communication. It is done alone for the purpose of presenting the lights of history. You have sought to darken its shades, and appeal to the sympathies and command the admiration of mankind, and have even invoked "the prismatic tints of romance."

Now, the tribunal to which you have appealed will have an opportunity of contrasting the treatment which you and the prisoners taken at San Jacinto received, with that of those who have fallen within your power, and particularly those perfidiously betrayed on a recent trading excursion to Santa Fé. You have endeavored to give that expedition the complexion of an invading movement upon the rights of Mexico. To believe you serious

in the idle display of words made on this occasion, would be presenting an absurdity to the common-sense of the age. Your fears may have given it a character different from that to which it was entitled. Examine the circumstances accompanying it. It was not an act of Texas. Congress had refused to sanction any enterprise of the kind. A number of individuals were anxious to open a lucrative trade (as they believed it would be) with Santa Fé. Such a commerce has been carried on for years by the citizens of the United States from Missouri; and the preparations, connected with the fact that the citizens took with them a considerable amount of merchandise, show that their enterprise was not one of conquest or invasion. You may allege that it had connection with the Government, from the fact that the President identified himself with it, by furnishing arms to those connected with the project. This may have induced you to characterize the expedition as you have in your tirade against Texas. Whatever part the President bore in this transaction was contrary to law and in violation of his duty. A large portion of the people of Texas were apprised of the existence of such an enterprise. You doubtless would insist that it had means of offense against Mexico. So far as their preparation could give character to the undertaking, by carrying with them artillery and other munitions of war, it can be accounted for most readily. They had to pass through a wilderness six hundred miles from the frontier of Texas before they could reach Santa Fé. It was reasonable to suppose that they would encounter many hostile tribes of Indians, and it was proper and necessary that they should be in a situation to repel any attacks made upon them, and, as their objects were pacific, they were justified in resisting aggression from any quarter. The instructions given to them by the President did not contemplate hostilities, but that the enterprise would terminate without bloodshed and violence. Scientific gentlemen from Europe and the United States accompanied them, not for warlike purposes, but for the purpose of adding rich stores to the treasury of science. It had likewise been communicated to the people of Texas that all the inhabitants east of the Rio Grande were anxious to enjoy the benefits of our institutions. You can not allege that you were not willing to admit the justice of our claims to the Rio Grande, or that you were not anxious to facilitate the object. Your communication to me on that subject is conclusive. Texans were apprised of it from your repeated declarations to that effect while in this country, and on your way to Washington city. At the time the expedition started no hostilities were carried on between this country and Mexico. Commissioners from General Arista were at Austin at the time the party started for Santa Fé. They were kindly received, and made the most sincere profession of amity and reconciliation with this Government. They were treated with kindness, and corresponding commissioners appointed to General Arista. To them every facility was extended, and they were permitted to return without molestation. This was the attitude of the two countries at that time. Will you allege that this was not sanctioned by your Government, or will you insist that it was a trick of diplomacy? For myself, I would not have been deluded by any professions which might have been tendered to Texas by Mexico, when a departure from the most solemn pledges would result in injury to the former and benefit to the latter.

That the ministers of General Arista played their parts with fidelity to their instructions, I have no doubt; also that all the information that could be derived in relation to the trading company was faithfully transmitted to the Government of Mexico. Nor do I doubt but that the population of the northern parts of your country, so soon as the intelligence was received, were thrown into the utmost consternation, and a nation numbering eight millions of people, inhabiting "valleys, mountains, towns, and large cities," "by so many titles respectable," was convulsed at the apprehended approach of three hundred Texan traders! But what has been the sequel of this expedition? On their approach to the settlements of the Rio Grande they obtained supplies from the inhabitants, not as a hostile and marauding party, but they paid a valuable consideration for every supply they obtained. They were met by the Mexican authorities with overtures of peace, assurances of friendship, and pledges of security, provided they would give up their arms for the purpose of tranquillizing the Mexican population. Detached, as the company was, into parties remote from each other, and deluded by pledges, they acquiesced in the wishes of the authorities of the country, thereby evincing to them that they had no disposition to disturb the tranquillity of the inhabitants, and that their objects were pacific. But no sooner were they in the power of the authorities than they were stripped of their clothing, deprived of everything valuable, treated in the most barbarous manner, and marched like convicts to the capital of Mexico. On their route every act of inhumanity, cruelty, and hatred was evinced. When their sick and helpless condition required the assistance of Christian charity and humanity, it was denied them. They were barbarously shot, their bodies mangled, and their corpses left unburied. The butchery of McAllister, Galphin, Yates, and others, appeal to Heaven and this nation for retribution upon the heads of their inhuman murderers. You may allege that you did not authorize the perpetration of these outrages, committed upon men who had violated no rule of law known to this civilized age. This will be no excuse for you. Your sanction of these acts is as culpable as their perpetration was degrading to their authors. Their detention as prisoners by you may gratify the malignity of little minds; but the just, the chivalric, the brave, and the generous of all nations may pity, but must despise your conduct. Had it not been for the faithless professions tendered to them, and their too ready belief, they could have maintained their position against all the forces of northern Mexico, and, if necessary, could have made good their retreat to their homes, defying the "generous effort of the people of New Mexico." Your conduct on this occasion will present your humanity and sense of propriety in very awkward contrast with the treatment extended to you and your followers after the victory of San Jacinto, being not, as you suppose, one of the "freaks of fortune," but one of the accompaniments of that destiny which will mark the course of Texas until the difficulties between the two countries shall be satisfactorily adjusted.

But you declare that you will not relax your exertions until you have subjugated Texas; that you "have weighed its possible value," and that you are perfectly aware of the magnitude of the task which you have undertaken; that you "will not permit a colossus within the limits of Mexico"; that our title is that of "theft and usurpation," and that "the honor of the Mexican nation" demands

of you "the reclamation of Texas"; that "if it were an unproductive desert, useless, sterile, yielding nothing desirable, and abounding only in thorns to wound the feet of the traveler, you would not permit it to exist as an independent government, in derision of your national character, your hearths, and your individuality." Allow me to assure you that our title to Texas has a high sanction: that of purchase, because we have performed our conditions; that of conquest, because we have been victorious; it is ours because you can not subdue us; it has been consecrated ours by the blood of martyred patriots; it is ours by the claims of patriotism, superior intelligence, and unsubduable courage. It is not a sterile waste or a desert; it is the home of freemen—it is the land of promise—it is the garden of America. Every citizen of Texas was born a freeman, and he would die a recreant to the principles imbibed from his ancestry, if he would not freely peril his life in defense of his home, his liberty, and his country.

Although you are pleased to characterize our occupation of Texas and defense of our imprescriptible rights as the "most scandalous robbery of the present age," it is not one-fourth of a century since Mexico perpetrated a similar robbery upon the rights of the Crown of Spain. The *magnitude* of the theft may give dignity to the robbery. In *that* you have the advantage. That you should thus have characterized a whole nation I can readily account for. Heretofore you entertained the opinion that Mexico could never conquer Texas, and, if it were possible for her to drive every Texan from the soil, that Mexico could not maintain her position on the Sabine, and the retreat of her army would be the signal for the return of the Anglo-Saxon race, who would reoccupy their homes and pursue the Mexicans as far as the Rio Grande; and that Mexico, in preservation of the integrity of the territory which she then possessed, would gain an advantage by abandoning all hopes of conquering Texas, and direct her attention to the improvement of her internal condition. Your recent opinions, as declared by you, appear to be at variance with these speculations, and are most vehemently avowed. It is an attribute of wisdom to change opinions upon conviction of error, and perhaps for it you are justifiable; at least, I discover that you have one attribute of a new convert: you are quite zealous and wordy in the promulgation of the doctrine which you have espoused.

Sir, from your lenity and power Texans expect nothing—from your humanity less; and when you invade Texas you will not find "thorns to wound the foot of the traveler," but you will find opposed to Mexican breasts, arms wielded by freemen of unerring certainty, and directed by a purpose not to be eluded. Texans war not for gewgaws and titles; they battle not to sustain dictators or despots; they do not march to the field unwillingly, nor are they dragged to the army in chains, with the mock-title of volunteers. For awhile they lay by the implements of husbandry, and seize their rifles; they rally in defense of their rights; and, when victory has been achieved, they return to the cultivation of the soil. They have laws to protect their rights. Their property is their own. They do not bow to the will of despots; but they bow to the majesty of the Constitution and laws. They are freemen indeed. It is not so with your nation. From the alcalde to the dictator, all are tyrants in Mexico; and the community is held in bondage, subject not to law, but to the will of a superior, and confined in hopeless subjection to usurpation.

In an individual so intelligent as yourself, it does seem to me that you have

evinced very bad taste by adverting to the subject of slavery, in the internal affairs of this country. Your opinions, whilst here, on this subject were fully and freely avowed. You then believed that it would be of great advantage to Mexico to introduce slave labor into that country; that it would develop her resources, by enabling her to produce cotton, sugar, and coffee, for purposes of exportation; and that without it she would be seriously retarded in her march to greatness and prosperity. Your sympathy and commiseration at present expressed, are no doubt very sincere, and I only regret that they partake so little of consistency. You boast that Mexico gave the noble and illustrious example of emancipating her slaves. The fact that she has the name of having done so, has enabled you to add another flourish to your rhetoric. But the examination of facts for one moment will disclose the truth. The slaves of Mexico, you say, were emancipated. Did you elevate them to the condition of freemen? No, you did not; you gave them the name of freedom, but you reduced the common people to the condition of slaves.) It is not uncommon in Mexico for one dignitary, upon his hacienda, to control from one hundred to ten thousand human beings, in a state of bondage more abject and intolerable than the negroes on any cotton plantation in this country. If an individual in Mexico owes but twenty-five cents, by application to an alcalde the creditor can have him, with his family, decreed to his service, and to remain in that state of slavery until he is able to pay the debt from the wages accruing from his labor, after being compelled to subsist his dependent family. (This you call freedom; and graciously bestow your sympathy upon the African race. The Abolitionists of the present day will not feel that they are indebted to you for your support of their cause. Had some one else than the dictator of Mexico, or the self-styled "Napoleon of the West"—the subverter of the Constitution of 1824, the projector of centralism, and the man who endeavors to reduce a nation to slavery—become their advocate, they might have been more sensible of their obligation. Slavery is an evil,) it was entailed upon us by Mexico. So far as its increase can be prevented, our Constitution and laws have presented every obstacle. They will be maintained to the letter: and on account of slavery, Texas will incur no reproach.

You tauntingly invite Texas to cover herself anew with the Mexican flag. You certainly intend this as mockery. You denied us the enjoyment of the laws under which we came to the country. Her flag was never raised in our behalf, nor has it been seen in Texas unless when displayed in an attempt at our subjugation. We know your lenity—we know your mercy—we are ready again to test your power. You have threatened to plant your banner on the banks of the Sabine. Is this done to intimidate us? Is it done to alarm us? Or do you deem it the most successful mode of conquest? If the latter, it may do to amuse the people surrounding you. If to alarm us, it will amuse those conversant with the history of your last campaign. If to intimidate us, the threat is idle. We have desired peace. You have annoyed our frontier—you have harassed our citizens—you have incarcerated our traders, after your commissioners had been kindly received, and your citizens allowed the privileges of commerce in Texas without molestation—you continue aggression—you will not accord us peace. *We will have it.* You threaten to conquer Texas—we will war with Mexico. Your pretensions, with ours, you have referred to the social world and to the God of Battles. We refer our cause to the same tribunals. The

issue involves the fate of nations. Destiny must determine. Its course is only known to the tribunal of Heaven. If experience of the past will authorize speculations of the future, the attitude of Mexico is more "problematical" than that of Texas.

In the war which will be conducted by Texas against Mexico, our incentive will not be a love of conquest; it will be to disarm tyranny of its power. We will make no war upon Mexicans, or their religion. Our efforts shall be made in behalf of the liberties of the people, and directed against the authorities of the country, and against *your* principles. We will exalt the condition of the people to representative freedom; they shall choose their own rulers; they shall possess their property in peace, and it shall not be taken from them to support an armed soldiery, for the purpose of oppression.

With these principles, we will march across the Rio Grande; and believe me, sir, ere the banner of Mexico shall triumphantly float on the banks of the Sabine, the Texan standard of the single star, borne by the Anglo-Saxon race, shall display its bright folds in liberty's triumph on the Isthmus of Darien.

With the most appropriate consideration, I have the honor to present you my salutation.

SAM HOUSTON.

To His Excellency, ANTONIO LOPEZ DE SANTA ANNA,
President of the Republic of Mexico.

We are now obliged to cut short our relation of events in detail, to give a brief account of other more important movements. Confidence began to be restored. One open rebellion against the laws of the country Houston put down by going to the scene, and calling out the militia. When desperadoes found there was a man at the head of affairs, who could not be trifled with, they soon disbanded, and the supremacy of law was again restored. A new set of men were in office—justice was efficiently administered—economy was observed, and although there had been saddled an enormous debt upon the country, which could not be discharged for a long time to come, yet public credit was being restored, and men began to feel proud of their Government.

DISPATCH TO TEXAN MINISTERS AT WASHINGTON CITY.

OFFICIAL.

CITY OF HOUSTON, *April 16, 1844.*

GENTLEMEN:—Your notes have both reached me, one of the 30th ult., and one of the 1st inst. To-day I forward to the State Department all my dispatches.

Colonel Ashbel Smith, our Chargé d'Affaires, writes from Paris, under date 29th February, this important fact: "The French and British Governments have united in a protest to the United States against the annexation of Texas to the

Union." This is an important fact. Never has the situation of Texas been so interesting since the 21st of April, 1836, as at this moment. You may rely upon it, if the Government of the United States does not act immediately, and consummate the work of annexation, Texas is forever lost to them.

In my opinion, England and France will say to Texas, "If you will agree to remain separate forever from the United States, we will forthwith prevent all further molestation to you from Mexico, and guarantee you independence, agreeably to your institutions now established and avowed." You can not fail to discover what would be the proper course of Texas in such an event. Texas has *done all* that she *could do* to obtain annexation; and you may rely upon this fact, in the event of a failure, that Texas will *do all* that she *should do*.

If a treaty is made, it will of course have been done after the pledges given by the United States Chargé d'Affaires have been recognized by his Government; and then we are secure. If a treaty has been made, and those pledges exacted by you, and it should be rejected, it will be proper to ascertain if annexation can take place by Congressional action, and this done promptly. Should all fail, you will forthwith call upon Mr. Packenham, the French Minister, as well as also the Government of the United States, and after suitable conversations and explanations, present to them the subject of a triple guarantee for our independence, and to prevent all further molestation, or at least an unlimited truce with Mexico. And then, if all prospect of annexation fails with the Government of the United States, and it should refuse to unite upon the basis here laid down, you will then, so far as practicable, arrange the matter with France and England, and General Henderson, with Mr. Miller, Secretary of the Secret Legation, will make a visit of leave to the heads of the proper Departments, and return to Texas. Texas ought not, can not, and will not remain in its present situation.

The subject of annexation has already embarrassed our relations with Mexico. The truce will end on the first of May, as I presume, for I did not accede to the terms of the armistice, since Texas was recognized as a "Department of Mexico," in the terms of agreement between the commissioners. Mexico was well disposed to settle matters very amicably, when our commissioners arrived at Sabinus, but one of the Mexican commissioners was too unwell to proceed to business. When he recovered, the subject of annexation was mooted in the United States, and the Texan Congress; all of which had reached Mexico. Of these facts, in part, General Henderson was apprised; and the anticipated rupture of our negotiations with Mexico was one reason why I was so careful to require of General Murphy (endorsed by his Government), *such pledges* as would secure us against all contingencies that might arise to us, in consequence of our opening negotiations with the United States, on the subject of annexation.

This Government has been called on, and requested by her Majesty's Government, to state our relation to the Government of the United States. It was due to England, and her Majesty's Government was informed that an agent, Gen. Henderson, had been sent to Washington city to negotiate upon the subject of annexation; but the particulars were not rendered. Since this occurred, I had an interview with Captain Elliot, and I do not think the British Government will withdraw its friendly offices from the subject of peace between Texas and Mexico.

It is reported here that the Government of the United States has refused to sanction the pledges given by General Murphy. This surely can not be the case. If so, you will have found yourselves in a most awkward dilemma. What—disavow such pledges when they were based upon Mr. Upshur's letter? I can not believe this, unless the United States desired Texas to surrender herself to the uncertainty, or chances of annexation, contingent upon the various political influences which might interpose to the consummation of the object, and subject us to the injurious and annoying action of Mexico, instigated by the adhesion of Texas to the United States. A refusal on the part of that Government to secure us against consequences, which it has produced by *direct solicitation* of us, would be selfish in the extreme, and indeed I can not conceive appropriate terms in which to characterize such conduct and policy, in an official dispatch. It would amount to this only—that if anything could be made out of Texas, by the United States, they were prepared and willing to derive the advantage, and if that could not be done, they wished to incur no responsibility on the account of Texas, but leave her to all the consequences which might possibly result to her from the course which her generosity and credulity might induce her pursue. Pitiable would our situation be if we were not annexed, and had required no pledges; fortunately, *this is not* our situation.

You have now all the grounds before you, and I hope you will ponder wisely and proceed securely for our safety.

It is palpable scandal to the nineteenth century, that statesmen should be prating about the emancipation of persons born and their race held in slavery, by the custom and consent of nations for centuries, while they permit Santa Anna to forge and rivet chains upon eight millions of people who were born free. Thus will the horrors of slavery be increased, with design to render his success subservient to the subversion of the liberties of Texas, and form a new era in the history by degrading to slavery a portion of the Anglo-Saxon race. This ought not, and can not be. It argues on the part of statesmen a want of perception, as well as self-respect.

Gentlemen, you will keep the Government advised by every mail, and daily, of important events as they transpire. If you should be thrown for future reliance upon the friendly offices of Great Britain and France, you will, if possible, ascertain from them if they will act promptly, and what conditions they will expect of this Government.

Mr. Van Zandt has written that the United States were not willing to form any alliance with Texas, as it was contrary to their policy. (Hence the necessity, upon the failure of the immediate annexation of this country to the confederacy of the North, and you will, as I have indicated, approach the Governments of England and France.

It is the first duty of statesmen and patriots to insure the liberty and well-being of their country. This is now our attitude, and every honest man in Texas will justify and approve that policy, which will place us in a situation where our liberties are secured, whether it be by annexation, or the establishment of our independence. France and England will act effectively, if we do not permit ourselves to be trifled with and duped by the United States. But of this subject, as your situation may soon call your attention to it, you will be the best judges.

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This letter does not cancel former instructions from the Department ; but it is designed to meet emergencies which may arise, or remedy those which have already arisen. Having awaited the arrival of your dispatches, and there being no time to forward them, and send a reply from the State Department, I have deemed it proper to write to you directly by the return mail ; so that you may be ready, in the event of necessity, to take such action as our situation may require, and be prepared for contingencies.

I have the honor to be, your obt. servant,

SAM HOUSTON.

To Gen. J. P. HENDERSON and Hon. ISAAC
VAN ZANDT, etc., etc., etc.

LETTER TO SANTA ANNA.

EXECUTIVE DEPARTMENT, }
WASHINGTON, July 29, 1844. }

TO HIS EXCELLENCY, GENERAL ANTONIO LOPEZ DE SANTA ANNA, *President of the Republic of Mexico* :

It appears by a letter received from General Adrian Woll, under date of the 19th ultimo, that you have entertained a desire to communicate with this Government. I regret, however, extremely, that in so doing, you should have indulged in a departure from the courtesy which ordinarily obtains in the correspondence between civilized States of the present age. There are certain designated and universally acknowledged channels of intercourse between nations, such as the Department of State, or Foreign Affairs.

Through your subaltern, General Woll, you have, in the communication to which I allude, addressed no Government, or functionary of any Government. It is, however, addressed to Texans ; but in language which even common courtesy does not sanction.

For the information of your Excellency, I will suggest, that the commission sent out by this Government for the purpose of regulating the conditions of an armistice between the two countries was authorized by the President of Texas, and as such must have been communicated to your Excellency ; otherwise they could not have been received in their official capacity. Their credentials alone entitled them to the recognition of yourself or officers.

The Texan commissioners had special and prescribed powers delegated to them, and all their acts were subject to the review and rejection, or approval of the Executive. Without approval, they could acquire no validity. The designation of Texas as a department of the Mexican confederacy *so called*, was highly obnoxious to the President, and consequently the conduct of the commissioners was, at once, disapproved. For this, you are now, sir, pleased to express, through your subaltern, your *indignation* at the *perfidious* conduct of the people of Texas.

I regret much that you have given this complexion to the affairs of the two countries. When men, by chance or Providence, have been elevated to the rule of nations, and entrusted with the protection of the best interests of the people,

it must be considered a great misfortune if they entail upon them calamities which their duties as philanthropists should teach them to avert.

When belligerents, even in the most angry excitement of feeling, are arrayed against each other, it is but proper that their chieftains should preserve toward each other that comity which might render them approachable, and thereby avert great human suffering and the effusion of human blood. When war rages, all ranks and conditions are subject to its agitations and calamities. Texas has already endured the extremest agony, and will endeavor to profit by her experience. Against her, you have again denounced war. We will await the event. Eight years ago, you were a suppliant; obtained your liberation without ransom, and acknowledged the Government of Texas. If Texas existed then as a nation, her recognition since then by other powers, and her increased commercial relations, would well excuse your recognition now of her sovereignty. But, sir, you speak of your resources and power. They were defied and triumphed over in 1836; and if you invade Texas in 1844, you will find neither her prowess nor the success of her arms less complete.

I desire to know for what reason you have charged the authorities of Texas with perfidy. Have they given to Mexico any pledge they have not redeemed? They have liberated her chiefs and soldiers taken on the field of battle, without obligation so to do. But they are of a race which permit neither their word nor their honor to be falsified. How has it been with Mexico? The capitulation of Fannin was disregarded, and hundreds massacred in cold blood. You indeed denied a cognizance of this fact; declared that you were implicated by the falsehood of General Urrea, and that if you ever returned to your country and came into power, you would execute him for his duplicity. Have you done it? You have power, but to what purpose? Of the inoffensive traders who visited Santa Fé, and capitulated to your officers, what was the treatment?

They were slaughtered by the way-side, when unable to march, and their ears cut off; evidences, indeed, of barbarity not heard of among nations pretending to be civilized, since the ninth century of the Christian era. Again, at the surrender of Mier, your officers pledged to the men the protection due to prisoners of war; in fulfillment of which, they were soon after barbarously decimated, and the remainder ever since held in chains and prison. They were also to be returned to their home immediately after their submission; but every pledge given to them has been violated. Is this good faith? You pledged yourself also solemnly, through H. B. M. Ministers, to release the Texan prisoners in Mexico, if those of Mexico remaining in Texas should be set at liberty—which was done on the part of this Government, by public proclamation, and safe conduct offered to them to return to their country. Have you performed your part of the agreement and your duty? Are they free? Will all this justify you in charging, through General Woll, either the Government or citizens of Texas with perfidy, or its Executive with double dealing in diplomacy?

I regret, sir, extremely, that it has been my duty thus to advert to circumstances which must be as disagreeable to you as to myself. But you have invoked it.

You have denounced war, and intend to prosecute it; do it presently. We will abide the result. Present yourself with a force that indicates a desire of conquest, and with all the appendages of your power, and I may respect your

effort. But the marauding incursions which have heretofore characterized your molestation, will only deserve the contempt of honorable minds.

I have the honor, etc., etc.

SAM HOUSTON.

LETTER TO GEN. ANDREW JACKSON.

WASHINGTON, Texas, *January 31, 1843.*

VENERATED FRIEND:—A multiplicity of concerns has prevented me from writing oftentimes to you since I had the pleasure of seeing you in Tennessee. It has not been for a want of inclination; nor has it been that I believed it would be considered irksome by you to peruse my letters. The many and continued regards which you have kindly evinced toward me for the last twenty-seven years, and the undiminished confidence reposed in me, are circumstances which have instructed me in the assurance that you entertained for me that solicitude which will induce sufficient care for me to desire a knowledge of the success which may betide me as an individual and a man engaged in the amelioration and improvement of the condition of mankind.

No one can more understandingly appreciate such efforts than yourself, who have been engaged for more than half a century in the most arduous labors, and constantly opposed by obstacles of every variety of character. You have surmounted all, and in retirement enjoy a nation's gratitude for the matchless benefits which your forecast and patriotism have conferred upon it; and to this is added the admiration of mankind! You are truly rich in earthly blessings; and I most devoutly hope that the great Dispenser of heavenly rewards will grant you an everlasting recompense.

I have often reflected upon the trials through which you have passed, and admired the firmness with which you met and triumphed over opposition. Recently I have seen from your pen a manly and conclusive vindication of your conduct during the defense of New Orleans and subsequent events. If the Kentuckian has any shame, he has abundant reason to blush for his foul slander against you. Whilst you were in the way of *aspirants*, such things were to be looked for; but when retired to the Hermitage, and in delicate health, I had hoped, for the honor of my native land, that the quiver of malice and detraction had become empty.

Your persecutors are determined to pursue you to the last; and if they could they would administer to you "vinegar mingled with gall." I commend the course pursued by you in this case, as it has presented many facts of history which were not before known to the world. I trust, from the masterly vindication, that no base or anonymous slanders will ever violate the sanctuary of your reputation or repose. Whoever undertakes to do right in a corrupt or degenerate age, or in the midst of factions, demagogues, or unprincipled aspirants may expect to pay the forfeit of their repose. No man deserves the name nor the reward of a patriot who is not willing to hazard everything for his country, and, if necessary, to perish for, or with it, rather than to drag out a humiliating existence.

Peculiar circumstances influence the course of every man whose duty it is to discharge high and important delegated trusts. But if he is an honest man he will never yield principle to expediency, in the hope that by some fortunate chance he may be enabled to repair the injury which he has inflicted upon his country by a wish to conciliate his enemies or temporize for the sake of harmony. To surrender a Constitution to tamperers for plans by which they may gain power to subvert principles or the excitement of a populace, actuated by demagogues, I regard as an act of foul treason. And he whose duty it is to preserve the charter of his country's freedom, and yields to such influences, I esteem either a dastard or a traitor. I regret to entertain the impression that every day lessens the veneration which men and politicians have heretofore entertained, or at least professed, for constitutions. Once they were held in veneration second only to Holy Writ ; but now they are derided by many openly, and new theories set up in their place. Statesmen can alone appreciate them, and are willing to rely upon them as the only saving principle of self-government. The above doctrine is now openly advocated by many, that Legislatures have the right not only to exercise the powers plainly delegated to them by the Constitution, but that they have likewise the right to exercise all powers not expressly prohibited by the Constitution, thus destroying all the checks and balances of free government, and throwing into the hands of the legislative department all the co-ordinate powers of government. This, to my mind, is more dangerous to liberty than an assumption by either of the other departments of government. For if either of the others should attempt to assume, or actually assume, a power or powers not granted, the people would easily become awakened to a sense of the danger to which their liberties were subject, because they are not regarded so immediately connected with the people as the legislative department, and are in their character more responsible. The members of Congress being more numerous than the other departments, do not individually incur a proportionate degree of responsibility. What a Legislature does is done by many, or rather by no one ; but what is done by either of the other remaining departments can be readily ascertained, promulgated, and the transgressor identified.

(Assemblies and deliberative bodies have often destroyed liberty ; but no individual, while deliberative bodies have remained honest and incorruptible, has ever overthrown the liberties of any people, and I much doubt if it was ever attempted.) Catiline, though unsuccessful, no doubt had many friends in the Roman Senate. Cæsar and Pompey both had their adherents, and the corruption and the factions of the Senate of Rome invited Cæsar to enslave his country. Cromwell owed his elevation to a corrupt Parliament, and Napoleon was indebted to the oppression and misconduct of the Assembly of France, for his power. (I have recently seen a display of the danger, but it has passed by. If ever the United States do, and they must change their form of government, it will be owing to the assumption of powers by the Congress and the frequency of elections, which open so wide a field to demagogues for all their infamous practices.

I regard all republics as exposed to similar catastrophes. We may desire that period to be far removed from our day when such results must take place, and surely every patriot will cherish a hope that such may never be the case. But when we look

through past ages and contemplate the present tendency of the affairs of nations, we can not but entertain many painful apprehensions for our own country's safety. Demagogues are the agents of mischief, and a little leaven leaveneth the whole lump. When the mass of a nation becomes either slavish in spirit or corrupt in principle, the friends of liberty are silenced.)

To you, General, I find myself vastly indebted for many principles which I have never abandoned through life. One is, a holy love of country, and a willingness to make every sacrifice to its honor and safety, next a sacred regard for its Constitution and laws, with an eternal hostility and opposition to all banks.

Now, sir, I beseech you to feel assured that no policy, expediency, fear, or whim shall ever cause a departure from these principles, but that I will cherish them while life endures, as I am capable of feeling one grateful emotion from your many acts of affectionate kindness to me, under all circumstances, and in every vicissitude of life in which you have known me.

I will not close this long letter without assuring you that I entertain confidence in the speedy success of Texas, if I am sustained in carrying out a wise policy, to live within our means, act defensively, cultivate our rich land, raise a revenue from import duties, make and keep peace with the Indians, and, if possible, get peace with Mexico, in the meantime watch her, be prepared, and if an army invades us, never to let them return.

Thy devoted friend,

SAM HOUSTON.

LETTER TO GEN. W. S. MURPHY.

CITY OF HOUSTON, *May 6, 1844.*

TO GEN. W. S. MURPHY:

My Dear General:—To-day, Mrs. Houston, Master Sam, and myself, did intend to go down by the boat; but as matters now stand, we will not go down for some days. I was mortified in not hearing from you, and particularly so, as I learn that you are somewhat annoyed by certain influences. These we must bear with; and can do so with a greater spirit of endurance, for we know from what cause they arise. It is true that some men are like the fallen angels, and would rather rule in hell than serve in heaven; such men are bad servants of the laws, and would make worse rulers than servants. I trust the days of anarchy will soon be numbered, and then cease for a thousand years.

Can't you come up by the next boat? If you can, it is more than probable that we will return with you to the island, or pass a few days or perchance weeks. The roads continue impassable to the Trinity, and I must seek to get Mrs. Houston to her mother's by water.

We have no news of interest here. I do not intend leaving until something definite transpires. The times are big with events of coming circumstances to Texas and the world. I feel that matters now transacting are, if carried out, to perpetuate the union of the States, by the annexation of Texas, at least three centuries. If it is not done by annexation, the Union will be endangered, their revenue diminished, and a European influence grow up in Texas from our necessities and interest that will most effectually pretermit the interest of the

United States, so far as they are to look for the sale of their fabrics in the southern section of this continent, and a forfeiture of our sympathies. Mexico in a short time, by the influence which Texas can command, will yield everything to the superior energy, activity, and the employment of well-directed capital, which will flow to us from Europe, and render us the beneficiaries of a vast, important, and extensive trade. All our forts will soon become great commercial marts; and places now scarcely noted upon our maps, will be built up and grow into splendid cities. These are but few advantages which are noticed; but these, to the statesmen of the United States, ought to cause ceaseless efforts to secure so rich a prize. The present movement is the only one the United States will ever enjoy to annex Texas. I am intensely solicitous to see the matter consummated and my country at rest. 'Tis true that we are not to be great gainers when compared to the United States in what they derive. Had I been at Washington, I would most certainly have not made a treaty so indefinite as to individual rights which may arise and be involved in the subject of annexation. We surrender everything, and in reality we get nothing only protection, and that at the hazard of being invaded or annoyed by Mexico before any aid could be rendered by the United States. I hope that the precaution taken will be such as to deter Mexico from any attempt upon us. The fact that the United States is one of the rival powers of the world, will render that nation more liable to war than we would be as a minor power.

(There are a thousand reasons which I could urge why Texas would be more secure from troubles if she could have present peace, which she can obtain readily if she is not annexed. When we once become a part and parcel of the United States we are subject to all their vicissitudes.) Their commercial relations are extensive, which subjects them to jealousy, and the rivalry of other powers who will seek to overreach them and cramp them by restriction and annoy them by interferences. They will not be willing to submit to these things, and the consequence will be war. Nor will this danger arise from any one power of the earth, but from various nations. The wealth of European nations depends more upon their labor than the people of this continent. We look to the soil, they to their manufacturing capacity, for the means of life as well as wealth. These facts are not all, and indeed but a very partial notice of important affairs. The political relations of the State will increase and become more complicated and expensive with their increase of power. Not only this, but they too will grow arrogant, and it will not be a half century, if the Union should last, until they will feel a strong inclination to possess by force that which they at the present would be willing to make a subject of negotiation and treaty. In all contingencies, if we are annexed, we have to bear a part of their troubles, no matter of what character. Alone and independent, Texas would be enabled to stand aloof from all matters unconnected with her existence as a nation; while the causes of war to the United States would be a source of benefit and prosperity to her. War could grow up between no power and the United States, but what Texas would be the beneficiary. The values of our staples would be enhanced, and that arising from influences of war upon the United States. Texas, enjoying as she does a situation on the Gulf and a neutral attitude, would derive the greatest possible benefits. Calamity to other nations would be wealth and power to Texas. The encouragement given to us by the demand for our staples would increase our individual as well as our

national wealth. The fleets of belligerents would be supplied with meats from our natural pastures, and the sale of our superabundant herds would, when added to the sale of our other commodities, give us more wealth than any other nation in comparison to our population. Apart from this, if we should not be annexed, all the European nations will introduce with alacrity vast numbers of emigrants, because it will enable them to extend their commerce. Those who migrate from the different nations to Texas will retain predilections for many years in favor of the partialities which nativity carries with it in after-life. That France, as well as England, will pour into our country vast numbers of industrious citizens, there can be no doubt. Belgium, Holland, other countries will not be remiss in their duty, despite consequences. All these countries have an excess of population, and the common policy and economy of nations is such that they will have a care to the location of those who leave their native countries. Never, to my apprehension, have all nations evinced the same disposition to commerce as that which is now exercised and entertained. Hence no time has ever been so propitious for the rebuilding of a nation possessed of our advantages as that which Texas at this moment enjoys, in the event that the measure of annexation should fail. Its failure can only result from selfishness on the part of the Government or Congress of the United States. If faction or a regard to present party advantages should defeat the measure, you may depend upon one thing, and that is, that the glory of the United States has already calamities. A rival power will soon be built up, and the Pacific, as well as the Atlantic, will be component parts of Texas in thirty years from this date. The Oregon region, in geographical affinity, will attach to Texas. By this coalition or union the barrier of the Rocky Mountains will be dispensed with or obviated. England and France, in anticipation of such an event, would not be so tenacious on the subject of Oregon as if the United States were to be the safe possessor of it. When such an event would take place, or in anticipation of such a result, all the powers which either envy or fear the United States, would use all reasonable exertions to build us up as the only rival power which can ever exist on this continent to that of the United States. Considering our origin, these speculations may seem chimerical, and that such things can not take place. A common origin has its influence so long as a common interest exists, and no longer. Sentiment tells well in love matters, or in a speech, but in the affairs and transactions of nations there is no sentiment or feeling but one, and that is essentially selfish. I regard nations as corporations on a large and sometimes magnificent scale, but no more than this. Consequently they have no soul, and recognize no mentor but interest. Texas, once set apart and rejected by the United States, would feel that she was of humble origin, and if a prospect was once presented to her of becoming a rival to the United States, it would only stimulate her to feelings of emulation, and it would be her least consideration that by her growth to power she would overcome the humility of her early condition. So the very causes which now operate with Texas and incline her to annexation may at some future period be the cause of most active and powerful animosity between the two countries. This, too, we must look at, for it will be the case whenever difficulties arise between the United States and Texas; if they are to remain two distinct nations, the powers of Europe will not look upon our affairs with indifference, and no matter what their professions may be of neutrality, they can always find means of evasion. The union of

Oregon and Texas will be much more natural and convenient than for either separately to belong to the United States. This, too, would place Mexico at the mercy of such a power as Oregon and Texas would form; such an event may appear fanciful to many, but I assure you there are no Rocky Mountains interposing to such a project. But one thing can prevent its accomplishment, and that is annexation. If you, or any statesman, will only regard the map of North America, you will perceive that from the forty-sixth degree of latitude, north, there is the commencement of a natural boundary. This will embrace the Oregon, and from thence south on the Pacific coast to the twenty-ninth or thirtieth degree south latitude, will be a natural and convenient extent of sea land. I am free to admit that most of the provinces of Chihuahua, Sonora, and the Upper and Lower Californias, as well as Santa Fé, which we now claim, will have to be brought into the connection of Texas and Oregon. This you will see, by reference to the map, is no bugbear to those who will reflect upon the achievement of the Anglo-Saxon people. What have they ever attempted and recoiled in submission to defeat? Nothing, I would answer.

Population would be all that would be needful; for, with it resources would be afforded for the accomplishment of any enterprise. As to the proposition that the provinces of Mexico would have to be our own, there is nothing in this; for you may rely upon the fact that the Mexicans only require kind and humane masters to make them happy people, and secure them against the savage hordes who harass them constantly, and bear their women and children into bondage. Secure them from these calamities, and they would bless any power that would grant them such a boon.

The Rocky Mountains interposing between Missouri and Oregon will very naturally separate them from the United States when they see the advantages arising from a connection with another nation of the same language and habits with themselves. The line of Texas running with the Arkansas, and extending to the great desert, would mark a natural boundary between Texas or a new and vast Republic to the southwest. If this ever takes place, you may rely upon one thing, which is this: that a nation embracing the advantage of the extent of seventeen degrees on the Pacific, and so extensive a front on the Atlantic as Texas does, will not be less than a rival power to any of the nations now in existence. You need not estimate the population which is said or reputed to occupy the vast territory embraced between the twenty-ninth and forty-sixth degrees of latitude on the Pacific. They will, like the Indian race, yield to the advance of the North American population. The amalgamation, under the advisement of statesmen, can not fail to produce the result in producing a united government formed of and embracing the limits suggested. It may be urged that these matters are remote. Be it so. Statesmen are intended by their forecast to regulate and arrange matters in such sort as will give direction to events by which the future is to be benefited or prejudiced. You may fully rely, my friend, that future ages will profit by these facts, while we will only contemplate them in perspective. They must come. It is impossible to look upon the map of North America and not to perceive the *rationale* of the project.

Men may laugh at these suggestions, but when we are withdrawn from all the petty influences which now exist, these matters will be those of the most grave and solemn national import. I do not care to be in any way identified with them. They are the results of destiny, over which I have no control.

If the treaty is not ratified I will require all future negotiations to be transferred to Texas. I have written much more than what I expected, and it seems to me that I have run into a prosaic strain. As I have many letters to answer, I pray you to think that I have not been grudging with you.

Truly your friend,

SAM HOUSTON.

LETTER TO GEN. ANDREW JACKSON.

WASHINGTON, Texas, *February 16, 1844.*

VENERATED FRIEND:—Your several favors of the last month have reached me safely and with expedition. I have given all the attention to their contents which your views, as well as the subject-matter itself, demanded. You are fully aware that every circumstance in which you feel a deep interest, or whatever may concern you individually, awakens in me emotions of the liveliest regard.

It is natural to suppose that the subject of the annexation of Texas to the United States has commanded the most profound deliberation of which I am capable. Heretofore, the demeanor of the United States toward us has been such as to discourage any hope which the friends of the measure might entertain. Our situation also has been peculiar and difficult. I have found myself surrounded with internal difficulties as well as external dangers. It was my duty, as Executive, to have an eye to every emergency which might possibly arise. My situation certainly might have excused, or even justified, a committal on my part, with the hope of securing for my country a respite from existing calamities. I am happy to assure you, however, that I have incurred no committal prejudicial to her interests or my own honor, and am free to take any action which her future welfare may require, and be perfectly vindicated from any imputation of bad faith toward any nation or individual. This assurance may appear strange to you, for I assure you it is even surprising to myself, that the necessities of our circumstances had not suggested some hazardous measure for their alleviation or improvement. So far as I am concerned, or my hearty co-operation required, I am determined upon immediate annexation to the United States.

It is not the result of feeling, nor can I believe that the measure would be as advantageous to Texas if she had permanent peace, as it is indispensably necessary to the United States. Texas, with peace, could exist without the United States, but the United States can not, without great hazard to the security of their institutions, exist without Texas. The United States are one of the rival powers of the earth, and from their importance, as well as the peculiarity of their institutions and the extent of their commercial relations, they must expect, at no distant day, wars, the object of which will be to prevent their continuance, if possible, as a nation. Situated as Texas is, in point of locality, with peace she would have nothing to apprehend for years to come. Other nations would not dread her rivalry, but rather count her friendship for commercial advantage. Her people would have nothing to divert them from their agricultural pursuits. Her advancement in the arts of peace and commerce would be inevitable. With a government requiring trifling expenditures, and a tariff much

lower than that of the United States, she would invite the commerce of all nations to her ports, as is already, to some extent, the case; and whilst she thus increased the demand for her productions she would drive the manufacturers of the United States from her markets, from the fact that American manufacturers could not so well compete with those of Europe. In this way the immense trade of the northern Mexican States, as well as Texas, would fall into the hands of European merchants, and pass through our ports and territory. In a few years the loss to the American manufacturer would not be a small amount. But, on the other hand, by annexation these advantages would be secured to the American merchant, to the exclusion of the European, for we should then be but one Government, and, consequently, in the markets of Texas, no duties could be levied upon home manufactures. The tariff of the United States would operate then to insure to their own citizens a valuable market which must otherwise inevitably be lost to them, not to say anything about the embarrassments to their revenues by the smuggling which would certainly be carried on. The exchange of commodities between Texas and Europe would give rise to a feeling of reciprocal benefit, and there would be nothing in all this to excite national cupidity or jealousy toward us. Thus situated, Texas might remain at peace for a half-century, nor is it probable that she would even then have war, unless it was with Mexico. Her resources having accumulated for this period, she would have sufficient means and ample capacity to subjugate Mexico whenever she might choose so to do. The efficiency and hardy character of her population would also enable wise leaders to render subservient the means of Mexico to her own subjugation. This is an imperfect glance at some of the advantages which Texas might hope for as a separate power.

(By immediate annexation, we relieve ourselves of the solicitude which we have felt as to our situation. Yet that would be no guarantee for immediate peace. Mexico might make annexation a cause of war, and inflict annoyances upon us. It might be some time before the proper aid from the United States would be available for our defense against incursion; such incursion would seriously interrupt our citizens in their peaceful avocations. It is quite possible, too, that England and France would be greatly dissatisfied at the consummation of the contemplated measure, and if so, though no great injury to the United States might eventually result, yet it would at least give much complication to the affairs of the nation.)

You may rely upon it, General, that it is essentially important to Texas to be protected by the United States against the contingencies hinted at, even during the progress of negotiations.

This must be assured to her, otherwise she may act unwisely in entertaining any proposition on the subject for a single moment. I, however, rely with confidence upon the magnanimity of that Government to see that she suffers no detriment, either now or hereafter, from the plain manifestation of affection toward the mother-land.

There is a sameness or unity in our national interests and institutions in Texas which does not exist in the United States. All our population is agricultural, and we have no sectional institutions or diversified interests. The farming, manufacturing, maritime, and mercantile interests all claim the peculiar consideration of the national Congress. Texas, independent, would be free from the agitations arising from this condition of things. The interests of the North

and the South render it almost two distinct nations. The question of slavery can not arise in Texas. One portion of the Republic can not, on this subject, be arrayed against another. By annexation we should subject ourselves to the hazard of tranquillity and peace on this subject, which as a separate power would not exist. The debt of Texas is a mere "drop in the bucket." Our public domain comprises at least 150,000,000 of acres of arable land, with every delightful variety of climate, and every natural advantage which a country of the same extent could possibly enjoy.

But notwithstanding I take this view of things, my deliberate judgment has led me to the conclusion, founded upon an intimate acquaintance with our condition, that the present policy of Texas dictates that I should unreservedly co-operate in the contemplated measure. I think it wisdom growing out of necessity, and not an abandonment of principle. If there is any selfishness in my heart I do not know it. I have now lived for half a century, and thirty years of that time I have been chiefly engaged in active employment for, as I believed, the advancement of human happiness. How far I may have been useful is a question I never ask. How my actions are to be appreciated, so they are right, I never care. I have been actuated all my life from feelings of honorable emulation, but not those of empty ambition, nor the idle vanity of commanding the plaudits merely of the world. Circumstances have thrown me into prominent and responsible situations, and like yourself, General, I have received a full share of abuse. But that has never deterred me from doing what I believe to be right, regardless of consequences.

I have no desire to see war renewed again in Texas. It is not the apprehension of personal danger that would alarm me, but rather the deleterious influence which it has upon our population. The revolution has already introduced into Texas more wicked and ambitious men than could be desired in our present condition. In armies and in camps such men have an opportunity of extending their acquaintance, and of deriving some prominence from associations which totally disqualifies them from usefulness in a peaceful community. Unwilling to embark in the useful avocations of life, in many instances they become restless demagogues or useless loafers. They are either ready to consume the substance which they have not earned, or to form combinations unfavorable to good order and the administration of the laws. Peace in Texas would relieve us from such people, and in the absence of their baleful influence give to society a vigorous constitution and healthy complexion. All the evils which we have experienced have resulted from such characters, and unless we have peace permanently established among us we can not tell when a September election might not subject the country to the misrule of such men for three years.

Furthermore, I wish to reside in a land where all will be subordinate to law, and where none dare to defy its mandates. I have arrived at that period of life when I desire retirement, and assurance that whatever I possess will be secured to me by just laws wisely administered. This privilege I would deem a rich requital for whatever I may have performed useful in life. With it I would be happy to retire from all the cares of public station, and live in the enjoyment of the reflection that if I had been serviceable to any portion of mankind their prosperity and happiness were ample recompense. I would give no thought to what the world might say of me, when I could transmit to posterity the reputation of an honest man.

A special Minister, together with our resident Chargé, has been appointed, with full powers and dispatches to consummate the work of annexation. But that you may be more perfectly informed of everything interesting connected with the subject, I have directed my private secretary and confidential friend, W. D. Miller, Esq., to convey my personal salutation and embraces to you, with authority to communicate everything and upon every subject. Mr. Miller is a young gentleman who has been connected with me in my office since the commencement of my present administration. He knows all my actions and understands all my motives. I have concealed nothing from him, nor will he conceal anything from you. Mr. Miller bears dispatches, and has been appointed Secretary to the Secret Legation at Washington. If you should desire to send any communication to Washington, you will find him a ready writer, and he will take pleasure in serving you as an amanuensis.

Now, my venerated friend, you will perceive that Texas is presented to the United States, as a bride adorned for her espousal. But if, now so confident of the union, she should be rejected, her mortification would be indescribable. She has been sought by the United States, and this is the third time she has consented. Were she now to be spurned, it would forever terminate expectation on her part, and it would then not only be left for the United States to expect that she would seek some other friend, but all Christendom would justify her in a course dictated by necessity and sanctioned by wisdom. However adverse this might be to the wishes or the interest of the United States in her present situation, she could not ponder long. The course adopted by the United States, if it stop short of annexation, will displease France, irritate England, and exasperate Mexico. An effort to postpone it to a more convenient season may be tried in the United States to subserve party purposes and make a President. Let them beware. I take it that it is of too great magnitude for any impediment to be interposed to its execution. That you may live to see your hopes in relation to it crowned with complete success, I sincerely desire. In the event that it speedily takes place, I hope it will afford me an opportunity of visiting you again at the Hermitage with my family. It is our ardent desire to see the day when you can lay your hand on our little boy's head, and bestow upon him your benediction. Be assured, General, that I should rejoice if circumstances should afford an opportunity for an event so desirable to us.

Be pleased to make the united salutations of Mrs. H. and myself to your family. We unite our prayers for your happiness, and join in the expression of our affectionate regard for you.

Truly your friend,

SAM HOUSTON.

PART IV.

PUBLISHED SPEECHES.

SPEECH ON THE MILITARY OCCUPATION OF SANTA FÉ, AND IN DEFENSE OF TEXAS AND THE TEXAN VOLUNTEERS IN THE MEXICAN WAR.

Delivered in the Senate of the United States, June 29, and July 3, 1850.

THE following resolution, submitted by Mr. Cass on the 27th of June, being under consideration :

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of prohibiting by law any Officer of the Army from assuming or exercising within the limits of the United States any civil power or authority not conferred by an act of Congress, and of providing an adequate punishment for such offenses.

To which resolution Mr. Hale offered the following amendment, viz.

“And that this said committee also inquire whether, at any time since the commencement of the late war with Mexico, any orders have been issued by this Administration conferring civil authority upon any Officer of the Army of the United States, to be exercised without the limits of the several States of the Union, and, if so, by whom, and to whom, and by virtue of what laws were said orders issued.”

Mr. HOUSTON said : Mr. President, I will not vote for the amendment. I am perfectly willing to concede that orders were given under the late Executive while we were in a state of war with Mexico, for the occupation of the Territories, and, in some instances, of States, by military forces, and that on some occasions their people were subjected to martial law ; but at the same time I shall insist that the circumstances of the case fully authorized the occupation of this territory at that time by the authorities of the United States, and that it was necessary for the proper conduct of the war against the enemy. I hold that this was not the case in time of profound peace.

During the war, the State authorities were not in a situation to give the security and protection to citizens that they were previously enabled to do, but which the United States was bound to do. Under these circumstances a considerable portion of the State of Texas was occupied by the forces of the United States, and temporarily placed under military government. California was similarly organized, and a military officer was appointed its civil governor for temporary purposes ; but this was not during a time of peace—it was during war. I presume that no Senator here will say that the present necessities are of such a character as to authorize the exercise of military authority within the jurisdiction of a State. If, sir, these acts were thus excusable, or if I could en-

tain the same views with the Senator from New York [Mr. Seward], then I might content myself with the expression of regret that they had occurred. But I do not do so, and therefore I have no such regret to express. For an outrage so flagrant, committed on the rights of a State, I seek no apology, and I will fancy no palliation or excuse, because it might give encouragement to future aggressions which would lead to the destruction of the rights of States, and of the Confederacy itself.

Under these circumstances I am bound at once to meet the occasion. By what authority, I ask, and under what sanction of constitutional law, has the Executive of the United States authorized a subordinate officer, within the limits of a sovereign State, to convoke the citizens by military authority to form a constitution within the limits of that State, and to present it to this body, at a time too, of all others, when such a course was most calculated to produce unwholesome and unpleasant effects upon the Union? And for what? To effectuate a plan which has been projected by the Executive for the carrying out of measures endeared to him, because of his claims to their paternity. Sir, this is no apology to a sovereign State for an outrage committed upon her rights; no palliation for offenses against the Constitution; nor will it be received as such by the American people. I know our correctives, and recourse to impeachment is one of them. But when was a culprit brought to condign punishment by impeachment? It is but a solemn farce, and furnishes no effectual remedy. Then, if a subaltern officer were arrested, could he be punished for an offense perpetrated in obedience to the order of his superior officer? No, sir, martial law has wisely shielded him, and though arraigned, he can not be punished if he has the warrant of his superior for what he has done. It is the more necessary, then, to ascertain whether this officer [Brevet Colonel Monroe] acted under the authority of his superior; and, if he has, severe reprobation should be visited upon the offender, and not only upon the inferior executive officer, who only executes the commands of his superior.

Sir, there has been an unfortunate prejudice entertained on the part of the Executive, whether as Commanding General in the field, or as Chief Executive of the Nation, against the citizens of the State which I have the honor, in part, to represent.

The people of that State have been unwarrantably assailed, traduced, and defamed by the present Executive of the Nation, when a General in the field. If I were not fully sustained by incontestable authority, I would scorn to impute to any high functionary of this Government aught that was unworthy of his station, or the high position which he occupies; but I am fully sustained in every word I say, as I will show by reference to testimony stronger than the mere assertion of a political opponent, that will carry conviction to the mind of every candid man who is disposed to canvass or discuss truth when it is presented to him.

On the 29th of March, previous to the war with Mexico, when General Taylor occupied a position on the banks of the Rio Grande, as commander of the army of occupation, before one blow was struck, what does the General say in reference to the Texans, not one of whom, up to that hour, had ever been placed under his command, that I am aware of, and not a solitary corps was then ranged under his banner, and yet what does he say of them? In reference to the critical position of the army, as then supposed, he said, "Under this state of things I must again urgently call your attention to the necessity of speedily sending recruits to this

army—the militia of Texas are so remote from the border and so inefficient when they arrive, that we can not depend upon their aid.” Sir, he has assumed the responsibility of defaming the character of men, who, to say the least of them, had never given the least occasion for such an imputation as this—men who would have rallied to his standard in a moment if he had given the least intimation to them—men who would have periled everything in defense of their territory—men who, in recollection of former deeds, would have offered up their hearts’ blood in vindication of the honor of the flag of that Union with which they had become incorporated, and to which the bright lustre of their own lone star had been added. Yet he says the army was in a position of peril, and he could not depend upon them. When, I ask, had they ever been inefficient or delinquent in time of peril, or recreant in the hour of danger? Yet here a high functionary of the Government, the head of a gallant army, whose heart ought to have been filled with admiration of valorous deeds, and ready to award the tribute that is due to unconquerable courage, stigmatizes the men of Texas as inefficient and unreliable in time of peril. Experience had never enabled him to judge of them, and was this, then, no manifestation of prejudice? Why, sir, two hundred and fifty rangers, if he had called them into service, would have repulsed any attempt that might have been made to cross the Rio Grande. And the songs of peace would have been heard uninterruptedly until this day upon the banks of that river. Five hundred Texan rangers would have been more than enough to accomplish the object. Yet, instead of calling them to his aid according to his authority under the Government, he denounces them as unreliable; and when at last they were called upon, what did he do? Did he permit them to advance, or to pursue the enemy, for it was the first opportunity they had of encountering them upon equal terms? No. They were restrained, fretting like chafed lions, anxious for the pursuit, while he permitted commands to be led in advance by men unacquainted with Mexican warfare, colonels from the interior were permitted to lead the advance through the dense chaparrals and jungles of Mexico, and the brave Texans were confined to southern plains, exposed, untented, beneath southern suns, to endure disease and death; but, fortunately for the survivors, the day was not distant when they could give new manifestations of irresistible valor, worthy of the cause in which they were engaged. At Monterey it was Texans who first took the Bishop’s Palace, a key to victory. Gillespie’s monument stands upon the heights, a record of unshrinking gallantry. The Plaza, too, was virtually in possession of the Texans, when the flag for the armistice was received, and orders were sent into the city to stay the daring enterprise of those who were on the eve of possessing the Plaza, and who hesitated in rendering obedience to the order, as they deemed victory within their grasp. Their gallantry on this occasion was no security against obloquy and defamation; even after the peerless bravery displayed on this occasion, they were denounced and stigmatized as the veriest refuse of men, and as a dishonor to the army. Is it strange then, sir, that a prejudice, so easily conceived and strongly entertained, should now extend to the invasion of our constitutional rights as a State? Is it strange that our civil rights should be no more respected now, than was our military character then? No, sir, it is not strange.

But I will read for the information of the Senate and of the world, if it chooses to be concerned with matters of such minor importance, further evidence of encroachments upon the rights of Texas as a sovereign State. Let me ask, was it

from a dependent condition, or after passing through a system of territorial pupillage that Texas became a sovereign State of this Union? No, sir; when Texas became a member of this Union, she stood upon the earth as one of the great community of nations; she was herself a nation; and that sovereignty as a nation she has merged in this Union, and proudly claims equality with its other members. I will now read an extract from a letter of General Taylor's, dated near Camp Monterey, October 6, 1846:

"Sir, I have respectfully to report that the *entire force of Texas mounted volunteers* has been mustered out of service, and is now returning home by companies. *With their departure we may look for a restoration of quiet and order in Monterey*, for I regret to report that *some shameful atrocities* have been perpetrated BY THEM *since the capitulation of the town.*"

What high encomiums are these in acknowledgment of chivalric and valorous deeds; what encouragement to cheer the veteran's heart; what encouragement to offer to the young and ardent patriot! In another extract I find where he says: "One company of foot volunteers which rendered excellent service in the campaign, is now on their march to Carmargo, there to be mustered out of service." From this you would suppose that *one company* had done all that was commendable on the part of the troops of Texas. Indeed! one solitary company had "rendered excellent service!" The success of their arms, the exertions, the vindication of American honor, at Monterey, I suppose, were all confined to one company of infantry. One company "rendered excellent service!" In another extract which is under my eye, I discover an admission in favor of the title of Texas by the Commanding General, which does not harmonize well with his recent assumptions, that the territory of Texas does not extend to the Rio Grande. The extract says:

"It is deemed necessary to station a small force at Laredo, on the east bank of the Rio Grande, for the purpose of protecting that frontier from Indian depredations, and enabling the Government of Texas to extend its jurisdiction with more facility to that river."

The jurisdiction of Texas, under the eye of the General, extended to the Rio Grande; but under the eye of the Executive, Texas has no right on that river. How can this contrariety of opinion be reconciled upon any other ground than that of prejudice and a spirit of persecution. The Executive is seeking to inflict further humiliation upon Texas, by aiming a blow at her State sovereignty; but, sir, this is not all. I will recur again to the slander of her troops, by reading an extract from a letter written at Monterey on the 10th of June, 1847, to the Secretary of War, in which he says:

"I have ordered the muster of the company of mounted Texas volunteers alluded to in my letter of June 8th. It is enrolled for the war, and commanded by H. W. Baylor. Major McCullough's company has been discharged, and we have now five companies of Texas horse, the exact number laid down in your memorandum of April 26th.

"I regret to report that many of the twelve months' volunteers, on their route hence, on the lower Rio Grande, have committed extensive depredations and outrages upon the peaceful inhabitants. There is scarcely a form of crime that has not been reported to me as committed by them; but they have passed beyond my reach, and even if they were here it would be found next to impossible

to detect the individuals who thus disgrace their colors and their country. Were it possible to rouse the Mexican people to resistance, no more effectual plan could be devised than the very one pursued by some of our volunteer regiments now about to be discharged.

"The volunteers for the war, so far, give an earnest of better conduct, *with the exception of the companies of Texas horse*. Of the infantry, I have little or no complaint; *but the mounted men from Texas have scarcely made an expedition without unwarrantably killing a Mexican.*"

Sir, what an atrocity!—killing a Mexican upon an expedition! Kill a Mexican—monstrous!—this done in the face of day. Kill a Mexican! Why, sir, we hear of no such complaints when battalions fell at Monterey—I will not say how disposed of. We hear no such sympathetic complaints then. But killing one Mexican!—what a deed!! I grant you, that wherever there are instances of criminal injustice and outrage inflicted by the military, the authors of them deserve severe punishment; but a spirit of justice would suggest a course of propriety in this respect, which would punish the real offender and have a moral influence on all around. This has not been done, but whole corps have been stigmatized and denounced, and the most extraordinary reasons given for this most extraordinary conduct in a Commanding General. In lavishing further encomiums on the Texan troops, he says:

"I have, in consequence, ordered Major Chevallier's command to Saltillo, where it can do less mischief than here, and where its services, moreover, are wanted."

"Where their services are wanted"—for what? To "do mischief"—that is, to kill more than "one Mexican," I suppose. Is it not strange that he should send these men, whom he is unable to restrain and control in the face of a large army, to a place where there was none to control them and restrain them from outrage on the Mexicans? Were "their services" wanted there for outrage and depredation? or were they sent there with a view of ascertaining whether new temptations would inspire with a stronger sense of duty?

"The constant recurrence of such atrocities, which I have been reluctant to report to the Department, is my motive for requesting that *no more troops may be sent to this column from the State of Texas.*"

"No more troops from Texas." They had been an incumbrance to him, one would suppose; yet one of them, the gallant and lamented Walker, was mainly instrumental in saving the army from disaster at Palo Alto, and McCullough, who, in the General's report of the battle of Buena Vista, was only mentioned as having done very well, was designated as one of the spies sent on to Encarnacion, and was also a Texan. Instead of saying in that report that McCullough gave him information which saved the army, he spoke of him as *one of the spies* dispatched for information, but did not state that it was through him that he had derived it. Yes, sir, it was McCullough who reconnoitered the enemy's camp, and possessed himself of the first information of the advance of Santa Anna, and by communicating it to the General, enabled him to fall back from Agua Nueva to Buena Vista, where the gallant defense was made. Well, sir, does not all this look like strong prejudice against the Texans? Would it not, from this evidence, seem most conclusively that this prejudice which existed in the breast of the General, and was formed before he had any knowledge of the

character of the soldiers of Texas, increased with the services rendered by them to the Government and to the army? And are we now to have visited upon us further consequences resulting from this prejudice? Is the State of Texas, as a sovereignty, to succumb to the degradation of an infringement upon her rights, the subversion of her authority, and the infraction of her territorial limits; and is it expected that we are to submit calmly to the infliction of such gross and unjustifiable wrongs?

Mr. President, there is a principle involved in this matter which extends far beyond the temporary inconvenience imposed upon Texas, or the actual injustice which may be inflicted on her. It is a principle which lies at the very foundation of our Government, the subordination of the military to the civil power, the subversion of which would be the destruction of our liberties. Is a mere military power allowed to interfere and prescribe to a sovereign State what shall constitute her territorial limits and boundary?

In this case, the former President of the United States, who established in time of war temporary military governments, ordered the government of the Territory to be surrendered to Texas as soon as peace terminated the war, or I have been misinformed; yet the present Executive has continued the military government, and has not surrendered the territory to Texas. Less than two years ago, the military authority, Colonel Washington, expelled, or rather caused the ejection of the judicial officers of Texas from the territory; and now, when Major Neighbors had succeeded in reorganizing the counties where no military authorities were stationed, and went to Santa Fé, what was the consequence? There the military Governor avowed his resistance to the authority of Texas, and caused that hasty and inconsiderate action of the population which has resulted in the handing over of the territory to a mere judge of the Kearny code. And he, forsooth, has taken all under his control, and now assumes to be the sovereign over this wide domain of Texas! Sir, if the military authorities of the United States have a right thus to conduct themselves in such a manner in that territory—a territory within the limits of what we have ever claimed, and which were recognized by all nations previous to annexation—then they have a right to occupy our Capital, or to wrest Galveston from our possession. That territory no more appertains to New Mexico than does any other spot within the limits of Texas. Yet Texas has not been complaining, nor has she manifested undue anxiety in demanding her rights from time to time. Years have passed by since she had a right to expect the settlement of her boundary. The territory to which it extended has been acquired by the United States Government, and in good faith, if they had discharged their duties, they ought to have settled the boundary with the termination of the war, and said to Texas what and where it was.

Does any one for a moment believe that if Texas had been aware of this attempted curtailment of her limits, she would ever have become annexed to the Government of the United States? No, sir, no one can believe it even for a moment. Mexico would willingly have consented to recognize Texas as a separate power, without the slightest hesitancy, if the latter had proposed to submit to a curtailment of her territory. And is it to be expected that Texas will submit now to such a violation of her rights as is here indicated? I ask the Senate, as Americans and honorable men, whether if this were a question between the Government of the United States and Mexico, as to boundary, it is believed

that the United States would surrender one foot of the territory which Texas has always claimed as her right?

Mr. CLAY. Will my friend pardon me, as the hour for the special order has arrived, to do us the favor to continue his eloquent speech on Monday, if it would be agreeable to him?

Mr. HOUSTON. Anything that will advance the public business I will yield to with pleasure—it will be no privation to me.

The resolution was accordingly laid on the table.

WEDNESDAY, *July 3, 1850.*

In resuming the discussion, Mr. HOUSTON said: Mr. President, I regret to trespass on the attention of the Senate to-day, and I likewise regret that for several days I have been prevented by the business of the body from concluding the expression of my views on this subject, as it would have been much more agreeable to me to have done so the day ensuing the one on which I last occupied the floor; but to come at once to the subject, I will remark that developments very recently have been made which seem to give additional importance to the events now transpiring in the section of the country to which these resolutions refer. Before I yielded the floor, I had submitted the proposition to the Senate, not only as a body, but as gentlemen individually, whether, if the question as to the Texas boundary was now to be settled with a foreign Power, a doubt could be entertained for a moment that the United States would insist upon the boundary as now asserted by Texas? The memorial presented this morning by the honorable gentleman from Delaware, it would seem, has settled the claim of the Texas boundary, and decided in favor of the recent proceedings relative to the state of government in New Mexico.

These memorialists are doubtless about as competent to decide upon the rights of Texas, as many others who have adventured opinions upon a subject of which they can know nothing. They are, certainly, not responsible for their opinions; and I am unwilling that any irresponsible persons, however high and imposing their standing may be, should decide upon rights appertaining to a State. I object to any decision which may be attempted by any powers less than the constitutional powers of this Government. It is a matter of regret to believe, for one moment, that an attempt has been made, and is now directed by the head of this nation, in opposition to the rights of Texas, and for the purpose of impeding her claims to justice. Can it indeed be true that the recent occurrences in Santa Fé have been instigated by the authorities at Washington, and that the officers of this Government, there in command, are but carrying out the purposes and designs of the Administration? Everything would seem to indicate that there is, at least, no disapprobation of the course which has been pursued by the officer in command at that point; consequently, the inference is, that if it has not been directed by the Executive, it is at least sanctioned by his acquiescence. It seems to be in furtherance of the plan suggested by the President, which must be carried out at all hazards, and, if necessary, at the sacrifice of the rights of a State. It must be consummated; and at what moment is this plan urged upon the American Congress? Is it at a time when there is any probability of its producing peace and harmony, or has it a tendency to allay the excitement which exists in the country—is it calculated to produce any beneficial results to any one section of this vast community; or is it not rather calculated

to suspend all action, and leave the agitation unquieted without a remedy? If the commotion now existing in the land is not checked, it will go on, accumulating strength and force with every hour's delay, and give potency only to those who seek prosperity in their country's misfortune. Sir, the high-handed measures which have been carried on under the orders of the Administration, in the expectation that Texas, a younger sister, feeble, rising but recently from all the toils and trials of revolution, exhausted, emaciated, and surrounded with the difficulties that press upon her, is unable to resist the mighty arm of the Government, or that she will succumb to wrong and oppression, or that, if her voice of remonstrance should be heard at all, it would be heard with apathy and indifference by her sister States of the Union. If this has been the expectation, it is a vain illusion. Texas can not submit to wrong. If this nation has heretofore withheld her rights; if her claims have been deferred for years and she does not at this time command the favorable consideration of Congress, it is not her fault. She received the solemn pledge of this Government to fix her boundaries long before the acquisition of California; that acquisition has been consequent upon the annexation of Texas, and has grown out of it; and yet California comes forward, and now claims admission as a State.

I shall not now express my views in relation to the course which I think ought to be pursued; I am here to vindicate the rights of Texas, and to urge them upon the attention of the American Senate. Feeble as my advocacy of them may be, her rights are most eloquent, and her claims are prior to those of California, and are not to be postponed. No, sir, there is an urgent reason why her rights should be at once considered, and why her boundary should be at once settled. Is it not all-important that a sovereign State, claiming rights from this Government, under its solemn pledges, should have justice meted out to her at the earliest moment? Is it unreasonable that she urges her demand? Not at all. Years have rolled away since she received the pledge of this Government to determine her rights, and yet gentlemen say that the war with Mexico has nothing to do with the Texas boundary. I take the liberty of assuring the gentleman from New York [Mr. Seward] that it had much to do with that question. Mexico declared that if Texas was annexed to the United States it would be cause of war. The work was consummated, and war ensued. I ask, then, if war had nothing to do with our boundary? Has it not brought vast acquisitions to our territory, embracing our boundary, and deciding it according to our stipulated limits? You have made Texas a bridge to march over to foreign conquests, and are you now longer to postpone the adjustment of her rights? But how are these rights considered by the Executive of this nation? Is it thought fit to trample on Texas because she is young, or because she has not the thews and muscles and the sinews of older States to uphold her rights? Are her rights to be postponed or cloven down because, perchance, she might not agree with the Administration, and might not give to it the numerical support necessary to carry measures obnoxious to the nation?

Sir, the prejudices of the Executive against Texas, to which I referred the other day, are most strikingly made manifest in his message to the Senate relative to the recent proceedings at Santa Fé; yes, sir, and even in her misfortunes, and humiliation as supposed by some, she is taunted by the Executive, and we are told that she will submit to all this. I will say, without vaunting, that Texas has yet to learn submission to any oppression, come from whatever source it

may. In the recent message of the Executive, after saying that a self-styled agent of Texas, a Mr. Neighbors, had come to Santa Fé for the purpose of arranging matters for Texas, he adds, what I can construe as nothing but a taunt, "Meanwhile, I think that there is no reason for seriously apprehending that Texas will practically interfere with the possession of the United States." How did that possession come? Is it, as gentlemen have argued, a conquered territory? Was it acquired by conquest and by blood? Sir, if blood was shed to vindicate the boundary, it was shed in Texas, after the United States had assumed to vindicate her boundary, but it was not shed in taking possession of Santa Fé by the American troops. The blood that flowed was at Palo Alto and Resaca de la Palma in defense of Texan soil, which the United States occupied as a portion of the American Union by virtue of the annexation of Texas; the occupation of Santa Fé was upon the same principle, but it was bloodless, and the recent Executive declared that it was the property of Texas, and subsequently he repeatedly recognized the right of Texas to the country lying east of the Rio Grande. President Polk directed the Secretary of War, Mr. Marcy, to order the military authorities to surrender to the authorities of Texas the civil government which had been held temporarily by the military authorities at Santa Fé. Yet it is now insisted that Texas has no rights there, and she is driven to vindication on the floor of this Chamber.

Mr. PEARCE. Will the Senator permit me to ask him a question in explanation of a remark which he has just made? I understood him to say that the recent Executive had authorized the delivery of the government of this country into the hands of Texas.

Mr. HOUSTON. Yes, sir. I have information to that effect—the military and civil authority.

Mr. PEARCE. I should be glad to be informed by what act he did so?

Mr. HOUSTON. It was by an order of the Secretary of War. I can not lay my hand on it at this moment, but I have no doubt of its existence; for I believe I have it from such authority as can not be doubted.

Mr. PEARCE. I hope the Senator will be able to produce it.

Mr. HOUSTON. I shall be happy to do so, sir; but, to let that point rest at this time I will bring more recent evidence to satisfy the gentleman. In a letter addressed by the Adjutant-General, on the 20th March, 1850, to Brevet-Col. Monroe, the officer commanding at Santa Fé, of course under the direction of the Secretary of War, I find the following language:

"I am directed by the Secretary of War to state, in reply, that, regarding as he does your orders to Major Van Horne, of December 28, 1849, as manifestly assuming to decide the question of territorial jurisdiction of Texas over the places enumerated therein, and professing to extend a 'code' of laws which had not been accepted by the people even whilst under military authority, it is deemed necessary distinctly to repeat, for your guidance on this occasion, what the department has often stated, that the Executive has no power to adjust and settle the question of territorial limits involved in this case. Other co-ordinate departments are alone competent to make the decision. The main duties of the army are: to give protection and security on the soil of the United States, and preserve internal peace. Whatever else is done must arise from the urgent pressure of a necessity which can not be postponed, and to avoid the exercise of any civil authority which is not justified by that necessity. In sending to these people the

'Kearny code,' or other codes, it is proper to remark, that the only regulations which are applicable to their condition are those laws which were in force at the period of the conquest of New Mexico, or *Texas may establish*. The only exception is, that they be not in opposition to the Constitution and laws of the United States."

Thus, on the 20th of March was clearly acknowledged the right of Texas to establish her laws and jurisdiction over that part of the country which is now claimed as New Mexico. Sir, this is authority which I hope will be conclusive, yet I shall endeavor to satisfy the gentleman's inquiries, and convince him that not only the present, but the former Administration, without qualification, regarded Texas as having the undoubted ownership of all the territory which she had claimed east of the Rio Grande by her ordinance of 1836. Sir, she never claimed less; she never asked more—she will be satisfied with that, and she will be satisfied with nothing else. And how will Senators for one moment vindicate the honor of the United States, and attempt to curtail Texas of one foot of her territory on the east of the Rio Grande? No gentleman who has a due regard for the national character of this country can, upon retrospection of its history, hesitate to admit the justice of our claim. The Government of the United States, as far back as the administration of Mr. Jefferson, whilst Messrs. Monroe and Pinckney were Ministers abroad, in correspondence with the Spanish Minister, insisted that the United States had, by the purchase of Louisiana from France, acquired all the country east of the Rio Grande, and declared that river the western boundary of the territory purchased, upon the principle of new discovery. It is laid down that all the seaboard taken and occupied by right of discovery, with all the lands lying on the tributary waters emptying into the sea, and the lands lying upon those tributaries, belong to the nation by right of prior discovery, as high up as their sources. This principle embraced all that has been and is now claimed as the right of Texas. This principle was either correct, or it was incorrect. If it was a just claim on the part of the United States, the same principle will bear out Texas in her claim. She occupies the same country on the seaboard that was (as insisted) embraced in the purchase of Louisiana from France. The United States acquired it, as it was insisted upon, by the right of purchase. Texas has acquired it by the right of revolution, and resistance to oppression. She asserted this claim at the outset of her war of independence; during ten years of war she maintained her boundary, without having for one moment faltered in the assertion of her rights. But what did the United States do? That they always act honestly and honorably can not be doubted; theirs was either a just or unjust claim; if it was an unjust claim they were dishonored by making it—if it was a just claim on the part of the United States against Spain at that time, it is equally just now when made by Texas. But what did the United States do? They insisted upon the Rio Grande as the western boundary of Louisiana. Spain was not in a situation to go to war to vindicate her claim, and it was virtually surrendered. By the treaty of 1819, at the time Florida was acquired, the country embraced within the identical limits which Texas now asserts was disposed of to Spain. If the United States had a valid right to it, it was an honest transaction to sell it to Spain; if she had no right to it, then the recollection of such a transaction ought to suffuse the cheek of every Senator in this chamber with the blush of shame. Texas now only claims the same boundary in virtue of the right of revolution and the compact of annexation. If the claim of the United States was honest at the commence-

ment of the present century, I am not acquainted with any code of morals that would render it dishonest in the middle of that century, when we regard the blood and treasure which Texas has expended in her acquisition. Sir, the President must presume upon the potency of his authority when he says Texas will not *practically interfere* with the *possession of the United States*. It is arrogance to suppose that she will submit to the usurpations of the military authorities in Santa Fé. He may imagine that these men whom he regarded as inefficient, and whose aid he could not rely on previous to the battle of Palo Alto, will permit unbridled assumption to trample upon their rights; this, sir, is a melancholy subject, one which I deplore, and my heart is not easy under its influence. Regard it as we may, it is an unhappy and unfortunate transaction. It was remarked a few days since by an honorable Senator that if Texas should attempt the resumption of her rights in Santa Fé she would find a "lion in the path." We have noticed now that he is upon his walk, he has quitted his lair, and presents himself in the person of Brevet Col. Monroe, with his epaulette, his sword, and all the majesty of military authority. And does Texas cower? Sir, she is erect; she knows her rights, and I hope she will act with caution, and not inconsiderately. No word that I may utter here can stimulate or regulate her action. The mandate has already gone forth, or I misapprehend her course. It is reported here that three thousand troops have been ordered to the field; they will not quit the soil; they will not invade the territories of the Union; they will defend their own; they will regard the transactions at Santa Fé as an act of rebellion, or of resistance within the limits of a sovereign State, and claim the right of its suppression. The power vested in the Executive of Texas gives him the right to call out the militia in case of insurrection or invasion—if he has made the call, let the consequences be what they may, I fasten them upon the inhabitant of the White House. No, not upon the individual, but upon the advisers who surround him; who can make him an instrument of malleable metal in their hands, and, after he has answered their purposes, cast him from them. But, sir, I hope that Texas, in her liberality, and in that magnanimity which she has heretofore sustained and maintained, will not be cruel. I trust her vengeance will slumber; that cool reason and devoted patriotism will triumph over all the petty passions of humanity, and that she will be governed by influences which elevate man above all that is sordid and hateful. They have no perverted ambition to gratify, but they have a sense of what is right, and I hope, in the adjudication of this grave offense, when they make the actors amenable to the violated honor and dignity of the State, they will not make examples of more of them than is needful, but I am fearful that, in view of the great offense, examples may be multiplied. I trust they will be confined only to flagrant offenders.

I have information in relation to proceedings that have taken place at Santa Fé, and it is certainly of the most remarkable character. It comes indorsed by the Executive, for it is embodied in the information given in his message upon a call of this body for information. It consists of extracts from a publication made in a newspaper at Santa Fé, urging the adoption of a State Government, and assigning as a reason therefor the wishes of the Administration. The tenor of it fixes upon the Administration the criminality of having instigated the late extraordinary movements at Santa Fé. The writer of the publication signs himself "One of your Party," and says:

"In this position of affairs the Administration, through a conservative principle, and with a hope of shielding our country from the calamity by which she is so menacingly assailed, calls upon us to take such decisive measures as will tend, so far as we are concerned, to achieve that object, and propose, as the only effectual means in our power, the immediate adoption of a State Constitution and form of government, with the explicit declaration that we are for or against slavery, and present them for the action of Congress this session. Hence it is we find ourselves placed in a very peculiar and delicate position. On the one hand we may hope, within the next three years, to get a territorial government, should the Union be undissolved; and on the other, it appears to be our imperative duty to abandon those hopes, and, for the preservation of our nationality, to assume a form of government we have always, and conscientiously, opposed as disadvantageous for us."

This shows most conclusively that an influence of a controlling character was operating upon the mind of the writer. That influence could have been none other than that of the Executive of the nation, operating through the officers of the army and their employés in the country. I have been informed that more than half a million of dollars are annually expended in that vicinity, and this, with the authority of the military, among such a population as inhabits Santa Fé, is sufficient to coerce the action most desirable to the Administration. The writer of the article is deeply impressed with the necessity of action on the part of New Mexico; he was well informed, too, in relation to the bearing which its action would have on the well-being of the Union; the evidences were before him, and he was "conscientiously forced" to abandon his former policy.

Where did he get the "evidences"? What "forced" him to action? Was it directions from Washington, which embodied the "evidences" that "forced" upon him a change of policy? Yes; and with all, he owed a "sacred duty to the Union." I will read the extract:

"Believing, as I am most conscientiously forced to do by the evidences now before me, that the peril to the Union is *certain*, *imminent*, and *immediate*, and that it is in our power *materially* to aid in diverting it, I hold it a sacred duty I owe to the Union, my adopted country, and to myself, to advise the native people of New Mexico that I conceive it to be *their duty*, as well as my own, and that of every other American citizen in the territory, to come forward *boldly*, and at once, and endeavor to *sustain the integrity* of our Union by the formation of a *State Constitution* and government, with an explicit declaration on the subject of slavery."

Previous to writing this article, it appears that the people had been "always," and conscientiously, opposed to the State government, as disadvantageous to them; but now the conservative principle of the Administration calls upon them to take decisive measures, which they certainly have done, as far as they were able.

The Executive is not here directly charged, but the Administration is, and whatever has been done amiss the President is responsible for. He has attempted to trample down the rights of a sovereign State, and thus by military power to vindicate the wrongs inflicted. The outrage upon Texas has been enforced by military POWER, contrary to the authority of the Constitution. Is this military power a portion of the "sovereign power" which we hear spoken of?

I hope, sir, that it is not becoming a favored principle at the White House. If it is, not only Texas, but every State in the Union, may tremble for her rights and her institutions.

In March last, by order of the President, the Adjutant-General referred him to the instructions given to General Riley, under date 26th June, 1849, in which this remarkable expression appears: "Such regulations must necessarily be temporary, as they are presumed to be voluntary, and designed to meet emergencies and difficulties which the *sovereign power* will take the earliest occasion to remove." This was in reference to the rules and mode of governing the people in California, and is here adopted as applicable to New Mexico. What is the sovereign power here referred to? Is it the action of co-ordinate departments of Government? That can not be, for the sole remedy which has been here applied has been the authority of the Executive to his subalterns; Congress has taken no action upon it; the Supreme Court has made no decision, but the President of the United States has exercised the sovereign right of deciding that Texas has no just claim to Santa Fé, and the country east of the Rio Grande. If we will recur to a communication made by Brevet-Colonel Monroe, addressed to Brevet-Major Jeff. Vanhorn, on the 28th of December, 1849, we will find opinions entertained by him then which differed somewhat as to the right of Texas, and evinced a disposition to concede to her the right of civil jurisdiction, *until the boundary should be settled between Texas and New Mexico, or until instructions to the contrary might be received from superior authority.* I will submit the extract:

"As no civil jurisdiction has been assumed over this district by the State of Texas, therefore, in order that its inhabitants may have the protection of civil laws and magistrates, it is hereby directed that you sustain the civil jurisdiction of the Territory of New Mexico, her civil officers and magistrates, in the execution of their duties for the protection of persons and property only, under what is called the 'Kearny code,' until such time as Texas shall officially assume civil jurisdiction, or the Congress of the United States finally settle the boundary between Texas and New Mexico, or instructions to the contrary may be received from superior authority."

From this extract it must be manifest that the orders then given arose from a full conviction that Texas had rights, and that she had the right to exercise them within that Territory. I will not pretend to account for the change of opinion that came over Col. Monroe, nor will I assert that it was induced by secret or verbal orders. It is sufficient for me to show that, at one time, not only the Administration, but its subalterns and agents, acknowledged the rights of Texas.

It would appear, though, that this was anterior to the exercise of sovereign power—a power of which Texas has but too much cause to complain. Sovereign power does not reside in the White House at the other end of the avenue, nor in the adjacent Department buildings. No, sir; the sovereign power of this Union is shared by every freeman, its embodiment passing through the States from the people; a portion of it is centered in the Federal Constitution, and thereby that becomes the supreme law of the land, and is the only embodiment of sovereignty. The President is but the agent of the Constitution, and I protest against its violation by his subalterns at Santa Fé. It was an unseemly exercise of sovereign

power to attempt to remove the difficulties before referred to, inciting a portion of the people within the limits of a State, and without its consent, to erect themselves into a State Government; this is a palpable violation of the Federal Constitution; and, sir, such usurpation can not long remain sovereign in Texas. I trust her rights will soon be restored, and exist for ages inviolate, contributing a full share to the perpetuity of this Union. But the consummation of this great object can only be achieved by proper respect on the part of the Federal Government for the rights of States by which it is constituted, and not by permitting the Federal authorities to trespass upon the members of the Union, because they may suppose that the States are unable to resist military oppression. For aught I know, Texas may be regarded by the Executive or his Cabinet as a mere picket, or a corporal's guard, and may be treated accordingly. Accustomed to the camp and field, he may imagine that he has only to issue his order to be obeyed, and that the soldiers and the bayonets which have upheld his power for forty years are to be instrumental in carrying out his present purposes. If this be his idea of sovereign power it is fallacious. And, sir, when the Executive taunts Texas, and says that there is no danger of any *practical interference* on her part, he is wrong; Texas is loyal and devoted, 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. Every military act which has taken place at Santa Fé, calculated to embarrass the exercise of her authority there, has been an encroachment upon her rights, and every attempt now made to countenance or sustain the action which has been taken already, will be but the continuance of aggression, and an effort to destroy her authority as a State. Had Texas, on her part, at any time, pursued a course of conduct not calculated to promote the best feeling with the military authorities at Santa Fé, there might be some extenuation found for their conduct; now it is left without palliation or apology. The commissioner sent by Texas to Santa Fé was a gentleman of manly and sterling qualities. How did he demean himself? In a manner becoming the character which he bore, and the interesting mission which he had to execute. He was respected by all, and his mission promised to be successful; and no doubt it would have been so, had not the military power been employed to resist him. That power, united with a clique (to whose character I shall directly advert, in order to show who they are, and what they are; how they got there, and what they are doing there, and what they intend to do, and their object in the formation of a State Government), to defeat the object of the commissioner. Yes, sir; this commissioner deported himself as an officer of his Government, as a soldier, who had passed through Indian trails, endured hardships, borne fatigues, and undergone privations within the territory to which he was then commissioned. He was only zealous to maintain the honor, and uphold the rights of his own State; he was worthy of his position, and most worthily did he conduct himself. I will now give a little insight into the character of those gentlemen who are so busily engaged in carving a new State within the limits of Texas. It is derived from a communication addressed to the editor of the *Pennsylvanian*, a highly respectable gentleman, and the editor of a highly respectable journal. The writer is from New Mexico, whose name is subject to the call of any gentleman.

From the style of his communication, I freely infer that he is a gentleman of some mark and character for intelligence ; and for the purpose of presenting many important facts, I will read the communication :

“MESSRS. EDITORS:—As yours is the only sheet which, in its views, approximates near the truth, in relation to a portion of New Mexico claimed by Texas, I take the liberty, with your permission, of making some statements, which hundreds of American citizens in Santa Fé will at any time verify, and which the future will prove the truth of.

“The attempt to form a State Government there had its origin in the ingenuity and self-interest of not over twenty men, all told, each of whom, until the early part of April, had opposed with all his energies the organization of a *State* Government, and had clamored loudly in public, and in a newspaper which Government officers, in Santa Fé, had appeared to have sold, for the continuance of a territorial government. This latter kind of government, it was said, was much the cheapest ; and besides, the New Mexicans would never consent to direct, or even to indirect, taxation.

“Some of these gentlemen were favorite contractors at the Commissary and Quartermaster's Departments of Santa Fé and the territory, having numbers of dependent employes ; some were the settlers of Santa Fé and the towns along the Rio Grande, men appointed by the military Governor, with certain privileges and immunities, which have made them rich at the cost of the poor teamsters and soldiers ; then there were the clerks of the Quartermaster, and the clerks of the army stores. This clique of men, all of whom are recipients of pay from Washington, and some of whom are said to have accumulated a quarter of a million of dollars since they have been in Santa Fé, are the only political agitators of New Mexico. It is they who have been endeavoring, by the loan of paper, press, and types to Judge Ortera, a Mexican aspirant to the Gubernatorial chair, to excite the prejudices of the New Mexicans against all who are in, or whoever may come into the country, who will not think as they think ; and it was they who contrived to have Mr. Hugh N. Smith sent to Washington as a *territorial* delegate. These men are now for a State Government. Why?

“Will it be presumed for a moment that they became tired of drawing their salaries, and of exercising the privileges of power and place which were theirs ? —theirs far removed from the supervision of the people, or of the authorities of the United States ? Their power they used with an iron hand ; their favors were dispensed to those who well understood what was required of them in return. Why are these men now for a State Government ? The answer is, because they are forced by the public opinion against them of all the merchants and citizens of New Mexico, who have witnessed their conduct, political and personal, to vacate the places which they have abused ; and because the claims of Texas were admitted to be just by the almost entire American population of the territory, at numerous meetings held previous to the 16th of April, at every one of which meetings the Government clique, and their resolutions denouncing Texas claims were voted down, ten to one. In desperation, then it was resolved in caucus, before I left Santa Fé, to make a new move on the political chess-board, and one morning the citizens were nearly unable to believe that the men and the newspaper, which had always supported a continuance of territorial government, and ridiculed the idea of a *State* one, were the clamorous advocates of the latter, and had already put the necessary machinery at work, which has

since induced Col. Monroe to act as he has acted in regard to Texas and her Commissioner, and has created the convention of twenty-three persons, who have lately proclaimed New Mexico a State.

"In all these movements tending to the existence of New Mexico as a State, *the people* had taken no part up to the 16th of April last; on which day I left Santa Fé for Philadelphia. The speculators *had*. Every one of the persons who aided to produce the events which have since occurred there I know personally; and *every one* is a Government employé, as well as a speculator—and in one case, *peculator*. What I say, Mr. Editor, I can prove at any time and place, by witnesses; and hold myself ready so to do. Nor have I told you scarcely anything yet, compared with what I will endeavor to state, of the manner in which the people of the United States are robbed, in New Mexico, by men who have held sway there, and who are trying still to hold it under the new aspect of things. Should you deem any information, which I may be able to give you, worthy of publication, it is at your service.

"Yours respectfully,

J. M. D."

Now, sir, can any one suppose that this is the whole history of the cause which led to the maltreatment of the Texan Commissioner, or the consequences which are to flow from it? No. A Constitution is to be sent here by New Mexico, under the supervision and direction of the President of the United States and his Cabinet, and presented as a firebrand to produce additional distraction in the councils of this nation, and, if possible, to defeat every salutary measure intended for the reconciliation of the difficulties which now exist. The non-action policy of the Executive and his Cabinet is fraught with every mischief; it brings with it no soothing influence for the restoration of peace and harmony; it is only calculated to continue excitement, and increase existing evils. If New Mexico presents a Constitution, all the advocates of the administration will rally to the support of the measure; which will be urged by all the influence of position, and advanced by all the power of patronage. In what situation then will Texas be placed? Will not all those who sympathize with her situation and respect her rights, rally to her rescue, determined to vindicate her honor? It will be a conflict then of a sovereign State contending for her rights and privileges on the one hand, whilst military usurpation and *sovereign power* will be struggling to defeat her rights, and crush her spirit, on the other. This can not be done; but the very apprehension of such a course as the one contemplated by the Executive, is fraught with calamity and distress to the country. No one acts without a motive; and it is fair to suppose that the object which is aimed at is a continuance of the present men in power by a re-election of the present Executive. As one of the signs manifest, I discover in the letter of Hugh N. Smith, when urging New Mexico to adopt a State Constitution, that *votes, votes are wanted here* to secure influence, and consequently, if New Mexico is admitted, it will increase the States in the Presidential election. Sir, the horse is already upon the track; already has the administration organ announced General Taylor as a candidate for re-election. Why, sir, what sort of conduct is this on the part of the Administration; which should be alive to everything calculated to harmonize the country. Even the high object of the Presidential office, when brought into the scale against the union, peace, and prosperity of more than twenty millions of freemen, should be placed beneath the heel of all honorable patriots; yet this additional cause of excitement is at

this moment brought forward to increase the confusion now prevailing. But I have hope that Senators will come up to the present crisis and look it in the face, regarding its proper settlement as the means of restoring harmony and advancing the prosperity of the country. I ask you, sir, where is there a portion of the earth so prosperous and so happy as the country which we represent? All the elements of human felicity and glory are in possession of the American people. It is true, a portion of the State from which I come is unfortunately subject to incursions from marauding Indian tribes, and I am fearful that the proceedings at Santa Fé will be calculated to increase the hostility of the Indians, and add to the calamities of our frontier; 'tis true that more than seven hundred infantry have been ordered into Texas; such troops may perform garrison duty, but against the Indians they must be inefficient. Cavalry, or well-mounted rangers, are the only description of troops that can be useful against Indians. I hope the design, in ordering these troops to Texas, is not to prevent her from any *practical interference with the possession of the United States*. If it is really intended for the protection of the frontier, and not as a menace to Texas, I sincerely hope that by her it will be rightly construed. Nevertheless, I have confidence that Texas will exercise patience, the most elevated patriotism, and a reasonable zeal, while remembering that her rights have been disregarded by the contrivance of the Administration.

I will now say a word in relation to a subject, upon which I have not spoken in this body, and which I deem paramount to all others: I allude to the Compromise. If I had been opposed to that measure, it seems to me, from the manner in which it has been brought forward, and the consideration which has been devoted to it, the amount of character embodied in its production, the intelligence of the individuals who have combined in support of it, their connection with the fame and history of the present age, their former honorable achievements, and its presentation in this body by a chairman whose experience and high standing elevate him to an unrivaled position—when, under these imposing circumstances, it comes before this body, I am bound to accord to it, as well as its authors, my profound respect and consideration. Defective though it may be in some particulars, I should be tempted to distrust my own judgment if I were to condemn the general plan of the compromise. It may be improved by amendments, and I doubt not, they may be of advantage to its perfection; but the great object to which it looks is of paramount importance, not only to us here, but to all throughout America, and to the civilized world; for should no compromise be effected, and distraction and anarchy stalk abroad, what happiness can we look for, or what perpetuity of freedom can we anticipate? Under these circumstances, I am disposed to give every possible aid to the measure in the hope that it will be made acceptable, that it may soothe or quiet the present distraction, until more fortunate circumstances shall dispel all clouds, and hush the jarring elements to peace.

I alluded the other day but cursorily—though not cursorily either—to the feelings which have always been evinced by the Executive, and now transferred to the Administration, against Texas and New Mexico, I must say with the intention of doing the President great justice, as I am always ready to do. Though I do not like the way he has treated Texas, still I desire to make the proper distinction between a thing well done and one which is not well done. The President did say, in relation to the abuse lavished upon Texan troops during the

war with Mexico, on one occasion—for I remember the publication that was made on the subject—that the information which was embodied in the dispatches read by me, was derived from an ex-Governor of Texas, then in command of those troops; and that if they were misrepresentations the Governor was the author of them. That Governor, I believe, denied that this was true. Whoever was the author of the calumny, I will not pretend to say; for as the Generals are both in high positions, it would be a piece of arrogance for one so humble as I am to decide a question of such delicate import. It is a question of veracity between one who occupies the mansion at the other end of the Capitol, and another who is the ex-Governor of a State, and the sole representative of the sole lone star of Texas in the late Nashville Convention—and self-constituted at that. Yet, however the matter may stand between those Generals, Texas shall not be undeservedly slandered without an effort on my part to vindicate her reputation.

Well, sir, the Nashville Convention—I have no right to speak harshly of the meritorious gentlemen composing that Convention—never has been a pet of mine. I thought I discovered an inkling of such manœuvres some two or more years ago, but I do not desire to occupy the time of the Senate by telling what I then thought, and I will content myself with saying, that it never has been a pet of mine. If there ever was a time for such a thing, I have never seen it. If it was called in contravention of the Constitution, and in violation of its proceedings, I do not think well of it. The Constitution declares, that no one or more States shall enter into any compact or agreement without the consent of Congress; and I do not believe Congress was ever consulted on the subject. If it meant anything, it was contrary to the Constitution, because it must be a compact or agreement; if it was not intended to make a compact or agreement, then I must think it was a piece of ridiculous flummery, and not particularly entitled to my respect, though the individuals who composed it may be. Now, that is my opinion in regard to the Nashville Convention. In view of the fact, that not more than two hundred and fifty votes out of thirty thousand were given in Texas for a representative to this Convention; and as it is the fact, since I have occupied the floor since this subject has been agitated, I avail myself of this opportunity—in the face of this assembly of the conscript fathers of America—in the face of the American people and the civilized world—in the face of all order—for order is the first law of Heaven—and in the face of my Creator—as I believe it to be inimical to the institutions of my country—to disdain and protest against that Convention and its action, so far as Texas is concerned. Yes, sir, I do it from my heart, and I know the declarations will meet a response in the hearts of thousands who are imbued with a pure love of the Union, and who have rushed to it as an asylum from all surrounding difficulties. Think you, sir, that 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.

The honorable Senator from New York [Mr. Seward], yesterday when speak-

ing of a measure that is not remarkably popular in Texas, I think—the Wilmot Proviso—said that you might slay it here, and it had been said that it was killed, but that the ghost—the dead corpse—had returned, clad with steel, and proceeded to stalk through these halls again. I really thought he said a dead horse, instead of a dead corpse, at the time; and it occurred to me at the moment, that if I saw any such spectre walking through the Hall, or on any portion of terra firma to which I could lay claim, either in or out of the State of Texas, and I had anything to do with the grooming of that horse, I need not borrow old Whitey's silver currycomb to do it, but would take an iron one [laughter], and I would rub him down with that.

I shall not occupy further the time of the Senate, and shall content myself with submitting to their consideration the views I have presented.

Mr. CLAY. As these resolutions are likely to be the subject of further discussion, I move to lay them on the table for the present.

The motion was agreed to.

[NOTE.—General Taylor's decease, shortly after the delivery of this speech, induced the author to suppress it, with the design never to publish it, had it not been that the Hon. Mr. Pierce, of Maryland, and the Hon. Jefferson Davis, of Mississippi, made replies which were published. As those gentlemen animadverted, with some degree of severity, upon Mr. Houston's remarks, he felt it a duty to submit them, with the reasons for them, to the community.]

SPEECH DELIVERED IN THE SENATE, FEBRUARY 11, 1853, ON THE BILL PROVIDING FOR THE TEXAS DEBT.

On the bill to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850, Mr. Houston said:

Mr. President: I am very reluctant to occupy a moment of the precious time of the Senate, and particularly when other matters which are, in the estimation of honorable gentlemen, of so much urgency are pressed upon the attention of the body. But the bill before the Senate seems to implicate the character of the State of which I am in part the representative on this floor, and demands of her Senators at least an explanation. If they are incapable of vindicating her reputation, if she can not be justified in the course which she has adopted, no excuse will be rendered for it; and, to determine upon the merits of her claims to consideration and to the due regard of her sister States, it is proper that we should advert to the circumstances under which those debts originated, and under which they are held by the present claimants.

Texas, when she rose from her revolutionary struggle, did not owe much more than \$2,000,000; and more concurred in the opinion that she owed but a million and a half than that her debt exceeded two millions. This constituted the amount of her entire liabilities at that time, and up to the year 1838. From the period of the commencement of her separate Government, in the fall of 1836, down to the winter of 1838, her entire debt did not exceed \$2,500,000, embracing all her liabilities; and her entire currency in circulation was less than half a

million. It was from 1838 up to the end of 1841, that the debt accumulated from two and a half millions to the enormous sum of twelve millions of dollars. This was not, as gentlemen seem to understand it in most instances, a debt created by the sale of bonds, pledging the faith of Texas for their redemption; for a little more than one million of bonds are all that are outstanding against Texas. The other debts have resulted from her currency. The impression has gone abroad that Texas was placed on a footing with other States, Indiana, Illinois, Pennsylvania, Mississippi, and others, who sold their bonds at a depreciation, and that, therefore, the question would not arise whether she received the full value of those bonds or not; but that she was bound to pay them at their face; that she had received the most that could be obtained for them, and that the risk justified the depreciation of price at which they were purchased.

I know that these are the impressions which have gone abroad throughout the community; and if Texas, when her credit was low and depressed, had been compelled to raise means for the support of her armies and for the expenses of her civil list, and had for that purpose sold bonds calling on their face for a hundred cents to the dollar, and had only received fifty cents, she would yet have been bound in good faith to redeem them according to the letter of the liability, and would have had no excuse for shrinking from punctually meeting her obligations but inability to pay her debts. But when we look into the nature of the liabilities of Texas, we find that, with the exception of about one million of dollars, they are of a very different character from what has been generally supposed. Texas issued promissory notes. Up to 1838, these passed currently at par. A change in the administration of the Government then took place, and the first act of the new Administration was to raise new regiments for the purpose of defending the frontiers, as it was said, and then, although the previous amount allowed to the Executive for frontier defense had been inconsiderable, it was swelled up by appropriations to the amount of a million and a half of dollars, and the civil list had no less than half a million appropriated to support it.

The throwing of these two millions of dollars of promissory notes into circulation, had the effect of lowering the value of the former currency, and the whole depreciated at least fifty per cent., and gradually declined from that to the lowest point of depression. Successive issues were made, and the depreciation continued during the years 1839, 1840, and 1841; and in proportion as the issues were increased the depreciation went on. During that period immense expenditures were incurred and liabilities issued, for which there was not the semblance of authority. The Santa Fé expedition was fitted out, and must have cost more than one million of dollars; and that expenditure was incurred, not only without authority, but in positive violation of the expressed will of the two Houses of the Texan Congress, by a mere *dictum* of the Executive. The arms and munitions of war of the country were entirely expended in that expedition; and accumulated expenditures were bequeathed to the succeeding Administration. Thus issues to the amount of millions were made without authority, and they became valueless. In December, 1841, Texas suspended payment because she was then unable to pay her debts.

But here let me ask, Who are these creditors who now come forward with such plaintive appeals to this body? Who are they who are imploring the commiseration of Senators: "Help us or we sink"? Are they men who were sufferers by the Texan revolutionary struggle? or are they men who speculated

upon the individuals who went through the toils and dangers of that revolution? These promissory notes depreciated in the hands of men who had toiled and fought in the revolution, men who had there given their services and their energies to the cause of independence. In their hands the notes depreciated until they became valueless. They were then thrown upon the market, they were seized upon by speculators. At auctions, in the streets of our cities and villages, they were submitted to public sale and cried off at from three cents to five cents, "Going, going, gone." Then it was that these speculators came in and secured their claims to the generosity and clemency of Texas, and the feeling and commiseration of this body! There were no bonds sold in market for what they would bring; but these were promissory notes sold for a mere song under the auctioneer's hammer, and "in quantities to suit purchasers," for they were piled up as large as cotton bales. When they were cried up till they reached about three cents on the dollar, they would be knocked down to the bidder, and he would be told to go and select from the pile as many as he wanted; he might take a bundle as large as a cotton bale. [Laughter.]

That is the way in which these evidences of debt were obtained. These are the liabilities for which gentlemen claim a hundred cents on the dollar, and which were acquired at the rate of from one to three or five cents on the dollar. No doubt gentlemen in the United States thought the prospect was very fine; they knew that the Texans were descended from the Anglo-Saxon stock, and that they would maintain their liberty in defiance of every difficulty; for the American race never retreated, never took one step backwards; and that from the day they had impressed their footsteps upon a perilous soil, they would go on. Such gentlemen, perhaps, thought that if the Texans were involved in difficulties, they might venture to sell real estate and get money when there was a prospect of investing it in Texas depreciated paper to much advantage. No doubt under these circumstances gentlemen in the United States purchased large amounts of the promissory notes of Texas at ten cents on the dollar, and now come forward and claim one hundred cents on the dollar! To exemplify it more particularly, I will state, that such was the depreciation of Texas currency, that, for instance, if a judge, getting a salary of \$3,000, came forward to receive it, and his demand was exhibited, he would receive in Treasury notes \$30,000, based upon no issue of bonds, but upon credit. In his hands, the money depreciated, until, perhaps, it became worthless, and then it was thrown into the market in some village, and purchased up by speculators at from one to three or five cents.

This is the character of the Texas liabilities. This is the manner in which they have been bought. What justice, therefore, would there be in giving a hundred cents upon the dollar for their redemption, when they were acquired at rates varying from one cent to five cents? Is Texas bound in good faith to do it? Was the risk to these gentlemen worth the difference between three cents and a hundred cents on the dollar? I think not. Then, let me ask, has Texas evinced a disposition to pay her debts in good faith, and according to the rules of equity?

Upon these funds thus passed away at the most depreciated rates, and that were purchased up at a mere nominal rate, Texas has determined to pay upon none, no matter for what they were bought, less than twenty cents on the dollar, and from that rate up to twenty-five, fifty, seventy, and seventy-five cents, accord-

ing to the dates of the issues of the notes, and the value at which they were issued, and also including, in most cases, the interest. This is the equitable principle upon which Texas determined to pay her debts. Does this evince a disposition to defraud her creditors, to involve her reputation, to repudiate? In these honest times, if a man gets his due, he is doing very well. Has not Texas done this toward her creditors? Texas, sir, has evinced no disposition to evade the payment of all equitable and just debts and liabilities.

I have every disposition to be very candid on this occasion, and therefore I think it due to the creditors, I think it due to individuals, and I think it due to the Government of the United States, to state plainly that I would not eschew one liability on the part of Texas, and transfer it to the shoulders of the United States. I would say to Texas, "Pay away the last cent in your coffers, bankrupt yourself, give away your hundred millions of acres of land, rather than throw the responsibility on the United States." If we were to be left destitute of a dollar, and without an acre of land available, the times then would not be as gloomy as those through which Texas has already passed. I would be sorry to see Texas not meet her just liabilities, and throw the responsibility of them upon the United States, and that then, through grace and tender mercy to the reputation of Texas, the United States should liquidate our debts.

I am for doing justice, and nothing but justice; but I am determined that something shall be understood in relation to this matter, more than the partial representation of the claimants was disposed to exhibit to the world. Who are those that are most clamorous against the injustice of Texas, and the wrongs which they have sustained from her? Are they men who have peculiar claims upon the sympathy of this body? Are they men who have peculiar claims upon the confidence of Texas? Are they men who blended their destiny with hers in her hours of trial? Are they men who marched with her armies upon their marches? Are they men who upon her vigils of peril watched with her? Are they men who toiled or starved for her? No, sir. They have sprung up, like dragon's teeth, around this Capitol within a few years; and we find the diffusive influence of this speculation upon multitudes that surround the Capitol. Members are besieged at every step with appeals, "Do this for us; do justice for us; save the reputation of Texas; be honorable, and it will do her some good." They do not say, in significant strains, "Fill our pockets, fill our pockets, will you?" though this is what they mean. They mean nothing else than to acquire, and to take away from either Government—I will not say ill-gotten gains—but what would be clear gains, if they got them.

The largest amount of the outstanding issues against Texas at this time arises from obligations that were issued from her treasury, for which she received but from sixteen to ten cents on the dollar; and now a hundred cents on the dollar is claimed for them, swelling the amount of her debts to millions. No matter how irregularly the debt was contracted by Texas, whether there was authority for the obligations issued or those brought in and funded; whether they were made without appropriations or not, Texas has estimated them, and placed them on a footing with the other equitable demands against her. She has extended equity when she might have caviled, and contended that, according to strict law, or common usage, she was not bound. Yet we are told that if Texas would only come forward and redeem her outstanding obligations at par, or pay all the money she has in her coffers, and the \$5,000,000 reserved by the United States,

she would establish a reputation above all suspicion ; that she would then sustain herself with credit ; that it would do her more honor, and make her a more glorious nation than ever existed. Sir, Texas as a State is only a part of this Confederacy ; one of thirty-one ; and she does not aspire to be more glorious than the United States, or the mighty nations of the earth. We find that they have perpetrated offenses against good morality and national honor, which Texas scorns to do. They have repudiated debts, not only revolutionary debts, but others contracted in good faith. This Texas has not done, and will not do. She has not repudiated one dollar of her revolutionary debt, and she will not do it. She will pay a hundred cents upon every dollar she has realized. Is not that worthy of admiration ? Yet gentlemen say she would be glorious if she would pay the nominal amount of her liabilities.

When the United States repudiated—I do not claim that as authority, but I wish to bring it in array before the public mind—it was for an amount upwards of \$240,000,000 of revolutionary debt. Has Texas done anything of that sort ? Has she repudiated one just demand, amounting to a single dollar, of citizens of Texas who assisted her in her hours of difficulty ? Not one. The United States repudiated millions, and hundreds of millions, held in the hands of war-worn veterans, who had toiled through a revolutionary struggle of seven years. The United States repudiated the revolutionary debt of the war of Independence, which commenced in 1776. Texas, during her revolution of nine years, did not repudiate one dollar that was held by her revolutionary soldiers. The United States, when they assumed the debts of the several States—the old thirteen—after the war of the Revolution, required the States to scale those debts, and paid them at the scaled rates. If we were disposed to be a little tricky, might we not follow these examples ? But if we have been tricky I do not know what fair dealing means.

We do not, however, claim the benefit of the high examples to which I have referred ; but I think that in view of them it comes with a very bad grace from the United States to become administrator on the affairs of Texas, and to determine what are her liabilities.

The amount of \$5,000,000 that was reserved in the Treasury of the United States was reserved at the instance of creditors, who were importuning and surrounding Senators here when legislating on this subject. Some sagacious lawyer had discovered that the United States were liable when they acquired Texas, and received from her means which were intended for the liquidation of her debts. It was not intended by that reservation to determine what the debts of Texas were, but only the debts of a certain character for which the Government of the United States might possibly be held liable. When were they to pay these debts ? When ascertained by Texas, and certified to the Treasury of the United States. That was the object of retaining the \$5,000,000, as I understood it at the time, and I voted upon the subject in all good faith and confidence, satisfied, as I was, that the amount upon which the impost duties of Texas were pledged did not amount to \$5,000,000, and that there would be a large residuum to Texas of that amount.

The President and Secretary of the Treasury of the United States, after the passage of that bill, determined, in effect, that the Government of the United States were liable for all the debts of Texas. It will be remembered that in the administration of the Government of Texas from 1841 down to the time of the

annexation in 1845, there was not one dollar of debt incurred, nor one liability created. From December, 1841, when the exchequer system was established, and the immense issues of \$12,000,000 were suspended, \$200,000 was the amount of the currency established by law, and that commenced to issue at the rate of a hundred cents on the dollar. A combination was directly formed of brokers and speculators, gentlemen alien to Texas, who wanted to filibuster, and subvert the Government, right or wrong, who said that if they were not admitted into its control or made participants of it, they would subvert it, if by no other way, by revolution. They combined, and by their combination immediately reduced the value of that currency from a hundred cents to seventy-five, and at one time it went down as low as twenty-five cents on the dollar. By economical issues, by extreme economy in the Government, the value rose again. But the Legislature, which met annually, consumed a large amount, and being opposed to the Executive, sought every possible means to embarrass him; and instead of requiring the taxes to be paid as under the previous existing laws, they repealed those laws for the collection of taxes, or postponed their operation for six months, so as to depreciate the value of, by lessening the demand for, this currency, and thereby to embarrass the Government in such a way that it could no longer exist. However, the good fortune that presided over Texas, and directed her path, did not desert her. The currency came up again, and was at par; but after a long session of the Texas Congress it fell to fifty cents, and even as low as thirty-seven and a half cents; but it rose again, and continued at par, in spite of all the combinations and machinations of faction, corruption, and treason. When that administration ended, in 1844, the Government of Texas had not only accumulated in the treasury \$25,000 of par funds in gold and silver, but it had paid all just and unavoidable demands to foreign nations, and to support the Santa Fé and Mier prisoners in Mexico, and to procure their release, not less than \$70,000. So that the Texas debt, with the exception of \$2,500,000 accrued between the years 1838 and 1841, not a solitary cent accrued in the administration which lasted from the end of 1841 to 1844. It will thus be seen the debt of Texas did not grow out of her necessities, and that the present creditors who come forward here with their demands, and who, according to their saying, helped Texas in her hours of trial and threw their money into her lap, instead of doing that, threw it into the lap of speculators. Not a dollar of it went to Texas which will not only be paid in par funds, but which will also, I trust, be paid with interest, and at a premium. There were bonds issued,—let them be paid to the letter and to the last farthing; but let those who have accumulated these obligations by speculation, and that, too, of a most enormous character, receive, like Shylock, their “pound of flesh,” or two pounds if you please, but “not one drop of Christian blood.” Sir, if these men were the assignees, or the descendants of Shylock, they would reflect just credit upon his reputation. [Laughter.]

But, Mr. President, it is thought that it is immoral in Texas—that it is not a clever thing in her not to pay her debts. Now, I should like to ascertain by what standard of morality we are to arrive at the adjustment of her debts? Is it that standard of morality that pays a man not only what he has given, but a hundred per cent. in addition to that? Or is it the standard it is proposed to establish here, that when a man has given three cents for a dollar, he is to get a hundred cents? Is it that rule by which we are to judge of the morality of

Texas, and the advantage of her creditors? That would be a very agreeable one to the creditors, but I can not see that it would be complimentary either to the heart or the head of Texas. I do not think there is anything smart in it. It may be smart for the creditors, but certainly most stupid for Texas. They are for fixing their standard of morality for Texas, and she is for fixing her standard of equity and justice for them; and the United States have no business at all with it one way or the other.

If, however, the United States are bound for the debts of Texas, they are bound for much more than this bill proposes to pay. The independence of Texas was not recognized by Mexico when it was annexed to the United States. The domestic debt of Mexico was then about a hundred millions of dollars. They claimed that Texas should pay a part of it. Propositions were even suggested before annexation, that if Texas would assume her proportion of the national debt of Mexico, the independence of Texas might be acknowledged. If the United States are now bound by the act of annexation for the debts of Texas to the extent that the means taken by the United States would have gone, the debt to the Government of Mexico is a prior one, and the United States are bound to Mexico for a much larger sum than they are bound to these creditors. Would you be willing to go back and settle that amount? Yet it has a priority over the present demand. Mexico never recognized the debts that Texas incurred by her revolution, and if you recognize that you are bound to pay them, you should also pay to Mexico the proper proportion of Texas to the one hundred millions of the domestic debt of Mexico.

It is true, the Government of the United States might justly bear a part of the liabilities incurred on the part of Texas, because a portion of the debt of Texas was entered into for the purpose of defending her frontiers against the Indians. What Indians were these? Were they indigenous to Texas? No, sir. Who were they? The Shawnees, the Kickapoos, the Choctaws, the Anadacoos, the Kechies, Wacoos, Caddoes, and other Indian tribes from the limits of the United States, who settled in Mexico, and made war upon Texas. It was therefore necessary for Texas to defend a frontier of six hundred or eight hundred miles against the inroads of these Indians. The Government of the United States was solemnly bound by treaty with Mexico to defend Texas against the Indians, to reclaim them to the territory of the United States, and to inhibit their crossing the frontier. Instead of that, what did the United States do? I intend no reflection upon them, but I intend to vindicate Texas, now a part of the United States, but then a part of Mexico. The United States had solemnly pledged their faith, by treaty, to give protection to the boundary of Mexico; but instead of that, they treated with the Caddoes and acquired their territory, forced them into the boundary of Texas, and paid them in arms, in munitions of war, in powder, in implements of slaughter and massacre, and those Indians drenched our frontier in blood. Weak as we were—pressed upon by Mexico on the one hand, and the wily and sagacious Indian on the other hand, watching his opportunity to maraud upon our frontiers and slaughter our men, butcher our women, massacre our children, and conflagrate the humble hamlets in which they had dwelt in peace, we incurred expenses to keep them off, and for this the United States are responsible, as they are for a hundred other violated pledges in relation to Indians.

But what is the real history of this matter? When the scaling of the debt of

Texas took place, in 1848, there was an almost entire acquiescence on the part of her creditors. Some three or four, or perhaps five, were somewhat refractory, and having more sagacity than the others, they concluded that there was some important advantage which they would gain by coming here, and therefore they had recourse to the Government of the United States. They might then have had in view the idea of a reserved \$5,000,000 fund out of which they would be enabled to get their demands by appealing to the sympathy of members; by trying to show that they were bankrupted by their liberality in their anxiety to help Texas in the time of her direst need. They thought that if they could represent successfully to the Congress of the United States that they had been munificent and liberal toward Texas, it would entitle them to some extraordinary interposition of the Government of the United States. They came forward after the compromise was proposed, but not until that time. They received a new impulse by the proposal of the compromise. Most of them had acquiesced prior to that time, and we now find that hundreds came in who were not then interested in the debts of Texas. Strangers have come in as participants in the interest and are to be the recipients of its benefits. This is the case, and none will deny that there has been a most extraordinary change. If it had not been that the compromise of 1850 passed, the Texas creditors would nearly all have received their money, or their proportion of it, by this time, and would have been at rest and quiet, each man consoling himself in the advantage of having made a handsome speculation upon his adventure. But it was thought proper that there should be an appeal to the generosity and magnanimity of Texas, and after her to the United States, and that they might make something, and could lose nothing by that course. In that way it is that these claimants have not only multiplied, but they have become more urgent in their pursuit for gain, and are now resolved that nothing will satisfy them but the hundred cents on the dollar, according to the face of the paper.

Well, sir, Texas has incurred liability. She issued bonds to a certain amount. Let her pay those bonds with interest, since she made a tender of them in the market. Let her pay for her vessels-of-war or navy; let her pay all the just contracts she has made; all the equitable liabilities arising from the currency which she threw into circulation. That currency became valueless in the hands of her own citizens, and was then grasped at by greedy speculators. Let her treat them, as she has done, with justice and fairness. It was twice in prospect to repudiate the debt of Texas. But did she do it? It was talked of, and a little encouragement might have produced the result. The conduct of the refractory creditors had no doubt stimulated it. But Texas did not repudiate a cent. Her Executive discountenanced it. It may be that an extract will be read here from the message of her Executive, in 1843, showing that she would pay the last cent which she justly owed. So she will. But if that message is read, let it be remembered that not a word of the extract is recognized until the whole message is produced here upon the floor, and the whole instrument construed together. It was then laid down as a principle that the Government of Texas would equitably redeem every dollar that she owed.

She had evinced a disposition to do it by submitting her public lands to entry at two dollars per acre when her notes were selling at three cents on the dollar; and she had kept them open for years subject to entry at that rate. She has gone further, and says it will be just to redeem money issued at a depreciation

at the full value at which it issued from the treasury, with interest thereon. That is the act of Texas. What the refractory conduct of her creditors may do with the feelings of Texas I can not say. Within a few years a total revolution has taken place in her population. The number of emigrants since annexation, I suppose has more than doubled or quadrupled the previous number of inhabitants. The interest on the money retained in the Treasury here will diminish the necessity of taxation by her. What her people may deem to be politic and expedient hereafter in relation to their debts I know not. I do not encourage repudiation. I hope it never will take place; but if it should, let those be accountable for the result who invoke and provoke their destiny. Let the sin lie at their doors. I hope it will never lie at the door of Texas; but those who have advanced, or who have contracts with her, shall be paid to the last farthing of what they have advanced.

A law was passed by the Legislature of Texas, after annexation to the United States, in 1848, by which it was provided, that any person coming forward and depositing fifty cents at the treasury of Texas, should take a receipt from the treasurer, and for every fifty cents received at the treasury he should be entitled to one acre of land. Certificates to the amount of more than half a million of dollars were deposited under this law, as I was informed, and land drawn, or land warrants issued, to that amount. These gentlemen have gone quietly and located their lands, and now realize several hundred per cent. How are the benefits of this bill to be extended to them? How are they to be recompensed for the losses which they have sustained, according to the plan of this bill? Are they to fall back upon the United States? Are they to become recipients of the benefits proposed in this bill, or are they to be excluded?

But I am sure that the honorable gentleman who introduced this bill can not object to the principle of Texas scaling. She is to be the judge of her own matters. She knows very well under what circumstances the debts or liabilities were contracted. She knows their character perfectly; and we find that the honorable gentleman who introduced the bill has not determined to pay according to the face of the paper, or of the demands of the creditors; but he, too, is for scaling the liabilities. He proposes that a certain amount shall be paid, and that, if that does not cover all the liabilities, the creditors shall receive it according to the proportion of their demands, and shall give a receipt in full. Now, Mr. President, as for the morality of the thing, whether one cent or one dollar, one degree or ten degrees of discretion at all changes the standard of morality, I am not prepared to say. I think Texas is the best judge of this matter; so that the United States would incur an additional reproach upon herself, if she were, by this law, to take it out of the hands of Texas to adjust her own affairs. Texas knows what her liabilities are; she knows all the circumstances surrounding them, under which they grew up, under which they dragged along, and by which they were managed. She knows, too, the influences and the means of their acquisition. But she is not acquainted with the means and influences that surround this Capitol, and which grow every day. I know it is perilous, eminently perilous, to oppose an influence so overwhelming as that of the claimants here. I have stood in perilous positions before, but when I felt badly nobody knew it. I feel well on this occasion, and proud that I have a colleague who has realized all that experience could teach or suffering inflict.

Personally, to those who are the Texas creditors, I have no objection. I look

upon them as I look upon other speculators. I look upon them as I do on men who go into the market every day—men who wish to make, in their estimation, honest gains, and who would not have their consciences smitten if they made one hundred per cent. every day. That would not involve their honor, but it would, in their estimation, sustain the honor of those on whom they make the one hundred per cent. I want no more sympathizers with Texas. I do not want them to appeal in behalf of Texas, to rescue her honor. Her honor, her safety, her existence, her liberty, her independence, were once involved, and I did not see, in her direst need, and when clouds enveloped her in darkness, the face of one of those men who now claim to be her benefactors or her sympathizers. It was not until the last enemy had marked her soil—it was not until our star had risen in the east, and until it was attaining something like its meridian splendor, that the speculators were attracted by the hopes of gain. Then, in that proud day, they were willing to unite their destiny with her; but to grope their way in darkness, to peril their lives in conflict, to confront and grapple with the enemy, not one was there. Let them not talk of Texas' honor, Texas' renown, and Texas' escutcheon cleared. She cleared them herself, sir. It was not a speculation; it was a real transaction; and she will keep it clear. It is her best guardian under the ægis of the Constitution. I desire justice and liberality to all who aided Texas; and no matter how they have acquired their demands, give them an earnest for everything they have, and upon that earnest give them interest, and, if you please, be liberal, but let Texas have the credit of doing justice to her creditors, and let not the United States intervene to save her soiled honor, as it is called. She will take care of that article herself, and she will take care of her money, too, I trust, and make a useful application of it in paying all just demands, but not the demands of Shylocks. Sir, I have done.

SPEECH ON THE NEBRASKA AND KANSAS BILL, U. S. SENATE,
MARCH 3, 1854.

MR. PRESIDENT:—This unusual night sitting is without precedent in the history of any previous Congress at this stage of the session. The extraordinary circumstances in which we find ourselves placed, would seem to indicate a crisis in the affairs of the country of no ordinary importance; a crisis that portends either good or evil to our institutions.

The extraordinary character of the bill before the Senate, as well as the manner in which it is presented to the body, demands the gravest deliberation. This, sir, is the anniversary of a protracted session, in which the organization of the Territory of Nebraska was elaborately discussed, on the last day of the last session. In that discussion, which, like this, had kept us in our seats to the morning dawn, the prominent points of opposition were such as related to the Indian tribes. Such a bill at the present session would have met with no insuperable objections; but what do we now find? A bill entirely variant, and a bill which involves new and important principles. It has come an unexpected measure without a harbinger, for no agitation was heard of, and the breeze bore no whisper to our ears that the Missouri Compromise was to be repealed.

Its presentation has been as sudden as the measure itself is bold, and the ex-

citement of the public mind is of corresponding intensity. We are told, to be sure, that there is no necessity for agitation, and that soon the public mind will be tranquil, and the country will be in a state of repose and quiet—as it was at the introduction of this measure. The honorable Senator who has just taken his seat [Mr. Douglas], the chairman of the Committee on Territories, in his lecture to the South, exhorted them to stand by the principle of this bill, with the assurance that it will be good for them, and that the country will maintain it. Sir, under proper circumstances I should recognize the exhortation; but is the principle such a one as should be adopted by this body, or can it be sanctioned by the nation? Whether it is expedient and useful at this time I shall take the liberty to examine.

Mr. President, I can not believe that the agitation created by this measure will be confined to the Senate Chamber. I can not believe, from what we have witnessed here to-night, that this will be the exclusive arena for the exercise of human passions and the expression of public opinions. *If the Republic be not shaken, I will thank Heaven for its kindness in maintaining its stability.* To what extent is it proposed to establish the principle of non-intervention? Are you extending it to a domain inhabited by citizens, or to a barren prairie, a wilderness, or even to forty thousand wild Indians? Is this the diffusive excellence of non-intervention? I, sir, am for non-intervention upon the principles which have heretofore been recognized by this Government. Hitherto, Territories have been organized—within my recollection Alabama, Missouri, Florida, Arkansas, Mississippi, Wisconsin, and Iowa, have been organized—and the principle now proposed was not deemed essential to their well-being; and is there any infirmity in their constitutions or their growth? Sir, has any malign influence attached to them from their simple, economical organization? It may be that the word “economy” is deemed obsolete in the present condition of our Treasury. Were it otherwise, I am simple enough to confess that the organization of two Territories—when there are not people to constitute an ordinary county in one of the populous States of this Union, and when those who do inhabit the Territories are United States soldiers, who are not entitled to vote at elections in the States or Territories—is not a procedure that can be characterized as economical. If the principle of non-intervention be correct, it is correct where the Territories have been governed by laws of Congress until they are prepared to make application for admission as States. Then they have a right to elect their delegates to convention, for the purpose of framing State constitutions, which, if accepted by Congress, invest them with all the sovereign rights of States; and then, for the first time, they have the complete power of self-government. A Territory under the tutelage of Congress can form no organic laws, either admitting or excluding slavery. A people without organic laws might alternately enact and repeal all laws, and re-enact them without limitation, as they would have no local constitution. Congress has a supervision over the action of all Territories until they become sovereign States. In the formation of State governments, I can say that they have the exclusive right to determine whether they will come into the Union with or without slavery. There, sir, is the application of the principle of non-intervention, and one that I have always maintained.

But gentlemen speak of sovereignty—they say that the people are sovereign, and supreme. Sir, I bow with all deference to that sovereignty; but I do not

apply the principle to the Territories in their unorganized and chrysalis condition. Sovereignty implies the power of organization, and a self-acting, self-moving, and self-sustaining principle; but the Territories have it not. They only acquire it when they become constituent parts of this Confederacy.

But we are told that the South has stood by the Compromise. I am glad of it. Yet gentlemen have protested against the recognition of North and South. Why, sir, they are recognized every day. The distinction has been recognized by the statesmen of every day, and every section of the country. Am I to be told that the question has not assumed that character, and that it will not operate to carry sectional influence with it to a certain extent? It is impossible that you can divest it of a sectional character to some extent. Why, we are told in the very breath that declares there is no such principle recognized, that the North has violated the Missouri Compromise and the South has maintained it; and yet do you tell me that there is no North and no South? Let us look at the action of the North and South. I am not going back to make a technical, or legal, or constitutional argument upon the facts and circumstances of the Missouri Compromise—its creation, its progress, its recognition, and final decision. I am not going to characterize it as a compact, distinguished from a compromise, because I can see no reasonable application of the one that does not belong to the other.

The word "compromise" is a more comprehensive and rational term when applied to an amicable adjustment of differences existing between two parties who are reconciled. I well remember that on the organization of Oregon Territory the South denounced the Missouri Compromise, and did not recognize it. Was not that denunciation subsequent to a joint recognition by both sections of the Union, the North and the South? Had they not united, the South, perhaps, with more unanimity than the North, upon its application to Texas in her annexation? Yes, sir, they had. That was in 1845; and in 1848, three years after, without any intervening act of bad faith on the part of the North, the South repudiated it on the organization of Oregon Territory.

Mr. ATCHISON (Mr. Dodge, of Iowa, in the chair). The Senator says that the Southern members of the Senate repudiated the Missouri Compromise on the Oregon bill. Now that, I think, with all due deference to the Senator, is not so. The Senator from Illinois proposed to the Oregon bill the Missouri Compromise, and every Southern gentleman, according to my recollection, voted for it—every one in the Senate. The bill went to the House, and the House refused to accede to it.

Mr. DOUGLAS. Yes, sir.

Mr. ATCHISON. The Senator from Texas, and my then colleague, the senior Senator from Missouri [Mr. Benton], alone of all the Southern members voted to recede from it.

Mr. HOUSTON. I thank the gentleman for giving me a very pleasing intimation. It reminds me, Mr. President, of what did occur. We voted to recede from it. The other gentlemen did not vote to recede. They had voted in opposition to its organization and admission, or what was tantamount to it. And what was the reason? It was because there was a proposition, and I had introduced resolutions myself, to extend the compromise line to the Pacific Ocean. The North did not accept it. I did not believe it would be more than an abstraction. Why did I do it then? I will tell you. But previous to this,

and at the time Oregon was organized by the Government, the South went against it, I may say, in a body. The Southwestern Senators and myself went for it, under the heaviest denunciations and anathemas that could be applied to any individuals. Was this an abandonment of it by the North? Had it been an abandonment of the application of it by the North, or its non-application by the South, to Texas? Did not the North receive five and a half degrees of slave territory from Texas, and in consideration of that cede to Texas the right of forming four States in addition to the one then formed? Call it a compact or compromise, as you please; but then it assumed the character of a compact when applied to Texas, because Texas came in recognizing that as a principle concurred in by the North and the South. They both applied it to Texas, and it was upon it that she came in. And so far, certainly, it was a compact with her. Is not Texas interested in that? Did she not consider the Missouri Compromise practically a compact, so far as she is concerned? Because she predicated her own upon it. And if you deprive her of the benefits resulting from and declared by that compact, when are her four States to come in, if the North has the ascendancy? Can not they exclude them when they please if the Missouri Compromise be repealed? We hold them by an obligation which it would be dishonorable and infamous to abandon. You can not repeal that compromise without the consent of Texas. Remember, Texas was an independent nation, a sovereignty, when she came into this Union. She had rights equal to those possessed by this country; institutions quite as good, and a more harmonious structure of her community. Now, will there not be a liability that these four additional States may be denied to Texas? Texas insists upon this right in my person, as one of her representatives. I claim it as no boon bestowed. I ask it as no gift. The State demands it as a *right*, to form four additional States, if she should elect to do so.

But what would the repeal of this Compromise amount to? An abstraction? What would the South be benefited by it? By the amendment of the Senator from North Carolina, the bill is perfectly eviscerated, or, to use a senatorial term, because I think it may be applied with more propriety, *elegantly* emasculated. Yes, sir, it amounts to nothing. It holds a promise to the ear, but breaks it to the hope. If it is ever to be repealed, I want no empty promises. They have not been asked for by the South. They are not desired; and, so far as I am concerned, they will never be accepted. Neither my colleague nor myself have ever been consulted in relation to this subject. On the contrary, we have been sedulously excluded from all consultation. I have never had an intimation that a conference was to take place, a caucus to be held, or stringent measures applied in the passage of this bill. Nothing of the kind. I have been in the dark in relation to it. I feel that Texas has as important an interest as any other section of this Union in the repeal of the Compromise, and would be as vitally affected by it. She must be eventually, if calamities are to fall upon the South, the most unfortunate of all that portion of the Union.

I will give you my reasons why I think Texas would be in the most deplorable condition of all the Southern States. It is now the terminus of the slave population. It is a country of vast extent and fertile soil, favorable to the culture and growth of those productions which are most important to the necessities of the world—cotton, sugar, and tobacco. An immense slave population must eventually go there. The demand for labor is so great, everything is so inviting

to the enterprising and industrious, that labor will be transferred there, because it will be of a most profitable character, and the disproportion of slaves to the white population must be immense. Then, sir, it becomes the gulf of slavery, and there its terrible eddies will whirl, if convulsions take place.) I have a right, therefore, to claim some consideration in the Senate for the effect which the repeal of this Compromise will have upon our State. I have a right to demand it, and demand it for other reasons than those which I formerly gave here, that were personal to myself.

It is alleged that the refusal on the part of the North to continue the Missouri Compromise line over the acquisitions of 1847 and 1848 was a repudiation of the Compromise. That may be thought technically true. I grant that a proposition was made, or a compromise entered into by the North and South, to extend the Missouri Compromise as far as the jurisdiction of the United States extended. That was to the Pacific Ocean. When it was, by contract, carried on through Texas on its annexation, then, if I understand it, it was a new line—a continuation of the old line by consent. It was established there by a compact with Texas; for by the original Missouri Compromise it could only extend as far as the jurisdiction of the United States went. Then the proposition to continue it to the Pacific was a new and substantive proposition. Though it might refer to the original principle of the old, it had no more connection with it than the Atlantic has with the Pacific.

I understand, if individuals make a contract, whether they enter into it in writing or not, if it is to be executed by any given time, and subsequently it is proposed by one of the parties to make another contract, which involves not the first, but is made because it is convenient to extend the first further, the refusal of one of the parties to agree to the second does not invalidate the former contract. This is a kind of argument I have never heard resorted to, except in favor of the repeal of the Missouri Compromise. I have a great deal of veneration for that Compromise. I recollect the time when I was tried in the Senate Chamber upon its principles. There are Senators here who well remember that I was denounced, more in manner than in words, when I said I planted myself upon the Missouri Compromise line, and that astride of it I would stand, if needs be, and that there I would do battle, and there would I perish in the defense of the rights of the South. That was emphatic language, and I felt all that I uttered. Sir, I have some reverence for it; and if I should feel such reverence, it is not unreasonable that I should have determinations, too, which will not be changed by all the technical and abstract notions which have been adduced and relied upon to enlighten the public mind, to manufacture public sentiment here, and to give direction to it abroad. Sir, I have no idea that the public sentiment is to be subverted, and I assure you that the North, or West, or South, can not be willing that this should be done. No one can deprecate more than I do the fearful agitations which, I apprehend, will follow this; but after the manifestations which we have had here, nothing that I can utter will affect those who are present, or certify to them what must be the inevitable consequence, out of this Hall, when agitation is rife abroad. Do these gentlemen say that I have not made any argument on this point? It is, sir, because I was not sufficiently skilled to meet the refined arguments that were adduced in favor of the repeal. What necessity has grown up for the adoption of this

measure since 1850? None had resulted at this time last year. None has been heard of.

Three years have passed in tranquillity and peace. Yet the gentleman who urges the measure thinks that he would have been derelict to his duty had he not brought things to their present condition, and presented the matter in the shape in which it now stands. If it was necessary at all, it was necessary last year. No new developments have been made. The great principle of non-intervention existed then. There is no new demand for it now. Is not that a reason why this bill ought not to pass? Was there any new indication given of its necessity up to the time that the bill was introduced here? None throughout the whole land. How, and where, and why, and when, and with whom this measure originated, Heaven only knows, for I have no cognizance of the facts; but I well know that persons deeply involved in it, and exercising senatorial privileges here, never received information that such a measure would be brought forward, or would be urged with that pertinacity with which it is now done. Little did we think that it was to be urged upon us as a great healing measure. The honorable Senator from Virginia [Mr. Mason] said last night that this is to be regarded as a great healing measure for the purpose of preventing agitation. Sir, I heard of no agitation until it arose here, nor would there have been any this day in the United States, if the bill in the form in which it was presented last year, had been brought forward and adopted without any provision either for non-intervention or the repeal of the Missouri Compromise.

So far back as 1848, I find that President Polk recognized the Missouri Compromise as of binding force upon this country. He considered it not only binding upon the North in relation to the South, but, as the Chief Magistrate of this Union, he regarded it as binding upon the South, because it accorded certain privileges to the South; for he says, when speaking in relation to his approval of the Oregon bill, that he approved it because it lay north of 36° 30'; but had it lain south of 36° 30', he would not say what action he would have taken upon it; clearly intimating that he would have vetoed the bill, regarding as he did the Missouri Compromise as obligatory on the two sections of the Union. How has it been repudiated since that time? Was it repudiated and superseded, or rendered null and void, by the Compromise of 1850? No such thing. Do you think that the astute statesmen, the men who managed and controlled the business of that Compromise, as much as any other men versed and skilled in legal lore and in general learning, men of acumen and keen perceptions, would have permitted that matter to go unexplained, if it ever had been contemplated to repeal the Missouri Compromise? Mr. Clay and Mr. Webster would never have done it. Yet no information was given that any such design was entertained by any member of this body. I am sure that, for one, I did not entertain it. Other gentlemen, more astute than myself, might have done so, but I am confident that it was not the general understanding that non-intervention was to be applied to these Territories because they lay north of 36° 30'.

I again ask, what benefit is to result to the South from this measure, if adopted? I have shown, I hope, that if you repeal this Missouri Compromise, Texas has no guarantee left for the multiplication of her States, if she chooses to make them. What are its advantages? Will it secure these Territories to the South? No, sir, not at all. But, the gentleman tells us, it is *the principle* that we want. I can perceive but one principle involved in the measure.

and that principle lies at the root of agitation ; and from that all the tumult and excitements of the country must arise. That is the only principle I can perceive. We are told by Southern, as well as Northern gentlemen, those who are for it, and those who are against it, that slavery will never be extended to that Territory, that it will never go there ; but it is the principle of non-intervention that it is desired to establish. Sir, we have done well under the *intervention* of the Missouri Compromise, if the gentlemen so call it, in other Territories ; and, I adjure you, when there is so much involved, not to press this matter too far. What is to be the consequence ? If it is not in embryo, my suggestion will not make it so. It has been suggested elsewhere, and I may repeat it here, what is to be the effect of this measure if adopted, and you repeal the Missouri Compromise ? The South is to gain nothing by it ; for honorable gentlemen from the South, and especially the junior Senator from Virginia [Mr. Hunter], characterize it as a miserable, trifling little measure. Then, sir, is the South to be propitiated or benefited by the conferring upon her of 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 or the Whig party in their organizations ? 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. I think that the measure itself would be useless. If you establish intervention, you make nothing by that. But what will be the consequence in the minds of the people ? They have a veneration for that Compromise. They have a respect and reverence for it, from its antiquity and the associations connected with it, and repeated references to it that seem to suggest that it marked the boundaries of free and slave territory. They have no respect for it as a compact—I do not care what you call it—but as a line, defining certain rights and privileges to the different sections of the Union. The abstractions which you indulge in here can never satisfy the people that there is not something in it. Abrogate it or disannul it, and you exasperate the public mind. It is not necessary that reason should accompany excitement. Feeling is enough to agitate without much reason, and that will be the great prompter on this occasion. My word for it, we shall realize scenes of agitation which are rumbling in the distance now.

I have heard it said, and may as well remark it now, that the Abolitionists and Free-Soilers, to a certain extent, will affiliate with the weaker political party at the North, the Whigs, and will make a fair contest with the Democrats. If they throw this question in the scale, and the Democrats do not, they will preponderate. Then how are the Democrats to sustain themselves under this pressure ? Suppose the repeal of the Fugitive Slave Law, or the repeal of the Compromise of 1850 is proposed, and the Democrats oppose it, they will meet with the objection that it is not more sacred than the Missouri Compromise, and the repeal will be urged before the people ; and we shall see our House of Representatives with a preponderating power of Abolitionism, the principles of which will triumph. Every Representative who votes for this measure will be prostrated ; he can not come back, or, if he comes back, he will be pledged to the repeal of a measure fraught with so many blessings of peace to the country. With all the fancied benefits of non-intervention, they can not overbalance the disastrous consequences that must ensue to our institutions.

This is an eminently perilous measure, 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 do it 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 not me. The discharge of conscious 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 to the setting sun carries me to the bosom of a family dependent upon me, think you I could be alien to them? Never—never. Well, sir, if I am now accidentally associated with Abolitionists, in voting against this measure of repeal—if I vote with them, and with individual Senators with whom my relations have always been courteous and polite personally, they well know that I feel no sympathy with their notions—that I think them fanatical—I do not esteem it a greater misfortune attendant upon me than I have witnessed before, in this Chamber, with other Senators from the South. In the passage of the Compromise bill of 1850, I saw associations of extremes quite as extraordinary as on this occasion. I almost thought that the extremes of the Abolitionists and Secession parties had become Siamese twins; they were so intimate that I could not help but remark it.

MR. SEWARD. Who?

MR. HOUSTON. I need not mention who; I merely throw out the suggestion. I do not inquire into the motive which induced the introduction of this bill into the Senate. I cast no reflections on gentlemen, either for its introduction or for its support; but I deprecate the consequences which will flow from it. I have conversed with several Senators, and I have never heard the first who would not admit that it was an unfortunate and ill-advised measure. The venerable and distinguished Senator from Michigan [Mr. Cass] the other day, in his speech, declared, in substance, that he thought it was an unfortunate circumstance that it had ever been introduced into the Senate, although it meets with his approbation when it is here. And now, when he who has been in the councils and transactions of this country for fifty years, who has witnessed all the vicissitudes and mutations through which the country has passed, who has been an actor in the most important scenes of the Union—when he does not recognize it as a healing and welcome measure, I ask Senators if I err in resisting it? They say it is here. It *is* here, and, if I had the power, I would kick it out. What, if a measure unwholesome or unwise is brought into the Senate, and it comes from the party of which I am a member, and its introduction is an error, is it not my duty to correct that error as far as I possibly can? Sir, I stand here for that general purpose. My constituents send me here for that purpose.

But I will not admit for a moment that this meets the sanction of the Executive. All his antecedents are in the face of it. Supporting him as I did, I must believe him consistent and truthful. He is upon the record as an opponent to agitation of any kind, whether in the Halls of Congress or anywhere else. He is pledged to keep down and resist agitation, as far as 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.

Mr. President, not in any spirit of unkindness—not entertaining unfriendly or ungentle feelings—I will allude here, by way of illustration, to one of the most beautiful and captivating incidents in the Holy Bible—one that shows a forgetting, and kind, and amiable, and forgiving temper, which, even under a sense of deep injuries, was willing to embrace a brother and forget the past. I need not relate to this intelligent assembly the history of Esau and Jacob. The birthright and the mess of pottage are familiar to all. The two brothers separated in anger, after Jacob had acquired the blessing which should have been given to Esau, and Jacob fled to Laban, his mother's brother, in a distant country, where he greatly prospered. Afterward, when he separated his flocks from those of his father-in-law, it became necessary for him to journey through the land of his brother Esau, who was then a man of influence, and power, and wealth. As Jacob approached, he thought it was necessary to propitiate his brother for the wrong which he had done him, and he supposed he could not do that without some atonement, or some gift. He dispatched a portion of his family, some of his handmaidens, and children, and servants, with a drove of cattle, which he intended as an offering to his brother; and the sacred narrative says that when Esau heard that his brother was journeying toward his land, "Esau ran to meet him; and they embraced and kissed each other; and they wept." Now I do not see why the North and South, if they have been separated, might not embrace each other without any feeling of anger. But, after some colloquy had taken place between the brothers, Esau said: "*What meanest thou by this drove which I met?*" And Jacob said, "These are to find grace in the sight of my Lord." And Esau then made a reply worthy of a generous spirit. He said: "*I have enough, my brother; keep that thou hast unto thyself.*"

So, if this is an offering to propitiate the South, the South may say, "I have enough, my brother; keep that thou hast unto thyself." If this is the only offering tendered to the South, we will not ask it; we do not want it; the people will be angry if you give it, and I never want to make trouble with my friends at home. I would rather you would keep it. If you are indebted in anything to the South, all I have to say is, that you might find some other occasion when it would be more agreeable to cancel the obligation. The South, as a community, only desire their rights under the Constitution and existing compromises.

But, sir, the people are not going into abstractions to understand this subject. Nor will there be a lawyer at every point, every cross-road, every public meeting, every muster, or every court-house, to give elaborate dissertations upon the unconstitutionality of the Missouri Compromise. I care nothing about its constitutionality or unconstitutionality. Not one straw do I care about it, on account of the circumstances out of which it grew, and the benefits flowing from it. Mr. Jefferson said he could not find constitutional authority for the acquisition of Louisiana. If that was the case, even if the Compromise, based upon an unconstitutional act, to reconcile the different sections of the country, was without authority of the Constitution, it became a legitimate subject of legislation. I say legitimate, because it was an acquisition of territory which must be governed in some manner suited to the exigencies of the occasion. Hence the resort to the principle of compromise, and to legislation. Was the acquisition

of Florida constitutional? I think not. Yet we retain it as one of our States. Was the acquisition of Texas constitutional? No, sir, it was not. It was a mere act of legislation on the part of this Government—a compromise—precisely such as the compromise which this bill proposes to repeal. But Texas is in, and you can not thrust us out; and that is the whole of it. But it is not constitutional. If it is not, and validity attaches only to *compacts*, in contradistinction to *compromises*, then this is a compact predicated upon the compromise of Missouri.

I do not know whether it is constitutional, technically. It is sufficient for me to know that it has stood for more than thirty years, and received the approbation of our wisest and ablest statesmen, from the day of its adoption down to the present, and was never questioned until after the commencement of the present session of Congress. It is strange that an unconstitutional law should have remained so long in force amid all the agitation, and excitement, and bitterness between the North and the South; and that this is the first proposition ever made to repeal it. Have we to yield to it without any necessity, and without any excuse for it, when we see that discord will run riot in our land?

Sir, the occasion to which I have alluded, was not the only one on which I said I was willing to stand on the Missouri Compromise line, in defense of the rights of the South. On another occasion, it will be recollected in this Chamber, when speaking of the obligations the country was under to a distinguished statesman, then in private life, and whose party had postponed his claim, or pretermitted it, or, in common parlance, laid him on the shelf, I said, that when the Missouri agitation was quieted, he was held throughout the land as a great pacificator; and if he had committed a mountain of sins, that single achievement of tranquillizing the great Republic, giving permanency, peace, and growth to its institutions, would have overbalanced them all. I said that Henry Clay deserved a monument of bronze, of marble, or of gold, to be placed in the rotunda of the Capitol, for men in aftertimes of great excitement to contemplate, and look upon as a man who blessed his country. That was the sentiment I entertained, and it arose from veneration, not only for the man, but for the needed restoration of harmony to our native land. Were I to make such a declaration now, it would be thought that it was an endeavor to bring this bill into discredit. No, sir, nothing is necessary from me to discredit it; for it is its own condemnation under the circumstances in which it is presented here, at this time, in the midst of unity, peace, and harmony, while all is at rest, with not a ripple on the vast ocean of our community. I have seen agitation and bitterness before.

I recollect when I ventured to make the first address in this Chamber on the subject of the agitation in 1850, with what discountenance it was received. So little was there a disposition to harmonize, that *when I suggested that six Senators, without regard to party or section, might be selected from the members of this body, who could compose an Address and send it abroad so as to harmonize the country, and hush the fierce waves of political agitation that were then lashing the base of this Capitol, it met with no response.* Well, 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 have witnessed its immeasurable expansion and development, when I close 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 this. Fondly had I cherished the desire and the expectation from 1850 until after the introduction of this bill. My hopes are less sanguine now. My anxieties increase, but 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 in the North, who are enemies of the South, with efficient weapons to contend with.

The Democracy in the North have stood firm to party ties. They have fought gallantly for our rights. If we pass this bill how can they maintain themselves? How can their representatives return to them and say: "We gave it"? Would not the reply be: "You gave it; then you are faithless servants, and we will put you down; you disgraced your party; you have given away a sacred thing, a pledge, a compromise thirty-four years old, which was venerated for its antiquity, and national benefits derived from it"? Depend upon it, they will be held to a strict account. They will have to answer for it. I call upon you to sustain those who stood by you of the South in opposition to those whose fanaticism, and prejudice, and misguided feeling would have wrested your rights from you. If you place them and their party in the predicament which I have mentioned, you will be doing them great injustice.

Mr. President, I have very little hope that any appeal which I can make for the Indians will do any good. The honorable Senator from Indiana [Mr. Pettit] says, in substance, *that God Almighty has condemned them*, and has made them an *inferior race*; that there is *no use in doing anything for them*. With great deference to that Senator, for whom I have never cherished any but kind feelings, I must be permitted to dissent from his opinions. He says they are not civilized, and they are not homogeneous, and can not be so, with the white race. They can not be civilized! No! Sir, it is idle to tell me that. We have Indians on our western borders whose civilization is not inferior to our own. It is within the recollection of gentlemen here that, more than twenty years ago, President Ross, one of them, held a correspondence upon the rights of the Indians to the Cherokee country, which they possessed east of the Mississippi, and maintained himself in the controversy with great credit and ability; and the triumph of Mr. Adams, if it was one, was much less than he had obtained over the diplomatist of Spain [Mr. Don Onis], in relation to the occupation of Florida by General Jackson. The Senator from Indiana says that, in ancient times, Moses received a command to go and drive the Canaanites and Moabites out of the land of Canaan, and that Joshua subsequently made the experiment of incorporating one tribe of the heathen with the Israelites, but it finally had to be killed off. Therefore, the Senator concludes, the Cherokees can not be civilized. There may have been something statesmanlike in the policy, but I do not discover the morality of it. I will say, however, that there is no analogy between the two cases. The people of Judea who were killed, or exterminated,

were idolaters, and the object was to keep the people of Israel free from the taint of idols and idolatry, under the command of Providence, and therefore the extermination in His dispensation became necessary. But the Cherokees never have been idolaters, neither have the Creeks, nor the Choctaws, nor the Chickasaws. They believe in one Great Spirit—in God—the white man's God. They believe in His Son Jesus Christ, and His atonement, and propitiation for the sins of men. They believe in the sanctifying efficacy of the Holy Ghost. They bow at the Christian's altar, and they believe the Sacred Volume. Sir, you may drive these people away, and give their lands to the white man; but let it not be done upon the justification of the Scriptures. They have well-organized societies; they have villages and towns; they have their state-houses and their capitol; they have females and men who would grace the drawing-rooms or saloons of Washington; they have a well-organized judiciary, a trial by jury, and the writ of *habeas corpus*. These are the people for whom I demand justice in the organization of these territories. They are men of education. They have more than one hundred native preachers in those tribes, as I have heard. They have their colleges, as I remarked in my former address to the Senate on this subject. They become associated in friendship with our young men in the various institutions in the United States; and they are prepared to be incorporated upon equal terms with us. But even if they were wild Indians, untutored, when you deprive them of what would give them knowledge, and discourage them from making an effort to become civilized and social beings, how can you expect them to be otherwise than savage?

When you undertake to tame wild horses, do you turn them from you and drive them into the desert, or do you take care of them and treat them with humanity? These Indians are not inferior, intellectually, to white men. John Ridge was not inferior in point of genius to John Randolph. His father, in point of native intellect, was not inferior to any man. Look at their social condition, in the nations to which I have alluded. Look at the Chickasaws who remain in the State of Mississippi. Even among white men, with all their prejudices against the Indians, with their transcendent genius and accomplishments, they have been elected to the Legislature. Whenever they have had an opportunity, they have shown that they are not inferior to white men, either in sense or capability.

But the honorable Senator from Iowa [Mr. Dodge] characterizes the remarks which I made in reference to the Indians as arising from a feeling of "sickly sentimentality." Sir, it is a sickly sentimentality that was implanted in me when I was young, and it has grown up with me. The Indian has a sense of justice, truth, and honor, that should find a responsive chord in every heart. If the Indians on the frontier are barbarous, or if they are cannibals and eat each other, who are to blame for it? They are robbed of the means of sustenance; and with hundreds and thousands of them starving on the frontier, hunger may prompt to such acts to prevent their perishing. We shall never become cannibals in connection with the Indians, but we do worse than that. We rob them, first of their native dignity and character; we rob them next of what the Government appropriates for them. If we do not do it in this hall, men are invested with power and authority, who, officiating as agents or traders, rob them of everything which is designed for them. No less than *one hundred millions of dollars*, I learn from statistics, since the adoption of this Government, have

been appropriated by Congress for purposes of justice and benevolence toward the Indians; but I am satisfied that they have never realized *fifteen millions* beneficially. They are too remote from the seat of government for their real condition to be understood here; and if the Government intends liberality or justice toward them, it is often diverted from the intended object and consumed by speculators.

I am a friend of the Indian, upon the principle that I am a friend to justice. We are not bound to make them promises; but if a promise be made to an Indian, it ought to be regarded as sacredly as if it were made to a white man. If we treat them as tribes, recognize them, send commissioners to form treaties, and exchange ratifications with them, and the treaties are negotiated, accepted, ratified, and exchanged—having met with the approval of the Senate—I think they may be called compacts; and how are those compacts regarded? Just as we choose to construe them at the time, without any reference to the wishes of the Indians, or whether we do them kindness or justice in the operation, or not. We are often prompted to their ratification by persons interested; and we lend ourselves unintentionally to an unjust act of oppression upon the Indians by men who go and get their signatures to a treaty. The Indian's mark is made; the employés of the Government certify or witness it; and the Indians do not understand it, for they do not know what is written. These are some of the circumstances connected with the Indians. Gentlemen have spoken here of voting millions to build ships, and placing the army and navy at the disposition of the President in the event that England act inconsistently with treaty stipulations. This is done because, if England violates a treaty with us, our national honor is injured. Now, I should like to know if it becomes us to violate a treaty made with the Indians when we please, regardless of every principle of truth and of honor? We should be careful if it were with a power able to war with us; and it argues a degree of infinite meanness and indescribable degradation on our part to act differently with the Indians, who confide in our honor and justice, and who call the President their Great Father, and confide in him. Mr. President, it is in the power of the Congress of the United States to do some justice to the Indians by giving them a government of their own, and encouraging them in their organization and improvement by inviting their delegates to a place on the floor of the Senate and House of Representatives. If you will not do it, the sin will lie at your door, and Providence, in His own way, mysterious and incomprehensible to us though it is, will accomplish all His purposes, and may at some day avenge the wrongs of the Indians upon our nation. As a people we can save them; and the sooner the great work is begun, the sooner will humanity have cause to rejoice in its accomplishment.

Mr. President, I shall say but little more. My address may have been desultory. It embraces many subjects which it would be very hard to keep in entire order. We have, in the first place, the extensive territory; then we have the considerations due to the Indians; and then we have the proposed repeal of the Missouri Compromise, which seems to require the most explanation, and to be the main point in the controversy. The great principle involved in that repeal is non-intervention, which, we are told, is to be of no practical benefit if the Compromise is repealed. It can have no effect but to keep up agitation.

Sir, the friends who have survived the distinguished men who took prominent parts in the drama of the Compromise of 1850, ought to feel gratified that those

men are not capable of participating in the events of to-day, but that they were permitted, after they had accomplished their labors, and seen their country in peace, to leave the world, as Simeon did, with the exclamation : " Lord, now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation." They departed in peace, and they left their country in peace. They felt, as they were about to be gathered to the tombs of their fathers, that the country they had loved so well, and which had honored them—that country upon whose fame and name their doings had shed a bright lustre which shines abroad throughout all Christendom—was reposing in peace and happiness. What would their emotions be if they could now be present and see an effort made, if not so designed, to undo all 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 American 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.

SPEECH IN THE UNITED STATES SENATE

ON TREATMENT OF INDIANS, DECEMBER 31, 1854.

Mr. HOUSTON. Mr. President, I hardly know what to say in reply to the Senator from Iowa, for I hardly know what to think of his speech. [Laughter.] If I were to characterize his remarks in any way, I should say that they were, at least, very remarkable. In the first place, let me say to that honorable Senator, and to the honorable Senator from Florida, that they were talking about things of which I knew very little, for I was not in the United States when the occurrences to which they alluded took place, and I was not, therefore, familiar with the history of those wars. If I am not mistaken, however, it was an outrage of a very delicate character which brought on the Florida war.

Mr. MALLORY. That is a mistake, sir.

Mr. HOUSTON. Well, sir, that was the report which was brought to Texas. Whether it was true or not, I do not know ; but that was the information which I received from people from that section of the country. As for the Black Hawk war, I know little or nothing about it ; for, in Texas at that time, we had no mail communication with the United States, and we got but few papers from the States, so that I remained uninformed in relation to those matters ; but, no doubt, they were very exciting. The Senator from Iowa said the Black Hawk war was brought on by a council of the nation ; but I have heard that an examination of the circumstances will show that the first outrage was committed

by an individual, not by the concurrence of the nation, though they afterward became involved in the general war. In that statement, I believe, I am sustained by the history of the times.

I have already stated that occasions occur where outlaws among the Indians commit acts of aggression on the whites, and the whites immediately retaliate on the Indian nations, and these nations, in self-defense, become involved in war; but I *never knew a case where a treaty, which was made and carried out in good faith, was violated by the Indians.* In Florida the Indians complained that they had been deceived in the treaty, and that the boundaries assigned were not as they understood them; and they killed their own chiefs. It was charged that some of the agents were involved in speculations to a great extent dependent on the treaty. I recollect it was so stated at the time.

I think, sir, the Senator's speech was of a remarkable character in relation to politics and other matters, which I am sorry that he has introduced. He has undertaken to admonish me, and for this admonition I am much obliged to him. His experience, his superior opportunities, may entitle him, in the opinion of others, to the right of admonishing me; and I am perfectly willing, on that point, to yield my own opinion to what may be the general impression of the body. I did not provoke his remark by any allusion to any one, predicated upon my own disposition to arraign the conduct of others; nor have I asserted anything in regard to the officers of the army, but what are matters of fact, taken from the official documents. When I made suggestions of a speculative character, I gave them as such.

But, Mr. President, the Senator from Iowa has said that he would not have been astonished if the rankest abolitionist had made such a speech, and had avowed such sentiments as I did. He says that, if a man in Western New York had presented such views, he would not have been surprised. Now, I wish to know what connection my remarks had with abolition? What connection they had with any one in Western New York? In what respect have I catered to any prejudice or morbid sensibility? I have stood here alone in this body, against a powerful array of talent and influence, contending for what I conceived to be a great principle, and which must obtain, or the Indian race be exterminated.

In regard to that principle, I have the concurrence of the Senator from Tennessee [Mr. Bell], who was once Secretary of War, and, as such, had control of the Indian Department, and who has, since that period, been a prominent member of the Committee on Indian Affairs of the Senate. I believe that my opinions are also concurred in by the Senator from Arkansas [Mr. Sebastian], who is the head of the Committee on Indian Affairs. I can inform the Senator from Iowa that I will sustain him to the extent of my humble abilities in any measure he may introduce in favor of the Indians, and for the establishment of a policy which will ultimately benefit them, and reflect credit upon the Government of the United States.

I have not been regardless of what I considered the honor of the United States, and the interest of the Indians. In no instance have I been remiss in these particulars. I could not cater to any passion or prejudice on this subject, *because I know of no societies in the North, or in the South, or in any section of this Union, for the advancement of the civilization of the Indians. If such societies exist, I am not in correspondence with them,* nor am I aware of the

existence of any such associations. Then, for what ulterior purposes could I advocate the rights of the Indians, or invoke the justice of this Government toward them? Could it be any expectation of political benefits? None upon earth.

I presume the abolitionists are perfectly absorbed in the subject of abolition. For myself, I would rather see them turn their attention to the amelioration of the condition of the Indians on our Western wilds, or to the reclamation of those whom they hold in slavery. There are not less than two thousand prisoners in the hands of the Comanches; four hundred in one band, in my own State. The prisoners can be reclaimed from those Indians, who are coming down to settle upon their reservations. They take no prisoners but women and boys. The boys they treat with a degree of barbarity unprecedented; and their cruelties toward the females are nameless and atrocious. Our Government is silent in relation to them. Has humanity no claims upon us in this respect? Has justice no demand unanswered?

Sir, we have not seen the facts to which I have just alluded impressed on a page of our official communications from the War Department. The officers stationed near the places where those transactions have taken place have not reported them. No effort has been made to obtain appropriations for the reclamation and redemption of those prisoners. This is a subject which calls aloud for the humane influence of the Senator. There is no sickly sentimentality in this, but a manly upheaving of soul that, in consideration of suffering humanity, demands that the Government shall rescue them from the most cruel and unrelenting bondage.

I have been accused of catering to a morbid, sickly sentimentality. Sir, I never yielded anything of my own conscientious convictions to consult the opinions of others. I never stooped to solicit office; but I have received and accepted it to my own disadvantage. I might have hated the Indians, if I had a soul no bigger than a shell-bark. [Laughter.]

In my boyish days, before manhood had hardened my thews and muscles, I received balls and arrows in this body, in defense of suffering humanity, particularly women and children, against the Indians; and I aided in reclaiming the brightest spot of the South—Alabama. When I remember that, in those early days, I assisted in rescuing females and children from the relentless tomahawk and scalping-knife, it seems to me that the charge that I have stooped to court favor by the expression of my sentiments on this question is one which falls harmless at my feet.

ON PETITION OF THREE THOUSAND MINISTERS AGAINST REPEAL OF MISSOURI COMPROMISE, MARCH, 1854, IN UNITED STATES SENATE.

Mr. President: I think that a petition of this kind ought to be received, and that it is not subject to the charge brought against it by the Senator from Illinois [Mr. Douglas]. It does not arraign our action by being drawn up after that action was had. The Nebraska bill passed this body on the night of the 3d, or, rather, on the morning of the 4th instant. The memorial appears to

be dated on the 1st of March. I can not think that it meant any indignity to the Senate. There is nothing expressive of any such feeling in it. It is a right that all individuals in the community have, if their terms are respectful, to memorialize the Senate of the United States upon any subject. Whether there is any ulterior object in this I know not; but from the date of the memorial, and from the number of signers, I am induced to believe that the memorialists thought there was something wrong in that bill; and if they believe that its passage would be a breach of faith on the part of the Government, they had a right to say so. I took the liberty of making the same charge here. There were more questions than that of non-intervention involved in that bill. It involved an infraction of faith with the Indians, of pledges given to them under all the solemn forms, yet mockery, of treaties. That was one point involved; and I charged that the passage of the bill would be a violation of plighted faith in that particular. Was it a violation of faith to disregard the Missouri Compromise, which was of so much antiquity and utility to the country? That is a matter of discussion. I have not arraigned the action of any gentleman since the passage of the bill, but anterior to it I gave my opinions in relation to its character as a disregard of treaties, and as a flagrant violation of the plighted faith of the nation toward the Indians.

With respect to the Missouri Compromise, I believe its repeal to be as flagrant a breach of faith as the violation of treaties made with the Indians. I have not charged Senators with corrupt motives, nor have I charged them with anything selfish; but I certainly can see no more impropriety in ministers of the Gospel, in their vocation, memorializing Congress, than politicians or other individuals. I do not believe that these ministers have sent this memorial here to manufacture political capital, to have it entered on the records of the Senate, so that it might be taken back and disseminated through the country. Sir, it comes from the country. I told you that there would be agitation, but it was denied upon this floor. Is not this agitation? Three thousand ministers of the living God upon earth—His vicegerents—send a memorial here upon this subject; and yet you tell me that there is no excitement in the country! Sir, you realize what I anticipated. The country has to bear the infliction. Sir, the *coup d'état* was not successful. The bill did not pass before the community was awakened to it. The community was awakened to it not alone in New England, for I have seen letters from the South and West stating that it was there regarded as a breach of faith, and I can see no wrong in ministers expressing their opinion in regard to it. This protest does not attack the reputation of Senators. It does not displace them from their positions here. It does not impair their capabilities for the discharge of the high functions which the Constitution has devolved upon them. I see nothing wrong in all this.

Ministers have a right to remonstrate. They are like other men. Because they are ministers of the Gospel they are not disfranchised of political rights and privileges; and, if their language is respectful to the Senate, in anticipation of the passage of a bill which is obnoxious to them, they have a right to spread their opinions on the records of the nation. The great national heart throbs under this measure; its pulse beats high; and is it surprising that we should observe the effects of it? I trust, sir, that the nation may yet again see the blessed tranquillity that prevailed over the whole country when this "healing measure" was introduced into the Senate. The position of the nation was

enviable. It was unagitated. There was not, in my recollection, a time so tranquil, nor a community more happy. A nation more prosperous existed not upon the earth. Sir, I trust that there will be no continuance of agitation; but the way to end it is not to make war upon memorialists. Let them memorialize if they think it necessary. If they state what is incorrect, let the subject be referred to committees, and let the committees give an exposition of the truth, and lay it, in reports, before the public, and then the intelligence of the nation will determine as to what is right, and what consideration ought to be given to it. I would not take away the liberty to indulge in the freest expression of opinion, or the exercise of the rights and privileges which belong to any portion of this country; yet I would discourage agitation. I may hold the contents of this protest, to some extent, heretical; yet they are not expressed in such offensive language as would justify a denial of their right to memorialize. If it had been intended to impugn our motives or our actions, either as corrupt or immoral, we could bear it. The people surely have a right to think and speak upon our action. We are not placed in a position so high that we are elevated above the questioning power of the people. They have the right to look into our action and investigate our conduct, and, if they do not approve of it, to express their opinions in relation to it. I shall never make war upon them on that account; yet, I trust that whatever disposition may be made of the bill which we have passed, the agitation has already reached its acme; and that from this point it may decline, until the country is again restored to peace and happiness.

Mr. President, I have the misfortune to differ from my friends in relation to this measure, but that difference is not sufficient to induce me to enter anew into the discussion of it. I will, however, discuss the propriety of this memorial. The gentlemen misapprehend its character entirely. I understood the honorable Senator from Virginia—but I may have been mistaken—to say that it invoked the vengeance of the Almighty God upon the Senate.

Mr. MASON. In substance it does, as I understand.

Mr. HOUSTON. There is no invocation contained in the memorial. It is a respectful protest, stating their appreciation of the measure then pending before the Senate of the United States, and not one word is contained in it derogatory to the Senate at the time it was drawn, and there is no invocation of wrath or vengeance upon the members of this body. It is a respectful protest, in the name of the Almighty God.

By the expression which I used, that these ministers were the vicegerents of the Almighty, I merely intended to say that they were harbingers of peace to their fellow-men; and if it was a *lapsus linguæ*, or improper expression, it does not change the intention that I then entertained in my mind of expressing a belief that it was nothing else than an extraordinary emergency that diverted men from their ordinary pursuits in the ministry of the Gospel to engage at all in, or to step even to the verge of, the political arena.

We are told, Mr. President, that this was intended for the purpose of agitation. It is certainly a manifestation of agitation; but it could not have been intended to create agitation, for the thing was done, and here is one of its developments and consequences. Yet, sir, I can see nothing wrong in the memorial so far as I am concerned. If ministers of the Gospel are not recognized by the Constitution of the United States, they are recognized by the moral and social

constitution of society. They are recognized in the constitution of man's salvation. The great Redeemer of the world enjoined duties upon mankind; and there is a moral constitution from which we have derived all the excellent principles of our political constitution—the great principles upon which our Government, morally, socially, and religiously, is founded.

Sir, I do not think there is anything very derogatory to our institutions in the ministers of the Gospel expressing their opinions. They have a right to do it. No man can be a minister without first being a man. He has political rights; he has also the rights of a missionary of the Saviour, and he is not disfranchised by his vocation. Certain political restrictions may be laid upon him; he may be disqualified from serving in the Legislatures of the States, but that does not discharge him from political and civil obligations to his country. He has a right to contribute, as far as he thinks necessary, to the sustentation of its institutions. He has a right to interpose his voice as one of its citizens against the adoption of any measure which he believes will injure the nation. These individuals have done no more. They have not denounced the Senate, but they have protested, in the capacity of ministers, against what I and other Senators on this floor protested. They have the right to do it, and we can not take that right from them. They will exercise it. The people have the right to think, and they will exercise that right. They have the right of memorializing, and they will exercise that right. They have the right to express their opinions, and they will exercise that right. They will exercise their rights in reprobation or commendation at the ballot-box, too; and preachers, I believe, vote. They have the right to do so. They are not very formidable numerically, but they have the right to do this as ministers of the Gospel, as well as we Senators have a right to vote for the adoption of a measure; and if it is not in accordance with their opinions they have a right to condemn it. They have the right to think it is morally wrong, politically wrong, civilly wrong, and socially wrong, if they do not interfere with the vested rights of others in the entertainment of those opinions.

I understood my honorable friend from Mississippi to say that the South had been groaning for a long time under this oppressive measure. The South, sir, are a spirited people, and how they could have submitted, for more than a third of a century, to this indignity, this wrong, this act of oppression, which has ground them down in their prosperity and development, and never have said a word about it until this auspicious moment arrived, and that, too, when political subjects have been agitated at the North and South—that it should have been reserved for the action of the present Congress, after all others had glided by without complaint, rebuke, remonstrance, or suggestion of appeal, is a most extraordinary thing. My friend does not apprehend it; but there was no excitement out of this Capitol, or out of the city of Washington. It originated here. This was the grand laboratory of political action and political machinery. The object was to mature the measure here, and inflict it, by a *coup d'état*, upon the nation, and then radiate it to every point of the country. The potion does not react pleasantly. There is a response, but how does it go down? Not well. The physis works—it works badly; it works upward.

I am willing to receive any memorials that are presented to this body which are respectable in terms, whether they come from preachers, politicians, civilians, or from the beggars that congregate about your cities; and I will treat them

with respect and kindness. As long as they are respectful in terms to this body, though they express their apprehension of a calamity about to fall on the country, it brands no man; and if they denounce a measure in advance, it is what they have a right to do. We have a more eligible position here to advocate our opinions than individuals have in social life to maintain their positions. We have all the panoply of power and State sovereignty thrown around the members of this body to guard and shield them against attacks; but they are thrown in the midst of the community without any shield, except it is the shield of morality and propriety of conduct which gives protection to their persons. While they express themselves respectfully, I shall never treat with disrespect preachers, or any other individuals, who come before this body to give us their opinions upon political subjects.

In reply to some remarks of Mr. Douglas—

Mr. HOUSTON said: Mr. President, as the honorable Senator from Illinois, the Chairman of the Committee on Territories, seemed in a most emphatic manner to address his remarks to me, I think him fully entitled to the respect of my attention. He has dwelt upon the Abolition character of this document. So far as any such character may be embodied in it, I have nothing to say. There are various opinions entertained here and elsewhere upon various subjects with which I have nothing to do, and with which I have no affiliation; but with this subject, as it is presented to the Senate now, I have some connection. With the controversy which exists between the honorable Chairman of the Committee on Territories and the gentleman from Ohio [Mr. Chase], and the gentleman from Massachusetts [Mr. Sumner], I have nothing to do. I was not here when the controversy originated, nor when it was first introduced into the Senate. I have not participated in it since; and however unpleasant such altercations or controversies may be, and however I may regard them as impeding the transaction of business in this body, I have forborne either public or private expressions of opinion upon that matter.

Mr. DOUGLAS. Mr. President, I will say to the Senator that the only allusion which I had to him was the simple quotation which I made from his remarks when he spoke of these ministers being the vicegerents of the Almighty. My other remarks were intended for another quarter, so far as they had an application anywhere. If he is under the misapprehension of supposing that they referred to him, I wish to correct him; that is all. I do not want to interrupt him.

Mr. HOUSTON. I am very glad to hear the disclaimer, for the gentleman's remarks appeared to be directed so unequivocally toward me, that I was led into the misapprehension of supposing that they were intended perhaps to apply to me, in a manner in which it was not the purpose of the gentleman to apply them. But, sir, I explained, when I was up before, the misapplication of the term "vicegerent," and I expressed my opinion to be that the ministers of the Gospel were the heralds of the Almighty God, or His ministers of peace upon earth. I thought the gentleman would not have carped upon that expression, unless with reference to some particular influence which my views might have upon the auditory. It was a mere misapplication of a term, and I so explained it. But, Mr. President, I think the object of this memorial is misapprehended. I find no fault with its introduction either before or after the passage of the bill to which it refers, for that bill may be returned to the Senate with amendments.

Such things very frequently occur. At all events, as the memorial has been prepared with great care, and as the gentlemen who have signed it have been anxious that their views should be laid before the Senate of the United States, lest other measures embracing similar principles should be introduced, I can see nothing improper in allowing them to lay their views respectfully before the Senate. I do not think there is any evidence that the gentlemen who have signed the memorial have any disposition to establish theocracy in our country, or that they wish to take the Government into their own hands, and exercise a controlling influence over it. We find that those who have signed this document are of different sects and various denominations. I think there is no danger that such an amalgamation of interests and opinions will take place as to embody a force sufficient to make any great impression on the institutions of this country, or to endanger our liberties.

Mr. President, this memorial is regarded as a substantive and independent matter, as intended to produce agitation, and to insult the Senate; but it is really the effect of a measure which I predicted would have this influence upon the community. The cause exists in the Senate. It exists in the amendment inserted into the Nebraska Bill proposing the repeal of the Missouri Compromise, and this is but responsive action to that. The cause is not in the clergymen who have signed this memorial. The memorial is the effect of a cause brought forward and presented in the Senate. The memorial impugns the action of no one. It is true the memorialists speak of the measure as immoral. Surely that ought not to insult Senators. They are not such paragons of morality that they can not bear to have their moral character questioned, if they should happen to do anything which would not be strictly moral, according to some standards, but which I should not think to be very immoral. But is their morality of such a delicate texture as to be affected by a memorial coming from "the land of steady habits"?

We are told that there is a great principle involved in the bill to which this memorial refers. This is a very formidable and very visible response to that great principle which it is said has lain dormant. Sir, I need not name the number of years that it has lain dormant. No bright genius ever elicited it; no brilliant conception ever discovered it until this session had progressed for some time, when the great principle of non-intervention at once sprang up to illumine the world, to be regarded as one which, at some future day, would be a universally-recognized principle. Sir, I recognize the principles of self-government, but I do it in sovereignty. A people in tutelage can not exercise sovereignty, but States can. A people who are in a territorial existence which is fitting them to become States, exercise what may be called a *quasi* sovereignty. They are never really sovereign until they are recognized by Congress as such, and are received into the Union as sovereign States. Then is the time for the operation of self-government, but it grows out of sovereignty. Is it to be in five squatters? They may pass a law to-day and repeal it to-morrow, and the next day they may pass another law, and so on successively from day to day, and from year to year, they may pass and repeal laws. The Territories have no power to pass organic laws until the attributes of sovereignty are about to attach, or have actually attached to them. That is what I call non-intervention. That is what I call sovereignty and self-government. This is the great principle which it is said is involved in the bill which we have passed; and now we

are receiving the response to it. I hope we may never have any more responses of this description. I pray Heaven that we may never have another such protest in this body. I pray that there may never exist any necessity for it. But for the necessity or cause, which originated in this body, this memorial would never have been laid upon your table. This is but the effect ; the cause was anterior to it. If we wish to avert calamitous effects, we should prevent pernicious causes.

SPEECH ON THE SUBJECT OF AN INCREASE OF THE ARMY,
AND THE INDIAN POLICY OF THE GOVERNMENT, DELIV-
ERED IN THE SENATE OF THE UNITED STATES JANUARY
29 AND 31, 1855.

January 29, 1855.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, making appropriations for the support of the Army for the year ending the 30th of June, 1856, the pending question being on the amendment of Mr. Shields to the amendment of Mr. Hunter (which is to provide for two additional regiments of regular cavalry and five hundred Rangers), to substitute for that provision two regiments of infantry and two of cavalry.

Mr. HOUSTON said :

Mr. President : Before the Senate proceed to vote upon the adoption of the policy now proposed, I think it would be well to examine the causes which have led to the present condition of affairs, and then to inquire into the best means for the restoration of peace upon our Indian frontier. An examination of this sort will inform us whether there is any necessity for an increase of the military force of the country.

I am aware, sir, that, in discussing subjects which relate to the Indians or to their rights, I shall command but little sympathy from the Senate, and not much from the country. They are a people isolated in their interest, and solely dependent for protection and justice upon the Government of the United States. How far justice has been accorded to them in the past, or how far it is, in all probability, to be awarded to them in the future, is a matter beyond speculation. If we are to judge from the past experience of our times, we should infer that there is but very little hope of anything being done for the red man ; and we should infer that, in the opinion of his white brethren, his doom has already been written and recorded.

Mr. President, the Indians have been charged with an aggressive and hostile spirit toward the whites ; but we find, upon inquiry, that every instance of that sort which has been imputed to them, has been induced and provoked by the white man, either by acts of direct aggression upon the Indians or by his own incaution, alluring them to a violation of the security of the whites. They have tempted the cupidity of the Indians. If a lawless fellow happens to prove vagrant to his band, and throws off all the rules and restrictions imposed by the chiefs on their warriors, and chooses to involve his nation in a difficulty by taking the life of a white man, if he can do so, as he supposes, with impunity, his action is charged to his tribe ;

but they should not be held responsible. Sir, we have seen thrilling accounts of sanguinary massacres which alarm us at the first blush ; and, if we are to believe the paragraphs disseminated through the medium of the press, we should suppose, in reality, that the Indian was as barbarous as he had ever been, and that all the assaults or massacres, as they are termed, are unprovoked and wantonly inflicted on the defenseless white man. As an instance of this, let me mention the massacre at Fort Laramie, and from that instance you can pretty accurately deduce the true condition of other acts of a similar character. What were the circumstances in connection with that case ?

During the last summer some bands of the Sioux nation of Indians were encamped within six miles of Fort Laramie. They were in amity with the United States, and on terms of friendship and good feeling with the officers and men of the neighboring fort. A man from a neighboring tribe, whose relatives had, a year before, been slaughtered by the troops at Fort Laramie, happened to be among these bands of Sioux. Some Mormon emigrants passed by the camp of the Indians, and a cow escaped from them, made toward the village, and the Mormons pursued her, but unsuccessfully. The Indian to whom I have referred, by way of revenge for the loss of his relative, slaughtered the animal. Complaint was made at Fort Laramie. The chiefs instantly said that they would see that reparation was made for the injury which had been done. Was this satisfactory to the commanding officer ? No, sir ; but he detailed a brevet lieutenant, with a company, for the purpose of arresting the Indian. The company arrived at the encampment of the Indians with two pieces of artillery. Demand was made of the chiefs, but this Indian said to them, " I have taken a lodge here ; I am willing to die ; you have nothing to do with this matter ; you have no concern with it ; the responsibility is not upon your people, but it is upon me alone." So soon as this reply was given to the lieutenant he fired, and crippled one of the principal chiefs, and killed a man. The delinquent still refused to give up. After that, the chiefs rallied and exhorted the men to commit no outrage ; their influence controlled the action of the Indians ; but a drunken interpreter, who was calculated to incite the lieutenant to action, caused him, no doubt, to fire his cannon. The next thing was that the war-whoop was sounded, and the lieutenant and part of his men were killed. The others dispersed, were pursued by the Indians in hot blood, and every man was slaughtered.

This is a succinct narrative of that event. Were the Indians to blame ? He who violates a law is the man who is responsible for the consequences of that violation. The Indian intercourse laws of the United States have pointed out the manner in which to proceed in such a case. If a citizen sustains injury from any tribe, or from an individual of a tribe, information is to be given to the Indian agent for that tribe. He is immediately to make a demand upon the chiefs of the nation. If they do not surrender the individual, which in all probability they would do immediately, if they were treated in good faith, deduction is made from their annuities for the amount of the injury, and there the matter stops. If no annuities are due to them, rather than bring on war, the United States Treasury is responsible to the individual who has sustained

loss. These are the provisions of the intercourse laws. In this case, did either of the officers make a demand on the chiefs? The chief sent an assurance that justice would be done and the individual given up, though he did not belong to their band. The officers, unwilling to receive that assurance, dispatched a handful of men against several lodges of Indians, and among whom there had been some ground of complaint. The consequences which I have narrated resulted from this indiscretion and violation of law. It was a violation of law, for no demand was made upon the chiefs for indemnity, and no response was received from them. These gallant gentlemen thought they should go there and make war. They are paid for it; "it is their vocation." Are such men entitled to sympathy? Are they entitled to respect? But their conduct alarmed the Sioux; and because that tribe proposed to confederate with other tribes, we are asked to increase the military force of the country; forsooth, we are to wage war upon the winds, for you might as well do it as upon the prairie Indians.

But this is not all that grew out of that transaction. A clamor is raised about the mail party who were destroyed subsequently to that. It was very natural to expect that it would be done. The Sioux chief, who was wounded on the occasion to which I have referred, was taken to the Arkansas, and there he expired in consequence of the injury he had received. His kindred resolved to revenge his death. The Indian appreciates the ties of kindred far beyond any white man. They may have less intelligence, but the chords of nature are stronger, the sensibilities of the heart more lively than those which stimulate our Christian, enlightened action. It is well known that the grief which resounds through the Indian camp when a warrior or chief expires, or when a relative dies, is like the wailing of Egypt. When this chief expired his friends sought for a white man, that they might take vengeance on him—not for those who had inflicted the wrong, but whoever they might happen to find among the whites. They first came upon the mail party. One, who was not a relative of the chief, said to one of his kindred, "There is a white man, you can now take vengeance on him; you are a coward if you do not do so." He said: "I am no coward; but if you say it, I will kill him." Then he went and killed two out of the three composing the mail party.

Now, sir, what had been the condition of the Indian country previous to these occurrences? I have been assured by gentlemen who have passed from California to Fort Laramie, a distance of one thousand four hundred or one thousand five hundred miles, that they met individuals traveling alone through that vast region. They passed through a wilderness of one thousand four hundred or one thousand five hundred miles unassailed, and without injury from any one. Did this look like a desperate feeling on the part of the Indians, when they allowed unprotected individuals, sometimes singly, occasionally in small companies of three or four persons, to pass through their country unmolested? No, sir. It is some sudden act of wrong and outrage which stimulates the Indian to aggression. He has no inducement to it unless he expects great plunder, because he is very well aware that if he cultivates kind and friendly relations with the whites, he can receive from them supplies that he can not obtain any other way—things which gratify his taste for dress, and supply his wants and appetites. For

this reason the Indian is always disposed to be in peace and friendship with his white neighbors if he can.

I have given some illustrations of the so-called Indian outrages. I may refer to another one, which not long since took place in Oregon, and which is given, in some quarters, as a reason why an increase of the Army is required. I refer to a recent massacre of the Indians at a ferry-house in Oregon, as described by the agents and superintendents of that Territory. A number of miners, to the amount of forty, associated together to attack a village of seventy Indians, men, women, and children, without any means of defense, with only five pieces of firearms, pistols, and guns, and two of them entirely useless. The officer, who reports the action, describes in a most military and elegant style, the manner in which he assaulted the village in three divisions. They were entirely successful; killed some sixteen men, killed one squaw, and wounded a couple, and no children—that was merciful! But, sir, they scattered the warriors who were there defenseless, and applied the torch to their wigwams. We are told by the gallant gentleman who reported the matter, that the next day the Indians were there hovering about the mouldering ashes of their wigwams. This gallant and chivalrous man, wonderful to relate, says he did not lose a man in the attack. Was he not lucky? [Laughter.] That fellow must look out for a brevet; though I hope he will hardly come here claiming bounty land. [Laughter.]

This act is denounced by the agent and superintendent as most cruel and barbarous. The poor creatures were willing to do anything and everything which was asked of them. They denied every charge that the malicious and the wanton had brought against them; and the truth of their narrative is indorsed by the agent, a man of intelligence. I do not know him; but his report bears the impress of intelligence and integrity.

Well, sir, these circumstances, it is said, call for an army of three regiments, or three thousand men. What are they to cost? Five millions of dollars is the amount which it is proposed to appropriate by the bill which was reported by the Senator from Illinois. We are to appropriate \$5,000,000 to bring on a great Sioux war, to meet a most wonderful confederacy, which, it is said, is forming among the Indians. Why, sir, they can not keep together because they are starving in little bands, even in those parts of the country where they can command the most game. How could they remain embodied for any length of time without supplies, without animals, and without food, when their women and children are starving? How could they, under such circumstances, remain a mighty confederation to sweep our frontier? Why, sir, from the display that is made, by the terrible cry of alarm, one would think that New Orleans itself could hardly be safe, but that the Indians would sweep down the Missouri and Mississippi, and carry death, destruction, and devastation in their course!

Are these causes calculated to produce such mighty effects? Is it proper that the nation should be involved in a general Indian war at this time? Is it proper that \$5,000,000 should be expended from the Treasury to begin this war? If this be done, what will be the consequence? The Indians will not be embodied to meet you. Your troops will hear that in some direction there is a Comanche, or a Kioway, or an Osage camp, and they will advance

upon it with "all the pomp and circumstance of a glorious war." A morning gun will be fired as a signal to rise and prepare for the march. On such an occasion, with the bugle sounding in advance, how beautiful must be the reflection from the arms and banners floating in the prairie! That is to be the spectacle which is to amuse or drive the Indians ahead. They are to meet the Indians on a trackless waste. You might as well pursue the course of a ship's keel on the ocean, as to pursue the Indians of the prairies. They would disperse, and your army would be left there; and they, perhaps, surrounding you, in the distance, and laughing at the glorious pomp with which you were marching through their prairies. If you take men there and make a display without efficiency, you provoke their ridicule and supreme contempt.

But, Mr. President, the course which has been pursued since the days of William Penn to the present moment, has not been entirely successful in conciliating the Indians. Under the management of Washington, of the first Adams, of Madison, of Monroe, of the second Adams, of Jackson, and of Polk, we have, with few exceptions, been very successful in maintaining peace with them. The suggestions made by our fathers in relation to their civilization and humanization, are exemplified and illustrated in the present condition of the southern tribes, who have received the greatest benefits of the light shed on them; and they have responded to it by the cultivation of mind, by the development of resources, both physical and intellectual, which reflect lustre on their character. Can not the Indian now be influenced in the same way, by the same means? Have we no landmarks to guide us? Have we not experience to teach us? Have we not humanity to prompt us to march on in the path which is already laid out before us?

Sir, how different is the policy now pursued from what it once was! I must read, for the instruction of the Senate, an extract from the last annual report of the Commissioner of Indian Affairs, and I beseech your attention to it, because it contains more good sense and reflection than I could impart in the same number of words. It will be necessary in the examination of this subject, in relation both to the Indians and the Army, to see in what manner they harmonize with each other, and how far the one is necessary to the success of the other. The Commissioner of Indian Affairs, in his report to the Secretary of the Interior, describes a transaction to which I wish to call attention:

"As heretofore reported to you, an association of persons has undertaken to appropriate to their own use a portion of the land ceded by the Delawares, fronting on the Missouri River, and south of Fort Leavenworth; have laid out a city thereon, and actually had a public sale of the lots of the same on the 9th and 10th of October last. These unlawful proceedings have not only taken place under the eyes of the military officers stationed at the fort, but two of them are said to be members of the association, and have been active agents in this discreditable business. Encouraged by these proceedings, and prompted by those engaged in them, other persons have gone on other portions of the tract ceded by the Delawares in trust to the United States, and pretend to have made, and are now making, such 'claims' as they assert will vest in them the lawful right to enter the land at the minimum price under the preemption law of July 12, 1854."

This is a specimen of the aid and succor afforded by military commanders to the agents to maintain and preserve peace among the Indians. These are the gentlemen to whom the agents look for co-operation in the discharge of their duties, and to afford equal protection to the Indians against aggressions from the whites, as to the whites against aggressions from the Indians. Such a transaction as is here disclosed is an act of unmitigated infamy in the officers who have lent themselves to it. I hope the Executive, in the plenitude of his power, and in the exercise of a wise and just discretion, will erase their names from the records of the country, and redeem our annals from infamy so blackening as this. Think, sir, of an officer wearing an American sword, adorned with American epaulettes, the emblem of office and the insignia of honor and manly pride, degrading himself by a violation of the faith of his Government, rendering him a disgrace to the uniform which he wears and the earth upon which he treads!

It will be recollected that the Delaware Indians own one million eight hundred thousand acres of land. They ceded one million three hundred thousand acres to the Government of the United States for \$10,000, reserving to themselves the land on which the city referred to has been laid out on the banks of the Missouri. They confided five hundred thousand acres to the Government of the United States, as they could not themselves dispose of it except to the Government; and, believing that it would be a source of wealth and independence to them, they have granted it to the Government, in trust, to be sold by it, the right of possession remaining in them until it should be disposed of. It appears, from the Commissioner's report, that persons had gone and taken possession of this land. If they have not done so, they ought to be vindicated against the charge. I regard it as authentic and official, and until it is controverted I have nothing to extenuate, nor do I set down aught in malice. Justice requires me to state the facts.

Mr. President, I said to the Senate, on a former occasion, that eighteen tribes of Indians had been located by this Government within the limits of the present Territories of Nebraska and Kansas, and that most of them had been removed there from the east of the Mississippi. They were located there under the faith of solemn pledges, that while grass grew or water run, or the earth brought forth its fruits, they should remain on the lands assigned to them unless they chose to abandon them, and that they should not be included within the boundaries of any State or Territory. Notwithstanding this, these Indians were embraced within the Nebraska and Kansas bill. They were taken in—yes, sir, as strangers are sometimes “taken in.” What is now their condition, and what must it be in after-time? On this point let the Commissioner of Indian Affairs speak. In his recent report he says, in reference to the Nebraska and Kansas Indians:

“In the recent negotiations for their lands, the Indians dwelt upon the former pledges and promises made to them, and were averse generally to the surrender of any portion of their country. They said that they were to have the land ‘as long as grass grew or water run,’ and they feared the result if they should consent to yield any part of their possessions. When they did consent to sell, it was only on the condition that each tribe should retain a portion of that tract as a permanent home. All were unitedly and

firmly opposed to another removal. So fixed and settled was this idea, that propositions clearly for their interest were rejected by them.

"The residue of the tribes who have recently ceded their lands should, therefore, be considered (subject, in a few cases, to a contraction of limits) as permanently fixed. Already the white population is occupying the lands between and adjacent to the Indian reservations, and even going west of and beyond them; and at no distant day all the country immediately to the west of the reserves, which is worth occupying, would have been taken up. And then the current of population, until within a few years, flowing only from the East, now comes like an avalanche from the Pacific coast, almost overwhelming the indigenous Indians in its approaches. It is therefore, in my judgment, clear, beyond a doubt or question, that the emigrated tribes in Kansas Territory are permanently there—there to be thoroughly civilized, and to become a consistent portion of the population, or there to be destroyed and exterminated. What a spectacle for the view of the statesman, philanthropist, Christian—a subject for the most profound consideration and reflection! With reservations dotting the eastern portion of the Territory, there they stand, the representatives and remnants of tribes once as powerful and dreaded as they are now weak and dispirited. By alternate persuasion and force, some of these tribes have been removed, step by step, from mountain to valley and from river to plain, until they have been pushed half way across the continent. They can go no further; on the ground they now occupy the crisis must be met, and their future determined. Among them may be found the educated, civilized, and converted Indian, the benighted and inveterate heathen, and every intermediate grade. But there they are, and as they are, without standing obligations in their behalf of the most solemn and imperative character, voluntarily assumed by the Government. Their condition is a critical one; such as to entitle them not only to the justice of the Government, but to the most profound sympathy of the people. Extermination may be their fate, but not of necessity. By a union of good influences and proper effort, I believe they may and will be saved, and their complete civilization effected.

"Be that as it may, however, the duty of the Government is, in my opinion, plain. It should fulfill, with the greatest promptness and facility, every treaty stipulation with these Indians; frown down, at the first dawning, any and every attempt to corrupt them; see that their ample annuities are directed faithfully to their education and improvement, and not made the means of their destruction; incessantly resist the efforts of the selfish and heartless men who, by the specious plans and devices for their own gain, may seek to distract and divide them; require diligence, energy, and integrity in the administration of their affairs, by the agents who may be intrusted with their interests and welfare, and visit the severest penalty of the law on all who may violate its salutary provisions in relation to them. Let these things be done; the co-operation of the civil officers, magistrates, and good citizens of the Territory secured, and the most active efforts of the friends of the benevolent institutions now existing among them be brought into exercise for their moral culture; and, by harmonious and constant effort and action, a change may, and, it is believed, will, be brought

about, and Kansas become distinguished as a land in which the complete and thorough civilization of the red man was worked out and accomplished."

Sir, it is the violation of treaties, and the bad faith of the white man and his aggressive course, that cause the inquietude of the Indian, and we feel it very much in the section of country in which I live. There is a remedy, and that remedy must be applied, or the Indians exterminated, at an expense ten times beyond what would civilize, in half a century, every red man who walks upon the soil of America. I have seen tribes rise from a state of barbarism to a condition in which they are as civilized in their institutions, in their religion, and in their social refinement and habits, as citizens of the United States, and all this has been done within half a century. These things are as possible now as at any former time; and a sum, very easily calculated—less than the amount estimated as necessary to raise these troops and subsist them for one year—would civilize every Indian on the continent, set him down on a piece of land, and give him "a local habitation and a name." Is it not worth an attempt? Is it not worth accomplishing? Sir, let me give you some experience in relation to Indians.

The United States have regiments in Texas, and Texas is considered by some as a burden on the Treasury. Texas, it is said, exhausts the Army of the United States, and withdraws them from more eligible stations to protect her frontier. I will show you, sir, how that is. In 1842 and 1843 Texas had a war on hand which had been brought about by an exterminating policy proclaimed by a new Administration, and peace was not restored until 1843, when the head of the Government of Texas went about the work of their civilization. He went into the wilderness, on the prairies, and there met the Indians, who would not trust themselves within the timbered land, nor near any place where there was a possibility of ambuscade. A treaty was there made, which not only stayed the tomahawk and the scalping-knife, but preserved peace and safety on the frontier until 1849. We were for six years without massacre, without conflagration, without prisoners being taken. Not a Texan was killed in that time by the Indians. One man was killed near the Indian country, but whether by the Mexicans or Indians was a doubtful question; at any rate, he was not scalped.

Now, sir, how was this done? By what means? By pursuing a policy which had been initiated in 1836, but was disrupted in 1838, and a war brought upon the entire borders of that young Republic. The old policy was re-established in 1843. Resistance was made to it, as there was to every attempt made to establish a government. There was an attempt, on the part of some lawless men, to resist everything like order and organization, and throw the government into anarchy and misrule; but they failed. These Indians had been our enemies; they had been exasperated by unprovoked aggressions upon them; but the proper conciliatory disposition soon won their regard and affection. What was the expense of all this? I am almost afraid to state it, for I fear it will not be credited when we see the enormous estimates now made for the expense of treaties with the Indians. Sir, every dollar given to the Executive of Texas to consummate these treaties, to feed the Indians, to make presents, was annually \$10,000; and he rendered vouchers for the last cent. For this sum peace was accom-

plished and maintained, the safety and protection of our frontiers insured, and the Indians made peaceable and happy.

When Texas was annexed to the United States, these Indians, on account of faith having been maintained with them by the then Executive of Texas, refused to meet and confer with the commissioners sent to them by the President of the United States, until they had the sanction of the Government of Texas; and the symbols of confidence were put in the hands of the commissioners before the Indians would treat with them. A treaty was then negotiated. What was the history of it? One of the commissioners—a noble and gallant gentleman, who afterward fell at Chapultepec, in Mexico, at the head of his regiment—was too much indisposed to render any assistance. His co-commissioner assumed the whole business; and what did he do? He had the Indians' names signed with a mark on a sheet of paper, had it attested, and brought it on here. He made large promises to the Indians; he assured them of an annuity of \$14,000, to be paid annually, at a certain trading-house; but when he wrote his treaty (for he did not write it until he came here, when he appended to it the sheet containing the signatures), it contained a provision that they should receive barely \$14,000 as a full acquittance. It cost \$60,000 to negotiate this treaty, as the records of the treasury show. This is a sum equal to the price of six years' peace between the Indians and the Government of Texas. Perhaps, however, the people of Texas were better then than now. Since that time they have been under the Government of the United States. I simply state facts. I leave the inference to others.

Sir, if the agent appointed by Mr. Polk, who has been restored by the present Executive—it is a bright spot in his Administration, and I commend him for it—had never been removed, there would have been peace to this day on the borders of Texas; but as soon as the Indian agent who was appointed to succeed him went there, he must forsooth establish a ranche; he must have a farm. The Indians who had been settled there from 1843 up to 1849, had been furnished by the Government of Texas with implements of husbandry, with seeds of every description, and they were cultivating their little farms. They were comfortable and independent. They were living in perfect peace. If you can get Indians located, and place their wives and children within your cognizance, you need never expect aggression from them. It is the Indian who has his wife in security, beyond your reach, who, like the felon wolf, goes to a distance to prey on some flock, far removed from his den; or like the eagle, who seeks his prey from the distance, and never from the flocks about his eyrie. The agent to whom I have referred lost two oxen from his ranche where he kept his cattle. He went to the officer in command of Fort Belknap, got a force from him, and then marched to those Indians, sixty miles from there, and told them they must pay for the oxen. They said, "We know nothing about your oxen; our people are here; here are our women and children; we have not killed them; we have not stolen them; we have enough to eat; we are happy; we have raised corn; we have sold corn; we have corn to sell; we have sold it to your people, and they have paid us for it, and we are happy." The agent and the military gentlemen scared off the Indians from the limits of Texas, and drove them across the Red River to the Wichita mountains, taking

every horse and animal they had to pay for the two oxen. This was done by an accredited agent of the Government, and by an officer who deserved but little credit. Are such things tolerable, and to be tolerated in the present age and condition of our Government?

What was the consequence? Those Indians felt themselves aggrieved. They saw that a new *régime* had come; they had had the era of peace and plenty, and now they were expelled by a different influence. They felt grateful for the benign effects of the first policy toward them, and that only exasperated them to a greater extent against the second; and they began to make incursions, ready to take vengeance on any white men they might meet in their neighborhood, and slay whoever they might find. They made their forays from the opposite side of the Red River, from the Wichita mountains, and came like an avalanche upon our unprotected citizens. There is one fact showing how your interference with the Indians within her limits has injured Texas.

There is another fact in connection with the Indian policy of Texas which I shall mention. How was it with the Wichita Indians? Texas sought to conciliate them; they lived beyond her borders, and made incursions from the limits of the United States into Texas while she was an independent Republic. She did everything in her power to bring about peace with them, and, through the friendly Indians, was pacifying them. One of their chiefs, with his wife and little child, and twelve of his men, came to Fort Belknap. Some one hundred and fifty or two hundred miles west of the fort, at Hamilton's valley, property had been stolen by Indians. It was not known which out of the thirteen different tribes had taken it; for outlaws occasionally congregated from each, half a dozen of them stealing off from their tribes, without the influence of their chiefs operating upon them. They were outlaws, careless of the destiny of their tribes, and reckless of the crimes which they might commit, so that they could gratify their cupidity and recompense their daring. These men had taken some property. Dragoons came on in the direction of Red River, and reached Fort Belknap. So soon as they arrived, the officer said to this chief: "Sir, I retain you as a prisoner. It is true you came under a white flag; but I am an officer; I have the power; I take you prisoner, and you must stay here a prisoner until the horses are brought back. Your men must stay, too, except one, whom I will send to your tribe with intelligence of the fact." The chief said: "My tribe have not committed the robbery; it is a great distance from me; it is in another direction. I come from the rising sun; that is toward the setting sun; I was far from it; you are between me and it; I did not do it." "But," said the officer, "you are a prisoner." The officer put him in the guard-house. Imprisonment is eternal infamy to an Indian. A prairie Indian would rather die a thousand deaths than submit to the disgrace of imprisonment. You may wound and mutilate him as you please, you may crush every limb in the body of a prairie Indian, and if he can make no other resistance, he will spit defiance at you when you come within his reach. This chief, meditating upon his deep disgrace, knowing that he was irreparably dishonored, unless he could wash out his stains with blood, resolved that night that he would either die a freeman or rescue himself from dishonor. He rose in the night. He would not leave his wife and child in

the hands of his enemy ; so he took his knife and stabbed his squaw and little one to the heart. Not a groan was heard, for he well knew where to apply the poignard. He went and shot down the sentinel, rushed upon the superior officers, was shot, and perished like a warrior, in an attempt to wipe a stain from his honor. His men fled and returned to their tribe, but it was to bring blood, carnage, and conflagration upon our settlements. They came not again as brothers to smoke the calumet of peace, but with brands in their hands to set fire to our houses. Contrast that with the previous years ; contrast it with the harmony which had before existed, and you see the lamentable result of sending, as Indian agents and army officers to take charge of the Indians, men who know nothing about the Indian character.

Well, sir, how can Texas expect peace ; how can she expect protection to her citizens ? Not from your army. It has never given her protection ; it is incompetent to give protection ; and it is a reproach to the country. I will not say anything personally unkind of the officers who command, for they are gentlemen ; but I say they know nothing about the Indians, and I shall prove it. Texas deserves protection, and she can have it if a rational effort be made to give it to her, but not by your troops. What sort of protection can she expect from hostile Indians, when the commanding officer of that military department, a gallant gentleman, who has borne himself nobly in the heat of battle, skillful in design, bold and gallant in execution, and in all the martial arts replete, but amongst the Indians unskilled. He has issued an order that no Indian should go within twenty miles of a fortress on the frontier of Texas. The Indians think, "Very well, you say the Indians shall not come within twenty miles of your forts, and we say your men shall not come within twenty miles of us, or we will shoot them." That is a pretty good notion for an Indian ; it is very natural. The boundary is fixed by the white man, and the Indian lives up to it.

Well, sir, there is a remedy for all this, and it is very easy to apply it ; but how are we circumstanced there ? Is it supposed by some that we are deriving great aid from the army, and that the greatest portion of the disposable forces of the United States is in Texas, and protecting it ? How can they protect us against the Indians when the cavalry have not horses which can trot faster than active oxen, and the infantry dare not go out in any hostile manner for fear of being shot and scalped ! Can they pursue a party who pounce down on a settlement and take property, and reclaim that property ? Have they ever done it ? Did the old rangers of Texas ever fail to do it, when they were seated on their Texas ponies ? They were men of intelligence and adroitness in regard to the Indian character, and Indian warfare. Do you think a man is fit for such service who has been educated at West Point Academy, furnished with rich stores of learning ; more educated in the science of war than any general who fought through the Revolution, and assisted in achieving our independence ? Are you going to take such gentlemen, and suppose that by intuition they will understand the Indian character ? Or do you suppose they can track a turkey, or a deer, in the grass of Texas, or could they track an Indian, or would they know whether they were tracking a wagon or a carriage ? [Laughter.] Not at all, sir. We wish, in the first place, to have men suited to the circumstances.

Give us agents who are capable of following out their instructions, and who understand the Indian character. Give us an army, gentlemen, who understand not only the science of command, but have some notions of extending justice and protection to the Indian, against the aggression of the whites, while they protect the whites against the aggressions from the Indians. Then, and not till then, will you have peace.

How is this to be done? Withdraw your army. Have five hundred cavalry, if you will; but I would rather have two hundred and fifty Texas rangers (such as I could raise), than five hundred of the best cavalry now in service. I would have one thousand infantry, so placed as to guard the United States against Mexico, and five hundred for scouting purposes. I would have five trading-houses from the Rio Grande to the Red River for intercourse with the Indians. I would have a guard of twenty-five men out of an infantry regiment, at each trading-house, who would be vigilant and always on the alert. Cultivate intercourse with the Indians. Show them that you have comforts to exchange for their peltries; bring them around you; domesticate them; familiarize them with civilization. Let them see that you are rational beings, and they will become rational in imitation of you; but take no whiskey there at all, not even for the officers, for fear their generosity would let it out. Do this and you will have peace with the Indians. Whenever you convince an Indian that he is dependent on you for comforts, or for what he deems luxuries or elegances of life, you attach him to you. Interest, it is said, governs the world, and it will soon ripen into affection. Intercourse and kindness will win the fiercest animal on earth except the hyena; and its spots and nature can not be changed. The nature of an Indian can be changed. He changes under adverse circumstances, and rises into the dignity of a civilized being. If you war against him, it takes a generation or two to regenerate his race, but it can be done. I would have fields around the trading-houses. I would encourage the Indians to cultivate them. Let them see how much it adds to their comfort; how it insures to their wives and children abundant subsistence, and then you win the Indian over to civilization; you charm him, and he becomes a civilized man.

Sir, while people are seeking to civilize and Christianize men on the banks of the Ganges, or the Jordan, or the Brahmapootra, why should not the same philanthropic influence be extended through society, and be exerted in behalf of the American Indians? Is not the soul of an American Indian, in the prairie, worth as much as the soul of a man on the Ganges, or in Jerusalem? Surely it is. Then let the American Government step forward; let it plant the standard of regeneration and civilization among the Indians, and it will command the co-operation of the citizens in their philanthropic efforts. I am willing to appeal to the venerable and distinguished Senator from Michigan, who knows what an Indian is, and what his disposition is, perhaps more thoroughly than I do myself. To him would I defer, but to no other man, for a certain and intimate knowledge of the Indian character.

There is another point in connection with the dealings of the Government with the Texas Indians to which I will advert. There are the Comanches of the woods, and the Comanches of the prairie. The Texas Indians do not receive their annuities in Texas, but they are brought into Kansas, a great

distance from us, where they receive the munificence of the Government in their annuities, on the east of the Red River and the Arkansas. What is the consequence? They believe Texas is not their friend, or that the Federal Government, from their crude notions of it, would pay them in Texas, and would not make them travel over rivers, and through trackless prairies, to receive their presents. They return to Texas, not with feelings of respect for the benefits they receive, but with contempt. This is bad policy. You should distribute your presents to the Texas Indians within the limits of Texas. Her territory is broad enough; her domain is fertile enough; her character is high enough to justify you in doing so. She has done much for herself—more than this Government has ever done for her.

In order to treat with the Indians properly, as I have said, you should take away your troops, except the portion I have stated. The Indians, with the exception of the Osages, Kiowas, and Kaws, are disposed to be friendly, I believe. As to the disaffection of the Sioux, I look on it only as an uprising to resist aggression. They were fired on by artillery and small arms, without provocation, and it is but natural that they should resist. Theirs is not a confederation to assail the whites, but to protect themselves. I justify them in doing it. I am sorry there is a necessity for it; but if I were among them, and they proposed a confederacy to repel cruelty and butchery, I would join them, and he would be a dastard who would not.

When gentlemen speak of a war upon the Indians, have they considered the consequences? You may succeed in killing their women and children, but it is a remarkable fact that you kill but very few of the warriors. Those who march with martial display upon the Indians, find them to-night at one point at dark; they may see the smoke of their fires; and at dawn to-morrow they will be fifty or seventy miles away, with their caravans, and every child and woman, not even a dog being left behind. What army that you could send of three thousand men, or any other number, could effect anything by making war upon the Indians? Why, sir, it would be like the redoubtable exploit of the celebrated King of France, who, "with forty thousand men marched up a hill, and then marched down again." [Laughter.] Yes, sir, that, I predict, would be the history of such a campaign.

To accomplish the object here contemplated, it is proposed to spend \$5,000,000. As I have said before, that amount of money would civilize every Indian on the continent, if you sent men of intelligence and capacity among them to do it. I have been delighted with the reports which I have had the opportunity of glancing at, accompanying the annual report of the Commissioner of Indian Affairs. One from a gentleman who now occupies a seat in the other House [Mr. Whitfield] gratified me exceedingly. I have had the pleasure of seeing him but once since my arrival. I knew him, when a youth, in Tennessee, and he has more than met my expectations, though then they were not indifferent. He has proved himself to be a man of fine perceptions, of excellent judgment, and of good heart. He has capacity to treat with and to reclaim the Indians; and, I doubt not, that he and other gentlemen who could be associated with him, could go to the Indians, with five hundred troops, if you please—not march through the Indian country, but send word to the chiefs; let them know they had a force, and there is not a chief, who has had any relations with the United States, but would

come forward willingly, make treaties, and maintain them in good faith. But you must establish trading-houses; you must protect them, and then you may command the Indians absolutely, and you will have no murders upon your roads.

Sir, would it not be much wiser to send a few wagons with presents than to send an army? Would not the object be effected much sooner by sending commissioners with presents? The Executive and Senate are the treaty-making power, and all that is necessary for Congress to do, is to make an appropriation for the purpose. Would it not be much easier to take presents to the Indians, and would not the object of attaining and preserving peace be much sooner effected in this way than by an army? While you were clothing and equipping your army, and marching it there, the Indians might kill half the people on the frontier. Your army would have to march thousands of miles to reach them; but commissioners could go quietly along, with four or five hundred troops, or as many as might be necessary; I would leave that to their discretion; I would select men of capacity for fighting as well as for treating. Send such men, and there will be no trouble in bringing about peace. My life upon it, \$5,000,000 would suffice to civilize every Indian who has ever been in treaty with the United States, and settle him in a quiet, comfortable home.

Some time since the present agent in Texas was ordered to lay off a section of country in that State for the use of the Indians. He did so. He said to the fierce Comanches, "Come here, my brothers, and settle down." They have done so. The Indians to whom I before alluded, who were driven off by the former agent, after robbing them of their horses, upon the assurances given at the return of the present worthy and intelligent agent, faithful to his trust, came back in perfect confidence, and set themselves to building their houses to shelter their women, old men, and children, while the warriors went out to kill game. There they are. The southern Comanches went within the border, and said, "Let us settle"; but they were immediately told, through the influence of the army, I suppose, that they must not settle there. I saw, not long since, a letter from a most intelligent gentleman, who said that the officer at Fort Belknap, with three companies of rangers, and two of regulars, was daily expecting to make a descent on the poor Indians who had been settled there by the agent, under the pledges of the Government, which promised them that they should have a country where they should throw away the arts of the wild and the red man, and become domestic, agricultural, and civilized in their pursuits. They have acquiesced in that policy of the Government, but are in constant dread lest the military gentleman in command of the fort, in order to gain laurels and acquire glory, and do honor to his profession, may make a descent with the regulars and volunteers, or rangers, upon the poor Indians. If intelligence of such a descent should arrive, I should not be surprised. I shall be distressed, to be sure; but it will only be one of a thousand distresses which I have felt at the wrongs inflicted on the Indians.

I have before spoken, Mr. President, of the talk as to the army being applied to the defense of Texas. What is the efficiency of that army? There are three companies at Fort Belknap. What force do you suppose they have? They have the incredible amount of efficient force (and part of them

on the alert, reconnoitering and scouting) of just sixty men. There were sixty men out of three companies! Now, how many men constitute a company?

Mr. SHIELDS. Sixty-four.

Mr. HOUSTON. They have not one-third of the requisite number. The amount at a fort where there are two companies is thirty men. That is the protection you afford to Texas. We have no efficient force in Oregon. I have discovered, in looking over the reports, that, at the fort, near the ferry-house, where the massacre of such unprecedented atrocity took place, there were but four soldiers. This is the protection your army affords!

Now, sir, is it politic to increase the regular force of the United States? To govern a country well, where intelligence predominates over selfishness and interest, I think the smaller the army is the better. I have had some experience in that. It is very well to take care of arms and ordnance stores and army stores which would be useful in time of war. It is necessary, I think, to have an army for that purpose. You may have as great a stock of science as you please, but it does not follow that you are bound to make an officer of every gentleman you educate at West Point. I do not think it would be wise policy to extend the army to suit the establishment of the Military Academy; but rather to suit the Military Academy to the interests and exigencies of the country. That is my opinion about the army.

The nominal number of the army is fourteen thousand. There is not a vacancy, I presume, for an officer in the whole service. According to the data I have before me, and the items I have given, I suppose there are about four thousand five hundred men in the service. To make the actual number of fourteen thousand complete, you would have to make the nominal force three times fourteen thousand. Let the head of the Department show that they can keep this establishment perfect before they go to ingrafting new limbs on it, in its present imperfect condition. Let the trunk be sound before you graft it. I know that the officers will never be less than the establishment; and if the soldiers be less than the establishment, it shows that it is too large, and ought rather to be reduced. Whenever we see that the present establishment is kept in order, and the requisite number of men to make it complete always in the service, it will commend itself to consideration; and if a greater amount of force, or a larger establishment be necessary, it would be acceded to. I do not, however, now see any necessity for it. If you increase it, it will never get less. We know that, even when the army is increased in time of war, there is difficulty in reducing it to a peace establishment afterward. It has always been the case, and always will be, that a man, by once holding an office temporarily, acquires a claim to it which is enforced by relatives and friends: and the army thereby will become an eye-sore to the people, and a carbuncle upon the body politic.

It may be asked, sir, how I would furnish protection to the emigrants who travel on the plains to California and Oregon. I would fix a proper season at which they should take their departure from Fort Laramie. I would have them depart in companies, each company consisting of about one thousand emigrants. Out of these one thousand, the usual proportion would be about two hundred and fifty men. I would give them a guard of two hundred and fifty more, making five hundred men to each company. I

would have them start in three several bodies in the course of the year, so that they should accomplish the trip properly, and let them start at such distances that they should not be more than one hundred miles apart. In this way they would be enabled to march across the plains without difficulty. I would have a fort at each end of the road to prevent the passage of a company incompetent to defend themselves, and not let them undertake to cross the wilderness alone. This is the course which I would pursue, and, I think, in this way perfect security would be given to the emigrants. Thus, if our citizens would make the venture, they would have an escort and a protection capable of resisting all the Indian power which might come upon them.

Sir, in the course of my remarks I have said some things which might seem to bear upon the officers of the army as a class. My partialities for military men, and for gentlemen of the army, are of a character not to be doubted. I know their high-toned feeling, their honorable bearing, and their chivalry; and when I commented upon some of them, I only spoke of such as brought themselves within the purview of my remarks by impropriety of conduct, deserving the reprobation of every man who appreciates honorable feelings, integrity, and truthfulness. As a class, however, I admire and respect them. I have experienced their hospitalities. Once I enjoyed their association with pleasure; and my recollections of early habits, formed in their companionship, always mark a verdant spot in memory's waste. It is only the guilty and the culpable that I condemn.

Sir, I believe the honorable chairman of the Committee on Military Affairs has withdrawn that portion of the amendment relating to the appointment of three commissioners to treat with the Indians. But, Mr. President, if we wish to do good to the Indians, we have it in our power; if we wish to destroy them, we can starve them out. If we intend to save them, we can do it by appealing to their best feelings. There is one pathway to an Indian's heart. If you show him that comforts and benefits are to result to his wife and children, you may command him absolutely, and he yields implicitly. He has no opposing thought to their interest. I have always seen that if you could impress an Indian with the conviction that comfort and security would inure to his squaw and papposes, from the adoption of a particular policy, he would submit to it. My colleague [Mr. Rusk] knows that this is the way to the heart of an Indian. The proudest warrior is humiliated at the thought of his wife and little ones being in the least uncomfortable. Whenever an Indian intends to conciliate the whites, he brings his family and settles as near as he can to a fort or agency, and says, "Here are the hostages I give you for my fidelity to you; if I do wrong, I know they will suffer; they are dearer to me than my life." The Indians can be brought around trading-houses.

I have lost all hope of the stations in Texas doing any good. I would not have more than twenty-five men at a trading-house to give protection, in the event of any ebullition among the Indians of a violent character. It would be entirely accidental if such a necessity happened around the trading-houses as to require protection to be given to the caravans emigrating to California and Oregon. I would encourage the Indians in the arts of peace. You need no armies; you need no Indian allies to butcher them. All you have to do is to maintain your faith in carrying out the treaties which have

been made, and not directly or indirectly encourage men to violate every principle of honor and humanity, and deride even faith itself.

After some remarks by Mr. Jones, of Tennessee, Mr. HOUSTON said :

The honorable Senator from Tennessee, in the course of his remarks, has fallen into several errors; he certainly has misapprehended me as to the import of my remarks about the force necessary to guard the emigrants. I estimated them, perhaps, at three thousand annually; I do not care whether it be three hundred or three hundred thousand; but in proportion as they are numerous, they will afford themselves efficient means of defense; and, according to my calculation, in twenty thousand there would be furnished five thousand fighting men. Then, as to a smaller force, if they were organized in the march, a small addition of soldiers would be sufficient to give them all the protection that would be necessary. It is necessary to subdivide them into such companies as can conveniently travel together, on account of grass, water, and other supplies that they must procure on the prairies.

As to the army and its efficiency, I remark, that if the army were filled up to the amount that is necessary, it would take three times fourteen thousand nominally, to furnish an efficient force of fourteen thousand in the field. I estimate the efficient force at about one-third of the number that appears on paper.

Mr. SHIELDS. Will the Senator permit me to interrupt him?

Mr. HOUSTON. With great pleasure.

Mr. SHIELDS. The legal or authorized force is a little over fourteen thousand, but the actual force is about eleven thousand.

Mr. HOUSTON. Then, Mr. President, for security, it will be necessary to keep encampments in sight from Fort Laramie until they reach California. If they are ever out of sight of a guard sufficient to protect them, they are liable to depredation. If small companies of only a hundred men can thus travel, they will travel at their own risk and go to their certain destruction, unless the Indians are conciliated; and that shows the necessity of making peace with them. The honorable Senator from Tennessee says that it is an imperative necessity to send the army. He says if the commissioners fail, you must have recourse to chastisement; but if they succeed, the force of three thousand men will be unnecessary.

But, Mr. President, my life upon it, and I do not say it lightly, if from three hundred to five hundred men were taken by the three commissioners; or, if they limited their escort to forty, or fifty, or one hundred men, they would succeed in conciliating every Indian on this side of the Rocky mountains, if in the meantime the white men do not commit aggression. If you send such discreet men as could be selected, you can keep peace; and yet, upon the contingency that they may not succeed, you are to go to the expense of an army. But if we can not keep up our present establishment of fourteen thousand complete and effective men for actual service, with all the resources of this nation, its increased bounty, and pay, and rations, let us give up the army; let them go to more useful employments. What is the use of talking about making the establishment commensurate with the present wants, if you can not keep up the present establishment to the necessities and exi-

gencies of the country? Let them do that, and expose the fallacy of the theory which says that we must keep on increasing the army until we get the requisite number to keep up to the established standard. Let them reduce the officers to the number of men. That is the way to do it. We must have some criterion to go by; and until we do it we shall never have an efficient army. The army is small enough. Its efficiency is the great object. Now, fourteen thousand men are sufficient for all the exigencies of the country; and we must have some mode to give the emigrants security, or they must go at their own hazards or adventure. I desire to give them protection. You have to rely upon the disposition of the Indians for security to our emigrants. Unless you conciliate them, all the armies we can take will never give the emigrants protection. What kind of security can you give to emigrants for a distance of fifteen or eighteen hundred miles? You can give no protection where the troops would be a mile apart, for the unprotected emigrants might be attacked and slaughtered before any succor could come to them. Sir, it is the feelings of the Indians which you have to conciliate; it is their friendship, their confidence, you must obtain. Treat them with justice and liberality, and a hundredth part of the money which you spend in supporting the army will keep them faithful. They will not violate a treaty unless the aggression is commenced by the whites. A few outlaws of a tribe may; but in such a case the tribe will not sacrifice its annuities for the lives of outcasts. It will either execute them or hand them over to the military authority of the country for condign punishment.

In this way a few examples would have an electric influence upon all the tribes, for they have a more direct communication than the United States Government possesses with all its mail facilities, until it establishes a telegraph. They carry intelligence a hundred miles in twenty-four hours, and do you think that the laying off of this town in Kansas is not already communicated to every tribe of Indians in the prairies? Yes, it is; they know that the white man has told the Indians, the Delawares, a lie; they know they have stolen their land; they know there is no faith to be reposed in them. Keep faith with them, send men who are wise and instructed in the Indian disposition and character, and they will give you peace—my life upon it. You have not a solitary man between the Mississippi and the Pacific coast, but knows that all the money in the Treasury lavished, will never give you peace or protection to the emigrants, until you have the confidence and the friendship of the Indians. Were you to pay ten thousand, or a hundred thousand, or two hundred thousand dollars to keep the troops there, they would render no aid of importance to the emigrants, unless you secure the friendship of the Indians. Whenever that is secured you will have peace, but as long as you rely on military force to give protection to the emigrants, you will not have peace.

January 31, 1855.

After a speech by Mr. Dodge, of Iowa, Mr. HOUSTON said :

Mr. President, I am impressed with the belief that any effort of mine, on the present occasion, will be unavailing for the accomplishment of the object which I have in view; but, nevertheless, I regard it as an imperative duty to do everything in my power to prevent the adoption of a course of

policy which I consider detrimental to the peace and security of our frontier settlements.

I admit, sir, that the measure proposed by the Senator from Illinois [Mr. Shields], as chairman of the Committee on Military Affairs, is presented to the Senate in an imposing manner. It seems to be indorsed by the Secretary of War and the President of the United States; but, though I entertain full respect for the opinions of those distinguished gentlemen, I must be allowed liberty to investigate the subject for myself, and to put my own construction on the facts which are laid before us. It is not sufficient for me that a measure comes here indorsed by the recommendation of the Executive. If I entertain a different view from the Executive on any point, I must act, as a Senator, on my own judgment, and not in subserviency to the views of others. Are we to acquiesce in the proposition now presented to us, because the Senator from Tennessee [Mr. Jones] and the Senator from Georgia [Mr. Dawson] tell us it is indorsed by the Executive Departments, and has received their approbation? Are we to become the mere recording instruments of the opinions of the Executive, without the privilege of investigating subjects, and acting on them independent of those influences which may be brought to bear on us? For my own part, Mr. President, I shall, when placed here for the purpose of deliberation and action, always exercise my own opinions, however much I may defer to the recommendations and opinions of others, as I am responsible, not only to my constituents, but to the nation.

I must confess, Mr. President, that I can not regard the necessity as urgent as it seems to be esteemed by other gentlemen, and by those who have recommended it. It seems to be a measure of war, and retaliation for wrongs done; it is a measure which, we are told, is necessary to save our frontiers from aggression, and to protect them against violence and warfare. I can not arrive at that conclusion. However misguided I may be, or however obtuse my faculties, I can not see the slightest indications of a disposition, on the part of the Indians, to wage hostilities against this country, or to endanger the lives of our citizens, if a correct policy were pursued. Sir, we must go to the origin of this matter, to see how far causes have influenced the present condition of things. We shall then be in a situation to apply the necessary remedies, and to secure our frontiers against aggression. In the first place, we are informed by the Secretary of War that—

“During the past year the Sioux had committed many depredations upon the property of the emigrants passing Fort Laramie on their route to Oregon and Utah. On the 19th of August, Lieutenant Grattan, of the 6th infantry, was sent, by the commander of the post, with thirty-five men to arrest an offender. This entire force was massacred by the Indians, with the exception of one man, who escaped severely wounded, and subsequently died. The circumstances of this affair were at first involved in obscurity; but authentic details have since proved that the massacre was the result of a deliberately formed plan, prompted by a knowledge of the weakness of the garrison at Fort Laramie, and by the temptation to plunder a large quantity of public and private stores accumulated at or near that post. The number of the Indians engaged in the affair was between fifteen hundred and two thousand men.”

It is very strange that numerous outrages have been committed, as we are told by the Secretary of War. Sir, what are the facts? Not a single outrage was committed upon the frontier in the vicinity of Fort Laramie but this; and how was it produced? Was it produced by the Indians? We are told by the Secretary, too, forsooth, that an ambuscade was laid for the purpose of decoying this lieutenant, and massacring him and his party. Strange it was, indeed, that he should not have discovered this ambuscade, when he, for the distance of a mile or more, had marched through the Indians, with two pieces of artillery, to arrest an Indian, without requiring the chiefs, or waiting for them, to surrender the offender. But what was the offense? The killing of a crippled cow. That embraces the repeated outrages upon the people in the vicinity of Fort Laramie, and on the route to Oregon and to California!

Let us look into the facts. We are told by a most intelligent gentleman, General Whitfield, an Indian agent, that these Indians had committed no depredations until they were fired upon, and one of their chiefs wounded. That took place before they attempted to retaliate; and even then, in the first instance, they abstained from anything like retaliation, through the influence of their chiefs, until the artillery had fired upon them. Did that look like an ambuscade which was laid, or a deliberate design to massacre the party? Sir, these are facts. They are not deductions. They are verified by as gallant a man as ever was in a camp of the United States—a man of intelligence and of character. What was the condition of the Indians there? Why, sir, they had been promised annuities. They were aware that the goods had arrived there. They had been there for nearly three weeks. The Indians had patiently waited. Their provisions were scarce. The agent was expected to return daily, and did soon return and possess himself of all the facts. The individual who was relied on by the War Department, made an authentic statement to the agent, which was verified by no less than seven witnesses who were on the ground, that the aggression was made by the lieutenant, and at the instigation of a drunken interpreter, from whom the lieutenant had taken a bottle of whiskey, and had thrown it down and broken it. Who can suppose that such a medium through which to communicate to the Indians was calculated either to inspire respect or confidence, or that he was a very suitable medium through which to present grave matters, and make reclamation for a cow?

Sir, that cow is to become the wonderful prodigy of the present age, and she is to enlist the sympathies of the whole country for the lieutenant and his company, who fell victims to indiscretion and rashness. Doubtless, induced by the language of this drunken interpreter, he acted with the indiscretion that would characterize youth, but not the deliberation of manhood, and yet this country is to be involved in a war, the least expense to be attached to which will be \$5,000,000. It will be an expensive cow; and after you have carried on the war as long as the war continued in Florida, and it has cost you another forty-five millions, you will end it in the same way by peace. Where they have boundless deserts, and mountains, and fastnesses, and plains in which to find security, and when those in Florida, who were hemmed in on an isthmus or a cape, could not be reduced by the army of the United States, and the militia of the South, how are you going to take

troops thousands of miles to subdue these Indians in the illimitable West? It is impossible that it can be done, Mr. President. Then you will have to purchase peace; and, beside all that, for ten years to come, you will have to increase your officers, and clerks in your accounting offices, to pay for the lost horses, and the incidental losses and injuries done.

But, we are told by the honorable Senator from Alabama [Mr. Fitzpatrick] that there is great danger from the Indians, in large bodies of two thousand five hundred, sweeping down the Missouri River and the Mississippi, and that carnage, massacre, and slaughter will be the consequence of it. Much respect as I have for the honorable Senator—and I assure you it is of the most sincere character—I can not agree with him on these Indian subjects, though he has lived in a State contiguous to the Indians, but of a character very different from those of the plains. The Indians of the plains are *sui generis* when compared with others. They are not like the Indians located in the towns or wigwams of the South; they have no marks of civilization in their habits. The want of contact with the whites has deprived them of a thousand advantages which the Indians of the South possessed from the earliest recollection of the Senator.

But, sir, how would a force of Indians embody themselves on the frontiers and remain for twenty days embodied? It can not be done. My honorable colleague [Mr. Rusk] well knows that they can not do it, unless they have the appliances and comforts of the white man; unless they have stock from which they can prepare provisions for the occasion, and produce grain. It is impossible, sir, and it is now their daily employment, with the exception of a few outlaws or war parties that occasionally go out to engage in hunting, to support their women and children, and to keep them from starvation. Yes, sir, it is impossible that they can embody themselves, and remain fourteen days embodied, in an attitude menacing to the security of our frontier settlements.

I apprehend no danger. We find, from every circumstance, that the Indians there are perfectly disposed to peace and conciliation. There is no disposition to go to war, except on the part of some outlaws in each tribe, who may go on predatory excursions, regardless of the authority of their chiefs; but the chiefs have influence enough, for they are despotic, their power is absolute, and if you will give them time they will control the tribe, and those fellows will be surrendered, and make an atonement for their crimes. They will be surrendered, for, after the killing—I will not call it massacre—or after their repelling of the attack made by Lieutenant Grattan and his party, which terminated so disastrously to them, amounting almost to their entire extermination, the chiefs, apprehensive of the consequences, and of the difficulty of having the facts presented to this Government, and fearing the involvement of their wives and children in difficulties, and that they should be harassed and reduced to starvation to an extent greater than they had yet experienced, came forward with propositions to make reparation for the injury done, and to surrender the offenders. But the officer did not receive them. No, sir, he drove them off: "Away, sir, I want nothing to do with you." If you wish to have a force, under such circumstances, exercising no more discretion or precaution than is here evinced, sufficient to protect our frontier, you will have to maintain three hundred

thousand, instead of three thousand. Why could he not have said to the Indians: "Bring in the chiefs, I will await the decision," or, "The agent will be here, or is here; talk to him"; but no, sir, the officers were willing to take the responsibility without referring it to the agent.

And here we find a discrepancy between the report of the head of the Indian Bureau and the Secretary of War. We find that the Indian agent, in detailing the facts, gives them as they are, perfectly authenticated by the best evidence; and we find the officers giving a different glossary. These statements have to be reconciled. If I wished information in relation to the army purely, I would, with great pleasure and respect, go to the Secretary of War, for I know his intelligence would respond to any inquiry that is proper to his duty; but if I want information in relation to the Indians, I go to the head of the Indian Bureau, where I expect to find an able, intelligent, and attentive gentleman. In the present instance, I am happy to say that I fully appreciate his conduct. I respect his capacity and his consistency in the discharge of the duties assigned to him.

Sir, do we find in the report of the Secretary of War as complete information in relation to Indian matters as we receive from the Commissioner of Indian Affairs? I think not. In relation to the recent outrages against the Delaware Indians, in the usurpation of their territory in disregard of every pledge made by this Government, we find that the Secretary of War has not reported the delinquency, or the criminality, of the officers engaged, but it comes in an authentic shape from the Commissioner of Indian Affairs. What should be done in relation to this matter, it is not necessary that I should say. I gave my opinion the other day in relation to what ought to be done.

Mr. SHIELDS. The honorable Senator alludes to the delinquency of some officers of the army. Now, when charges are made against certain officers, I want to get at their names. Let them be punished if they have committed a fault. I do not like to hear a general accusation without specifying the names of the individuals. Will the honorable Senator mention them?

Mr. HOUSTON. I assure the Senator that I do not exactly recollect; but I am perfectly willing to go as far as the Commissioner of Indian Affairs. Doubtless they are matters of delicacy; and as an investigation may be pending—a court of inquiry, or a court-martial—in relation to the officers, he may not think proper to exhibit their names to the public. But he says that two officers of the army were engaged in it; and I go as far as I am justified, in giving a statement which is authentic, I have no doubt—I am afraid it is; I wish I had a doubt. Our functionaries there, whether civil or military, are bound to protect the Indians equally with the whites. I want to see the officers impressed fully with the importance of their responsibilities. I want to see them as ready to maintain the dignity and character of the United States, and preserve, unsullied, its integrity, as I do its arms and its chivalry. It is as much their duty to do so; and there is a chivalry always in protecting the weak against the strong, the defenseless against the aggressor. If the honorable chairman of the Committee on Military Affairs is prepared to say that no officer of the army has been concerned in this nefarious transaction, I am perfectly willing to waive it. If I have done injustice, show it to me, and I will take it back. But if the

Senator is not prepared to do it, I insist upon it, as a matter of grave consideration and import to the honor of the nation, that it devolves the responsibility on the Executive of prompt action.

Mr. SHIELDS. The honorable Senator will see, I think, the propriety of my request. He presents a report of the Commissioner of Indian Affairs, charging two officers of the army with delinquency.

Mr. HOUSTON. Criminality.

Mr. SHIELDS. That is still worse; but he does not enlighten the Senate, or the world, as to who the two officers are; and yet he expects that we can answer for some two officers somewhere. Now, what I ask, in justice to the army, in justice to the Senate, and in justice to the War Department, is, that the honorable Senator specify who the men are, and what the criminality is of which they have been guilty, and then I will join him in punishing them.

Mr. HOUSTON. The report is made by the Commissioner of Indian Affairs, and is predicated upon the statement of General Whitfield. The gentlemen named are, Major Maclin and Major Ogden, of the United States Army. If they are innocent of this, I most heartily hope—having known one of them, and felt an interest in his appointment—they will be enabled to vindicate themselves most fully, and to establish the character which, I believe, they were entitled to up to this time, or until this information came.

Now, Mr. President, here was a report made in relation to the Indians at Fort Laramie. We are told that, for three years, these recommendations for an increase of the army have been before the Senate; and yet, wonderful to tell, all the outrages that have been committed upon the emigrants to California, and Oregon, was the crippled cow transaction. Three years ago there was a call for this as loudly as there is now, and yet no disastrous consequences have taken place; for, if Lieutenant Grattan had never gone there, there would never have been any difficulty; or if, previous to that time, the army had not gone and committed outrages upon the Indians across the Missouri River, there would not have been any difficulty.

Here, sir, by way of digression, I will state that Governor Stevens, with sixty men, and comparatively few presents, perhaps not amounting to more than \$5,000 in value, traveled through all the hostile tribes from Fort Laramie, or where he first struck the Indian country, to Oregon, and never met with molestation. He conciliated them all; and he speaks of their great anxiety to conciliate the United States, and the great respect and hospitality with which he was treated. Sometimes his men were in numbers of four, or greater or less, as it happened, and they were always in perfect security, and treated with the utmost hospitality. He often ventured himself with three or four men into the midst of Indian lodges, and received their hospitality; and when he rose from a council, in which all his men had been seated on handsome buffalo skins, those skins were carried to his tent as an expression of respect and hospitality. The Indians could, at any time, have annihilated his whole command; but he was a gentleman of discretion, and possessed of as much chivalry as any one who wore the uniform of the United States. That shows you that there is no actual danger.

We hear constantly of traders going through the country; and when a

gentleman here felt some little alarm on one occasion, and described his situation as most critical, he said that traders had gone out when these occurrences took place at Fort Laramie, and he would have sent for them, only he was afraid they would all be massacred. The Indian traders have gone on. They have nothing to defend them. They have no guards, no arms; and yet a simple trader, with persons enough, Indian or white, to pack and convey the articles of traffic which he possesses, or the proceeds of his trade, can go through the whole Indian country, and not meet with the slightest molestation or injury. How does this happen, Mr. President? Does it happen that the Indians are hostile, and that they will not attack a weak party; that they want the United States to send armies to hurl defiance at them? Sir, their complaint is, whenever aggression has been said to have been committed by them, or whenever they have retaliated, that it has been because the white man first blooded the path, and they wished to walk, too, in a path of blood. Yes, sir, that is the secret of it. When our traders can go from Fort Laramie, or from the frontier of Missouri, Iowa, Wisconsin, and Minnesota, to the Pacific Ocean, with perfect impunity, and return laden with stores from the desert or the wilderness, obtained in traffic with the Indians, I say when our troops are injured, there is a fault somewhere, and that fault is in not cultivating kind relations with the Indians, and treating them with justice and humanity. It is the interest of the traders to conciliate them, and we never hear of their being robbed. We are told that the Indians exact blackmail from our emigrants to California. Yes, sir, they do; because persons who have preceded them have provoked and irritated the Indians. I grant you that no caravan ought to go without some military protection. The male portion of the party well armed, with a small military force, can always defend themselves against as many Indians as can remain embodied in any country where the buffalo is not abundant. I am for giving ample protection, wherever it may be, to the emigrant trains; but they should go in such detachments or caravans as will render it convenient to afford them subsistence, for I would not that one scalp should be taken.

I can exemplify, to some extent, an impression that I have when I contrast war measures with peace measures. I well recollect in 1835, 1836, 1837, and 1838, in Texas, we had peace. The Comanches would come down to the very seaboard in amity and friendship, would repose confidently in our dwellings, would receive some trifling presents, and would return home exulting, unless they were maltreated, or their chiefs received indignities. If they did receive such, they were sure to revisit that section of the country, as soon as they went home, and fall upon the innocent.

For the years I have mentioned, in Texas, we had perfect peace; and, mark you, it did not cost the Government over \$10,000 a year. We had no standing army. A new Administration came in, and the Legislature immediately appropriated \$1,500,000 for the creation of two regular regiments. Those regiments were raised. What was the consequence? The policy had changed in the inauguration of the President. He announced the extermination of the Indians. He marshaled his forces. He made incursions on a friendly tribe, who lived in sight of our settlements, where the arts of peace were cultivated and pursued by them—by agriculture and other arts, and by the exchange and traffic of such

productions of the soil as were convenient. They lived by traffic with Nacogdoches. The declaration was made, and it was announced by the Cabinet that they would kill off "Houston's pet Indians." Well, sir, they killed a very few of them; and my honorable colleague knows very well, if it had not been for the volunteers, they would have licked the regular army—as the Indians said; I was not there.

The Cherokees had ever been friendly; and, when Texas was in consternation, and the men and women were fugitives from the myrmidons of Santa Anna, who were sweeping over Texas like a simoon, they had aided our people, and given them succor; and this was the recompense. They were driven from their homes, and were left desolate. They were driven up among the Comanches. What was the consequence? Every Indian upon our borders, from the Red River to the Rio Grande, took the alarm. They learned that extermination was the cry; and hence it was that the flood of invasion came upon our frontiers, and drenched them with blood. The policy of extermination was pursued, and a massacre of sixteen chiefs at San Antonio, who came in amity for a treaty, took place. That was in 1840. Before this army was raised they had been in the habit of coming down for purposes of peace and commerce. But an army of Indians marched through the settlements to the seaboard, one hundred or one hundred and fifty miles, undetected, I grant you, avoiding the dense settlements, went to Linville, upon tide water, rifled the stores, and slaughtered the men, if there were any, the women treated with cruelty, and their children's brains were dashed against the walls of their peaceful habitations. The exterminating policy brought it on. The country became involved in millions of debt, and the Indians in Texas were kept in constant irritation.

That was in 1840; and it was not until the year 1843 that intercourse could be had with them through the medium of the pipe of peace, the wampum, and the evidences of friendship. Then, what I related the other day occurred, and kind relations were again brought about, which subsisted until 1849. For the last year there has not been the life of a citizen lost on our borders that may be attributed to the Indians. One old man and three children were found near Medina, and another man was found, not scalped, and we know not by whose hands he came to his death—whether he was killed by Indians or Mexicans. They have detected companies of felons there, whites and Mexicans, stealing horses, and running them through the wilderness to Red River. The forts, they knew, were there, and they could dodge them, and go within one mile, or twenty, or thirty, just as they please. They are perfectly harmless.

The Indians have killed several soldiers—and why? Whenever they get the chance they treat them like dogs. What did they do? The agent made an agreement with the principal officer, for the Indians (to enable them to subsist), that they should have a certain amount of powder and lead; and the sutler should be permitted to sell it. The commanding officer was absent. Perhaps the young lieutenant, or the junior—I hope the Senator will not ask for the name, for, indeed, I have forgotten it—was in command. The Indians came in, and asked the sutler for powder. He said, "No, you can not get one grain of powder or lead." "Why," say they, "our women and children are crying with hunger, and we want to go out and kill game and feed them; we want the powder." "No, you can not get powder," says he. They then said, "If you drive us off, we will have to go and join the northern Comanches. We have

always been disposed to be friendly, but we can not stay and starve. We must go and join the stronger party." "Well," says the officer, "you may go." "But," say they, "if war comes on." The reply is, "War is my trade; bring it on as soon as you please." They separated; and the agent had to send two hundred miles a friendly Delaware Indian, before he could overtake that band, and with difficulty he got them back. The agent had to traverse and ride seven hundred miles to effect the restoration of harmony.

That is the way they manage. If these are the gentlemen that are to hold the lives and property, and the security of our citizens in charge, I want them to be men of some discretion, some wisdom, some little experience, not those who have just burst from the shell, or juveniles from the Military Academy, without ever having seen an Indian, and knowing nothing of their disposition. Send men of age and discretion, who have some sympathy for the whites, if they have no respect for the Indians. Then, sir, you may dispense with a great deal of the force which you now have, or ought to have, to make the army efficient.

Now, you see the consequence of this wiping out of the Indians, and making them respect you. Whenever you attack them, you embody them; for we are told by an agent, Mr. Vaughan, a gentleman of high respectability, as I understand, that the Indians are disposed to live in perfect amity with the United States; and that they do not only say that they are disposed to be at peace, but that they report the hostility of other Indians, and say that they will co-operate with the whites in giving them any information and aid that they possibly can; and will assist them in a conflict with hostile Indians; so that there is no danger to be apprehended. If you conciliate but one part, the others will not attempt to enter into hostilities. It is for the accomplishment of this that I desire to see the appliances of peace, not of war, used. Here, for instance, Mr. Vaughan says:

"The Brulies from the Platte, the Ouh-Papas, Blackfeet, Sioux, a part of the Yanctonnais, Sans Arc, and Minecougan bands of the Missouri, openly bid defiance to the threats of the Government, and go so far as to say that they do not fear the result, should soldiers come to fight them."

That is all hearsay. It is reported as hearsay, not as being authentic.

"The rest of the tribes in this agency are disposed to do right, and many of them at once will unite in exterminating the above bands. Several of them have come voluntarily to me, and stated that, should a force be sent here to chastise these, they will hold themselves in readiness to give any information relative to their locality and movements in their power, and render any assistance that may be required of them."

Well, now, when you can divide the Indians in this way and have one party, suppose you were to send two hundred men against hostiles, you could acquire an equal Indian force, so as to countervail them, and the whites would determine at once the preponderance in favor of our Government. Mr. President, I assure you I can not agree to the proposition. Besides, the general objections which I have to the increase of the army as the policy of the Government, I will say that we have enough in the present force, if properly employed, with the exception of the convoys necessary to the emigrant trains, and it would be very easy to digest a system for that purpose short of the contemplated three thousand troops.

Sir, I discovered furthermore that in the plan suggested the section of country

from which I come is left entirely free from all the influences of its provision and all its benefits. My honorable colleague says that those who are in danger ought to feel for home. I say so too, but I am sure he has not looked into this, and exercised his accustomed sagacity, or he would perceive that Texas has not been mentioned in this provision; but it relates to the emigrant routes of California. Texas is to be put out of the way.

There is nothing central there—no preponderating political influence there. Texas is neglected.

I made a proposition the other day, that if the troops are to be called out, and one-fourth of the money were given to our agent that would be annually expended, I would stake my life upon the event that we should have perfect peace there; and the influence of peace there would radiate to the Pacific. Justice will be done. Their wants will be supplied. We must remember, sir, there is a race of mortals wild, who rove the desert free. They owe no homage to the written rules which men have made; owe no allegiance to the idle forms which art suggests; but, proud of freedom in their native wilds, they need but competency's aid to make them blest. Well, sir, feed them. You have it to do, or you have to kill them. Which is the most expensive, leaving out the humanity of the thing? If you merely regard it as a matter of dollars and cents, you will find that to feed them is cheaper than to kill them, though you should not lose a human life, nor the labor or the exposure of the citizens, and suffer the casualties which would be brought upon them by a war.

I go for conciliation; and I come here, Mr. President, to legislate in part for Indians, but not to legislate for Indians to the exclusion of the whites. But the honorable Senator from Tennessee [Mr. Jones], for whose eloquence and high conceptions I have great respect—though I do not, in everything, coincide with him—differs from me. I must be permitted to make a commentary upon a few sentences which appear in the remarks that he made the day before yesterday. He said:

“I am not here to legislate for Indians. I am here to legislate for white folks and negroes, and not for Indians. I have no Indian constituency; and I confess that I have no great sympathy for them. When I remember their barbarities in my own State, when I see there the graves made by their hands, this heart of mine has no warm, impulsive feeling for them. I would do them no wrong; I would give them all the protection which can be accorded to them; but I would protect our own citizens against them. They should perpetrate no outrage upon our citizens if I could avert it.”

Mr. President, the Senator says he has no Indian constituency. I have none; and moreover, Mr. President, I have no Buncombe constituency, either. [Laughter.] I have a very proud and exalted constituency. They are pretty much self-existent and independent. But, Mr. President, I come here to legislate for Indians. I find them embraced within the pale of our Constitution. It points out the course for me to pursue in relation to them in my legislative action. The principles of our Government, independent of the express letter of the Constitution, would suggest to me what course to pursue. They are here recognized by the action of this body in the ratification or rejection of treaties which have been made with them. I grant you it is a farce which has lost now even the solemnity of a farce, if it ever had any; but still I come here to legislate for the Indians. To tell you the truth, sir, it is always with great reluctance

that I see the subject of legislation for negroes introduced into the Senate. I do not think it a proper place for it. I have never recognized the right of the Senate to do it, and I never will; and there I take issue with the honorable Senator in that particular.

But, independent of that, the Indians are a people who are upon our borders. We are brought in contact with them. We have taken their soil, their country. They have yielded to superior intelligence, and to the spirit of domination inherent in our race. They are a feeble race, yielding to the pressure of circumstances, and to the mastery of white men. But, sir, if they are inferior, and have fallen beneath our prowess, and they are prostrate, let us raise them up; let us elevate them; let us bring them to equality with ourselves as to intelligence, for they are not inferior in native capacity, they are not inferior in the employment of mechanical arts. What did the Senator from California [Mr. Weller] say yesterday? He stated that the wild Indian boys, who were taken in California, and put to agricultural pursuits, learned with the same readiness that the white boys did, to plow, and the arts of agriculture, so far as they had been tried. It was manly testimony, and it commends the gentleman and his experience to consideration. He tells you, too, that a few years ago, there were not less than ten thousand Indians in four counties, who have now dissolved and melted away, until but a fraction over three thousand remain. With the vast number that are still there, perhaps the proportion of diminution will soon be as great. We ought to look with some degree of commiseration upon these people. It is not the duty of every gentleman to feel sympathy for them, but he should feel a manly respect for himself; he should feel for humanity in any shape, for a merciful man will be merciful to his beast. They are degraded and sunk by their contact with the white man. They have, unfortunately, first to learn his vices, and, by degrees, to glean his virtues. But yet we see, under these influences, nations rise, become respectable, intelligent, scientific, and not only scientific, or learned, but we find them with their judicial department, their political department, their administrative department, and their Christian department. You find, in the last twenty years, not less than seventy ministers of the Gospel have grown up among the Creeks, the last to raise a hostile arm against the United States. Why not produce the same result with other tribes? My distinguished friend from Michigan [Mr. Cass] well knows that the Indian is susceptible, not only of improvement, rapid improvement, proportioned to the facilities afforded to him, but that he has as high and generous impulses as ever swayed the human heart, or quickened life's vital current; and who, when their friendship is plighted, would give their life to redeem you from an adversary's blow. Yet these men are not worth legislating for! Were their existence to terminate, and not to go beyond this earthly sphere, were there no eternity to receive the undying spirit of an Indian, humanity would bid us do justice to the red men. But they have an undying spirit, and if you inflict wrongs upon them and they are unredressed, the accountability is beyond human power to tell; but the honor of this nation demands the maintenance of good faith toward them. Have we heard that any efforts have been made to redress the wrongs recently inflicted on the Delawares? No, sir, we have not heard that the military there have interposed and

driven the offenders from their land. It is not neutral territory ; it is their property ; and the United States is pledged, by treaty, and by honor, to protect them in its possession. They have delegated a trust to the United States to sell this land if they dispose of it for their benefit ; but they have not given it to the aggressor. Will the Government permit the wrongs to go unredressed ? Where is the military authority there, that they do not expel the aggressors, in obedience to the intercourse law—persons who are there without permission ? Sir, the nation's honor grovels in the dust, its ermine is soiled, its glories are clouded.

Mr. President, I am reluctant to detain the Senate ; but I must take the liberty of making a suggestion, and it may be regarded in the character of prophecy or fancy, as may be most convenient and acceptable. Raise the three thousand troops, make a general war with the Indians, and it will take five years to terminate it. It will become a focus of excitement. It will virtually arrest emigration to California and to Oregon. It will cost you fifty millions of dollars, and you then will have to approach these Indians through the medium of pacification. Send your wise men, three commissioners, if you please, and send two or three hundred men, as discreet men might designate, and you will make peace with every man in the course of nine months, and give perfect security to your emigrant trains. You will not hear of bloodshed, unless it results from a spirit of retaliation provoked by the whites. This being done, you would have the blessed reflection that you have saved the effusion of human blood. The women and children of the Indians will be preserved. But if you call the attention of the warriors to war and battle, and to marauding, by way of retaliation, upon your trains, starvation will ensue for want of the means of subsistence. Mark these words ; pacific force will give peace and save millions of money ; a hostile force will expend millions, waste human life and dishonor the nation.

After some remarks by Mr. Dodge, of Iowa, and Mr. Mallory,

Mr. HOUSTON said : Mr. President, I hardly know what to say in reply to the honorable Senator from Iowa, for I hardly know what to think of his speech. [Laughter.] If I were to characterize his remarks in any way, I should say that they were, at least, very remarkable. In the first place, let me say to that honorable Senator, and to the honorable Senator from Florida, that they were talking about things of which I knew very little, for I was not in the United States when the occurrences to which they alluded took place, and I was not, therefore, familiar with the history of those wars. If I am not mistaken, however, it was an outrage of a very delicate character which brought on the Florida war.

Mr. MALLORY. That is a mistake, sir.

Mr. HOUSTON. Well, sir, that was the report which was brought to Texas. Whether it was true or not, I do not know ; but that was the information which I received from people from that section of the country. As for the Black Hawk war, I know little or nothing about it ; for in Texas, at that time, we had no mail communications with the United States, and we got but few papers from the States, so that I remained uninformed in relation to those matters ; but no doubt they were very exciting. The Senator from Iowa said the Black Hawk war was brought on by a council of the nation ;

but I have heard that an examination of the circumstances will show that the first outrage was committed by an individual, not by the concurrence of the nation, though they afterward became involved in the general war. In that statement, I believe, I am sustained by the history of the times. I have already stated that occasions occur where outlaws among the Indians commit acts of aggression on the whites, and the whites immediately retaliate on the Indian nations, and those nations, in self-defense, become involved in war; but I never knew a case where a treaty, which was made and carried out in good faith by the Government, was violated by the Indians. In Florida the Indians complained that they had been deceived in the treaty, and that the boundaries assigned were not as they understood them; and they killed their own chiefs. It was charged that some of the agents were involved in speculations to a great extent, dependent on the treaty. I recollect it was so stated at the time.

I think, sir, the Senator's speech was of a remarkable character in relation to politics and other matters, which I am sorry that he has introduced. He has undertaken to admonish me, and for this admonition I am much obliged to him. His experience, his superior opportunities, may entitle him, in the opinion of others, to the right of admonishing me; and I am perfectly willing, on that point, to yield my own opinion to what may be the general impression of the body. I did not provoke his remarks by any allusion to any one, predicated upon my own disposition to arraign the conduct of others; nor have I asserted anything in regard to the officers of the army, but what are matters of fact taken from the official documents. When I made suggestions of a speculative character, I gave them as such.

But, Mr. President, the Senator from Iowa has said that he would not have been astonished if the rankest Abolitionist had made such a speech, and had avowed such sentiments as I did. He says that, if a man in Western New York had presented such views he would not have been surprised. Now, I wish to know what connection my remarks had with Abolition? What connection had they with any one in Western New York? In what respect have I catered to any prejudice or morbid sensibility? I have stood here alone in this body, against a powerful array of talent and influence, contending for what I conceived to be a great principle, and which must obtain or the Indian race be exterminated. In regard to that principle, I have the concurrence of the Senator from Tennessee [Mr. Bell], who was once Secretary of War, and as such had control of the Indian department, and who has, since that period, been a prominent member of the Committee on Indian Affairs of the Senate. I believe that my opinions are also concurred in by the Senator from Arkansas [Mr. Sebastian], who is the head of the Committee on Indian Affairs. I can inform the Senator from Iowa that I will sustain him to the extent of my humble abilities in any measure he may introduce in favor of the Indians, and for the establishment of a policy which will ultimately benefit them and reflect credit upon the Government of the United States.

I have not been regardless of what I considered the honor of the United States, and the interest of the Indians. In no instance have I been remiss in these particulars. I could not cater to any passion or prejudice on this subject, because I know of no societies in the North, or in the South, or in

any section of this Union, for the advancement of the civilization of the Indians. If such societies exist, I am not in correspondence with them, nor am I aware of the existence of any such associations. Then, for what ulterior purposes could I advocate the rights of the Indians, or invoke the justice of this Government toward them? Could it be any expectation of political benefits? None upon earth. I presume the Abolitionists are perfectly absorbed in the subject of Abolition. For myself, I would rather see them turn their attention to the amelioration of the condition of the Indians on our western wilds, or to the reclamation of those whom they hold in slavery. There are not less than two thousand prisoners in the hands of the Comanches; four hundred in one band, in my own State. The prisoners can be reclaimed from those Indians, who are coming down to settle upon their reservations. They take no prisoners but women and boys. The boys they treat with a degree of barbarity unprecedented; and their cruelties toward the females are nameless and atrocious. Our Government is silent in relation to them. Has humanity no claims upon us in this respect? Has justice no demand unanswered? Sir, we have not seen the facts to which I have just alluded impressed on a page of our official communications from the War Department. The officers stationed near the places where those transactions have taken place have not reported them. No effort has been made to obtain appropriations for the reclamation and redemption of those prisoners. This is a subject which calls aloud for the humane influence of the Senator. There is no "sickly sentimentality" in this, but a manly upheaving of soul, that, in commiseration of suffering humanity, demands that the Government shall rescue them from the most cruel and unrelenting bondage.

I have been accused of catering to a morbid "sickly sentimentality." Sir, I never yielded anything of my own conscientious convictions to consult the opinions of others. I never stooped to solicit office; but I have received and accepted it to my own disadvantage. I might have hated the Indians, if I had a soul no bigger than a shell-bark. [Laughter.]

In my boyish days, before manhood had hardened my thews and muscles, I received balls and arrows in this body, in defense of suffering humanity, particularly women and children, against the Indians; and I aided in reclaiming the brightest spot of the South—Alabama. When I remember that, in those early days, I assisted in rescuing females and children from the relentless tomahawk and scalping-knife, it seems to me that the charge that I have stooped to court favor by the expression of my sentiments on this question, is one which falls harmless at my feet.

I hardly know what to think of the gentleman's remarks as to catering for the presidency. I hardly know what to say about the extraneous subjects which he has introduced. I suppose the shortest way of naming what he intended to allude to, is by the term "Know-Nothing." Now, of the Know-Nothings I know nothing [laughter]; and of them I care nothing. But if the principles which I see charged to them in many instances are the principles which they seek to carry out, I can say to gentlemen that I concur in many of them. If their object is to resist the encroachments of one religion or sect upon another, I am with them. I say, resist all such encroachments, and leave all religion uncontaminated by the perversion of

power that might accidentally result in *proscription* and the *inquisition*. "I'll none of it"; I am opposed to and would prevent such a result.

I admit that we are all descended from foreigners, because, originally, there were no natives here who were white men. Many of those foreigners who originally came here were baptized in the blood of the Revolution; but they were not such men as are now coming to our shores, and should not be named in connection with those who are spewed loathingly from the prisons of England, and from the pauper houses of Europe. Such men are not to be compared to our ancestry, or to the immigration which, until recently, has come to our shores from foreign countries. If the object of those to whom the Senator from Iowa has referred, be to prevent men of infamous character and paupers from coming here, I agree with them. I would say, establish a law requiring every person from abroad, before being received here, to bring an indorsement from one of our consuls abroad, and produce evidence of good character from the place whence he emigrates, so that, when he comes here, we may receive him into full communion with all the rights guaranteed to him by the laws which may exist at the time of his immigration. But, sir, to say that a felon, who left his prison the day he sailed for this country, or, perhaps, was brought in chains to the vessel which bore him here, is, in five years, to stand an equal with the proudest man who walks on our soil, the man who has shed his blood to consecrate liberty and his country, is not the kind of arrangement that I go for.

MR. MALLORY. Will the Senator from Texas allow me to ask him one question?

MR. HOUSTON. With pleasure.

MR. MALLORY. As the subject of Know-Nothingism, as it is called, has been brought here—

MR. HOUSTON. I have not introduced it, and I am not going to comment on it.

MR. MALLORY. Precisely so; the Senator has not introduced the subject, and perhaps he is not responsible for its introduction; but he is undertaking to say what he himself thinks upon it. Now, as he is speaking on the subject, I should like to understand distinctly whether he approves or does not approve of so much of the creed attributed to the Know-Nothings as would make those who profess the Roman Catholic religion ineligible to office?

MR. HOUSTON. I would vote for no such law.

MR. MALLORY. I asked the gentleman whether he approved that or not—not whether he would vote for it.

MR. HOUSTON. No, sir; I could not approve of such a law. But the proscription which is charged on those to whom allusion has been made, is no more than formerly existed between Whigs and Democrats. When party discipline was kept up, if a Whig voted for a Democratic candidate he was ruled out of his party and branded as a deserter; and if a Democrat voted for a Whig he was disowned by his party. That species of political proscription will exist everywhere, according to the notions of people. I do not set up my opinion as the doctrine by which others are to be governed. I am governed by my own principles, and my own sentiments, and I have a right to vindicate them, and I am responsible for them to the

world. When the Senator from Iowa supposes that I would cater for the Presidency of the United States, he does me great injustice. I would not cater for any office beneath Heaven. But, sir, I know one thing: if it were to be forced upon me, I should make a great many changes in some small matters. [Laughter.]

Mr. President, I am very sorry that my young friend from Iowa, for whom I entertain so much respect, should have acted as he has done. He certainly has gone beyond anything that I had imagined. He supposes that my object in addressing the Senate on this Indian subject was to connect it with the Nebraska and Kansas bill. I have not thought of that bill except that I alluded to the manner in which it was passed yesterday evening, when the Senate refused, rather discourteously, as I thought, to adjourn to enable a Senator to speak; but I now take back what I then said, for the Senate did afterward adjourn. I alluded then to the manner in which the passage of the Nebraska bill was effected, but I have not thought of it in the speeches which I have made upon our Indian relations. I have sought to let it go by and rest in peace. I have not been anxious to renew the controversy in regard to it. If it is for good, I hope good will result from it; if for evil, I hope the least possible evil will be the result. I have nothing to do with that now, and I shall not allude to it further.

The Senator from Iowa says that I have attacked the Indian agents and the officers of the army. I have not reflected upon a single agent of this Government. If I think honestly that a measure recommended by the Administration is impolitic, unwise, and unproductive of good to the country, I have the undoubted right to oppose it in argument, and to vote against it. That is a privilege which pertains to me as a Senator from one of the States of this Union. I have a right to exercise that privilege. It arrogates nothing to myself, and, therefore, I shall exercise it. It is not, however, to be supposed, because I vote against this measure, that I am opposed to the Administration, or find fault with its every act. If the gentleman had reflected, he would have come to the conclusion that the Administration has done so many good acts that I can not particularize them; and because I do not concur in this measure, it is not condemnatory of the general course of the Administration. All I have to do, at present, is with this measure.

The Senator from Iowa misapprehended me in another respect; and that was, in supposing that I was opposed to raising even five hundred men. I say, raise that number; raise men enough to go as convoys or guards to the emigrating parties; and, besides that, send out commissioners who are wise and discreet men—such as were taken to explore the promised land of Canaan in olden times. Let them go and bring reports of the feelings of the Indians, and see whether good fruits will not result. Let them go there and make treaties with the Indians. Let them take two hundred, or three hundred, or five hundred men with them. If I were going I should not take more than three hundred. Indeed, I believe one hundred would be sufficient to meet the Comanches. One hundred Americans, with Sharp's rifles, would subdue the whole of them, if they could get the Indians to come to them. There is the difficulty. You know there is an old adage about catching birds. Nurses tell children to put a little salt upon their

tails, and you have them. [Laughter.] You can not catch these fellows in that way. You can not get near enough to them; and there is the difficulty.

But, sir, in order to sustain what I said in relation to officers of the army, I wish to read an extract from the last official report of the Commissioner of Indian Affairs to the Secretary of the Interior:

"As heretofore reported to you, an association of persons has undertaken to appropriate to their own use a portion of the land ceded by the Delawares, fronting on the Missouri River, and south of Fort Leavenworth; have laid out a city thereon, and actually had a public sale of the lots of the same on the 9th and 10th of October last. These unlawful proceedings have not only taken place under the eyes of the military officers stationed at the fort, but two of them are said to be members of the association, and have been active agents in this discreditable business. Encouraged by these proceedings, and prompted by those engaged in them, other persons have gone on other portions of the tract ceded by the Delawares in trust to the United States, and pretend to have made, and are now making, such 'claims' as they assert will vest in them the lawful right to enter the land at the minimum price under the preemption law of July 22, 1854."

There is the authority from which I drew my conclusions in relation to the conduct of those officers. I have not branded them with any opprobrious terms. If they are innocent, what I said can not injure them; if they are guilty, there is no condemnation too deep for them.

Mr. DODGE, of Iowa. I hope the Senator from Texas will name the persons who have been guilty of the conduct to which he has alluded.

Mr. HOUSTON. I have given the quotation from the official documents. I will tell the Senator the reasons why I referred to that transaction. In the first place, it was to demonstrate the fact that aggressions are committed upon the Indians; and is not this calculated to dissolve the bands of peace, and bring on war? In the next place, this country is under the control of the military; and why have they not restrained those people from such an outrage?

SPEECH FAVORING A MEXICAN PROTECTORATE.

Delivered in the Senate of the United States, April 20, 1858.

Mr. HOUSTON. I move to take up the resolution I had the honor to submit some weeks since on the subject of a protectorate over Mexico and Central America; and I believe it is in order to offer some remarks on that motion.

Mr. HUNTER. I must say, in regard to that motion, that I shall have no objection to it, provided it will not supersede the consideration of the special order. When is the hour for its consideration?

The PRESIDENT *pro tempore*. At one o'clock.

Mr. HUNTER. Then I will say that of course I do not object to taking up the resolution, if at one o'clock we shall proceed with the special order.

Mr. GWIN. I thought the deficiency bill was the special order for twelve and a half o'clock.

The PRESIDENT *pro tempore*. The special order was fixed for half-past twelve o'clock yesterday; but it is for one o'clock to-day.

Mr. HOUSTON. I hope I may be allowed to conclude my remarks; they are limited.

Mr. HUNTER. The Senator from Texas tells me that he will not occupy more than an hour, and as I am anxious to go on with the deficiency bill, perhaps it would be better that he should commence now. It will only postpone the consideration of that bill for half an hour. I hope the Senate will consent to let him take up his resolution.

Mr. HOUSTON. I move to take up the resolution for the purpose of offering a substitute, and proposing that it be referred to a special committee to consist of seven. I do not suppose that will lead to any argument whatever. I wish to offer some views explanatory of the object of the resolution.

The motion was agreed to; and the Senate proceeded to consider the resolution submitted by Mr. Houston in regard to establishing a protectorate over Mexico and other Central American States.

Mr. HOUSTON. Mr. President, it will be recollected that a few weeks ago I offered a resolution to instruct the Committee on Foreign Relations to inquire into the expediency of establishing a protectorate over Mexico and the Central American States by this Government. That resolution, without being amply discussed, was laid upon the table. I have risen for the purpose of proposing a substitute for it, by which the inquiry shall be confined to Mexico, and submitted to a select committee.

It is, perhaps, nothing more than respectful to Great Britain, inasmuch as we have been negotiating with her for several years in relation to Honduras and the Mosquito shore, that the differences between the two countries should be amicably adjusted, if possible, before we proceed to intervene for the regulation of the affairs of the five puny States beyond Mexico. Moreover, the condition of most of those States, bad as it is, is incalculably better than that of our poor, distracted, adjoining neighbor. Their public demoralization, too, affects us less injuriously.

The State, sir, which I have enjoyed the honor of representing in this chamber, in part, with my lost but unforgotten colleague, since the emblem of her national independence took its place among the galaxy of stars which is unfurled over our heads, has a paramount interest in the establishment of orderly government in Mexico. It is as essential to her public morality and general prosperity as is that of any one State in the Union to another. The line of partition between the United States and Mexico stretches nearly two thousand miles—one thousand of which is Texan. Along a considerable portion of that line, on our side, savages abound, over whose propensities for the commission of crime on the inhabitants on the other side we can exercise, although obligated by solemn treaty stipulations to do so, no effectual restraint. On account of the depredations incessantly perpetrated by the Comanches and other tribes upon the Mexicans, the border population is steadily receding into the interior; and instead of progressive civilization, the chances multiply, from day to day, that the country will be turned over to barbarism—to the savages now within our own limits. Mexico can not prevent it, because she is never free from civil war or other intestine commotions; and we can not, at any cost, short of hermetically sealing our frontier. Thus good neighborhood on either part, as matters

at present stand, is next to an impossibility. The one can not repel, and the other can not pursue. The wild Indian in his forest wanderings has no respect for, if he even had a knowledge of, the lines which separate civilized nations. He roams wherever his untutored mind points the way, making in his strides the powerless—whether the white or the red man—his victim. Different, vastly different, is the condition of the neighborhood on our northern frontier. The inhabitants of the British Provinces are so assimilated in character and identified in interests with the inhabitants of the Northern States that they are as much the same as if they constituted one people. Practically there is nothing but a political line of division between them. The Marcy-Elgin treaty cemented their intercourse, and commercially annexed the Canadas and other adjacent possessions of Queen Victoria to those States. We gave to the colonies everything that they asked—everything that they could have desired.

The Senator from New York told us the other day, in substance, that the North was mighty, and that it would speedily become still mightier. In the majesty of its power it may, at no distant day, bring those colonies into the Union, and particularly if they should become dissatisfied with the rule of the mother country. Nor can it be pleaded that they are not prepared for admission. Every day that passes—such is the frequency of their communication with the citizens of Michigan, New York, and New England—they receive practical lessons in the science of self-government, adopting of course the tenets of anti-slavery. Their number does not greatly exceed a third of that of Mexico, and yet they probably contribute ten times as much to the prosperity of the North as Mexico does to the prosperity of the South. I do not mention this in the language of sectional complaint, but in justification of the measure I propose.

The notion, sir, that Mexico will ever help herself out of the extremities to which she has been so deplorably reduced, is too absurd to be entertained by a rational mind. The more she struggles, ostensibly for the bettering of her condition, the more anarchical she becomes. To bring such a population as hers into the Union would be to assume the gravest of responsibilities. To suffer her to be parceled out by filibusters—each chief perhaps a despot—would be to fraternize with every desperate adventurer in our own land, and to invite to our continent all the wild, vicious spirits of the other hemisphere. Nor could we consent, without palpable dishonor, to see her placed in the leading-strings of any European Power, even were there a disposition manifested to so place her. We have, then, no alternative, if we put the slightest value upon our interests, and are not disposed to disregard our duty, but to arrange plans immediately for ruling her wisely, and, as far as possible, gently.

In the consummation of great measures we are apt to be—perhaps a little too apt—a closely cost-calculating people. In the matter of the proposed protectorate of Mexico, one of the first questions which is likely to suggest itself to our countrymen is that relating to the expenditure it will involve. Happily, this can be readily and satisfactorily answered.

The protectorate must be self-protecting—the expense incident to it defrayed by the protected. The General Government of Mexico could probably be administered, taking a term of ten years, for \$6,000,000; while her custom receipts, under a well-regulated and honestly administered revenue tariff, would double that amount.

Our Gulf and Pacific squadrons would be ample for the protection of her commerce in those quarters, and without subjecting us to additional outlays. Five thousand reliable regular troops, properly garrisoned and distributed, would insure the establishment and preservation of internal order; and the adoption of a good police system would eventuate in bringing to justice, and effectually subduing, the rapacious and blood-thirsty bandits who infest her highways. Hence it is clear that we have it in our power to improve the condition of Mexico immeasurably; to breathe the breath of new life into her nostrils; and without incurring the risk of a dollar. What a salutary change would this be, not only for both countries, but for the world at large!

Faithless to her engagements, Mexico has been for a long time but a little better than a national outlaw. She is powerful for the commission of wrongs, but powerless for their redress. Our Department of State is the repository for the grievances of our citizens by her high-handed deeds; but nothing more than a repository, since the securing of indemnities for outrages has become a somewhat obsolete idea. Those grievances are doubtless magnified in a pecuniary point of view, as grievances ever are where a government is responsible; but still there should be an authority in Mexico with which they may be adjusted and provided for, as ascertained to be valid. The claimants might select one commissioner for their examination, Mexico another; and, in case of disagreement, the two an umpire. So with the inhabitants of other countries, who have experienced wrongs at her hands which have not been redressed. With respect to her funded debt, it amounts to about fifty-five million dollars, and is chiefly owned in England and on the Continent. It was consolidated in 1846, by a convention between the Government of Mexico and a committee of the bondholders, by which it was to bear five per cent. coupon interest. The war in which Mexico became involved with the United States so enfeebled her that she was unable to provide the interest, or a single dividend of it, until some time along in 1850, when she sent a commissioner to London to represent the state of her finances, and to make a new proposal to her creditors. This proposal was to the end that she would pay out of the California indemnity money the interest in arrears, and pledge one-fourth of the custom-house receipts on imports as well as exports for the payment of the future interest of the debt, provided the bondholders would agree to diminish the rate of interest from five to three per cent. To this, after some hesitation, they consented. Since then, such is the faithlessness with which she has acted, and such the subterfuges that she has had to resort to in order to sustain her sickly existence, that she has appropriated to herself nearly all the customs dues received; having remitted only a sufficient amount to pay four of the semi-annual three per cent. interest dividends which have since matured. With this arrangement, to which Mexico is bound, we could not interfere, as her protector, unless with the assent of the bondholders. It might, however, probably be modified to their own and her advantage. The assumption of it by this Government, as a consequence of the protectorate, is too idle a supposition to be entertained. Great Britain could not expect more from us in the premises than to see that the portion of the revenue from the customs stipulated for was regularly placed at the disposal of those bondholders when collected. This would in all likelihood defray the interest as it accrued, besides creating a sinking fund for the absorption, in a few years, of the principal, and thus extricate the hand of our unfortunate neighbor from the

lion's mouth. England, as I shall presently show, would be well enough pleased to have it so extricated.

Mr. President, I have looked, but looked in vain, in both wings of this Capitol, for a fellow-member who was a fellow-member with me when the celebrated Monroe doctrine was announced. Of the two hundred and sixty-one Senators and Representatives who constituted the Congress which commenced its session on the first Monday of December, 1823, I stand here alone, and I will not disguise it, as one who regards himself as among the last of his race—as one who feels that he is approaching his journey's end on life's pilgrimage, and who has now no other ambition to gratify than to “render the State some service.” All those worthy spirits, alas! have, one by one, quitted earth, with the exception of President Buchanan, ex-President Van Buren, ex-Senator Branch, ex-Senator Rives, Governor Letcher, and Governor Wickliffe of Kentucky, Governor Johnson of Virginia, General Mercer, General Campbell of South Carolina, Mr. Saunders of North Carolina, Mr. Stuart of Pennsylvania, Mr. Blair of Tennessee, and possibly two or three others. To say nothing of the distinguished merits of the survivors, in that great Congress might have been seen, in the full meridian of strong intellect, the Jacksons and Clays, the Websters and Randolphs, the Macons and Forsyths, the Bentons and Livingstons, the Barbours and Johnsons, the McLanes and McDuffies, the Kings and Smiths, the Taylors and Hamiltons, the Floyds and Holmeses, the Ruggleses and Bartletts. It was to such men, chosen alike for their wisdom and integrity, representing twenty-four sovereign States and thirteen millions of inhabitants, that Mr. Monroe (counseled by a Cabinet composed of John Quincy Adams, William H. Crawford, John C. Calhoun, Samuel L. Southard, William Wirt, and John McLean) addressed himself in such confident and resolute language with reference to the ulterior purposes of this country. I shall never cease to remember the exultant delight with which his noble sentiments were hailed. They met not only with a cordial, but an enthusiastic reception both in and out of Congress. They were approved with as much unanimity as if the entire population of the Union had been previously prepared to re-echo their utterance. At that glorious epoch there was a broad, towering spirit of nationality extant. The States stood in the endearing relation to each other of *one for all, and all for one*. The Constitution was their political text-book, the glory of the Republic their resolute aim. Practically, there was but one party, and that party animated by but one object—our upward and onward career. As if in atonement for the wrong inflicted upon the country by the angry Missouri controversy, which was then fresh in every mind, there seemed to be no circumscription to that genuine patriotism which everywhere within our embraces displayed itself. May we not trust, Mr. President, that a similar result will ensue from the still more angry Kansas controversy, and that the benign influences of such results will be as durable as creation? This will assuredly be the case if the only question asked within this Capitol when an embryo State asks for admission into the Union is: *Does her constitution conform to the national requirement—“a republican form of government”?* We have cheapened ourselves immensely in the world's esteem, and, I fear, polluted our system of government, in our extravagant disbursements, which have been overlooked in the profitless strife which had its emanation in the hostility to the institution of negro slavery. Let each new State, hereafter, come slave or free, as she chooses, and we shall henceforth

have peace, the peace of union as contemplated by the authors and founders of our Republic. We have grander ends to attain than the frittering away of a healthful existence upon such loathsome, ignoble subjects. Our aspirations should be to spread our heaven-inspired principles, by our lofty public bearing, on to the most remote and benighted regions; proudly, in the rectitude of our intentions, taking our place at the very head of the nations of the earth. It is for us, if we are equal to our mission, to realize for America the poet's vision of the future of England:

"Wherever the bright sun of heaven shall shine,
Her honor and the greatness of her name
Shall be and make new nations; she shall flourish,
And, like a mountain cedar, reach her branches
To all the plains about her."

But, sir, to return to the Monroe doctrine. In their notice of the message at the time it was promulgated, the then as now calm, observing editors of the *National Intelligencer* remarked:

"It does honor to its author, and the most material parts are conceived in the true spirit of the days in which he first engaged in the scenes of public life."

Sir, that doctrine is, perhaps, quite familiar to every member of this Senate; but such has been my unrelaxing pride in it for nearly thirty-five years, increased, if possible, by the fact that I am the only person entitled to a seat in this building to whom it was addressed, that I can not refrain from its perusal, nor from narrating its history and explaining its purpose.

Our relations at that time were not in a satisfactory condition with the Emperor of all the Russias—the differences having grown out of a claim of that autocrat to a portion of this continent—and in this connection Mr. Monroe made the emphatic declaration:

"In the discussions to which this interest has given rise, and in the arrangements in which they may terminate, the occasion has been judged proper for asserting as a principle, in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power."

Subsequently he reviewed the political condition of the two hemispheres, and referring to the desire of the Holy Alliance to re-establish Spain in her late American possessions, he fearlessly stated that—

"We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their parts to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered, and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States."

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"It is impossible that the Allied Powers should extend their political system to any portion of either continent [American] without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference."

Shortly after the settlement of Europe by the Congress of Vienna, the more despotic continental Governments suddenly became seriously troubled on account of the liberal sentiments which strikingly manifested themselves in Spain and elsewhere. The Holy Alliance, in its conferences at Troppau and Laybach, declared eternal hostility to all popular institutions, announcing its purpose to "repress republican opinions wherever they might be found, and to extinguish the feelings that prompted them." To use its avowed language:

"To preserve what is legally established was, as it ought to be, the invariable principle of their policy. Useful or necessary changes in legislation, and in the administration of States, ought only to emanate from the free will and the intelligent and well-weighed conviction of those *whom God has rendered responsible for power.*"

The Czar of Russia had promised Ferdinand of Spain that if he would overthrow the constitution of that kingdom he would assist him, not only in fortifying his throne, but also in re-establishing his authority over the revolting Spanish-American provinces. To this proposition England dissented, in terms so decided as to cause its relinquishment—an occurrence not displeasing to Austria, as she was averse to the marching of a large Russian army across her bosom in the direction of the Pyrenees. But France, acting in the interest of the Holy Alliance, and probably with a view to selfish ulterior objects, determined to intervene in the affairs of Spain, and—under the alleged excuse to England that she wished to prevent the yellow fever, which was prevailing in Portugal, from entering her limits—she established an army in the confines of the Spanish realm, which she designated a "*cordon sanitaire.*" The disappearance of the disease, however, from the peninsula, did not lead to its withdrawal, and subsequently she bestowed upon it the title of the "army of observation." But it was not long—in the summer of 1823—until she marched it over her boundary and undertook to control Spain. When, in 1808, Napoleon attempted to place the crown of that realm durably upon the head of his brother Joseph, he unquestionably contemplated the acquisition by his house of all the distant possessions. This idea might not have been the actuating one in the armed occupation of Spain by France; but it is certain that she regarded those possessions as a prize worth securing, if they could be obtained at a reasonable, or, indeed, an extravagant cost. She saw distinctly that they were as good as lost to the mother country, which was in a deplorable moral, financial, commercial, and physical condition. Mr. Canning, as Premier, made unceasing efforts to influence France to recall her army from Spain, but they were disregarded. This enlightened British statesman boldly arrayed his Government against the principles of the Holy Alliance, and lost no suitable occasion to publicly proclaim the sentiments by which the British were animated—sentiments which were warmly responded to at home, and by the larger portion of the continental public. They were simply these, and, from their very nature, in violent antagonism with those entertained by the stipendiaries of the crowned head contrivers of the Congress

of Verona: *The people the origin of all power, the object of all governments the good of the governed.*

Nor were suitable opportunities left unavailed of by the Premier for strengthening and cementing the ties of friendship between his own and this country. In a speech which he delivered to his townsmen of Liverpool, on the 25th of August, 1823, at a banquet which they gave to Christopher Hughes, our excellent Minister to the Netherlands, he said, among other things :

“On such an occasion he might be permitted to express the gratification he felt, in common with the great mass of the intelligent and liberal men of both countries, to see the animosities necessarily attendant on a state of hostility so rapidly wearing away, and giving place to feelings so consonant to the true interests of the two nations, united by a common language, a common spirit of commercial enterprise, and a common regard for well-regulated liberty. It appeared to him that of two such nations the relative position was not wholly unlike that which occasionally occurred in families, where a child having perhaps displeased a parent—a daughter, for instance—in contracting a connection offensive to that parent’s feelings, some estrangement would for a while necessarily ensue ; but, after a lapse of time, the irritation is forgotten, the force of blood again prevails, and the daughter and the mother stand together against the world.”

About the time this speech was delivered, Mr. Canning is reported to have had an interview with our Minister near the Court of St. James, in which he explained the policy of his Government with respect to Spain and the South American States, desiring the co-operation of the United States, if necessary, in its enforcement. Our Minister, it appears, had no instructions upon the subject, but transmitted the proposal to Washington for consideration. On the 31st of March previous the Prime Minister wrote to the British Minister at Madrid to intimate to the French Minister near that Court, in terms sufficiently distinct to admit of no misconception, that while Great Britain utterly disclaimed any intention of appropriating to herself any of the former colonies or dependencies of Spain, she would not tacitly consent to their acquisition, or that of either of them, by France. This led to a conference between himself and the Prince de Polignac, the French Minister, on the 9th of October, 1823, in which the latter proposed :

“That in the interests of humanity, and especially in that of the Spanish colonies, it would be worthy of the European Governments to concert together the means of calming, in those distant and scarcely civilized regions, passions blinded by party spirit, and to endeavor to bring back to a principle of union in government, whether monarchical or aristocratical, people among whom absurd and dangerous theories were now keeping up agitation and disunion.”

But the conference terminated without a result, Mr. Canning no doubt deeming it better to await intelligence from this capital relative to his proposal to our Minister. The world-renowned message contained Mr. Monroe’s answer. It was as unexpected as a destructive earthquake, and dispelled every hope which had been indulged in Paris, and in autocratic circles elsewhere, of the re-establishment of Spain in her lost possessions. It was thus that the triumph of England over the Holy Alliance was effected, as was explained, when Parliament

met in the following February, by the Marquis of Lansdowne in the House of Lords, and Mr. Brougham in the House of Commons.

In the discussion upon the speech from the throne, at the opening of the session, the Marquis observed, in the House of Lords, in commenting upon that part of it relating to the non-recognition of the Spanish-American States in terms of disapproval :

"But if we had been tardy, it was a satisfaction to find that America had, on this occasion, taken that decisive step which so well became its character and its interest. As that important decision was of the utmost consequence to every portion of the world where freedom was valued, he could not grudge to the United States the glory of having thus early thrown her shield over those struggles for freedom which were so important, not merely to America herself, but to the whole world." . . . "Let their Lordships look to what had happened in the United States. There a population of three millions had, in the course of forty years, been increased to ten millions."

In the House of Commons, during the same day and in the same discussion, Mr. [now Lord] Brougham, remarked :

"The Holy Alliance ! [A cry of 'Hear !'] What, was this designation of these sovereigns doubted ? Why, it was not his, but that which they had given themselves. There was but one view that could be taken of that league of conspirators and of the motives of their alliance." . . .

"The question, however, with regard to South America, he believed was now disposed of, or nearly so ; for an event had recently happened than which no event had ever dispersed greater joy, exultation, and gratitude over all the freemen in Europe—an event in which he, as an Englishman, connected by ties of blood and language with America, took peculiar satisfaction. An event, he repeated, had happened, which was decisive on that subject ; and that event was the message of the President of the United States to Congress. The line of policy which that message disclosed became a great and independent nation ; and he hoped his Majesty's Ministers would be prevented by no mean pride or paltry jealousy from following so noble and illustrious an example. He trusted that as the United States had had the glory of setting, we should have the good taste to follow the example of holding fast by free institutions, and of assisting our brother freemen, in whatever part of the globe they should be found, in placing bounds to that impious alliance which, if it ever succeeded in bringing down the Old World to its own degraded level, would not hesitate to attempt to master the New World too."

Mr. Canning, the Premier, in reply, stated that—

"In some of the principles laid down in the message of the President of the United States he entirely agreed ; and he might be permitted to say that, long before the message went forth, it was distinctly admitted in the State Papers of Great Britain that the question between the mother country and the colonies was not a fit subject for foreign interference ; but he did not agree in the principle that the parent State had not a right, if she could, to recover her own colonial dominions." [Mr. Brougham motioned that such a principle was not laid down.] "Mr. Canning, continuing. In the paper to which the honorable and learned gentleman referred, there was a passage which many individuals construed in that way, and he certainly understood the honorable and learned gen-

tleman so to have construed it. He was clearly of opinion, with the President of the United States, that no foreign State had a right to interfere pending the dispute between the colonies and the mother country; but he was as strongly of opinion that the mother country had a right to attempt to recover her colonies if she thought proper."

Mr. Canning's construction of the message was clearly correct, as will have been seen from the extracts which I have read from that document. Spain, ruled by France, as the swordsman of the Holy Alliance, was included in the declaration that—

"With the Governments who have declared their independence and maintain it, and whose independence we have on great consideration and on just principles acknowledged, we could not view an interposition for the purpose of oppressing them, or controlling in any other manner their destiny by any European Power, in any other light than as the manifestation of an unfriendly disposition toward the United States."

It has often been asserted, sir, that Mr. Canning originated the Monroe doctrine. It has been seen to what extent he is entitled to that credit. The announcement of that doctrine, as valuable a purpose as it served his Government, perhaps took no one more by surprise than himself. Little could it have been imagined that a young republic, with nothing like half of its present population, could summon resolution to proclaim at the top of its voice, to all the potentates of the other hemisphere, in substance: "You may manage your affairs as you choose there, but you shall not carry your system or systems of government to the world of the West. With stout hearts and strong minds, and, above all, relying upon God's favor, we will prevent the establishment of any new European alliances in this hemisphere, or perish in the effort."

At the time of preparing his message it may have been seen by Mr. Monroe that circumstances might arise rendering it necessary that the exercise of a controlling influence over one or another of those young republics would become a necessity on the part of this country. Mr. Clay, in his zeal for their recognition, has asserted, in his place in the other House, that "it would be impugning the wisdom of Almighty God to suppose that He had created beings incapable of self-government"; but Mr. Monroe was not, perhaps, quite so sanguine. He, however, was determined, as far as his official influence could be advantageously employed in the instance of those republics, that the experiment should have a fair trial. But if it should result in failure no foreign Power should attempt their resubjugation. It would become a duty under our mantle to nourish, cherish, and protect such as could not take care of themselves. The unlocking of the rich, varied, natural stores of Mexico would redound not only to the enlarged welfare of that country, but to the good of every country interested in commerce and in enlightened civilization. She is, literally, the thriftless "talent tied up in a napkin." She can never be otherwise until we exercise a controlling influence over her. We must make her respectable and respected. She has been going down so long that she is incapable of rising. With life and property secure, it is estimated that she could produce \$100,000,000 of silver annually. Instead of fifteen or twenty miles of railroads she might in a score of years have as many hundreds. With such an attractive climate and fruitful soil and variegated scenery she would become the center of fashionable travel and the abode

of enterprising industry; and the occurrence would not only command the approval, but also the admiration, of Great Britain and other European States. The *London Times*, which moulds rather than follows public opinion, says:

"There is not a statesman who would wish to see Great Britain hamper herself with an inch of Mexican ground. Let the United States, when they are finally prepared for it, enjoy all the advantages and responsibility of ownership, and our merchants at Liverpool and elsewhere will be quite content with the trade that may spring out of it. The capacity of the Mexican population for appreciating a constitutional rule is not so remarkable that we should volunteer to administer it."

The Monroe doctrine has been repeatedly ridiculed of recent years, and by grave Senators, as the merest of abstractions—as unmeaning and valueless. But let me tell you, sir, that but for that doctrine Texas probably had never entered your confederacy. Canning might have yielded to Polignac for the consolidation of a monarchical or aristocratical form of government for the *ci-devant* colonies of Spain, by which, of course, she would have been included as one of those colonies, had it not been for the seasonable declaration of that doctrine, and the thrill of joyous delight with which it was hailed by the votaries of liberty everywhere. On this account alone I may be pardoned for fancying that it is deserving of a worthier designation, even by the most violent tongue, than an abstraction. When Cortez returned to Madrid from his conquering expedition to America, he went to Court. The haughty Charles V., observing his stately mien as he approached him, emphatically demanded: "Who are you, sir?" "The man," replied he, "who has given you more provinces than your ancestors left you cities!" With equal truth may it be said of Texas that she has been instrumental in giving the Union more dollars than its founders left it cents. She has been instrumental in developing its resources more in twelve years than had been previously developed in sixty. I do not mention this in a spirit of vainglory. Who could be vainglorious of such a State?—a State that is advancing with giant's strides in all that constitutes a State to the head of the column of the Southern division of the Union? The time may come—yes, will come, sir—when if she shall be as properly cared for by this Government in her intercourse with Mexico as New York has been cared for in her intercourse with the British Provinces, she may be to that division what the Empire State is to the Northern division. But whatever her future power, I trust that the language of her sons will ever be, in contradistinction to the supercilious expressions which fell from the lips of a distinguished Senator a few days ago, as far as concerns the exercise of *might* for the purpose of sectional oppression:

"O! 'tis excellent
To have a giant's strength; but it is tyrannous
To use it like a giant."

Whenever one section of this country presumes upon its strength for the oppression of the other, then will our Constitution be a mockery, and it would matter not how soon it was severed into a thousand atoms and scattered to the four winds. If the principles are disregarded upon which the annexation of Texas was consummated, there will be for her neither honor nor interest in the Union; if the mighty, in the face of written law, can place with impunity an iron yoke upon the neck of the weak, Texas will be at no loss how to act, or

where to go, before the blow aimed at her vitals is inflicted. (In a spirit of good faith she entered the Federal fold. By that spirit she will continue to be influenced until it is attempted to make her the victim of Federal wrong. As she will violate no Federal rights, so will she submit to no violation of her rights by Federal authority. The covenant which she entered into with the Government must be observed, or it will be annulled. Louisiana was a purchase; California, New Mexico, and Utah a conquest; but Texas was a voluntary annexation. If the condition of her admission is not complied with on the one part, it is not binding on the other. If I know Texas, she will not submit to the threatened degradation foreshadowed in the recent speech of the Senator from New York. She would prefer restoration to that independence which she once enjoyed, to the ignominy ensuing from sectional dictation. Sorrowing for the mistake which she had committed in sacrificing her independence at the altar of her patriotism, she would unfurl again the banner of the "lone star" to the breeze, and re-enter upon a national career where, if no glory awaited her, she would at least be free from a subjection by might to wrong and shame.) But I will dismiss such thoughts from my mind, and indulge in their stead the pleasing belief that the Federal Constitution, the Constitution of our fathers, the Constitution of compromise between conflicting interests, will ever be found potent enough to overpower the most formidable sectional opposition which may be advanced against its provisions. Beyond it there would be but little left worth living for.

In conclusion, I trust, sir, that you will pass the resolution which I now send to the Secretary. Of the form of the protectorate I have said comparatively nothing. It will be for the committee, if ordered, to decide upon that, with such lights as may be placed before it. I have no preferences on the subject. It may assimilate to that of Great Britain over the Ionian Isles, or be entirely original in its character. No advantages in trade intercourse ought to be claimed by us which should not become common to other countries, and no more authority exercised than would be indispensable to secure obedience to salutary law.

I send to the Chair a preamble and resolution as a substitute for that which I before offered. I ask that it be read.

The Clerk read as follows:

"WHEREAS, The events connected with the numerous efforts of the people of Mexico to establish upon a reliable basis an orderly system of self-government have invariably resulted in complete failure; and whereas the condition of Mexico is such as to excite alarming apprehensions that she may precipitate herself into a wild condition of anarchy, and the more so as she has demonstrated from time to time her utter inability to suppress intestine commotions and to conquer the hordes of bandits by which she was infested; and whereas the United States of America, on account of the continental policy which they cherish and desire to enforce, can never permit Mexico to be resubjugated by Spain, or placed under the dominion of any foreign Power; and whereas one of the most important duties devolving upon civilized governments is to exact from adjoining nations the observances of good neighborhood, thus shielding themselves against impending or even remote injury to their border security: Therefore—

"*Resolved*, That a select committee of seven be raised to inquire and report to the Senate whether or not it is expedient for the Government of the United

States of America to declare and maintain a protectorate over the so-called Republic of Mexico, in such form and to such extent as shall be necessary to secure to this Union good neighborhood, and to the people of said country the benefits of orderly and well-regulated republican government."

Mr. HUNTER. I call now for the special order.

Mr. HOUSTON. I move the adoption of the resolution.

Mr. HUNTER. I gave way for the Senator to make a speech.

Mr. HOUSTON. It will not take a moment, I hope.

Mr. SEWARD. I move that it lie on the table and be printed.

The motion was agreed to.

SPEECH DELIVERED IN THE SENATE OF THE UNITED
STATES, APRIL 23, 1856.

The Senate having under consideration the Resolutions of Mr. Iverson for the appointment of a Special Committee to examine the members of the Naval Board under oath—

Mr. HOUSTON said: Mr. President, I am suffering from hoarseness and indisposition; and the explanations which have just been made have occupied a large share of our time; but yet I shall proceed to occupy a portion of the time of the Senate to-day with some remarks in relation to the action of the Naval Retiring Board, which is now before us for consideration.

It is proper for me to state, prefatory to the remarks which I propose to submit, why it is that I am under the necessity of now addressing the Senate on this subject. Sir, I have been charged with dragging into this debate, personalities and individual character in a manner calculated to produce irritation and bad feeling. When I spoke before, I disclaimed any intention of that kind; and I believe the records of the Senate will verify the fact, that I not only disclaimed it, but that, in point of truth, my former remarks are not liable to such a construction.

It will be recollected, Mr. President, that this debate was first inaugurated into the Senate by the venerable Senator from Delaware [Mr. Clayton], in secret session. He referred to a resolution which I had introduced for the purpose of obtaining from the archives of the Navy Department certain information; and he animadverted—though not with any degree of severity, with an implied censure—on the course which I had thought proper to adopt. His own course, I must say, struck me as somewhat novel.

Here I must express my sincere and unqualified regret that the venerable Senator is not present to hear every word which I have to utter in relation to the course which he has been pleased to adopt. I will not, in his absence, say all that I should say if he were present. I am sure that no Senator in this body entertains half the sincere regret for his absence that I do. For the last ten days I have postponed my address that the Senator might be present, so that he might hear what I have to say, and so that he might be prepared to repel any improper accusation, if such should be brought against him.

Sir, I have no accusation to make against the venerable Senator [Mr. Clayton]. I shall advert to his own remarks, but not with that degree of point which

I desired to do, and which his presence would necessarily suggest. I know his ability and distinction. I am aware of his adroitness in debate. I know his diplomatic capacity. I fully appreciate those high qualities which distinguish him from the ordinary mass of mankind. I aspire to none of those distinctions; I am too humble in my pretensions even to emulate his proud, preëminent position; but I must nevertheless be permitted to vindicate the course which I have taken in reference to the measure now before the Senate.

It will be recollected, Mr. President, that the Senator at some period—I do not recollect the precise date, nor is it material—came forward, after the Senate had gone into executive session, and indicated a desire to present to us a most momentous subject—one deeply affecting his own feelings. I must confess that I felt the deepest sympathy with the Senator then. I had heard of his indisposition, which had detained him from the Senate Chamber for ten days previous to this event, and I believed it was a valedictory that he came here to deliver to the Senate; and I supposed it would command all the sympathy which his colleagues in the Senate could afford.

This was my impression then; and if I were in the habit of surrendering to sensibility to a womanish extent, I believe I should have wept, such was the plaintive tone and manner of the Senator. Great was my astonishment, however, when I heard his speech, after leave was accorded to him to have it read, as he was unable to deliver it. It was an address carefully collated, conned, prepared, punctuated, the i's dotted, the t's crossed, and everything done in nice order—documents referred to with great particularity, and of the most astounding import—all prepared for the occasion. Senators sympathizing with him, asked him to sit on the chair to rest himself. He read it all. It was painful to hear his plaintive tones. His voice, usually vigorous; his manner, characteristically animated and nervous, seemed to have become enervated; and he sunk down into the softest gesticulations and most pathetic tones, yielding apparently to the force of disease. His tone and manner commanded the richest stores of sympathy from every feeling heart in the Senate.

But, sir, when that speech appeared in print, what was it? It was a flaming eulogy; it was the inauguration of Captain Du Pont's fame and name into the Senate of the United States. Was it brought forward under ordinary circumstances? or was it intended to send it forth as a harbinger for the purpose of forestalling anything that might result from the communication of certain documents (when his name had not been previously alluded to in the Senate), and by that means give him an advantage which he would not otherwise possess? Was it fair, was it courteous to the Senate, or was it to take a snap judgment on the sympathies of the Senate, and foist a man before the public in the most imposing attitude?

No sooner was the speech delivered here, than leave was asked to remove from it the injunction of secrecy, and throw it wide to the world. It was done in executive session. Gentlemen may have said: "It must be something of great importance; we will read the Senator's speech, and see what it is." The injunction was removed, and the speech was published. On examining it, we find it to be an attempt to indoctrinate us with the Senator's opinion that Captain Du Pont is a perfect nonpareil. [Laughter.] Yes, sir; here it is; this is the title-page to the speech:

"Captain S. F. Du Pont, U. S. Navy. Speech of Hon. John M. Clayton, of

Delaware, in the Senate of the United States, March 11, 1856, in executive session. The injunction of secrecy had been removed."

Who could resist an inclination to get possession of this rich *morceau*, when it was a secrecy worthy of the note and attention of Senators? It is a most imposing thing. After this introduction, on the first page of the body of the pamphlet, before addressing the distinguished officer of this body who presides over its deliberations, I find, in flaming capitals, the words: "Captain S. F. Du Pont, U. S. N.," and then it begins:

"Mr. Clayton said," etc.

Now I think this is one of the rarest diplomatic moves that I have discovered. It is worthy of the negotiator; it is worthy of the diplomatist; but whether it really will have the effect which was designed, I know not. Yet, sir, I have been charged with introducing personalities and personal character into this body. What does the Senator say in this speech? He gives a most delicate, and at the same time—I should almost be tempted to say—a most equivocal, pledge; for he says:

"I owe it to common justice to bear my *sincere testimony* in his behalf, and to repel the efforts made to injure him, no matter when or by whom made."

He pledges his "sincere testimony" on this occasion. It never would have suggested itself to me to attempt to qualify the testimony of the honorable Senator, unless he had implied that he had two species of testimony—sincere, and equivocal, or jocose. [Laughter.] My opinion was, that there was but one species of testimony, and that it was always sincere, because it is presented under the solemnity of an obligation to tell the truth.

By examining this speech, we find that the Senator from Delaware goes on and introduces the name of Lieutenant Maury, and various others. He introduces the names of Messrs. Pendergrast, Du Pont, Missroon, and other officers who were on board the *Ohio* in 1839 and 1840, by reading a document exculpatory of them written by a former Secretary of the Navy. He thereby put their general characters in issue; and I believe it would be technically correct, in a court of law, under the indulgence of the judge, under such circumstances, to prove the facts in regard to them. I had called for certain documents from the Navy Department, but they were not presented to the Senate when this speech was made. The Senator was not apprised, from any assurance given to those who called for them, that they would ever be presented, or made a matter of consideration before this honorable body. Still, he chose to anticipate them. The result was, that he involved himself in the dilemma of having his friends brought before the Senate, not in the most enviable point of view. I am not so sure but that he was a little too diplomatic in that respect. Men may go too far. I find here something designed to cover up a nice little reflection. On page 6 of the pamphlet speech, I find the following:

"No man who has a proper respect for the honored memory of the Commodore will seek to recall these events for the purpose of casting unjust reflections upon the living; and I purposely forbear all comment upon any part of the proceedings except the triumphant final vindication of Du Pont and his associates contained in the letter of the Secretary, which justly closed the whole controversy forever."

The venerable Senator from Delaware was unacquainted with the subject, for that letter was as far from closing the controversy as anything could possibly be. I am glad that the Senator has not pledged to the statement his "sincere testimony," because it would have implicated him; but, as I have intimated, he involved not only his friends, but others who had no connection whatever with the papers called for, and whose names were not included in them. I leave that point, however, for the present.

When I formerly addressed the Senate on this question, my course was also the subject of comment on the part of the Senator from Delaware near me [Mr. Bayard]. For that gentleman I entertain feelings of kindness and personal respect. I admire his talents, his intelligence, and his usefulness in the Senate. I am aware of the fact, that he is justly the pride of his constituency. All these considerations conspired to impress me most favorably and kindly toward him; but I think that he did not, in his remarks on the occasion to which I allude, exercise that courtesy which is looked for, expected, and desired in the Senate. I stated that Captain Du Pont had, when a lieutenant, insulted Captain Smith. The honorable Senator replied that it was untrue, and asked me for my authority. I told him; but he said it was untrue, and that the authority on which I relied could not be tortured into the meaning which I gave it, unless I had greater powers of perversion than ever he had before suspected me to possess. I thought that was pretty sharp; but I suppose that, as it was a gratuity, I ought to be thankful for it and take it. Therefore I did so. [Laughter.] On that point I desire to place myself right, and, without any unkind feelings to the Senator, to vindicate my veracity; but I shall indulge in no asperity of remark toward him, because I have no unkind feeling to gratify, and I have great respect to cherish.

I propose to read the evidence on which I based the statement that Du Pont had insulted Captain, now Commodore Smith, of the navy; and then it will be seen whether my construction is not the most reasonable one. The distinguished Senator intimated before that I really had not read my extracts in a manner to please him, implying that my education was not as good as it ought to have been. I shall overlook that remark; but really it seems to me that the deductions which I draw from the documents are most rational for a plain, common-sense man. I think that Captain Smith was insulted; and to show it I shall read what he wrote to Commodore Hull in reply to a letter of Mr. Du Pont. If I did not read all the letters to which I referred before, it was not because I had any purpose to garble them, as was intimated. They are all very rich. Captain Du Pont's productions are all of a classical character. I should like to give them all, but it would render my speech too voluminous. He had complained of the accommodations of the *Ohio*. He was placed on the orlop deck—a deck that comes to the water line, I believe. It appears, from the ink-lings which have transpired here, that Commodore Hull had taken his family on board the *Ohio*, as was customary on ships of war at that period, by permission of the Secretary. Because Du Pont and some other officers were excluded from the cabins to give place to the ladies, they were provoked; and four of them, according to the Secretary of the Navy, formed "cabals" for the purpose of annoying the Commodore and expelling the ladies. I do not say whether or not that was social and gentlemanly; I doubt it. When they made complaint to Commodore Hull, as the documents will show, they were occupying quarters to

which they had been ordered by the Navy Department. When complaint was made Commodore Hull ordered Captain Smith to provide them cabins or temporary accommodations on the deck, so as to relieve them from the confined atmosphere below, where it was said to be insalubrious. When this offer was made to Mr. Du Pont, he said, in a letter to Captain Smith, dated July 29, 1839:

"But the commander-in-chief, having decided that he is not authorized to make any permanent change, of which he is of course the sole and proper judge, I prefer remaining where the Navy Department has placed me as long as my health will endure it, rather than occupy quarters which I deem unfit for an officer holding the third rank known in our service, and from which he may be ejected at any moment."

This refusal was given to Captain Smith, who had, at his instance, provided these quarters. He declined going into them. Did Commodore Hull press him? No, sir. Why? Because he was where the Secretary of the Navy had placed him. Commodore Hull had not placed him there. Then, sir, that venerable and gallant commodore, the first that ever struck a British flag upon the ocean in our war of 1812, still bore the proud sailor's spirit in his heart, loving his country, and exacting due obedience to his orders. I have read what Mr. Du Pont said in his letter to Captain Smith. At page 44 of Executive Document No. 44, of the present session—the same from which I last read—I find this letter of Captain Smith:

"UNITED STATES SHIP 'OHIO,' at Sea, *July 30, 1839.*

"SIR:—I have received from Lieutenant Du Pont a very, as I think, extraordinary and uncalled-for communication, which I think it is proper, as well as it is a duty, to inclose to you.

"The true military course for me to pursue would be to *compel* him to occupy the apartment assigned to him in addition to that which he has so much complained of, and which he says is untenable; but under the present state of excitement upon the subject of accommodations of the ward-room officers, I do not deem it expedient to take such a course, but to allow the gentleman to remain in the apartment assigned to him by the Navy Department, which he prefers to that prepared for and appointed to him by myself, and which was certainly intended by me to relieve him from what he complained of in the other. The tenor and character of this communication, as well as the course he has taken, first, in making the complaint referred to, and then declining to accept the accommodation offered as a remedy for the evil, develop a spirit of dictation in its author too clearly, to my view, to require comments from me.

"Respectfully, your obedient servant,

"JOSEPH SMITH,

"Captain United States Ship *Ohio*."

"COMMODORE ISAAC HULL, Commander-in-Chief of the United States Naval Force in the Mediterranean, at sea."

Now, I leave it to the candor of any and every Senator to determine whether I made an untrue statement, or drew a false deduction, in asserting that he had insulted Captain Smith. Is not this the language of an insulted man? Certainly it is.

Mr. MALLORY. Will my friend allow me to draw his attention to one point in this connection?

Mr. HOUSTON. With great pleasure.

Mr. MALLORY. I know that the honorable Senator from Texas wishes the letters which he is now presenting to be understood by the Senate in a manner perfectly fair to all parties. I therefore call his attention to the fact that he read but one part of a paragraph of the letter of Mr. Du Pont, to which he referred. If he will read the closing paragraph of that letter, the Senator from Texas will see that Captain Du Pont expressly disclaimed any intention whatever of giving offense, and expressed thankfulness for the consideration which had been shown him.

Mr. HOUSTON. That is true; but if a man spits in your face and then says he did not intend to insult you, would you believe him? Or if a man knocks you down and then begs your pardon, and says he did not mean to do it, would you believe him? Words qualifying a matter of that kind can have no force.

Mr. MALLORY. I only ask that the paragraph be read in connection.

Mr. HOUSTON. I would have read it myself with great pleasure, but I objected, because Du Pont is so copious and diffuse in his writings, that if I were to attempt to read all that he says, my speech would be entirely too bulky. I will, however, read the paragraph to which the Senator from Florida has called my attention. Mr. Du Pont said, as I have already shown, in his letter to Captain Smith, that he would not occupy the quarters prepared for him, but would remain in those assigned to him by the Navy Department. He first grumbled about the accommodations provided by the Department; others were prepared for him, which he declined to occupy; and after insulting Captain Smith in the way I have detailed, he goes on in this letter to say:

"I trust, sir, however, that you will not for a moment suppose that I do not fully appreciate the consideration which induces you to do all that you conceive lies in your power to alleviate the present state of things."

I am very glad that I have read this paragraph, because it shows that he did not intend this indignity for Captain Smith so much as for Commodore Hull. It was there the arrow was directed, but he did not shoot it. He says that Captain Smith did all that he possibly could, but yet that they were not accommodated. Why? Because Commodore Hull was in the way—that is it. I am glad that I read it, because it just suits me.

I think the inference which I drew from this correspondence is a fair one; and it is evident from it that I stated nothing untrue when I said that Captain Smith was insulted. I am perfectly aware of the source whence the distinguished Senator from Delaware [Mr. Bayard] derived his information on this point. I was not aware at the time of the existence of a document which, I presume, induced the contradiction that he so unceremoniously administered to me. I shall allude to it. Lieutenant Du Pont, after he returned from the Mediterranean, wrote a letter to the Department dated June 5, 1840. In that letter, rendering his apology to the Secretary of the Navy, he says that he was very much astonished to hear that Captain Smith was offended. I will read his own language:

"But Captain Smith, in speaking of it to Mr. Pendergrast, the executive officer of the ship, after remarking that, in his opinion, it involved me in an inconsistency with a previous communication to him, added: 'but it is a perfectly respectful letter, and, if it required an answer, I would reply to it in the same

spirit in which it is sent'; and this observation was reported to me at the time by Mr. Pendergrast."

This was the hearsay of Mr. Pendergrast, communicated to Mr. Du Pont, and Mr. Du Pont communicates the same hearsay to the Secretary of the Navy, and to the distinguished Senator from Delaware, so that it is hearsay evidence upon which Mr. Du Pont relies to show that Captain Smith was not insulted. He gives his recollection. Whether his recollection be right or wrong, in opposition to the letter I have read of Captain Smith, I will let Senators determine. I am inclined strongly to believe that Du Pont's memory was bad, even if Captain Pendergrast ever made the communication; whether he did or not I do not pretend to say. It does not appear from Captain Smith's letter that their deduction was correct at all events.

I am thus willing to leave the issue of veracity between the distinguished Senator from Delaware [Mr. Bayard] and myself without any unkind feelings. He observed that he thought I had read extracts in a peculiar manner, so as to give particular things peculiar force and meaning. In the course of the Senator's remarks he stated that he had been the schoolmate of Captain Du Pont. I admit that I have very little diplomacy about me, and very little of that polish and exquisite refinement which is acquired by intercourse with foreign nations, and results from education and early associations that are calculated to impress a young man with refined and delicate ideas. I admit, sir, that the Senator has possessed advantages in these respects. If I had been of another school—if in early life I had been thrown into association with Captain Du Pont, I might now come forward under more imposing auspices than I am enabled to do at this time. Not having had such advantages, however, what am I to do? If I have an idea to convey that language will not express, or if I desire to represent an act that is described in an extract which I read, but the meaning of which can only be conveyed by a similar act—such as a whistle—I can not avoid presenting it in a natural way, so as to present what I mean. This is considered "undignified" on my part! Be it so. I can not help it.

Sir, I am more the child of nature than of art and refinement. If I had been the companion and schoolmate of Captain Du Pont, if I had been conversant with learned lore, and with abstract science, with all the depths of learning, and all the accomplishments that a proud and glorious lineage could give, as is the case with the Senator from Delaware [Mr. Bayard], I, too, might claim the pre-eminence that always appropriates itself to men of high and noble parts. But, sir, I have not possessed these advantages; and if I do not accord with the views of gentlemen of taste and of classic lore, it is no fault of mine; nor do I reprehend myself for the misfortunes attendant upon early life. Sir, I have found in life one volume open—it is Nature's volume, where every chapter is nature, and every verse is human life. That volume is open to the humblest as well as the proudest. Education to the common mind may embellish, but it can never implant what Nature has failed to supply. [Applause in the galleries.]

THE PRESIDENT. The galleries will be cleared if the demonstrations are repeated.

MR. HOUSTON. Mr. President, there is one circumstance that really seemed for a moment to embarrass me, from the apprehension that a possible deduction might be drawn from what was said by others, that I had attempted surreptitiously to impose on the Senate by interpolating the word "sex" into a docu-

ment where it did not exist. I thought, at the time, that I could not be mistaken; I had evidence satisfactory to my mind; but when I called for a copy of the official documents from the Department the copy did not contain the word "sex." I went to the office, and in the recorded copy I did not find the word "sex" written, though it was necessary to give force and sense to the language. I learned, subsequently, that the press copy taken at the time contained the word "sex"; this was not discovered until the 24th of March, 1856. Then, sir, after all the rhetorical flourishes and denunciations of the Senators from Delaware, I come forward prepared, under the official statement of one of the officials of the Navy Department, to assert that the word "sex" is contained in the letter of Secretary Paulding of December 16, 1839. It was intimated that I introduced the word surreptitiously, or that, if not surreptitiously done, there was a second motive for it. First, I was charged with the crime of having acted improperly; and next, it was said that it was unjust to the individual.

I regret exceedingly ever to have occasion to dwell on private character, or to advert to scenes of an unpleasant nature that are calculated to reflect on my countrymen, whether in private or official position, and to brand them with anything dishonorable, or which is not illustrious and glorious to the country. Sir, the man who bears my country's flag, the man who represents her in a foreign country, the man to whose discretion and integrity the honor of the country is confided, should be a man of spotless character, of pure and exalted chivalry, of refined and delicate sensibilities, particularly when he has occasion to defer to that sex to whom every hero, every soldier, and every statesman is most honored in rendering the homage of his heart. Sir, for the man who has a mother, or a sister, or a daughter, and does not feel that woman is to be shielded and protected by his generous arm, there is no epithet too—I will use no phrase to designate his character. No, no; I can not do it; I will not; out of respect to the Senate I will not.

Well, sir, how does the letter read now, when we have the correction? I will show. I have been charged with foisting this matter on the notice of the Senate, as if it had not all been taken back and the subject concluded forever, as the venerable Senator from Delaware [Mr. Clayton] said—forever! Well, sir, I have before read this letter to show the facts which were charged specifically, and to see whether the Secretary of the Navy could expunge, or obliterate, or take them back, at any subsequent period, under an undue influence, either political or personal, or through misrepresentation. The letter in which the word occurs is a reprimand which was sent to Commodore Hull to read to these gentlemen in the Mediterranean. The records will show that they began a cabal and insubordination before they left the port of New York, and violated the rules and regulations of the navy. They ought unceremoniously to have been stricken from the rolls. This transaction was not in the days of Jackson, which have been referred to by the venerable Senator from Delaware, or these gentlemen would have been dismissed, because the man who showed the least defection in chivalry, in honor, or in deference to the female sex, was then compelled to walk the plank, no matter how deep the plunge. Here is what is said in the letter of the Secretary of the Navy:

"Yet it is with great regret the Department is obliged to state, that no sooner had they set foot on board this noble ship than the officers of the ward-room, who ought to have set an example of respect and subordination to their juniors,

entered into combinations and cabals calculated to defeat every object for which she had been fitted out. They clamored against the arrangements that had been made by the navy commissioners for their accommodation, as if a ship of war were intended for that purpose alone. They lost sight of the respect and consideration due to that *sex* which every gentleman, and most especially every officer, should feel it his pride to cherish on all occasions; appealed to the public in communications disrespectful to their superiors, and violated the long established rules of the service by publishing an official correspondence without the consent of the Department."

The venerable Senator from Delaware put these gentlemen on their trial originally, and raised an issue about their infallibility. Here is corroborative testimony of what I said before, in the same dispatch of Secretary Paulding:

"The letter of Lieutenant Du Pont is not such a one as I had expected from an officer who had heretofore sustained so high a character in the navy."

That is the same construction which the Secretary put upon it; the same which Captain Smith put upon it, and the same construction which Commodore Hull put upon it. I give the same construction to the letter. And yet, Mr. Pendergrast told Lieutenant Du Pont that Captain Smith had said so and so, and that he did not put the same construction on it. But I will read further from the same dispatch:

"The letter of Lieutenant Du Pont is not such a one as I had expected from an officer who had heretofore sustained so high a character in the navy. It is not couched in language becoming an inferior addressing his commanding officer; and his refusal to accept the concession of which his brother officers availed themselves savors more of pettishness than dignity, or of manliness."

That is the opinion of the Secretary of the Navy, and it is what the Secretary pledges to Commodore Hull before he sent the revocation of the reprimand. Read it, and you will see where the defect is in the organization, and perpetuation, and improvement of our navy. You will see, when you come to contrast the reprimand, which was evoked by the conduct of the individuals, and the Secretary's retraction, that duty had been one time performed, but it was retracted under an influence—whether political, personal, or official, I care not. Such things are deleterious to the navy, to its discipline, and to the interests of the country at large. As I will show, from the remonstrance of Commodore Hull, the venerable Senator was mistaken when he said that that retraction concluded the subject forever. In the same letter of December 16, 1839, the Secretary says to Commodore Hull:

"For yourself, Commodore, I have only to say, you are commander-in-chief of the Mediterranean squadron. The laws and regulations of the service give you ample power to protect yourself from disrespect, and to enforce subordination. Exert that power to the utmost; and so long as you do not go beyond your lawful authority you may rely on my co-operation and support."

This is what Mr. Paulding says. I think there was good sense in all that, and it is just what he ought to have said; but I wish now to refer to another letter. Commodore Hull, in writing to Mr. Paulding, on March 21, 1840, after the receipt of the *retraxit* of the reprimand, says:

"Subordinate officers, nowadays, set aside the decisions of their captains, and appear prepared and determined to resist the acts of the Navy Department by appeals through newspapers, and by referring their imaginary grievances to their Senators and Representatives; and, in the case of the letter of Lieutenant Du Pont, it would seem that his determination to appeal to the Senators and Representatives in Congress from his State is intended to convey an implied threat."

This was the condition of things. He was threatened impliedly that an appeal would be made to the Senators if he did not immediately make satisfaction for a row that was kicked up here by the officers, when, if they had been on board ship, or had been careful on shore, they would not have been involved in that dilemma.

Sir, I am willing to go on, and show how far these gentlemen were really exculpated by the Secretary of the Navy. I wish to refer to a letter written by Commodore Hull after he received the exculpatory dispatch. I believe it was written afterward, judging from the dates given in the printed documents, though they are very much confused. After they came to the Senate they were referred to the Committee on Naval Affairs, and they went to the printers in a miserable condition; and the dates and letters are so completely reversed and mixed up that it causes utter confusion in attempting to get at them. How it happened I do not know. I saw them in proper order at the desk, and where they received this overhauling I do not know.

Commodore Hull, after the difficulty had arisen, in March, 1840, when the insubordination of these gentlemen was at its height, was driven to great straits. He understood that we were on the eve of a war. He was in the Mediterranean. He had the finest ship in the service; he had officers who had been detailed to give character and credit to his command. After the reading of the first reprimand, he addressed these officers—Messrs. Du Pont, Pendergrast, and Godon—in this language:

"There are three remedies which strike me for this state of things. One is, to lay this ship up in a Spanish port—this noble ship, the pride of our country, with her beautiful flag, of which we were once ready to boast, with its stars and stripes, hoisted at half-mast—until lieutenants can be sent from the United States to restore it to its proud and honorable bearing. Another is, to take you to sea with all your discontent, disaffection, and disrespect for your commanding officers, and trust to time to bring about a better state of feeling. And the third is, to make such changes among you as my means will admit of. I have not yet determined which to adopt; but I will now state to you that I am responsible for this ship. I shall go to sea when I please; I shall go where I please; and stay as long as I please."

They thought that Commodore Hull was an elderly gentleman. These men have a great antipathy, as they have shown on the naval board, to aged men. Age fares badly with them. The feeling germinated there, and it has grown rapidly since.

I have now presented some of the evidences on which I rely to show that these men were not the most subordinate in the world. It is necessary for me also to advert to another circumstance which was referred to by the Senators from Delaware—I mean the private letter which they allege I read, that was ad-

dressed to Mr. Thorburn, an officer in the navy, by Captain Du Pont. That is where the unfortunate whistle originated. Mr. Thorburn had the letter. It referred to one written to Colonel Burton, I think, a brother soldier, who had received laudation. Mr. Du Pont's letter to Lieutenant Thorburn suggested that the same opportunity was afforded to the officers of the navy to have some laudation, and, forsooth, because it had not been obtained, there was disaffection! How was that a private letter? It was in reference to a public matter. It was not a private letter. It must be borne in mind that, according to the venerable Senator from Delaware, Captain Du Pont was the leading man on all occasions, not only as to rank, but as to age; for, whether it is with young or old, Du Pont never follows, but always leads. That was the substance of the expression of the Senator in regard to him. Such a man wished to have a whistle from Thorburn—a name connected with that of Warrington, who never disgraced the honor of his country, but bore it up triumphantly and victoriously. Thorburn, as honorable and as good a man as any that walks in the Senate, is aspersed here as most unworthy, if he permitted this letter, which referred to public matters, to be used here; and it is intimated to the Senator from Texas, very directly, that he was culpable for it! Oh! it is unfortunate to have a two-edged weapon.

The venerable Senator from Delaware said, that if the Senate could only know and see the letter written by Thorburn to Du Pont, it would be seen that he felt contrition, or something to that effect. That Senator wanted to bring it here, and read it; but as it was a private letter Du Pont would not allow him to do so. That Senator [Mr. Clayton] is perfectly willing to bring it here and read it. His colleague [Mr. Bayard] denounced it as a dishonorable thing; yet his colleague was willing to do that dishonorable thing which he condemned in another. Thorburn has as clean a record as any man for efficiency. He has met the enemy; he has been under fire when there was danger. Except that important battle which I dwelt on the other day, near San José, I believe Captain Du Pont never has been in action; and then there was great contrariety in the reports as to the mortality incident to that great engagement. [Laughter.] But I will say this—No man is more honorable than Thorburn; no man is more respected; no man in the navy is more efficient; and no man has served his country with more fidelity; and there is no official that sat on the board who has a higher and juster claim to retain position on the active list; yet he was stricken down. For what? Because he did not belong to the clique that some think is necessarily established for the government of the navy.

I believe I have explained the principal charges that were made affecting my veracity; but I shall have much to say—more, indeed, than I desire to say, if it were possible to avoid it, for I am not in the best condition for speaking; but I feel bound to go on.

The chairman of the Committee on Naval Affairs [Mr. Mallory] talked about "drag-nets." Sir, there are so many technical nautical phrases that grow up on the seaboard, and its bays and estuaries, and places where ships run, that I am not posted up in them. My situation has always been in the interior. I have been precluded from the advantages and facilities which result from familiarity with matters of navigation. As to drag-nets, I should like to see that word defined. Does it mean something which is to rake the bottom? I ask the honorable chairman of the committee if that is its meaning? If it means to drag on

the bottom, I think I have been robbed of the use of my drag-net ; I think the distinguished Senators have got it. They have been applying it to Lieutenant Maury ; and I think there was some drag-netting done in relation to the facts which the venerable Senator from Delaware presented here. I do not know where he got them, but I know that he had them. It reminds me of an incident that occurred with a mill boy. He went to the mill by a new direction to which he had not been accustomed. There were some insinuations that the miller was not the most honest man in taking toll. The boy, of course, used all his vigilance whilst there. He was standing about the mill, and observing everything to which his curiosity attracted attention. The miller thought he would get into an interesting conversation ; so he went to the boy and asked him what his father's name was. The boy said he did not know. "Well," said the miller, "where is he from?" "I do not know," answered the boy. "Why," said the miller, "you know nothing." "Yes," said the boy, "some things I know, and some things I do not know." "Well, what is it that you do know?" The boy answered, "I do know that the miller's hogs are very fat." "Well, what is it that you do not know?" "I do not know whose corn fattens them." [Laughter.] So I know that the Senator from Delaware had this information, but I do not know who gave it to him. The natural inference is that it was no enemy.

I come now, sir, to speak more particularly of the action of the naval retiring board, and the law by which it was created. I believe that law is universally condemned. It is possible that the chairman of the Committee on Naval Affairs, and both the Senators from Louisiana, think it not only constitutional, but very proper. For my part, however, as I said before in speaking of this subject, I regard it as a most odious law, and it has been most odiously executed.

What was involved in that measure? The efficiency of the Navy—our whole national marine. The safety and glory of our country were involved in that measure. Was it ever considered as such a measure ought to have been ; or was it skillful engineering that drove it through the Senate, that carried it through the other House, and that is now endeavoring to sustain it by an overwhelming influence? I shall not omit to state what that influence is. But I ask you, what obligation rested on the officers constituting this board? Did the obligation of an oath rest upon them? Were they sworn to discharge their duty, and the trust confided to them, impartially? Or were they invited by sinister considerations to violate the trust, and fail to discharge the obligations which duty imposed on them? Had they not most seductive influences held out to them? What were they? Promotion ; to take the place of others, or to keep them out. Sir, this was the situation in which they were placed. They had every motive to disregard the rights of others, and consult their own interest ; and they had no obligation but selfishness to constrain them to the discharge of their duties, or restrain them from the disregard of their duties.

Sir, we are told—and it is the voice of wisdom speaking to us—"that no man can serve two masters. Either he will hate the one and love the other, or he will hold to the one and despise the other ; ye can not serve God and mammon." These men could not on this occasion serve their country and serve themselves. They could not serve those whom they had regarded as friends heretofore ; because, if they retained them in their situations, it gave themselves no promotion

These men had to sacrifice and strike them down. They did not take the three senior commodores to revise and prune the navy, who could have had no incentive but impartiality, and whose honor might have been relied upon. Commodore Stewart said that even they were not sufficiently informed to judge discreetly; yet these men took the responsibility of making places for themselves under circumstances the most unfortunate.

If you will permit me again, I will give you a quotation that is one of solemn import: "Have no fellowship with the unfruitful works of darkness, but rather reprove them; for it is a shame even to speak of those things which are done of them in secret." It was a secret tribunal—an inquisition that struck down all alike. You may seek to compare it with the regulation of the army of the United States in 1815, and at other times; but there is no analogy between them. There the senior officers were selected. Why were they selected? Because they had no incentive to disregard the rights of subordinates, and according to their information they could retain or they could strike down or remove. There was no indelicacy, no injustice in that. The object of that was to retain efficiency; but it was not a measure like this. They could remove no superior. The law did not give them that power, but they could recommend for retention by the President of the United States such officers of the army, subordinate to themselves, as they thought proper or right. They might have had personal likings or dislikes, but these could not amount to much.

How different was the case here! Fifteen men were selected with power to gratify all their dislikes, to embody and band together all their antipathies, their aversions, their private slanders, their defamation if they chose, and with power to resort to the cumulative records of the Navy Department, running back for not less than thirty years. I was charged by the venerable Senator from Delaware with having gone back as far as 1838 and 1840 to call for information in relation to these gentlemen. I did not think there was anything very wrong in that; but here I find that Commodore Shubrick says they made "free use" of the records of the department; and what kind of *criteria* are they? They have been accumulating for years. Every slander which was sent there in relation to an officer was filed. These men themselves might have been preparing for this occasion; for more than five years ago it was designed to consummate this work, and bring about this "reform" in the navy. We may go back, in my opinion, to the period when this occurrence took place on board the *Ohio*, and such was Commodore Hull's opinion, as I think you will deduce from what I have read.

What kind of impartiality was exercised by the board? Could men act impartially under such circumstances? Did they know with any degree of certainty the character of half the officers upon whom they acted? But what have they done? Mark you, they had prepared a register a year before. They had been figuring and engineering on this subject. Some of these gentlemen the year before had drawn deductions, relying confidently on the consummation of this work, and I have no doubt a work of most iniquitous character. It was stated by the honorable Senator from Florida that there was no harm in these gentlemen dotting the register, and that there was no harm in the congress that was held in Commodore Skinner's office, which I narrated in my former speech. It was before they were appointed members of the board, but not before they knew that they would be appointed and indorsed; and because they were un-

approachable they were placed above all responsibility and all law ! The selection of one of them was a guarantee to any act which they might indorse ! They were appointed by the President and the Secretary of the Navy, and their conduct is not to be questioned !

What does the honorable Senator himself say, who is the chairman of the committee ? He says he has no doubt that it was perfectly just and right that they should do—what ? That they should retire, furlough, and drop, just as they did. From what do you suppose he deduces that fact ? Why, he says that the year before he made a calculation himself—not being an officer of the navy, not being personally acquainted with the navy, living at Pensacola, where a few ships touched annually—and that out of one hundred whom he marked, ninety-nine were dropped or retired. Do you think there had never been any conclave sitting here, ordaining who should be dropped or retained, long before the bill was passed—dropping men, not because they were inefficient, but because their places were supposed to be necessary either to members of the board, or to friends and relatives who were to be promoted by the removal, retiring, or dropping of these gentlemen ? Is it fair that men should thus be stricken down with every evidence of interest on the part of those who did the act ? Should the country be thus essentially injured without redress ? Is there to be no justice, no sympathy, nothing but taunts and insolence to the unfortunate, and those who are stricken down without demerit ?

Sir, the honorable Senator, the chairman of the committee, spoke of officers who were dropped, and officers who were disgraced, occupying a place in the gallery—audiences by prearrangement—when I spoke. I believe it was repeated by the Senator from Delaware [Mr. Clayton], though it is not to be found in his speech, that the ladies of those officers were here. What a high crime on the part of men who have been stricken down and dishonored !

Mr. MALLORY. The Senator does not mean to misrepresent me, I know, but I desire to call his attention to the fact that I made no such remark. Although I have never seen the notes of what I did say on the occasion to which he alludes, and never read the report, I am confident that he will not find that I alluded to any officers furloughed, retired, or dropped, being in the galleries. I did say that when I saw the galleries, on the occasion referred to, I knew what was to come. That was my remark. I did not refer to any officers being there.

Mr. HOUSTON. I suppose the honorable chairman of the Naval Committee means that the whistle was to come. I did not intend that at the time myself, so that he knew more than I did. I perceive that was a misfortune for me. I wish I had never learned to whistle [laughter], but I might have learned to blow a trumpet. Trumpeting and whistling were coupled together in the letter to Thorburn, and I might have illustrated it very well without whistling, by blowing a trumpet. [Laughter.]

If the distinguished Senator did not refer to that, the Senator from Delaware did. Have men no right to entertain anxiety for their sullied honor, for their blighted prospects, for their dishonored name ? May not the partners of their woes and joys—the mothers of their children—the companions of their cares—who feel interested in their honor, be permitted to sympathize with their sorrows ? To forbid this would be worse than the worst despotism. It is a tyranny that chains the mind, and renders the freedom of limbs a reproach to the possessor. What woman would not feel for a husband—she whose anxious

care, whose deep solicitude, has pursued him when tossed on the billows of the ocean, when borne before the fury of the storm, when struggling in the battle breeze? Is she not to be permitted to feel for that husband? I pity the Government that can forbid such feelings, and its Senators who forget their duty to themselves.

I have not the pleasure of seeing in his seat at this moment my friend, the Senator from South Carolina [Mr. Butler], but we have had, on several occasions, little spats on the floor, always awakening some new and pleasant emotion in my heart toward him. Sometimes he is a little sharp and razorish in his remarks; but still I like him. That Senator and myself, I am proud to say, on this occasion concur in opinion. I have always admired the gallant State of South Carolina. If there is pure and unadulterated chivalry in the world, you will find a portion of it in South Carolina, in the descendants of the Huguenots. Sir, a noble son of South Carolina has recently been tried in every station. He has performed feats of valor that neither corsair, nor commander, nor sailor, has rivaled in the last five centuries. I allude to Rolando. His generosity is only equaled by his sterling and indomitable courage. His bearing is that of a gentleman, and his courage the flint—it always reflects the fire when brought in contact with steel. When the poor, miserable Chinese were perishing, and when all the ship's crew dared not offer assistance, Rolando volunteered, and saved five hundred and thirty out of six hundred. In a few moments more they would have perished. He rescued them; and in two successive fights with the pirates he performed feats of courage the most daring and unexampled in modern warfare. He was stricken down; and, as an apology for that, what is presented? An insinuation is brought against him by the venerable Senator from Delaware. I wish he were here. What did he say? That the reports of his shipmates, or the officers of the ships, would justify the finding of the board. They were all retained, and my inference would be that it was a mistake in the board to retain any of them, if they condemned Rolando. Formerly, if unequivocal charges of delinquency and crime were furnished, men were stricken from the rolls, and the act was never called in question. It is different now. Ah! sir, he had excited the envy of these men. None would be willing now to put their chivalry or valor in competition with his. I hope it will never be done. I want reason; I want legislation; I want national justice to restore these officers to their proper places; but I wish no bloodshed; I would discourage it; but if it rested on that test I should feel assured of the capacity of those who have been stricken down.

But now an insinuation is made against Rolando. When I called upon the Senator from Delaware, and asked him to state the facts, he said, "Call on his brother officers—call on his captain; he will sustain what I say of him." Still further, he said it was all I would get; but it would justify the board in their finding. That is what I call branding a man with an innuendo. The venerable Senator was not willing to exhibit the arrow, but he was willing that the poison should be infused into the wounds of Rolando's insulted feelings—he was willing to attack his honor and reputation. He would not name the facts; but he referred us to officers at Norfolk, as if a Senator could rise on this floor and go on the wings of the wind to Norfolk and get the hearsay of officers who had been with Rolando, and who had filed, in compliment to the Department or the officers of the board, some censures on him. In the Senator's innuendo there is

not one word of truth. If I catch a man in one mean thing I am willing to extend my suspicion to everything that he does. The course of the Senator on this point reminds me of a story which I heard of a manufacturer of Bologna sausages. An individual had a habit of loafing about his premises and eating his sausages until he became very troublesome, and the manufacturer thought it proper to give him a gentle intimation that he was rather too familiar, and that his services could be dispensed with. He went off, and immediately slandered the establishment. The manufacturer being informed of it, called upon him and told him that he had heard he was telling stories about his "sassenger" establishment. [Laughter.] He said, "I understand you have reported that my Bologna 'sassengers' are made of dog's meat." [Laughter.] He replied, "I never reported any such thing." "Well," said the man, "I am exceedingly glad of it, because I heard that you had done so; but if you say that you have not, it is sufficient." He said, "I did not say it, but I will tell you what it was that I did say. I said that where Bologna sassengers were plenty dogs were scarce." [Laughter.]

Now, Mr. President, how was it with the venerable Senator from Delaware? He would not say directly that Rolando was intemperate, but he insinuated that he was, because that was the charge against him. He was willing on that insinuation to ruin his prospects. I have the pleasure of an acquaintance with that gentleman, and I know no more gallant man. I have seen him in the prime of life, and I consider him to possess all the efficiency requisite for a sailor of the highest order; but he has been stricken down.

But, sir, the venerable Senator went further, and alluded to the case of Lieutenant Maury. I received a letter this morning, to which I beg leave to refer, as it is usual in the Senate to allude to letters which members receive. A gentleman who had seen some of the speeches in the Senate on this subject—perhaps those of the Senators from Georgia—said, in writing to me, that he had perused those speeches with great pleasure: and remarked, further:

"I see that they have adverted to Lieutenant Maury, and that he has been one of the victims of this board who has been struck down. I have never seen him; but I have considered his fame as coextensive with the world; and I have looked upon him as the first officer of the American navy, and my friends all around me think so too."

That was his opinion; and I venture to say it is the opinion of the country at large; but this board of fifteen, in their small dimensions, did not think so. Of course they could not envy Lieutenant Maury; for we are told by the venerable Senator from Delaware that they retained gentlemen of superior science to Lieutenant Maury! Of two of the scientific gentlemen who have been retained, to whom he alluded, I take great pleasure in speaking, because I have respect for them; and I will give my reason for not mentioning the others.

I have respect for Gibbon and Herndon. They have contributed to science and to the honor and usefulness of their country. I have no objection to interpose to the assertion as to the retention of scientific men, so far as regards those two cases; but I can not consent to include others who have been receiving official preference and favor, and who have been promoted by the action of this board, or had a hand in it. It is immortality enough for them that they were indorsed by the "immortal fifteen." They have passed the ordeal of the

slaughter-house of reputation. Let that be their indorsement. What I say, humble as I am, is to become history, and I will not give them immortality by stating their names. They do not deserve it, and I will not do it. They may look for fame to what the venerable Senator from Delaware said of them; though I believe he has no indorser; but as it was his "sincere testimony," I suppose it will pass current. [Laughter.] They are the men who happen to be retained.

I am perfectly aware of what has produced this excitement. I have not had persons contributing to my means of information who had access to the Navy Department. I have not had such persons to run to the department for me and obtain every musty document that would assail the reputation of any man. But, Mr. President, when you compare the documents which I have read and the evidence on which I relied, with that introduced by the venerable Senator from Delaware, I think the inference must fairly be drawn that I am less obnoxious to the charge of having used a drag-net than that Senator himself. How has he assailed Maury? He has gone back for fifteen years. I can very well understand the object of the venerable Senator in that. He did not intend to insult the Senator from Tennessee [Mr. Bell], who had taken an interest in Maury's case. He read from a speech which I had made, where I said that I had been Maury's patron, and was proud of it. Sir, I am, I was, I will be, proud of him! I feel that he has been wronged; and I hope that he will be redressed, and that the country will be benefited by honoring him with what he deserves.

But what has the venerable Senator from Delaware done? Was it necessary for the examination of any matters connected with the action of the board that he should present what he did present in regard to Lieutenant Maury? I did not go into the personal affairs of Mr. Du Pont or other gentlemen; but he went into the personal affairs of Mr. Maury. He commented on the present salary of Lieutenant Maury as if he were not entitled to it by law. He spoke of the vegetable garden, the kitchen, and the cart-horse allowed him. The Senator traveled over every intermediate step, beginning at the pedestal of his fame, and going down to the very mud of his garden. That was to assail and mortify the feelings of that man who honors his country. As Franklin contemplated and grasped the philosophy of the clouds and tamed the fierce lightning of heaven, so Maury has fathomed the ocean, and controlled by his calculations the fury of the storm and the violence of the tempest; he has mastered the waves of the ocean, and played familiar with her name. Can the Senator tarnish his name? Never, never; the attempt to do it will only make the country suffer.

Sir, the name of Maury is endeared to every American heart. It is a name that will live as long as the odium which attaches to the inquisitorial action of the retiring board shall be remembered; and that will be forever. If the venerable Senator from Delaware had only confined himself to the use of a drag-net on these officers, and had not employed official scavengers and pimps to minister to his appetite, and enable him to assail Maury as he has done, it would have been well for him.

But, sir, what is the tremendous influence that is brought to sustain this board? Look at it. There is the Executive of the nation. What has he done? Has he not indicated the strongest disposition possible to sustain the board? What has the Secretary of the Navy done? Has he not imitated the example?

Are there not many things contingent on the confirmation of the nominations here made? I suppose, when some individuals were taken off, it was said to them, "My dear fellows, be contented; do not be anxious; do not be like these rude men, these noisy fellows around here; we will take care of you; you will be provided for." If a midshipman is wanted, they say they can not do anything until we confirm the nominations sent to the Senate. On that hangs everything. There is an influence which is now suspended over the Senate, and over the destiny of this nation. Is it not tremendous? With the patronage of the Government this is a Herculean influence—one dangerous to the liberties of the country. All these appliances are to be brought to bear upon us. Sir, I shall resist them, and I indorse the expression of my friend from Georgia [Mr. Iverson], who said that he would rot in his seat before he would ever vote for the confirmation of one of these nominations, until justice shall be awarded to the officers who have been wronged.

It is very strange that the venerable Senator from Delaware should have referred to Jefferson's action in the reduction of the navy about 1801, when it was determined that he should retain but nine captains. I do not recollect the particulars of the case, but he was to retain a certain number. Mr. Jefferson retained two more. It is said, however, that he reduced the navy at his own option. True; but Congress had passed a law for that purpose, and Mr. Jefferson did nothing selfish in the matter; he acted for the good of the country. He used a large discretion, because he retained two more officers than were provided for in the law. There is a discrepancy between the record and the law, but the inference is that Mr. Jefferson deemed it indispensable to the service, and exercised a discretion which had been through courtesy awarded to him.

I come now to the case of Captain Stribling. I have no disposition to assail any gentleman; but he has obtruded himself here. He was a member of the board, and I hold him accountable, as I do its other members, for its action; but let us see whether his conduct comes up to the standard necessary to determine the merits of others. When I last spoke on this subject I charged him with one fact, on the evidence furnished me by an official record—the report of the inspecting officers at New York. I only read a report, and fairly commented on it. He rendered an excuse, which I also read. What did it amount to? Nothing—less than nothing. It was no apology; and yet the Secretary of the Navy was perfectly willing to receive it—in the way in which it was intended—as a blind. If any man of common-sense—any sailor will compare the facts reported there with the duties of an officer, he will be satisfied that Captain Stribling did not discharge his duty as an officer ought to have done; and that his ship was neither in an efficient condition nor in proper order to sustain the honor of the country's flag, if it had been assailed. The ship might have been sunk before he could discharge a gun.

How is it with Captain Pendergrast? I was struck with the analogy between what both Captain Pendergrast and Captain Stribling alleged as reasons for the condition of their ships. I will show here—and any person will find it who chooses to examine the explanation given by Captain Pendergrast when he was in charge of the *Saranac* in the West Indies—that he does not deny one solitary fact. He breaks out in expressions implicating Lieutenant May, but does not answer a solitary charge which is brought against him; nor does he explain his

conduct. He merely says that he did not do what he ought to have done, because he thought so and so. He did not drill his men for fire, nor train them for anything but passing powder. They all passed powder well. But what is powder without ball and without the other facilities which give efficiency to its use? I will read what Lieutenant May said in regard to Captain Pendergrast. On these charges he was never arraigned—never tried. This is a key to open the mysteries of the Navy Department, and it will show why reform has been necessary, and where the default was, and where the error originated and now exists. Lieutenant May, as far back as the 13th February, 1852, says:

"I have to charge Commander Pendergrast with neglecting and failing to put this ship, the *Saranac*, under his command, in fighting order; and also, in the important arrangement against fire, neglecting to muster the crew at stations. From June 10, 1851, the day Commander Pendergrast took command of this ship, till the 24th day of December, the crews of the guns were exercised but once (as the log-book will show), and that only time was on the 1st day of September, a few days out from Norfolk, on the passage to the Havana. Thus it will be seen that in the period of longer than six months, or one hundred and ninety-six days, the guns' crews were drilled at great gun exercise but once, and from the 10th day of June until January 19, 1852, the ship's company were not once mustered at fire stations, and on that day, the 19th, were mustered for the first time, from the fact, it may be presumed, that on the previous evening the alarm of fire had been raised on board the ship. These startling facts speak for themselves; the log-book of the ship, and the testimony of the officers, will bear me out in them; and if anything could make more culpable such unprecedented neglect, such apathetic indifference to the condition and efficiency of the ship, it is the fact that at this very time we were engaged in a delicate and responsible charge growing out of the Cuban difficulties, at any moment liable to have involved us in difficulty or collision; and, of later date, in the same unprepared state, we sailed from Pensacola for San Juan de Nicaragua to investigate the *Prometheus* difficulty, which, happily for the credit of this ship, was peaceably settled."

He never was called to account on these charges. Whether true or false, it was the duty of the Secretary of the Navy to bring him to trial. They were substantiated by a respectable officer, whom for some reason the board retained on the active list; so that he has an indorsement by them; and yet these charges still remain in the Navy Department.

Mr. HOUSTON here gave way to a motion to adjourn.

TUESDAY, *April 24, 1856.*

Mr. HOUSTON said: Mr. President, when the Senate adjourned yesterday upon the motion of my friend from Tennessee [Mr. Bell], I was engaged in making some remarks in reference to certain charges preferred against Captain Pendergrast by Lieutenant May, of the United States Navy. Those charges were of a most grave and imposing character. They remained in the Department, and are yet there upon file; they were never withdrawn. No action was ever taken upon them. They should have been adjudicated. They were preferred by an officer of high character and reputation in the navy of the United States. It can not be charged that he is one of those disaffected toward the board; it can not be said that chagrin and mortification have influenced him; for he has been

retained on the active list of the navy, and is now in commission in active service. These charges were of a most grave and important character. Captain Pendergrast was charged with being deficient in every point of his duty. He had failed in the exercise of his crew. He had failed in every part of his duty that was calculated to give efficiency to his command and efficiency to the navy of the United States. With all these charges staring the Secretary of the Navy in the face, he selected him as one of the members of this retiring board. He was one of the individuals who was to determine on the merits and demerits of his fellow-officers, not merely those who were subordinate to him in position and rank, but he was to pass upon those who stood before him on the list of the navy. He was placed above all responsibility; he was not accountable for his action to any one; nor was he acting under the obligations of an oath to discharge his duty upon that board according to law or according to conscience. He was not restricted to any other rule than that of caprice, or whim, or prejudice.

We find that, notwithstanding all these charges were before the Secretary, he indorsed Mr. Pendergrast as a gentleman of high honor, and placed him in this high position, irresponsible to the law or to the Constitution. Sir, it was not considered necessary that he should arraign the individuals upon whom he passed judgment. They were to have no hearing. There was no investigation of their case, except that which took place in this secret tribunal—this secret inquisition.

Mr. President, if there were no other reasons for condemning the action of this board, and subjecting it to repeal or revision by the Congress of the United States, the very character of it, its secrecy, the irresponsibility of its members, and all the attendant circumstances, make an appeal to the justice and judgment of the Senate and Congress of the United States. Though they have received the indorsement and approval of the Secretary of the Navy and the President, they stand before this body subject to its investigation, consideration, and action. If a charge was made against a pirate the most abandoned, whose hands had been a thousand times washed in the blood of innocence, who had violated every law, human and divine, who had set himself up as the avowed and common enemy of mankind—if he had lived and acted, and perpetrated crimes under the black flag and the human bones painted red to display the profession which he followed, he would have been entitled to an examination, he would have been favored with a trial, he would have been arraigned and brought before a tribunal where he could confront the witnesses against him, and where counsel would be accorded to him.

One of the officers who received a blow from this tribunal had twice triumphed over pirates; he had rescued commerce from their depredations, and human beings from butchery by their barbarous hands. I alluded to him, yesterday, as one who had performed most gallant feats. He was struck down by this board, dishonored in the early prime of manhood and efficiency, without a hearing, a trial, or arraignment; when the very miscreants from whom he redeemed society were permitted a privilege which was denied to him. Can you impose on the common mind of mankind the belief that the proceedings of this board were in accordance with the genius of our Government, or with justice and truth? It can not be done, sir. The officers who were passed upon by the board were not permitted to be heard in their defense, and no examination whatever took place. What was the rule by which their cases were determined?

Documents that were filed in the Navy Department—and of which the chairman of that board assures us “free use” was made, running back for a long lapse of years, in some cases from fifteen to twenty years—were brought before the board. The archives of the Department were ransacked, and charges that had lain in the musty pigeon-boxes of the Department were raked up, and officers were adjudged on such evidence.

Sir, who was here to examine into the charges preferred against Captain Pendergrast? Who was there on that board to examine the charges filed against various members of it, and upon which they had never been arraigned? If they arraigned officers on actions of the past, it was an *ex post facto* proceeding, violative of the Constitution and the chartered rights of every American citizen, whether in public or in private station. The law could have no operation upon such events. Why? Because they had transpired before the enactment of the law. But, sir, were officers adjudged by such considerations? Yes; and by rumors that had long gone by. They were not arraigned on facts in reference to their present condition in the navy. The charges against them were not of recent date, for the board went back for a quarter of a century, and with the address of scavengers imputations were brought up by them against the character of their brother officers. They were not heard on the subject; no intimation or suggestion was given to them that they were to be tried on these matters susceptible of explanation; but they were condemned by men against whom flagrant offenses and delinquencies had been charged, and those charges still stood on the files of the Navy Department. Sir, can you call these proceedings just? Was it in the contemplation of the officers of the navy, when they entered the service, that these were to be the criteria by which the character and claims of gentlemen and officers and their places in the navy of the United States should be determined? I think not.

Under these circumstances, is it possible that the Senate can sanction such inquisitorial proceedings and such condemnatory acts as grew up under influences of this character? They were never contemplated by the law. It is to remedy these evils that we urge the appointment of a special committee—and for what purpose? To ascertain the facts. Will not the members of that committee be doing what they can to promote justice? As gentlemen, selected from this body for the impartial investigation of the subject, they will, of course, do all they can to bring forth the facts. By their examinations, the truth can be elicited; the imputations, reports, rumors, and hearsay, on which officers were stricken down, can be compared, analyzed, and dissected by the Senate, and a just judgment deduced from the evidence which may be brought forward.

But, sir, it has been suggested that the appointment of such a special committee will be a reflection on the Committee on Naval Affairs. I do not think so. The gentlemen of that committee have already had sufficient employment in the investigation of this subject. The elaborate report which they have made, and the investigations to which they have devoted themselves, have already consumed a sufficiency of their time and absorbed their minds. They have made a report to the Senate, and I believe they are unanimous in their conclusions, that no specific redress ought to be granted to individuals, except to a partial extent, under the discretion of the President of the United States. I do not intend to cast the slightest reflection on him, for it is not necessary to the impartial investigation of this subject; but we are all too well acquainted with

human nature not to know what would be the result of leaving it to his discretion. What would be his situation? He has already indorsed the action of the board. He has played subservient to them. He was their minister. He acted in accordance with their suggestions and dictation. For the sake of consistency he would feel that he was bound to carry out their action. If he should come to that conclusion, what redress would be granted to individuals who have received the malediction and brand of this board? What officer who has been disgraced would be benefited by being commended to the justice or the charity of the President and Secretary of the Navy? Would not the influence of those who concurred on the board be united in constraining the President to uphold his former decision for the sake of consistency, no matter who were the sufferers? The President would feel a natural inclination to be consistent; and he has already sustained the board's action, upon the suggestion that they were constrained to act as they did, that they acted to the best of their knowledge, that they were actuated by high and honorable feelings, such as should prompt gentlemen under similar circumstances. If Congress does not render justice, no truth, however glaring and potent, will be sufficient to reverse their irreversible decrees. I know that the Secretary of the Navy has acknowledged that injustice was done to individuals; but who are to be the beneficiaries of this acknowledgment? Adopt the proposition of the Naval Committee, and it is matter of favor—it is confided to executive discretion. Think you, then, that it would extend to all who have been injured and who seek redress? Men of irreproachable and spotless character—men who were never delinquent for a moment in the discharge of their duties, and always met every requisition made upon them, have been disgraced by this board, and are here asking for redress. I say it is your duty to give it to them.

Well, sir, is it disrespect to the Committee on Naval Affairs to say that a special committee shall be created for the purpose of making an impartial examination into the facts of the case of each officer whose memorial has been presented to the Senate? No, sir; it is not disrespectful. I should be disposed to think that the gentlemen of the Naval Committee would feel a delicacy in taking cognizance of any matters connected with the subject, inasmuch as they have already expressed their opinions. They have made an elaborate report, invoking every possible aid, direct and collateral, to their support; and they have quoted a succession of reports of the Secretary of the Navy, from the time of Mr. Bancroft down to the present day, speeches made in the House of Representatives, former reports made to the Congress of the United States, opinions of committees, and everything else calculated to sustain the position of the board, but nothing that would show the injustice which has been done to individuals—nothing giving any assurance that they had impartially investigated the subject. My desire is, that it shall be impartially looked into. Why? Because I have a judgment to form, and I wish to have that judgment enlightened, I wish to hear the whole case. We have heard the advocates of the board; let us hear the advocates of the memorialists. Let us compare the statements on both sides—those favorable to the board and those adverse to it—with the array of facts that can be presented on either side. That is what I desire. This can be accomplished through a select committee.

For the purpose of more perfectly understanding this subject, and obtaining all the information possible, I had the honor of introducing into the Senate,

some days ago, a resolution calling for the proceedings of a court-martial which grew out of the action of the board, and in which some ill-feeling had been manifested. I was anxious to have the information brought before the Senate, not because I was acquainted with it, and believed it calculated to create a prejudice against the board, but because I wished to be enlightened and to be informed of all the facts in relation to the subject. A controversy had existed between some officers in relation to the action of the board; one member of the board was held responsible for its action in one case, and ill-blood grew up between one officer and a member of the board, which led to a court-martial. I wished to know whether blame properly attached to the individual who was arraigned and tried by order of the Secretary of the Navy, or whether the member of the board was culpable and had proved recreant to his duty and his honor. I wished to judge of all these things. But, sir, what was the course of the Senate? Apprehending that ill-feelings, or a heated state of excitement, might grow out of the communication of the information, they declined to adopt the resolution. It reminded me, Mr. President, of a trial which took place not very far from here, before a magistrate endowed with a good portion of common-sense and considerable integrity, but not a highly educated man—not a metaphysician. When the parties appeared before him, after hearing the testimony on the side of the plaintiff, seeing a good deal of excitement around him, he ordered the court to adjourn, and went out hastily with some bustle. "Oh!" said the people, "stop, stop, Squire, you are not going?" "Yes," said he, "I have heard enough." "But," they said, "you have heard only half the case." "Yes," replied he; "but to hear both sides of a case always confuses me, and I can not give my decision; I am off!" [Laughter.] Judging from the nature of the opposition to the resolution, I fear the Senate imagined that, if they were to hear both sides of the case, they could not as readily decide on its merits as if they only heard one side, and that was the side advocated by the Committee on Naval Affairs.

I am clearly of opinion that, if a special committee be raised, in accordance with the resolutions of the Senator from Georgia [Mr. Iverson], we shall be enabled to elicit the facts in relation to the whole subject; we can call on the gentlemen of the board, and ascertain the reasons for their action in relation to particular individuals. Then we shall learn authoritatively whether they founded their action on rumor, hearsay, prejudice, or common fame. What would be the fate of the board if "even-handed" justice was but rendered to them? According to the treatment which they have given to others, they are themselves obnoxious to charges sufficient to remove them for inefficiency, as much so as any officers whom they have removed.

Sir, it is the *élite* of the navy whom they have stricken down in many instances, and others have been dropped who might well have been retired. Some men have been dropped who received the thanks of Congress, who were presented with swords and medals for their valorous deeds, and who seven times saw the British lion cower beneath the wings of the American eagle. They are sent adrift, in their old age—cut loose from every hope. Others, in the vigor of life, in the fullness of manhood, in the prime of chivalry and gallant bearing, have been stricken down. I will, in one particular instance, call the attention of the Senate to the language of a gentleman who is entitled, by his associations, by his simplicity, and the laconic character of his memorial, to the

consideration of the special committee, where nothing can be smothered, but where the facts, glaring as the noontday sun, can be investigated, and a just award made on his merits.

Mr. MALLORY. Will my friend from Texas inform me to what particular officer he alludes, as having received the thanks of Congress, and having been seven times in victory—as I understand him to say—and who has yet been dismissed?

Mr. HOUSTON. Lieutenant Brownell.

Mr. MALLORY. I will ask the honorable Senator if he knows the fact that the officer to whom he alludes has never seen an hour's sea service in the navy in his life? He has held a commission, I believe, since 1837, and up to the hour that the board acted upon him he had never rendered at sea, on board of any vessel, an hour's duty, and he was annually reported in the Register as, "Sea service, none."

Mr. TOOMBS. I ask the Senator from Texas to allow me a moment.

Mr. HOUSTON. With great pleasure.

Mr. TOOMBS. I have never in my life heard a statement, though true in itself, which did so great injustice to any man as that just made by the chairman of the Naval Committee of this House [Mr. Mallory]. Lieutenant Brownell entered the navy as a master at the beginning of the war of 1812; he was in seven actions on the Lakes, and did himself the most distinguished credit, as is evidenced by the records of the Department. He was there throughout the entire war. After it closed he resigned, having been wounded and rendered unfit for sea service, as he admits. He re-entered the navy in 1841 as a lieutenant, when he might have entered as a captain. And a Senator now rises in his place and says that he never saw a day's sea service. This is said of a man who fought on the Lakes during the whole war, who was seven times in action, and seven times assisted to haul down the British colors.

The chairman of the Committee on Naval Affairs, by his statement, would have the Senate and the country believe that Lieutenant Brownell never did one day's sea service. Coming out of the war, wounded and unfit for service, he retired from the navy, and drew a pension for the wounds which he had received. He re-entered the navy in 1841 as a lieutenant, with all these facts known, when he might have entered as a captain. We are simply given the statement that since that time he has performed no sea service. I am at liberty to state that before 1849 his three years' service on the Lakes, during the war with Great Britain, and in the action of Commodore Perry, where he distinguished himself, were marked on the Naval Register, and it has been stricken out by the Navy Department unjustly, and without any authority. Those are the facts of the case.

Mr. ALLEN. Mr. Brownell is a native of Rhode Island, and he never refused to go on duty until within a short time past, when he was suffering from the wounds which he received in the battles on Lake Erie. He was always ready, and had never declined to enter the service at any time whenever called upon. These statements I make at his request; he called on me yesterday, and desired that I should make them if his name should be called in question.

Mr. TOOMBS. Allow me to state another fact. He has for these serv-

ices received the thanks of the American Congress, and a sword was voted to him.

Mr. HOUSTON. And a medal also.

Mr. MALLORY. I would not, Mr. President, designedly do an act of injustice to any man, particularly one who has fought for his country, as it is alleged Mr. Brownell has done. I am not ignorant of Mr. Brownell's history in the navy, and I do him no injustice. So far as concerns the facts stated by the Senator from Georgia, perhaps he is better acquainted with them than I am. Mr. Brownell was an acting-master during the war. He entered the navy as a lieutenant, if I recollect rightly, in 1837.

Mr. TOOMBS. In 1841.

Mr. MALLORY. I should like to know upon what authority it is asserted that he could have entered the navy as a captain? The understanding of those somewhat familiar with naval matters is, that it was only after repeated effort, and effort in very high political circles, that he was admitted into the navy at all.

I stated that, since that time—since he has held a commission in the navy, he has never seen an hour's sea service in the navy. He has received the pay of a lieutenant from 1837, I think, to 1855, without rendering sea service, while other officers of his grade have been performing it. In saying that, I do him no injustice.

Mr. TOOMBS. Very great injustice, by not giving the rest of his history.

Mr. MALLORY. He received the thanks of Congress—not specially, but as every one did who fought in Perry's victory. I have simply heard, as I presume the Senator from Georgia has, that Brownell was wounded; to what extent I have not heard. The intimation of the honorable Senator from Texas was, that this man, while in active service, was stricken down. Why, if I understand the Senator from Georgia correctly, Mr. Brownell never considered himself fit for sea service, but only for shore duty. I have nothing to say about his action on the Lakes. All that I say is, that he did hold a commission from 1837 to 1855, and during that time you will find, opposite his name on the Register, "Sea service, none."

Mr. HOUSTON. Well, Mr. President, suppose he had only been qualified for shore duty; had he not, by his sufferings, by his wounds, by his gallantry, by the estimation in which his acts were held by the Congress of the United States, entitled himself to a shore situation for life, if necessary, or might he not have been placed on the retired list? Was he not dropped?

Mr. MALLORY. Yes, sir.

Mr. HOUSTON. Instead of being placed on the retired list he was dropped. He might have been placed either on the furloughed or the retired list; but, no, sir; these memorials of his country's gratitude, the admiration and high approval of Congress, were enough to excite the envy of the men on that board who conspired to strike down members of the navy, and dishonor men equal to themselves in position.

How is it with the gentleman whose memorial I have now before me—Lieutenant Gibson, the first officer on board the ship with the gallant Ingraham, when he sustained your flag and your country's honor abroad in a foreign port, by not permitting a foreign hand to touch or defile the hem of the garment of

even an imputed citizen of the United States? What does Gibson say? After respectfully presenting his case to the consideration of Congress, he says:

"By the action of the late naval retiring board, I was placed on the furlough list. When that act was consummated, I had but a short time previously returned from a long cruise in the United States ship *St. Louis*. Having been her executive officer during the whole period of her absence from the United States, and having obtained from her commander (Ingraham) a letter testifying his satisfaction at my performance of the executive duties of the ship, I joined my family, and was with them enjoying an interval of rest after so long an absence from them, conscious that I had performed my duty, with no thought or apprehension of approaching evil, when the letter from the Secretary of the Navy, notifying me that I had been put on furlough, came upon me like a blast of the hurricane, sweeping before it all peace of mind, all comfort, and almost even hope itself. You may possibly imagine, sir, the feelings of a person thus circumstanced, on the receipt of such information, but it is impossible for me to describe these feelings. And why, I ask, have I been thus dealt with? *I know not*. I, however, feel a perfect confidence that no charge can be established against me which can affect my *efficiency*. I therefore contend that the board have treated me most *cruelly* and *unjustly*."

Has he not a right to say it? Again:

"I have never *skulked* from my duty, but have obeyed with alacrity the orders which I have received for sea duty. This is proven by the fact (as shown by the Naval Register of 1856) that I have performed *seventeen years and eight months' sea service*, which is within *two months* of as much sea service as has been performed by the *commandore* who acted as presiding officer of the naval retiring board, though that gentleman entered the navy exactly two years before I was *born*; and I can also show, by the same register, that I have performed more sea service than *twenty-six of the post-captains*, and *seventy-nine of the commanders*, whose names are there registered."

Is this an ordinary case? No; it is an extraordinary one. Here a gallant man is struck down. The eloquence in which he describes his emotions can receive no additions from me. His language is the expression of a wounded heart, suffering under the pangs of wounded honor and lacerated feelings. It requires no embellishment. It has the bright embellishment of truth, prompted in its utterance by wounded honor. I will ask the honorable chairman of the Committee on Naval Affairs if this is not a case for the interposition of Congress? How will you reach it? Through the action of the President? If he had an opportunity to restore him to position and favor, would the naval board acquiesce in it? No, sir; they would not. It would be a reflection on their judgment and on their action; it would compromise their honor, and the infallibility of their omnipotent judgment! He has no chance but through the interposition of Congress. Hundreds are in a similar situation. Will you permit them to remain the degraded victims of personal hate, and spite, and envy, and jealousy—down-trodden, pointed at by their companions in life as disrated men? Every avenue to success is shut against them. They have no opportunity of making their way through life; for, if they are retired, or furloughed, or dropped—no matter though they were the souls of honor—no underwriter will underwrite for any vessel with these gentlemen on board as officers. No, sir;

they are shut out. The insurance companies have adopted a rule, as I have been assured by gentlemen who took the pains to examine, that they will not underwrite a vessel on which one of these officers is employed. If they had originally chosen to follow their profession, and obtain employment in the merchant marine of the United States, they would have found no impediment to their future success; but here every barrier is interposed by the action of this board—I will not say judgment of this board, for I believe judgment had nothing to do with it, I believe it was either caprice, or whim, or jealousy, or prejudice, or hatred, or envy; and that the higher impulses of the human heart, and the more generous motives of the soul, which inspire men to do justice, have never been called in requisition for one moment.

I am sorry that the venerable Senator from Delaware [Mr. Clayton] is not now present. I desire now to allude to a circumstance on which he commented, and which will be recalled to the recollection of every Senator upon the mention of a name. That Senator spoke of the action of the board in the case of Commander Ringgold, of the navy, who was furloughed. I believe he spoke of it as a proper action of the board. When asked if the temporary delirium which he suffered had not existed only in one instance, the Senator said that he was sorry to say he had understood, or that rumor had said, that it was not the only instance, but that there were others. Now, to satisfy myself, having known the gentleman for thirty years, I went to the Navy Department, and I found that, whilst at the city of Canton, in July, 1854, whither he had proceeded with his squadron during the revolutionary disturbances (at the urgent appeals of American citizens), in the performance of the sacred and paramount duty of protecting their lives and property, the officer, whose duty it was to do this, being absent from the coast on other important duty, he had been suffering severely from chills and fevers, and the surgeon had administered to him undue quantities of quinine, of morphine, and of the elixir of opium—quantities sufficient to derange the strongest head. Without his knowledge, a medical survey was held on him by three surgeons, two of whom then saw him for the first time, and *then only* for a few minutes, while he was suffering from the effects of the narcotics; as we have all seen a hundred men grow delirious under paroxysms of chills and fever, or intermittent fever. The surgeons immediately decided that Commander Ringgold was deranged, that it was a case of mental aberration, and went off. When he threw away these poisons, and was recovering, he asked that a re-survey might be granted to him, but it was denied, and he was sent home under circumstances that were sufficient to derange any man. The physician who came home with him, as will be found by reference to the records of the Navy Department, said he was perfectly sane, intellectually and mentally. Another survey was called for last June, and again it was reported that Commander Ringgold was perfectly restored; that his health and intellect were as perfect as they had ever been, or as any man's could be.

Was this the excuse which the board had for its action in his case? Was it because, from indisposition, Ringgold had, on a survey, been ordered home under peculiar circumstances, which I will not here detail? In the examination of the records I found Commander Ringgold's application for the command of the expedition to the North China Seas. In that application to Secretary Kennedy he desired the command, if it should not be called for by any officer of higher claims than himself or his senior in the navy. No other officer called for

it. Commander Ringgold was appointed, and his constituted one of the handsomest expeditions which has ever sailed from an American port.

But if this was the ground for the removal of Ringgold, is he the only one upon whom a survey took place? No, sir; I found in the course of my examination that Captain Du Pont had at Rio Janeiro a survey upon his health, when he started for the East Indies, and arrived at that point in command of a beautiful vessel—a little ticklish, it is true, in managing, but one of the neatest craft in our navy. He found it necessary to request a survey. It took place, and he was condemned as laboring under a chronic disease, in which he had taken a relapse, and his life was in danger if he prosecuted the journey. He came home. Since then, I believe, he has got along very well. I have heard of no relapse. As it was a “chronic disease” then, I suppose it must have remained so forever, and has never left him. Here the very same man passed judgment on Ringgold, who had himself labored under a survey and condemnation. These are the facts. It will be found that from the very first moment when Ringgold called for the survey under which he was condemned, up to the day when he sailed home, his correspondence with the commodore of the squadron contains as sane and pertinent letters as I have ever read from any gentleman in my life. Yet he was condemned, deprived of his command, and sent home a prisoner. These are the facts. From what I know of that gentleman, personally, if I had to sail on board a ship, there is no one in the service with whom I would sooner risk my life and personal security than with Ringgold. As to his habits, they are irreproachable; as to his chivalry, it is unquestioned. His family have given evidences of it. He is the brother of the gallant Major Ringgold, whose blood was drunk by the thirsty soil of Palo Alto, and who fell a victim for his country’s honor. But that was no plea in his behalf. He was too elegant a gentleman to escape the condemnation of this board.

Lieutenant Bartlett, who was handed over by the venerable Senator from Delaware to the tender mercies of the Senator from Louisiana [Mr. Slidell], is another officer who is a striking example of the influence of prejudice against men of merit and capacity. There is something peculiar in his case, and the Senator from Louisiana has arrayed the facts and given us the secret. He told us that, being a connection of Commodore Perry, and seeing a certain correspondence, he felt an interest in the matter; and what is the whole of it? Most strange, indeed, that he should have felt that Commodore Perry’s honor was about to suffer, when I think that one of the most honorable acts which any gentleman could have done is the one that was imputed to him by Lieutenant Bartlett. It will be recollected that on one occasion Lieutenant Bartlett met Mr. Parker, and being shown a letter written to Mr. Parker that seemed to indicate a disposition entertained by Commodore Perry, favorable to the disgraced officers, it made a deep impression on his mind. He sought an interview with Commodore Perry; and what was the consequence? It resulted in a very unrestrained communication on the part of Commodore Perry to Mr. Bartlett, which was transmitted by Mr. Bartlett to a friend, to whom he wished to administer consolation—not with a view to have it published. That friend inconsiderately sent it off, and it was published. Thus it made its appearance in the newspapers. A mind heated, encouraged by the denunciations of Commodore Perry of the action of that board, would naturally recur to the most striking portions of that conversation, and identify them with any circumstance that held

out a hope of redress to the injured parties. He says that Commodore Perry, in the conversation, stated this :

“I hope the day will soon come when the monstrous injustice which has been done to you and others will be corrected.”

Those are the words—“monstrous injustice,” and that he should have repeated them in connection with this letter is one of the most natural things in the world. He had not seen the letter for weeks ; but recurring to his conversation with Commodore Perry in detail, in order to corroborate that, he adverts to the letter to Mr. Parker. Can any one believe for a moment that Mr. Bartlett intended to pervert the truth or to distort the facts? Did he not suppose that the letter to Mr. Parker was what he stated? But hurried, excited upon the subject, his mind recurring to the strong expressions of Commodore Perry, he merely stated them as if they had been used in the letter to Mr. Parker. Could he have any bad motive in misrepresenting the letter? Did he not know that if he had misrepresented it he was liable to detection and correction at any time?

The Senator from Louisiana indulged in very harsh, and, as I thought, unnecessary remarks in regard to Lieutenant Bartlett. The peroration of the venerable Senator from Delaware, who deprecated the application of epithets to individuals who could not be heard to vindicate themselves on this floor, would have applied very forcibly to the remarks of the Senator from Louisiana. Lieutenant Bartlett had been distinguished. He had been in France three years on special service, and he had discharged all his duties there in a most enlightened and able manner. He came home lauded by our minister in France, as having with ability and capacity discharged his trust. He arrived here and adjusted his accounts ; and there is no record of one iota against him in the Department, but everything is smooth and clear. To be sure, they did not pay him what he was promised. They were to give him a certain percentage on the money expended, but they did not do it because he had drawn, and the money did not pass through his hands ; but the responsibility on his part was the same. Instead of allowing him this percentage they withheld some thousand dollars. But what of that? Is there any officer in the army or navy who has had money to expend, that has not been called in question in his pecuniary adjustments? Accounts are checked with great particularity, and it is no reflection on an officer to have disputes with officials here in reference to his accounts.

But, sir, Lieutenant Bartlett was detailed on active service at the time when he was dropped. Why was he dropped? Because it was rumored that he had done something improper on the western coast of the United States, when he was in command of the cutter *Ewing*. It was rumored ; but no fact was established, nor has it been to this hour, nor can it be ; but that was the alleged ground on which he was dismissed. The true ground was, that he was an efficient officer ; that he was in favor of real reform of the navy ; that he was not a friend of flogging ; and was an advocate of temperance. Some people have an appetite for seeing others whipped, so that they escape the lash themselves. Lieutenant Bartlett was at sea at the time when he was stricken down ; and why? Another gentleman who has been here, I think, for three years, had been ordered to sea. He was inefficient, and unable to go to sea ; he obtained leave of absence, and was withdrawn. Lieutenant Bartlett was detailed to sup-

ply his place; and in thirty-six hours afterward, I believe, he was on board the ship. He performed the cruise with perfect satisfaction to the officer who commanded; and the gentleman whose place he supplied has remained, I am told, up to this time in Washington city, most comfortably quartered; and, though inefficient, he has been retained on the active list, but he has not been promoted. Bartlett was one of the men who was willing and able to perform at sea an undue portion of service, because others had from disinclination refused to meet the detail made of them.

As Mr. Bartlett has been handed over to the tender mercies of the Senator from Louisiana, I will hand over to Mr. Bartlett's tender mercies Mr. Missroon and Mr. Jenkins, witnesses who appeared against him before the Committee on Naval Affairs. I think, by the time the Senator gets through with all of them, he will find that it is a troublesome business to nurse them all. To the tender mercies of Bartlett I commend these gentlemen. He was singled out of all the memorialists before the Naval Committee for the purpose of examination; and when he presented himself before that committee he asked to have the privilege of having counsel. Counsel were denied him; witnesses were brought forward and examined—I do not know whether they were sworn or not, but they were examined as to his general character, his character for veracity—all pointing to this publication in the newspaper which has been indorsed, and which I consider of perfect validity, because Commodore Perry in two months has never controverted or denied a single word of it. I consider it indorsed by his silence, and deriving all the verity which it could have received from his absolute affirmative sanction.

Mr. BENJAMIN. Will the Senator permit me to say a word?

Mr. HOUSTON. With great pleasure.

Mr. BENJAMIN. My colleague is absent, and I am not aware, of course, of those circumstances of detail which he obtained from Commodore Perry, and which are involved in the investigation of this quarrel—almost triangular I may call it. But so far as the Senator from Texas can draw any advantage from the supposed ratification of this statement by Commodore Perry, I beg leave to recall to his memory the fact that the last time when this subject was under consideration in the Senate my colleague distinctly stated that the extract from the letter which had been published in the *New York Herald* had remained unnoticed until some person would make himself responsible for it; that he himself, after correspondence with Commodore Perry, had in his hands the means of rebutting this pretended statement of Commodore Perry's as erroneous, to say the least—I believe my colleague used a harsher word, which I do not choose to repeat. He stated that it had remained unanswered only because there was no responsible person to father it; and as soon as the Senator—I think it was the Senator from Texas—informed my colleague that Mr. Bartlett was responsible for this statement, my colleague arose, and, on behalf of Commodore Perry, denied it the very first moment that an opportunity was offered him.

Mr. HOUSTON. I would suggest to the Senator from Louisiana that it was the Senator from Georgia [Mr. Iverson] who made the statement to which he has just referred.

Mr. BENJAMIN. It was the Senator from Georgia; I was not quite certain in my memory.

Mr. HOUSTON. It was the Senator from Georgia with whom the Senator from Louisiana had the colloquy to which reference is made. I understood that the statement which the absent Senator from Louisiana had from Commodore Perry merely referred to the expression contained in the letter to Mr. Parker, and not to the general substance of the publication. It was particularly aimed at the quotation "monstrous injustice"—

Mr. IVERSON. In the conversation which occurred between the Senator from Louisiana [Mr. Slidell] and myself on the occasion referred to by the other Senator from Louisiana to-day, I gave the authority of Mr. Bartlett for the statement which purported to have been contained in the letter from Commodore Perry to Mr. Parker. The Senator from Louisiana contradicted it—not by stating anything, or quoting anything from Commodore Perry, but by submitting the original letter which had been transmitted to him, not by Commodore Perry, but by Mr. Parker; so that really Commodore Perry has never said, directly or indirectly, whether the fact be true or not.

Mr. BENJAMIN. So far as that matter is concerned, I should like to put it right now. It is a very unfortunate circumstance that this controversy should arise during the absence of my colleague; but the Senate will remember distinctly that my colleague rose and stated that he had been waiting for some one who would take the responsibility of the statement which had been communicated anonymously to the *Herald*. It is true that my colleague did not read to the Senate any direct communication from Commodore Perry; but he gave the Senate and the country fully to understand that in everything that he said he was justified and authorized by private communications from Commodore Perry. He did not use any statement from Commodore Perry for the purpose of meeting this anonymous communication; but he said that he knew Commodore Perry's views and feelings upon the subject; that this communication had been sent to him from Lieutenant Parker; that he had retained it in his possession, with the full knowledge of Commodore Perry's views on the subject; and had waited until some person should back this anonymous communication before he gave it the contradiction which he thought it merited, and in terms which he considered justifiable under the circumstances. I make no commentary upon those terms. It is not my desire to enter into the discussion upon these grounds; but I certainly think that during the absence of my colleague it is my duty, at all events, to recall the true state of facts to the Senate, so that injurious impressions may not go abroad, either as to the conduct of Commodore Perry, or as to the action of my colleague, who is now absent from his seat.

Mr. IVERSON. So far as regards the quotation from the letter of Commodore Perry to Mr. Parker, which was made by Mr. Bartlett in the communication which I read to the Senate on that occasion, Mr. Bartlett himself has corrected it, and admitted the fact that he used too strong language in the alleged quotation.

Mr. BENJAMIN. I understand that to be so.

Mr. IVERSON. There is no controversy, therefore, on that point; but it has been stated by Mr. Bartlett, and it was stated yesterday on the floor of the Senate by the Senator from Tennessee [Mr. Jones], on the authority of a Senator of this body not now in his seat, and upon the authority of Lieutenant Gibson—and I presume the statement will not be controverted—that Commodore Perry

has, time after time, in the most public manner, without any concealment, and without giving any confidential character to his communications, condemned in the most unequivocal and decided terms the action of the naval board. That Commodore Perry has never denied, and no one, I presume, will ever deny it for him.

Mr. BENJAMIN. I wish to say but one word more, if the Senator from Texas will pardon me. I do not pretend to know what Commodore Perry has said on the subject. The Senator from Georgia says that it will not be denied that—as was asserted yesterday—Commodore Perry made use of expressions condemnatory of the course of the naval board. I know nothing whatever on that matter; but I do protest against any inference being drawn as to Commodore Perry's concession in regard to the truth or accuracy of these representations of his conversations, until my colleague, who is closely related to him, and who is in possession of his confidence on the subject, shall be in his seat, and shall have heard a statement of the conversations that are imputed to him. For myself, I do not pretend to deny—as the Senator from Georgia says that he presumes no one will deny—these imputed conversations; but I will say that until they come from some other source than Lieutenant Bartlett I refuse my credence to them.

Mr. MALLORY. If my friend from Texas will allow me, I wish to put him right as to one question. All this controversy in relation to personal matters I can not enter into, because this great naval reform does not depend on any such questions which may be put in issue here. Therefore I have not responded to the remarks which the honorable Senator from Tennessee made yesterday in referring to Mr. Bartlett; I have not responded to anything which fell from the honorable Senator from Texas in relation to Mr. Bartlett, because the case was committed to the honorable member from Louisiana [Mr. Slidell], who will give proper responses to the ideas thrown out here in regard to Mr. Bartlett, which I have no doubt will be satisfactory to the Senate.

But the Senator from Texas undertakes to comment on a matter which this body has committed to one of its standing committees—a memorial on which there is to be a report. That matter is before the committee, and is undergoing its investigation at this moment. What report the committee may make upon that subject is yet entirely uncertain. The Senator from Texas, however, undertakes to comment upon the conduct of the committee in that case. If he chooses to do that, I submit it as a matter of taste and propriety; but I wish to correct him as to a point of fact in which he is mistaken. I presume that he has been misinformed upon the subject, because I am confident that he could not have derived his information from any member of the committee. The statement to which I allude is as to the investigation which is going on as to the veracity of Mr. Bartlett.

The Senator said that the investigation pointed to the letter in the *Herald*, as if the veracity of Mr. Bartlett was to be dependent entirely on the issue of the controversy between Commodore Perry and himself. Now, I beg to inform my friend from Texas that such is not the fact. I have never asked a question, to my knowledge, in relation to that letter, the answer to which would affect the veracity of Mr. Bartlett in any degree whatever. The examination before the committee is entirely outside of that. It may come in, as a matter of course, though I should never ask a question about it. I merely wish to put my friend

from Texas right, and to state that the acts of the committee are yet incomplete ; they are going on in their investigation, and will endeavor to acquit themselves to the satisfaction of the Senate.

MR. HOUSTON. I really thought that I was out of this triangular controversy ; but the remarks of the gentleman who has just spoken appear to implicate me a little. I did not charge the gentleman with what he imagines ; but I said that, judging from the circumstances and from the declarations of the Senator from Louisiana, it was clear to me that this publication in regard to Commodore Perry had stimulated the member from Louisiana in the course which he pursued in the arraignment of Mr. Bartlett before the committee. I said that the questions which were put to the witnesses who were introduced were designed or calculated to invalidate his general credit and veracity. Am I right ?

MR. MALLORY. No, sir ; I do not think the Senator recollects precisely the point which he made. It was that the investigation as to the veracity of Mr. Bartlett was all directed to this letter in relation to Commodore Perry. That was the Senator's remark. I wish to say that he is misinformed as to that fact entirely.

MR. HOUSTON. At all events, his veracity and his general character were attacked by the witnesses—Mr. Missroon and others. I do not say that I understand the information before the committee as well as the venerable Senator from Delaware. He said that, though he knew the proceedings of the committee well enough, he would not state them. He was perfectly posted in relation to the whole matter. I have no doubt, and I believe every word that he said as to his information. I have not alluded to this matter for the purpose of imputing anything dishonorable to Commodore Perry. I have respect for that gentleman ; I would not hurt a hair of his head ; nor would I soil the hem of his mantle. I have respect for him ; and I have more respect than I before entertained for him since I have seen this publication, because it shows that he has a heart. If he had yielded to the importunities of the head of the department, and given his time and attention to a board that was odious to him as a system of proscription, he is excusable ; but he is now fully awakened to a sense of the injustice done to gallant men, and entertains an ardent hope that reparation will be made, commensurate with the wrongs inflicted.

This was the amount of the conversation. I wish it known everywhere, because I believe it veritable, and because Commodore Perry has never opposed one contradiction to it that I have heard of ; nor did the Senator from Louisiana impute to Mr. Bartlett a want of accuracy or truth in any part of the statement which he made, except in the quotation of the letter, and that I have already explained, where the words " monstrous injustice " were substituted, from the deep impression which the conversation had made on him. He had merely seen the letter. His statement of it was written as a private communication, and not with a view of having publicity given to it ; but that was inconsiderately done by the friend to whom it was sent. Mr. Bartlett, in writing to a friend, says :

" I have spoken to you of a conversation held in New York, since my return from the coast of Africa, with Commodore Perry, the subject being the action of the late naval board, of which he was a member. I had also seen a letter in Commodore Perry's handwriting to Mr. Parker, son of Commodore Parker, late

a lieutenant, in which Commodore Perry compliments Parker, and then adds : 'I hope the day will soon come when the *monstrous injustice* which has been done to you and others will be corrected.' In visiting Commodore Perry I did not suppose he would be very communicative ; but he received me with so much warmth of feeling and courtesy that I determined to express myself very freely upon the whole matter, and did so. The Commodore then said that he could not talk to me of my own case, being under implied obligations of secrecy to the board, but he would say that he abominated the action of the board ; that he had protested against its secret sessions ; that he had presented a resolution (which he had preserved) to have open meetings, or to that effect, which was voted down ; that he had been dishonored and disgraced by the action of the board, he being a member of it ; that he hoped he should soon be called upon to disclose his views of all that had been done there, and that, when called upon to disclose his views of all that had been done there, or taken place at the board, either before Congress or a court of justice, he would tell the whole truth ; that he had protested before the President and Secretary against such Star Chamber proceedings ; that he considered it monstrous in every way ; that it was a packed conspiracy against the honor of the navy ; that it had ruined his reputation, and he knew it ; and he also now knew that he had done wrong there as little as he had done, and he was sorry for it ; that it was the first time in his life that he had been called upon to do that which had caused him to lose his self-respect, but that the action of a majority of that board had done it.

"The Commodore also said, 'that he hoped not one of the new commissions would be confirmed by the Senate till a full investigation could be had, and the shameful conduct of these conspirators exposed.' He said he did not make any secrecy of his opinions about this matter ; that the board had disgraced and dishonored him, and he knew it. The name of Perry was in every way identified with the navy, and he had lost all interest in the navy, and would resign instantaneously if he had the means of living. He regretted that he had not given up his commission, if necessary, or placed it on the issue, rather than act ; and not to have done so he now sees was to set aside his ordinary sagacity ; regrets that he did not refuse to be even a conservative member of the board. The Commodore also said : 'Sir, the board never imagined for one moment that all the list as the action of the board would be approved by the Secretary and the President,' but supposed it would be sent back for revision, and then, he said, 'the conservative members of the board would have had some power, and could have compelled the conspirators, or these men, to do justice where so much injustice had been done.'

"Here is a confession from a penitent and suffering member, which his whole manner and action showed to be real.

"The Commodore also said : 'Sir, if I was ordered to the command of a dangerous and important expedition to-morrow, I would tell the Department and the world that I would prefer to select my officers from those who have been discarded rather than those who are left. There is nothing but a bundle of sticks left : men who never did anything, and never will ; who never made a mistake because they never attempted anything.'"

Mr. BENJAMIN. Will the Senator from Texas be so good as to inform me from what authority he reads that ? Where was it published ?

Mr. HOUSTON. This is the publication which has made so much fuss, and in it occurs the quotation which has been commented on in the Senate.

Mr. BENJAMIN. Is it signed by Lieutenant Bartlett?

Mr. HOUSTON. Not at all.

Mr. BENJAMIN. It is anonymous, then?

Mr. HOUSTON. It was recognized by gentlemen here. It was stated by the Senator from Georgia and recognized by—

Mr. IVERSON. The Senator from Texas will allow me to say that he is under some mistake about that. I did not make any allusion to anything from Mr. Bartlett except the quotation of the letter of Commodore Perry to Mr. Parker.

Mr. HOUSTON. That is what I say. It is a quotation used in this publication—it is all the same publication.

Mr. IVERSON. The Senator should not give me as authority for the residue of the statement which he has read.

Mr. BENJAMIN. This is a question which I can not allow to pass in any confusion. I do not understand—and my recollection is not—that my colleague heard that letter read, and failed to deny that that conversation was had between Commodore Perry and Mr. Bartlett. On the contrary, my distinct recollection is that my colleague repelled, as a charge which would dishonor the character of Commodore Perry, the fact that he had made any such statement as that which was contained in the pretended extract from a letter, which extract was afterward admitted to be false—

Mr. HOUSTON. It was not admitted to be false. I hope the Senator will use an expression becoming the Senate.

Mr. BENJAMIN. Did I not understand the Senator from Georgia and the Senator from Tennessee to admit it?

Mr. HOUSTON. They admitted that it was erroneous; that it was a mistake.

Mr. BENJAMIN. If it is not true, I beg the Senator's pardon. But what is the case? That which purported to be the copy of a letter written by Commodore Perry was, according to the statement of the Senator from Tennessee yesterday, merely something that rested in the brain of Lieutenant Bartlett from a conversation; the letter was an entirely different thing. Now, sir, the Senator from Texas says that my colleague, having heard that letter read, or these statements of Lieutenant Bartlett about a conversation, which he repeated, did not deny them. I say that, according to the best of my recollection—I am very sorry that I have not the *Globe* here before me in which my colleague's statements are contained—

Mr. IVERSON. If the Senator will allow me, I will say that I may remember them, as I was *particeps criminis* in the transaction at the time. The Senator from Louisiana [Mr. Slidell] did not deny that Commodore Perry ever wrote such a letter, and, as evidence of the fact, he produced the original letter.

Mr. BENJAMIN. I am now referring, not to the letter, but to the pretended statements by Mr. Bartlett of a verbal conversation. The Senator from Texas says that this conversation between Lieutenant Bartlett and Commodore Perry was repeated in the Senate in the presence of my colleague, and not denied by him.

Mr. HOUSTON. I hope the gentleman will not become too much excited. I will correct him.

Mr. BENJAMIN. I am not excited; but I do not intend that my colleague's position shall be misrepresented, through error on the part of the Senator from Texas.

Mr. HOUSTON. I said that the remarks of the Senator's colleague grew out of a reference to the quotation from a letter of Commodore Perry to Mr. Parker. I do not say that the statement which I have just presented has ever been read in the Senate before; and because I believe it had not been read, I proposed to read it on this occasion that it should go out on the authority of a Senator.

Mr. BENJAMIN. The Senator from Texas, then, does not pretend this statement has ever been read in the presence of my colleague without contradiction?

Mr. HOUSTON. I never did pretend it.

Mr. BENJAMIN. I am satisfied, sir.

Mr. HOUSTON. But I pretend, and I assert, that it has been published in the newspapers for weeks and months, and that it has never met a contradiction, that I have discovered, from Commodore Perry.

Mr. BENJAMIN. It was published unsigned—an anonymous communication.

Mr. HOUSTON. Ah! that has very little to do with the contradiction of a falsehood; I apprehend the Senator would not be prevented from contradicting a falsehood by any nice considerations as to whether it was signed, or sealed, or delivered, if it was generally circulated. I have never seen it contradicted, and I have seen the statement corroborated by Mr. Gibson's letter which was read here yesterday. That embodies, substantially, a conversation of the same import, but it did not go into the same details that appear here. It has remained uncontradicted by Commodore Perry. I mean no reflection or disparagement on Commodore Perry. I read this statement without intending to implicate him in any way; because I believe he told the truth, the whole truth, and nothing but the truth, when he called the board a set of "packed conspirators." That is just what I believe about them.

I will inform the Senator from Louisiana [Mr. Benjamin] that it was entirely in relation to the quotation used by Lieutenant Bartlett, in this communication to a friend, that the discussion arose between the Senator from Georgia [Mr. Iverson] and the Senator from Louisiana [Mr. Slidell], in which the latter denounced, in the most unmeasured terms, Mr. Bartlett, as having stated a falsehood, and perhaps said he was degraded, or something of that sort. It is very easy to say such things; but I do not recollect that he ever opposed a contradiction to the detailed conversation given by, or imputed to, Lieutenant Bartlett in this paper. It was only to the use of the words "monstrous injustice" that he objected. I believe it was with reference to that very expression used in the conversation with Lieutenant Bartlett, that he placed his quotation to the letter to Mr. Parker; but his veracity is equal to that of any gentleman. I have not the least doubt that his services and standing in the navy, his spotless reputation, his intelligence, and chivalry, are as irreproachable as those of any gentleman who sat on

the retiring board. I except none for useful and efficient service—he is certainly equal to any.

Mr. President, a controversy arose in relation to a book which the venerable Senator from Delaware imputed to Mr. Du Pont. I have informed myself in relation to it. It was a book written on the defenses of the country, and for which Sir General Somebody Douglas complimented Lieutenant Du Pont. I believe it amounted to a pamphlet, or something about that size, and was circulated broadcast. Some one wrote him a letter about it. I do not know for what purpose it was written; perhaps it was the same kind of a letter as that written to Mr. Thorburn. The venerable Senator from Delaware was somewhat discourteous, and used harsh contradictions in relation to my misapprehension of this book, and imputed rather a want of intelligence or a want of veracity to me. I do not know which he intended should be the inference. From his first remarks I supposed that he referred to a book which Mr. Du Pont had a hand in writing—"Regulations for the Navy of the United States." Being informed on that subject, I had, in reply to the Senator's "executive session" speech, in which he inaugurated Mr. Du Pont's fame into the Senate, alluded to the book, supposing that he had the credit of writing but one book; but I am willing now to ascribe to him the credit of writing two books, or as many as you please. Certainly, according to the Senator from Delaware, Mr. Du Pont is responsible for the book to which I referred; for he said that Du Pont never follows, whether old or young, but he leads wherever his country's interest or honor requires him. I presume he would not participate in anything not involving the country's interest or honor; and therefore, as the book to which I alluded was prepared by a board, composed of Commodore Morris, Commodore Shubrick, Commodore Skinner, and Commander Du Pont, I suppose that he should be held accountable for it.

There is a singular coincidence between the principles laid down in his book of regulations and the principles upon which the retiring board acted. This book was prepared by a committee of officers. It comprised two hundred and fifty pages—quite a respectable-sized book. They had it printed without the order of Congress, and had it sanctioned by the then President of the United States. As it was done under a former Administration, and as there were some things rather alarming in it, overturning the principles of judicial procedure, and as there had been no legal enactment in regard to the compilation, it was thought proper by the Secretary of the Navy to refer it to the Attorney-General for his opinion. I have here his opinion on some of the regulations, and I must say that they are of the rarest character that I have ever seen. I have taken extracts from these regulations and the Attorney-General's opinion. I could not bring the whole book here. I am aware that some gentlemen except to my reading extracts not sufficiently copious, but I really think they are. This is at least very demonstrative and suggestive in its character.

The Attorney-General says:

"So in the thirty-fifth chapter articles occur on the subjects of courts-martial which are *in pari materia* with provisions of the act of Congress, and are in effect abrogatory or emendatory of the same, as plainly as a new act of Congress could be.

"Again, one of the articles in the same chapter changes the whole theory of judicial procedure by forbidding the court to receive evidence of the previous good character and former services of the accused in mitigation of the punishment to be awarded. This provision, which is the more observable when compared with another article which allows evidence to be introduced of previous bad character, may, or may not, be wise ; it is, at any rate, a very positive act of legislation."

That is a novelty ; but it is the principle on which the retiring board acted. They only sought accusations against officers ; but we have heard of no extenuating circumstances, and of nothing received by them in mitigation. The Attorney-General says further of this book :

"Numerous other examples might be given of specific provisions of the 'system of orders,' which are, in every essential quality, acts of general legislation as clearly and emphatically as any part of the subsisting laws enacted by Congress for the government either of the navy or the army.

"I am of opinion, therefore, that the 'system of orders and instructions' under examination, being a code of laws and an act of legislation, was in derogation, as such, of the constitutional powers of Congress, and, as the mere act of the President in a matter not within his executive jurisdiction, is destitute of legal validity or effect."

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"Hence, the 'system of orders and instructions' for the navy, issued by President Fillmore, as Executive of the United States, 'February 15, 1853, is without legal validity, and in derogation of the powers of Congress.'"

This was the emanation of the gentleman who compiled and prepared these regulations for the conduct of the navy ; and for which, according to the suggestions of the Senator from Delaware, Mr. Du Pont must be in great part responsible, he never being second on any occasion to old or young.

It is said, Mr. President, by the venerable Senator from Delaware, that Commodore Parker would be obliged to no one for having introduced his name. The allusion was to a document sent here in answer to a resolution offered by myself, calling for some information. When the document came, it included a letter which the Senator thought would prejudice Commodore Parker. That letter is placed in the very first part of the communication of the Secretary of the Navy, though it was of a date subsequent to many letters contained in the same document, which are put out of place. I have not the pleasure of knowing Commodore Parker ; but to show that he was entitled to the highest credit and commendation, I will refer to the following letter of Captain Pendergrast :

"WASHINGTON CITY, *July 31, 1852.*

"SIR :—In compliance with your request of yesterday I have the honor to submit the following statement :

"I commanded the *Saranac* steamer for thirteen months, under Commodore Parker, and during that time was a messmate of his. This association led to the most cordial and affectionate regard for him personally, and impressed me with the highest respect for him as an able and efficient commander of a squadron. I have no hesitation in saying that I have never known a squadron better managed than the Home squadron has been by

Commodore Parker; nor have I known any one who has acquitted himself better, or who has made a more favorable impression on foreigners.

"Commodore Parker had confided to him, during his command in the West Indies, many delicate and important trusts, and in the discharge of his duties on those occasions he displayed great judgment and ability, and I have reason to believe his conduct was most cordially approved of by our Government.

"I have the honor to be, very respectfully, your obedient servant,

"G. J. PENDERGRAST, *Commander*.

"HON. JOHN P. KENNEDY,

"*Secretary of the Navy, Washington City.*"

This is the opinion of Captain Pendergrast, approving and certifying to the conduct of Commodore Parker. If Commodore Parker was delinquent, Captain Pendergrast has either failed to state the truth, or he has done what is equivalent to it—he has concealed the truth. If the Commodore was culpable, he has not told it. What does it amount to? We find that individuals have had charges against them smothered; that they have not been exposed to reprehension, investigation, or condemnation, but that they have escaped through the favoritism of the Secretary of the Navy, and have not been held accountable.

Since the time when Mr. Bancroft was in the Department, we find that there has been a systematic attempt to conceal charges against officers, and not to bring them to trial when they have been repeatedly accused of improper conduct. Successive secretaries, instead of investigating such charges, have permitted them to be suppressed, or compromised, or withdrawn, when it was their bounden duty to see that they were held amenable.

But, Mr. President, my friend from South Carolina [Mr. Butler] made some explanations in regard to a few matters to which I alluded on a former occasion. I referred to some circumstances that took place on the Brazilian squadron at Rio Janeiro. To my statement my friend from South Carolina took exception. Commodore Shubrick, in his letter of October 28, 1846, to Commodore Rousseau, inclosing the survey that had taken place on the vessel *Saratoga*, remarks that "the *Saratoga* having been found, on examination, unfit to continue her cruise around Cape Horn in her present condition, he has ordered Commodore Shubrick to report to him (Rousseau) that after having repaired the injuries sustained by the vessel, he may exercise the discretion given him in the letter of the Department of 20th July last." Commodore Shubrick says further that in the course of her repairs she may be found even in a worse state than represented—if so, taking into consideration the length of time which has elapsed since she was ordered to the Pacific, he should think she could be of little or no service in that squadron.

Commodore Rousseau taking this as an intimation, tantamount to an order, coming from a superior for the inspection, ordered the *Saratoga* back to Norfolk; so that she never joined the squadron as authorized by the Secretary of the Navy, but repaired to Norfolk, and her service was withheld from that squadron during the whole time.

I understood my friend from South Carolina to say, that Commodore Shubrick had taken Mazatlan and Guayamas. Guayamas was taken, I think,

by Captain Lavalette, not by order of Commodore Shubrick. He was sent out to Cape St. Lucas, and whilst there, the weather becoming unfavorable, he was impatient to return, and he went and took Guayamas himself without orders from the Commodore. My friend also stated that Mazatlan "was taken in the face of a superior force" by Commodore Shubrick, and that he had achieved everything that was achieved on the Pacific. It appears that Mazatlan was taken without a solitary man resisting. The American flag was run up by Lieutenant Halleck, of the army, with two men; and Commodore Shubrick was informed by the municipal authorities or council, on November 11, 1847, that—

"The undersigned make known to the senior commodore that this port *was* evacuated since last night by the military force, and that, from the outpost to within the city, there is no other force than a small number of persons composing the police for the maintenance of good order." [Delivered by the President of the Junta.]

This is the achievement of which my friend spoke, and which was set forth with such flourishes in the newspapers. That is the history of the taking of Mazatlan. It appears further that at Mazatlan, the day after this occurrence, I think, when an attempt was made to march ninety men, under the command of Lieutenant Selden, they met the enemy, who were fired upon from the *Independence*, the Commodore's ship, then at anchor off the cape at Mazatlan. All the Commodore's men ran at the first fire of the enemy, except one, who was killed. Stanly was in command of a six-pounder. Fifteen out of the seventeen men under his command were shot down and Lieutenant Selden was wounded. They maintained their ground for some time, until the force from the *Independence* rallied and came back.

I was also called in question the other day by the venerable Senator from Delaware, in relation to the statement which I made of the achievement at San José, out of which, unfortunately, the "whistle" grew. He said that I had reflected on the officers accompanying Captain Du Pont. I did no such thing. I never disparaged their conduct. I hold him responsible for his report, and not for the conduct of the men. It appears that Lieutenant Heywood sallied forth from his fortress to rescue Captain Du Pont, and relieve him. I did not cast any reflection on Heywood; but any military man can perceive the policy of leaving Lieutenant Heywood with eighteen or twenty men in all, in the heart of Southern California, without any succor within one hundred miles of him! Did it argue generalship to put him ashore under these circumstances? I leave it for military men to determine. I will not criticise it; but I will say that it is a miracle that they were not every one sacrificed. It was a strange thing, indeed, to leave them under such circumstances, when there were hundreds of men on board the vessels who could have strengthened the post. At least fifty men were necessary to live in the midst of three hundred enemies; but eighteen or twenty men, it is said, were left, without succor within one hundred miles. But for some whaling-vessels that went there, the captains of which supplied them with provisions, their fate would inevitably have been destruction. Heywood's valor and chivalry, and that of his gallant companions, did everything that was done. His gallant comrade, Stevens, who was after-

ward so highly lauded for his conduct on that occasion, has been dropped and stricken down. It is disgraceful.

I come again, in conclusion, to the action of Commodore Hull in the *Ohio*. It was stated by the Senators from Delaware, that the letter of Secretary Paulding, retracting his reprimand of the four ward-room officers of the *Ohio*, should forever have closed that transaction. It is a singular coincidence that those officers should have been then implicated together in disorder and insurrectionary or mutinous conduct, for it amounted to that. They were subsequently designated in the navy as the "four mutineers." It is singular that these men should have been selected subsequently to act together on the naval board. I propose to show, however, that the letter of Secretary Paulding, pretending to cancel these charges, did not close the transaction forever. I will read Commodore Hull's replies, and let the Senate judge from them whether or not Commodore Hull felt that he had injured these individuals, or whether he himself had been deeply wounded. After he had received the first letter from the Department, authorizing him to reprimand these gentlemen, he addressed a letter to them in which he said :

"I have been put aside by some of you; disrespect and almost contempt have been evinced for me; and the time has arrived when it must and shall cease. There are three remedies which strike me for this state of things. One is, to lay this ship up in a Spanish port—this noble ship, the pride of our country, with her beautiful flag, of which we were once ready to boast, with its stars and stripes, hoisted at half-mast—until lieutenants can be sent from the United States to restore it to its proud and honorable bearing. Another is, to take you to sea with all your discontent, disaffection, and disrespect for your commanding officers, and trust to time to bring about a better state of feeling. And the third is, to make such changes among you as my means will admit of. I have not yet determined which to adopt; but I will now state to you that I am responsible for this ship. I shall go to sea when I please; I shall go where I please; and stay as long as I please.

"Gentlemen, our country is on the eve of war with a mighty and powerful nation, and what is the situation in which you have placed me? Who can go into battle with confidence, surrounded by disaffected officers? And, I may well ask, Who of those originally ordered to this ship as her sea-lieutenants can I confide in?"

This shows the feelings of Hull when he received and read to them the reprimand administered by the Department. I propose, however, to advert more particularly to what he said of Lieutenant Du Pont's conduct on that occasion. In a letter to the Secretary of the Navy, dated March 21, 1841, Commodore Hull says :

"I have long since been convinced that Lieutenant Du Pont is the leader in all the disaffection which has so unhappily reigned in the *Ohio*, and I am fully persuaded that the pernicious influence he has exercised over others has effected more injury to the service than he will ever be able to repair."

That was his opinion of Lieutenant Du Pont; I leave gentlemen to draw their own conclusions from it. I have no disposition to go beyond the records, and I have not done so. I have a right to advert to public records,

and they sustain me in what I say. It is evident that Commodore Hull felt deeply mortified by the action of the Department in withdrawing the reprimand first administered to these officers. This is shown by the correspondence of Commodore Hull. I read from his letter to the Department of December 5, 1840:

"Having thus fully and strictly complied with all the directions embraced in your letter of 'June 24, 1840,' and having bowed with all due submission to your will and decision, I now claim the attention of the Department to the position its decision has left me in, viz., that of an officer in command of a foreign squadron, under the ban of his Government.

"In reversing my acts, which were based, as is admitted, on the promised 'co-operation and support' of the head of the Navy Department, it must be evident that, without some exposition of the circumstances under which I acted, without some declaration of facts in the case by the Department, a large portion of reproach will be thrown upon me, and my command and authority may be ridiculed; but should this not be the case, the ground which will be assumed, both in and out of the navy, will be this: Commodore Hull had a difficulty with some of the lieutenants of the *Ohio*, a portion of whom he sent to the United States, with orders to report to the Secretary of the Navy, who disapproved of Commodore Hull's course, and sent the lieutenants back again; thus sustaining the lieutenants, and censuring Commodore Hull.

"I do not know that it is necessary for me to say anything more to the Department in justification of the course I pursued toward those officers; but it may not be improper in me to refer to certain extracts of your letters, and to ask an application, in my case, of that justice which has been so promptly yielded by the Department to others.

"In a letter written by the Department at the commencement of the present cruise of the *Ohio*, viz., so early as 'December 27, 1838,' the following sentiments, opinions, and views are expressed:

"'The Department expects that, actuated as well by a due regard to your own honor as to the permanent interests of the navy, you will retain your command until, by a firm and steady assertion of authority, in which you may rely on it for support, you have suppressed that spirit of discontent which, if permitted to triumph, will, it is feared, be fatal to the future character and discipline of the service.' 'From the first, a spirit of discontent, approaching to insubordination, has prevailed among a portion of the officers, which manifested itself in disrespect to their commander, in appeals to the public, as void of foundation as they were destitute of all manly consideration.' . . . 'And in violation of the regulations of the service by publishing an official correspondence without permission of the Department.'"

Now, Mr. President, can any one doubt that this is satisfactory evidence that Commodore Hull was not sustained by the Department, and was left in the awkward dilemma of being overruled, and having a triumph awarded to those who were generally designated in the navy as mutineers? And those four mutineers composed almost one-third of the naval retiring board. I will read further from the same letter of Commodore Hull:

"And here I beg leave to ask of the Department if these extracts do not contain a repetition of 'specific acts,' 'definite charges,' and 'official misconduct,' alleged against 'a portion of the officers of your (my) ship?' And does not the Department carry out, in part, its previous judgment by detaching Dr. Ticknor from the *Ohio*? Surely I could not have erred in believing that, in the promise of 'co-operation and support' by the head of the Navy Department, further action was left to my discretion. Permit me to refer to the case of Lieutenant Du Pont, and to ask why the Department left me to judge of the sufficiency of an apology which he was to make to me, as one of the grounds on which his application to return to the United States was to be granted, and thereby leaving to my discretion an act of 'humanity'? With such a guide, calling on me in terms precise and almost imperative, to exert the power to the utmost which the laws and regulations of the service give me to protect myself from disrespect and to enforce subordination, with a promise of co-operation and support in the exercise of my lawful authority, and the example set me in detaching Dr. Ticknor, the inference was as direct and positive, to my mind, as a peremptory order would have been; and I acted in good faith, and with a single eye to the good of the naval service."

Now, I will read the last extract which I propose to present from Commodore Hull's letter, to show that to his last hour he felt it as a fatal blow to his influence, fatal to his honor, and dangerous to the well-being of the navy of the United States. He says:

"I dare not question the propriety of the decision reversing my acts; but I trust I may say that, in my humble conception, the Department has not fully assumed or taken upon itself the responsibility of the course pursued by me; and, as a consequence, I feel that I am placed before the navy and the country as resting under the disapprobation of the Government of the United States, which will be to me a severe injury, unless averted by the head of the Navy Department.

"That any immediate evil will ensue to the navy generally, or to my immediate command, remains to be seen; but I must say, I much fear that my reputation and authority, as a commander of a foreign squadron, have received a shock from which they will not speedily recover.

"It is somewhat remarkable that this station—the Mediterranean—was the scene of my early services in our then infant navy. I witnessed its rise, its progress, and its advancement; bound myself to it, and hoped its course would ever be onward; and that now it is the scene of my last service, and I am here, I fear, to be a witness of its fall, retrogradation, and ruin; but my hopes and wishes are, to live long enough to see harmony and union, discipline and subordination, restored among its officers."

Mr. President, I have read these communications because they are important, and they contain a clear refutation of what was suggested by the venerable Senator from Delaware, when he said that the whole transaction was closed by the retraction by the Department of the first reprimand.

The Committee on Naval Affairs inform us that they have thoroughly investigated this subject, and they have reported the results of their examination, and I understand it is a unanimous report. They have suggested

remedies for the reform of all the errors which they think exist, and they appear now determined still to retain cognizance and jurisdiction over the subject. I am opposed to committing the investigation which I think is necessary to that committee, because it is impossible that an impartial investigation can take place before them. They have expressed their opinion. If we were selecting jurors to try a culprit, or to determine a civil cause between individuals resting on merely pecuniary considerations, impartial men would be chosen, who had expressed no opinion in relation to the facts or justice of the controversy. In any case affecting life or property, men would not be selected to adjudicate it who had already expressed their opinion upon it; but those would be chosen who were impartial, and free from bias of every kind. I desire to have a committee appointed who can, without being tied down by former biases or committal, determine whether or not injustice has been done by this board.

I have not said that the officers of the navy were rascals; I have not impugned their honor; I have not doubted their chivalry and gallantry; but I admit that I have not entertained a favorable opinion toward the board and their action. For that I am responsible to my own judgment. I have a right to express my opinion on their conduct so long as I keep within the pale of the public records of the country. If I have transcended the privilege accorded to me—if I have violated the franchises of the Constitution, I am free to attack an arraignment. If I travel out of the record—if I slander or traduce private individuals, let it be shown, and I shall always be ready to defend myself, on notice being given of the attack against me. My person is free to arraignment. I am responsible for my course. The views which I have taken on this subject have been fully sustained by the documents; and I could, from them, deduct facts going much beyond what I have presented. What would honorable gentlemen think of me if I were to make a statement like this: A certain member of the board, while the bill of the last session was pending, used his efforts to procure its passage. A certain gentleman was opposing it. The officer came to him and said, "What are you doing here opposing this bill?" "Why," said he, "I do not wish it to pass the Senate." The officer said to him, "I know very well why you are opposing it; you are afraid that such a man, your friend, Captain so-and-so, will be prejudiced by the bill, and that is the reason why you oppose it. Now," said he—this was before the law was passed—"never mind; I will be a member of the board, and not one hair of Captain H.'s head shall be hurt." If any Senator asks me whether I can prove this statement, or desires to know the author, I tell him, grant a special committee that will go heartily into the investigation, and I will bring the witnesses who will substantiate the statement.

I think this circumstance shows that all the talk that we have heard of the disinterestedness of the board amounts to nothing. These men were interested in the result of their own action. The whole thing had been concocting for years under successive Secretaries of the Navy, until its consummation took place in the year 1855, with all the management and contrivances possible. This "packed conspiracy," as Commodore Perry designated it, was concocted for years. You may trace back four of its members, who co-operated consistently since 1838, 1839, and 1840, when a conspiracy was

formed against Commodore Hull while he was in command of the Mediterranean squadron. I desire my fellow-citizens, the officers of the Government, to be rescued from such persecution. I shall not arraign the board. I do not say they are not honest—I shall cast no reflection on the chivalry of the navy. My feelings in regard to the board perhaps may be illustrated by a transaction which occurred in Augusta County, Virginia, before Judge Coulter, a gentleman of distinction, and a remarkable Democrat.

A Dutchman was sued before the judge. The Dutchman was very much opposed to the Democracy, and had used harsh and derogatory epithets concerning them. He did not know how far the denunciations which he had used against the Democrats might influence the judge in his particular case; he therefore called upon Judge Coulter, and said to him: "Judge, I want to talk to you; you know I have always been a strong Federalist, and you have been a strong Democrat, and we have always voted against one another." "Yes," said the judge; "we have—what of it?" "Oh," replied the Dutchman, "they tell bad tales on me, and it is reported that I said that all the Democrats were grand rascals; now, judge, I never said that." "Well," replied the judge, "I am glad that you did not say it." "No, I never said it, but I will tell you what I did say, and I will stand to it as long as I live—I did say that all the rascals were Democrats." [Laughter.]

Mr. President, I certainly say that, according to my apprehension, there has been a great deal of bad conduct in this matter; and it has been prompted, perhaps, by a want of knowledge as to the merits of various officers. I must confess that I have never been so much excited in my life, in relation to the condition of my country, as at the present time. I have never before felt that a blow so fearful, so fatal, so terrific, has been aimed at its security and efficiency as this reduction, or rather annihilation, of the navy. Sir, it has been the right arm of our strength, of which every American has been proud. It was approved by Jackson, a man of noble and chivalrous bearing. He suggested no amendment to it, except such as necessity required. Successive Presidents found no fault with it, until bureaus began to multiply and accumulate about the capital. Then the suggestion was made that the navy was inefficient, and should be reformed. This cry has been altogether since 1840—since the Mediterranean cruise under Commodore Hull—since bureaus were located in this city.

It is important that we should inquire into this matter now. It is important that we should sustain this right arm of the nation. You may compare the militia and volunteers of the country to the body, the defensible part of the nation; the army to its left arm, and the navy to its right arm. The navy is not confined in its action to our own shores, but it goes abroad, sustaining the honor of our flag upon every sea. That right arm has been crushed, and lies palsied at the side of the body-politic. It must be renovated by the repeal of this odious action. The law under which it has been disgraced is, in my opinion, unconstitutional, and even its provisions have not been executed according to their spirit.

I ask for a thorough investigation of the subject, and I desire to have a special committee appointed for that purpose, so that we may arrest this evil, and if possible arrest the downward course of the country. Sir, I feel that our situation is an important one. The nation's heart has been wounded

by this action; and the life-blood of the country will ooze out from the arteries if they are not now bound up by the strength and energy of Congress, and our system renovated and made perfect in all its parts. I say there was no necessity for this action, and it was not in contemplation even in the report of the Secretary of the Navy at so late a day as 1854.

I desire to refer to that report of the Secretary of the Navy, in which he says emphatically that such a law was not necessary, for he recommends the extremest measure which he thought was required, and he does not go to this extent; but it was engineered through Congress. Everything in regard to it was kept secret. It was done by the co-operation of the committee and the silence and apathy of members, who, from their peculiar condition, not being connected particularly with the navy, were prevented from entering into an investigation of the principles of the law. In the report to which I have just alluded, Mr. Dobbin says:

“Is the particular plan of having the aid of a board of officers in ascertaining the incompetent and unworthy objected to? I am not wedded to that or any other scheme, provided the main object can be attained. I should be content to have the Secretary from time to time officially report to the President such names as he wishes should be retired or dropped; that the President should transmit, if he thinks proper, their names to the Senate, with a recommendation suited to each case. Thus the President and the Senate, the appointing power, will be the removing power; and the apprehension of Star Chamber persecution and being victimized by secret inquisition, now felt by some worthy officers, would be quieted.”

Sir, if this course had been adopted the navy would have been purged, if it needed purging; it would have been purified, invigorated, and sustained: but how is it now? I will take any number of men who have been removed and disgraced, and you may pick out at hap-hazard an equal number among those retained, and you will find them as defective in capacity as those who have been dismissed.

Mr. President, I earnestly trust that the Senate will adopt these resolutions, appoint the special committee forthwith to proceed in the investigation of the cases of those officers who have presented memorials to us, so that they will have it in their power at an early day to report upon the subject. I have much to deplore in the condition of the country, and much to reprehend; but this is the most fatal blow which I have yet seen aimed at the nation—one that has inflicted a deeper wound on its honor and efficiency than all that have been accumulating from the days of my boyhood to the present moment, and the consequences of which will be most disastrous if not arrested.

I can not consent to sustain the bill reported by the Committee on Naval Affairs, which proposes to increase temporarily the whole number of officers in the navy, when we have already so many officers for the ships, that now only once in every fifteen years can a captain perform his cruise, a commander once in fifteen years, and the lieutenants once in five years. Under such circumstances, are you to make provision for an additional number to supply the places of those who have been improperly dropped or removed? No, sir. I will replace them where they stood at the adoption of this un-

constitutional measure. I say it was a nullity from the commencement, because it was unconstitutional, and because the law, even such as it was, has not been properly executed.

I ask the Senate to restore these men to the places which they formerly occupied. Let this be done, and our country will feel and know that there is a conservative principle in the legislation of this Union which can arrest all the cabals, all the machinations, and all the packed conspiracies that may be concocted against the well-being of the country, or against any particular arm of its service, which are prompted by sinister motives, and designed to strike down worthy men for hatred, envy, or ambition. It will show the people that there is an influence which can put down those who seek, by grasping at power, to promote themselves at the nation's expense, and do injustice to worthy and honorable men.

Now, Mr. President, I have no more to say on this occasion; but before taking my seat I beg leave to return my thanks to the honorable Senator from Tennessee for the courtesy which he has shown me by allowing me to proceed to-day.

SPEECHES ON THE PACIFIC RAILROAD BILL, AND IN REPLY TO HON. A. IVERSON, OF GEORGIA.

Delivered in the Senate of the United States, January 12th and 13th, 1859.

The Senate having under consideration the Pacific Railroad bill—Mr. HOUSTON said:

Mr. President, it was not originally my intention to address to the Senate any remarks on this subject, but it seems to me that the proposition now submitted to us is one of great importance. If I have correctly apprehended the design of the Pacific railroad, it is for the national advantage, for the general benefit, and it ought not to be confined to any particular section or interest in the United States. If so, I can not perceive the propriety of restricting the engineers in their reconnoissances to any particular locality, but we should leave the wide field open for the selection of that line which will best promote our great national purposes. This amendment, however, proposes to limit the selection to a point north of the thirty-seventh parallel. It seems to me that if nature has designed a communication between the Mississippi River and the Pacific Ocean, the least expensive, the most direct, the most facile means of communication, is to be found in a route commencing at the mouth of the Red River. By commencing there, all the streams which would be encountered, if you commence at Memphis, or any point further north, will be avoided, and there is but one stream of importance between that and the Rio Grande. It is a natural trough, if you will permit the expression, extending from that point, with but very little interruption, to El Paso. That country has been described by Captain Marcy, and others, who have taken reconnoissances of it, and it is manifest that a road can be constructed there with less expense than on any other route which has been designated or thought of.

We have heard of sandy deserts there interposing insuperable obstacles. Is there any route suggested that interposes no obstacles to the accomplish-

ment of the work? None that I have heard of. It is remarkably singular that the obstacle which is regarded as insuperable, this dreary, sandy desert, this Arabian waste, as it has been termed, in which steam-cars and caravans are to be overwhelmed, is not actually known on that route at all. We have now a regular mail communication between El Paso and the Pacific Ocean. If there were no facilities for a railroad on that route, how is it possible that mail-coaches could run regularly over without impediment? That fact affords a practical refutation of this assumption, which is unfounded in fact.

Why need this interpose an objection so as to rule out from the general provisions of this bill a section of country that possesses equal, if not greater advantages than any other for this work? By the route which I have suggested you are afforded through the Mississippi River, from the point where the Red River empties into it, egress to the Atlantic and the Gulf. From that point, too, you can communicate with the South when you can not from St. Louis, because the ice-bound condition of the Mississippi at that point precludes navigation, and you are totally dependent on transportation by cars from St. Louis. The mouth of the Red River is never obstructed by ice, nor does it ever offer any obstruction at any point on the Mississippi below the mouth of the Ohio River. From the mouth of the Ohio you can communicate with the North and East; and from Memphis and Vicksburg with the whole South. At the terminus of this route, you have all the facilities of water transportation which, in point of cheapness, very far surpasses railroad transportation. But, sir, if you terminate the road at St. Louis, where the river is ice-bound at this season of the year, and where commerce must of necessity be arrested, how will the people of the Gulf or of the lower part of the Mississippi have communication with it? Must you transport articles to some point south of the Ohio River, and thence radiate through the whole southern country? Is that the way? Sir, you have the opportunity of accommodating all by locating the terminus at the mouth of the Red River, and there the whole commercial world is open to you; all the facilities that arise from railroad and water transportation are afforded to every section of the country north of it; but if you bring the road to St. Louis, you must be solely dependent upon railroad transportation, and you can not have it by water, because the Mississippi is ice-bound as well as the Missouri, and you are arrested there. All the cheapness, all the conveniences, and everything that would result from the other terminus is there converted into a coast and an impediment to transportation.

I think that to restrict the southern limit to the thirty-seventh, or even to the thirty-fourth parallel, is ruling out one of the most important routes, the advantages of which to the South will be incalculably greater than any other. By leaving a margin for including that route, do we cut off the North from any portion of the advantages which it has a right to claim? None at all. The Ohio and the Mississippi are open to Cairo; and at Cairo, at Memphis, and at Vicksburg, the line of which I have spoken will connect with the whole eastern portion of the country. The entire line north will be reached from Cairo; from Memphis this line will communicate with Charleston, with Richmond, and with all the southern portion of the Union. Either from Vicksburg or from Memphis, you can convey to

New Orleans, by ship or steamboat transportation, all the materials that will arrive from the Pacific coast. If you have anything to transport there, you have all the advantages of embarking them at a point more accessible than the mouth of the Ohio for the people of the North. They have no streams to ascend; but the people of the South have the broad and secure Mississippi, with no impediments, no sawyers, no obstructions, to prevent their reaching the terminus with perfect convenience and security. You can not have access to the North from any other point with the same facilities that you can from this terminus on the Mississippi.

Why rule out this route? Is it not entitled to consideration? Why not give entire latitude to those who are to construct the road, to make their selection? If it is not eligible to make the terminus I have suggested, very well; let them so decide; but I implore you not to disfranchise those who have a right to your consideration as a part of this Union. If this is to be a great national work, give it a national character, and treat it as a national measure for the defense of the Pacific coast. I have always been its advocate. I have seen no constitutional impediment to it. There is none; or else it is unconstitutional to give national defense. The Federal Government is bound to defend the several States, and to give security to them. If they owe it allegiance and loyalty, the Federal Government owes them protection. Can you give protection to California without a direct communication with the Pacific Ocean? You can not. Can you bind them in interest? Can you make them identical with us? Can you bind them in cordiality, in sympathy, and in loyalty, unless you create a bond of this kind? You can not. I wish no portion of this country to be alien to the Union, and I wish to do justice to all. I never could conceive that there was a constitutional impediment in the way of this work. Are we authorized to build forts and fortifications? If we are, are we not equally bound to afford other means of defense? Is not the communication with San Francisco and with the Pacific as important as it is to erect forts here upon our borders, on the Atlantic? Equally important. They are necessary to the protection of our Atlantic coast, and a railroad is indispensable to the protection of the Pacific coast.

I have always been a stickler for strict construction, and I am yet; but I believe whatever is necessary for the salvation of the country is constitutional. There has been no constitutional provision to bring these vast Territories into the United States, and to incorporate them into our Union. The Constitution can not be stretched; it is not a piece of India-rubber; it is a compacted whole, and not to be distended; but whenever you step beyond the Constitution to acquire a dominion, it becomes expedient that you should do something with that dominion; and then it becomes a matter of legislative discretion. That is my opinion about the Constitution and its application to those Territories that have been acquired without its pale and without its provisions. I insist that it would be an act of glaring injustice to this section of the country, possessing the vast and illimitable advantages which it does as a terminus of a road, to exclude it from the common benefits that are extended to other sections of the Union.

Mr. President, as I remarked in the outset, it was not my intention to have uttered one syllable upon this occasion. I have always entertained

my private views and opinions. I did not know that they were more orthodox than those of other gentlemen, nor did I wish to bring them in opposition to their views. It is possible that I might be reconciled to the views which they have advanced; but they have not yet convinced me, and I have a right to give my opinion.

I have regretted, Mr. President, that in the course of this discussion it has been deemed necessary to draw any invidious distinctions between the North and the South. That to me for the last twelve or fourteen years has been a subject of deep and inexpressible regret. I have never heard that chord struck but its vibration was painful to me; and the other day, when gentlemen thought proper to advert to it, and when there was crimination and recrimination, I was deeply wounded. I had hoped that that subject was deeply buried, that it never would be resurrected again, at least within my hearing for the short period during which I am to occupy a seat on this floor. That good fortune, however, was not allotted to me. I had to hear the jarring sounds again, not of the death-knell, but of agitation; and what its ultimate consequence is to be, I know not; I hope never the severance of this Union. I hope, I believe, the Union is to be eternal. I can not but think that if the bright capacity, the cultivated intellect, and the undoubted patriotism of gentlemen here could be subsidized to the great object of devising ways and means for the perpetuation of the Union, for harmonizing the discordant sentiments that exist in the community, and reconciling difficulties, it would be a most desirable and commendable employment. It would seem, however, that they were rather devising causes and occasions of disagreement and alienation between the North and the South. Disunion has become a cant phrase. It is talked of familiarly. In olden times, and it is within my recollection, when it was first sounded in the House of Representatives, when it was first suggested in the debate on the tariff of 1824, I thought it was treason, and that the individual ought to have been crucified. It is no more acceptable to me now than it was then. It is more familiar, but that does not commend it either to my affection or to my judgment. Disunion, sir! You might as well tell me that you could have a healthy patient, and a whole man, if you were to cut the main artery of his life.

Have gentlemen ever reflected as to when, where, and how they are to begin disunion; and where it is to end? Will they cut the great Mississippi in two? Who is to have the mouth of it? Who is to command its source? Will it be those who agitate the subject, or are ultra upon it? Never, never! Look at the great West, rising like a giant. Think you they will be prohibited the privilege of commanding the great outlet of that river, when their productions are boundless and float upon its bosom every year, and every day of every year? Sir, it is madness. I must remark to my honorable friend from Georgia [Mr. Iverson], with all kindness of feeling personally, that when I heard him speak for the South, I could not but review scenes that passed before me in the old Chamber, when gentlemen rose and spoke for the South as if they were proxies of the South, and held the South in the hollow of their hands, or controlled its destinies by their will. Sir, I am of the South. I was born there. I have lived there. No other man in the whole South has a broader interest in it than myself;

my all is there, and I have represented a proud State here. I answer for a part of the South. I intend to disclaim the right of any gentleman on this floor to speak for the South, when I can offer a negation to his assertions.

This must be stopped, sir. It may wear out. If it does not, and the crisis comes, you will find the patriotic hearts of the South are better employed than in agitating this subject; men who are better engaged in the daily avocations of life; men whose employments lead them to love their country, to hope for its advancement, to rely in security that on their own exertions depend the welfare and prosperity of their families; and whose prayers are for harmony and the well-being and prosperity of their children in life. These are the bone and sinew of that country. They have no passions to flatter; they have no political aspirations; they cherish nothing but a holy loyalty for their country and its Constitution; and when these men are called to action, and look around upon the elements which they are to oppose, it will be as wise, if it were possible, for a sane man to throw himself in the way of the furious tornado, as for public men to oppose them. They will not do it. They will stand aloof, hugging security with a consciousness of happiness and the future well-being of the human race. They will be contented with the blessings they enjoy, and will not put them to the hazards of revolution.

The gentleman spoke of one State seceding and others following. Mr. President, it would be much easier for one State to come back than it would be for other States to go with it. I can see no propriety in that. What would they do? Suppose one State goes out; it rules itself out of the Union; it has cut off all intercourse with the other States; and as to talking of a division of the great public lands of the United States, the right of a State to any participation in them is at an end when she secedes from the Union. She has left good company and gone off by herself; she is in a minority; she can not take any portion of the territory, for she has abjured that; she has surrendered it by going out of the Union, for it is only through the Union that she has an interest in it. Where would be the navy of the seceders? where their army? where their security at home? Sir, the very moment that a State places herself out of the Union, that moment she assumes the attitude of revolution; she has revolted. Certain duties are enjoined on her by the Constitution; if she resists the operation of the Constitution, she becomes a rebel *per se*.

Sir, let the wise men of this Union turn their heads and their hearts toward peace and harmony; let them become reconciled one to another, and continue not the use of crimination and recrimination, but the language of conciliation, of courtesy, of considerate demeanor, reflecting but not talking, thinking but not acting prematurely, and then we shall see a harmonious and desirable state of things in this country. We shall see no animosity; we shall see here no bitterness; no incendiary pamphlets will be circulated in either section. Let gentlemen of the North cease to agitate the subject of our Southern institutions. They are ours, they were theirs, and they had a right to them, and can re-establish them again if they choose. If it is a matter of policy with them to eschew them, it is a matter of necessity and of right and of interest on the part of the South to maintain them. Gentlemen may talk of philanthropy and humanity and the equality of all men

under the Declaration of Independence; but I do not think an African equally white with me, and therefore he is not on a footing of equality exactly. He has never enjoyed political rights, and therefore he has been deprived of none. In Africa, he enjoyed the privilege of slaughtering and eating his fellow-man; and it was consistent with his idolatry, and consistent with his education; but that does not give him the education and moral pitch that white men have.

But be that as it may, whilst these subjects are being discussed, I ask, I implore gentlemen to tell us what better disposition can be made of them. Is the wild and savage African of Africa better than the slave of the South? Is he as well off as the free blacks of the North or those who are freeing in Canada? No; he is not as well off as they are; he is not cared for; and will you throw our slaves back again into barbarism, or will you turn them loose upon us in the South? Have we done aught to produce the necessity of having them amongst us? Did not your ancestors do it? We never were a commercial people; we never carried on the slave-trade until recently—and I brand that as an act of unmitigated infamy; but it was done by others. Slavery has descended to us; it is necessary, and we must maintain it; but does it conflict with the well-being of Northern gentlemen and Northern society that the South bear it? We are told that it is a calamity and misfortune to us. Let us bear our misfortunes alone. We have not asked for intervention, nor can we permit it. It is requiring too much. Have I ever sought to drive slavery into your communities? Have I ever sought to extend its limits or to trench on any one of the established principles of gentlemen who think differently on this subject from myself? I have not sought to thrust it down their throats; but I have determined always to maintain it as a man, and to vindicate the rights that exist with us.

You never hear me talk of "Southern rights." The South has no rights but what belong to the North; nor has the North any rights but what belong to the South. The North has excluded slavery; the South retains it. The North did it because exclusion was their interest; the South retain it because that is their interest. All the States have equal rights. You, gentlemen of the North, have the right to adopt slavery when you please. We have the right to abolish it when we please. You have the right to abolish it, and we to adopt it. Our rights are reciprocal under the Constitution. We hold no rights that are Southern that are not Northern; but "Southern rights" is a cant phrase, calculated to inflame the popular mind, and create an alienation of feeling, as though the South was, in interest, antagonistic to the North, and the North to the South. Allay these reflections, gentleman; hush them up; cure and heal the wounds that have been inflicted upon the nation; give harmony to it, and you will give stability to our institutions. God has given us everything that is necessary to make us a happy, a great, and a mighty nation; and, oh, let us not be laggard in the generous race of emulation to honor His works.

THURSDAY, *January 13, 1859.*

Mr. Iverson having replied to the foregoing remarks, Mr. HOUSTON rejoined as follows:

Mr. President: If it had not been for the lateness of the hour last evening,

at which the honorable Senator from Georgia [Mr. Iverson] concluded his remarks, I should then have taxed the Senate for a short time; but as the usual hour had arrived for our adjournment, I thought it proper to defer what I had to say until this morning. Before proceeding to notice the remarks of the honorable Senator, I desire to afford him an opportunity of giving a more explicit explanation to one expression which he used in relation to myself. When he referred to the course which I had pursued in the Senate on former occasions, he spoke of my "antecedents." If the gentleman will be so kind as to explain to me the full scope of that observation, I shall be better enabled to compass my view of the subject. I should be glad if the Senator would think proper to explain what he meant by my "antecedents," as he twice used that term in the course of his remarks.

MR. IVERSON. Well, sir, I meant simply this: as far as my observation of the Senator's political course had gone—and it covered a number of years—I understood him upon all occasions, in season and out of season, to be crying hosannas to the Union; and I meant, in connection with that, the remark which I made, that when, in the face of the Northern aggression, in the face of the rapid and powerful march of the spirit of abolitionism in the Northern States, and the dangers to which the institutions of the South were subjected by it, I heard a Southern man constantly singing praises to the Union, and denouncing everybody who should call it in question under any circumstances, I suspected that he was endeavoring to make himself a popular man in the North, for the purpose of reaching high political position.

MR. HOUSTON. Mr. President, the honorable Senator need not repeat the whole of his exposition of that particular remark of his, for he has heretofore been very explicit; and I intend, in the course of my observations, to advert to that particular part of his speech. He has not instanced any particular occasion to which he intended to apply the term "antecedents"; no vote, no action of mine, by which I have gone out of the way for the purpose of lauding the Union, or condemning any gentlemen who had thought contrary to me on that subject. I have combated opinions that I thought heretical, and I am always ready to combat them—whether they be in accordance with Northern or Southern views; but not for the purpose of making personal assaults or reflections on gentlemen. If my antecedents are looked out, it will be found that they have been entirely consistent. I know to what the gentleman must necessarily have referred, as he made the remark in connection with his allusion to the recent defeats which I have sustained. The reference must have been to my vote for the organization of Oregon, my vote for the admission of California, and my vote in opposition to the Kansas-Nebraska bill. All these votes were in strict accordance with the instructions that I derived from my own State, and under the Constitution of the Union and the Democratic measures of this Government; so that in them I am sustained. But if my advocacy of the Union has caused my immolation, politically, as the Senator says, I exult and triumph in that as the most glorious antecedent of my existence; one that I hail with pride and consolation as an American; because I have always looked to the Union as the sheet-anchor of our safety and our national grandeur and prosperity. If for that I have been stricken down, I rejoice

at it; I shall consider myself a blessed martyr; and I should endure that martyrdom a thousand times were the alternative submitted to me of office or abandonment of the Union.

But, sir, the Senator suspects that I or any Southern man who advocates and sings peans to the Union is in pursuit of the Presidency. I can assure the honorable gentleman that it is the last thing in this world that I would accept, if it were tendered to me; and for his satisfaction, and that he may not hereafter anticipate any rivalry on my part, in any aspirations that he may have, I withdraw myself from all competition by the assurance that if every political party of this Union were to tender to me this day the nomination for President, I would respectfully decline it. I have higher, nobler, tenderer duties to perform. I have to create a resting-place for those who are dear to me as the people of this Union, and who form part of them. These are the duties I have to perform. If there is aught of public service that remains to me unfinished, I am not apprised of it. My life has been meted out to sixty-five years; and forty-five years of that life devoted to my country's service, almost continuously, should entitle me to an honorable discharge. I claim that discharge from my country. I claim that, having performed every duty which devolved upon me with fidelity, I ought to be permitted to retire from this Chamber in accordance with my heart-felt desires, with a constitution, thank God, not much impaired, and with clean hands and a clean conscience, to the retirement where duties are demanded of me as a father. So, the defeat of which he speaks was no disappointment; and, by way of explanation, that the gentleman may be more perfectly satisfied with my position, I will say, that had my lamented and honorable colleague, General Rusk, remained with us, by the providence of God, on the 4th of March last I should have vacated my seat and retired to the walks of private life. A man who has combated so many difficulties as myself, who has been engaged in constant commotion, in turbulence, and in scenes of upheaving difficulties, should seek a respite at the close of his life, if his span should be meted out a few years, to create a homestead for his family, and a place of rest for himself. So, sir, I hope the gentleman, on this point, will be perfectly satisfied that I have no aspirations ungratified; I have no expectations, as a recompense, to look for, for my devotion to the Union. It is an inherent principle in me; I gave evidences of it many years ago. I have periled everything for that and for the protection of the frontier of the honorable gentleman's State, in early life, when disunion was a word not known in the vocabulary of politics in America. That was an evidence that I gave then, of devotion to the Union; and I need not point to the spot in the South which I watered with my blood to defend this Union. What I have done since, I care not to recount; but I know that, without reference to the Presidency of the United States, I was engaged in struggles that tended to the perpetuation of this Union, as I believe, though I was then in a separate community of men. We gave national existence to Texas, that she might become a part of this great Confederacy. I there gave renewed evidence of my devotion to the Union, and to the institutions of the United States. Sir, there a spark flashed upon the world, the consequence of which has created a revolution that is still onward, and will continue to affect this whole globe. Until time shall merge in the ocean of

eternity, its effects will not be arrested. It has opened a world, and we came forward and were incorporated into this Union. It was not a small territory; it was an empire and a Republic of itself, which had passed through every crucible of trial and of difficulty that would test men's souls and try their nerves. This was not to secure the Presidency of the United States; nor did it look very possible then that aspirations of that kind influenced me or any other Texan. Certainly it is not so plausible as to suppose that, by contriving the separation of these States, the honorable gentleman might have aspirations to gratify, which, it might be presumed, could not be so well compassed in the Union, considering the intractable character of the Northern people. Their affinities might not be such as to be commanded readily in advancing the gentleman to the Presidency, and he might think it expedient to have a dissolution of the Union, and a new confederacy formed, in order that he might turn a jack and secure the game to himself. [Laughter.]

Sir, I trust I have always had higher and holier aspirations than those connected with self. If my ambition were not inordinate, it ought to be gratified and fully satisfied with the number of positions that I have filled, as responsible and important, relatively, as that of the Presidency of the United States; surrounded by difficulties, overwhelmed by menacing millions, without a friend to succor or sustain us. Sir, I have had to wade through difficulties and through scenes of anguish and peril with a gallant people—none have ever been tested to the same extent—without resources, new, unhoused, surrounded by all the inconveniences and peril of a wilderness, surrounded by savage tribes, with the feelings of nations alien to us. Sir, we have had these to pass through; and loyal to one section of the country, I was loyal to all. When Texas was annexed to the United States, it was not to the Southern Confederacy, nor in anticipation of one; she was annexed to the Union; and as a Union man, I have ever maintained my position, and ever shall. I wish no prouder epitaph to mark the board or slab that may lie on my tomb than this: "He loved his country; he was a patriot; he was devoted to the Union." If it is for this that I have suffered martyrdom, it is sufficient that I stand at quits with those who have wielded the sacrificial knife.

But, sir, it has not estranged me from the people I represent. The gentleman says I have no right to represent them on this floor; that I have been repudiated. That forms a justification for him, I suppose, when speaking of the entire South, to embrace the little section of Texas and represent that too, while he excludes the actual representative from any participation in the duties of his section. I admit the great ability of the gentleman, and his entire competence for the task. He speaks of the whole South as familiarly as if he were speaking for it; and, in contradistinction to the whole South, he speaks of Georgia as "my own State." Well, sir, that may be all right; Georgia may have but one man in it for aught I know. [Laughter.] I have not been there for two years; but it did seem to me, having heard of distinguished personages there, some that have occasionally illumined the Senate by the corruscations of their genius and their profound ability, that really Georgia had some other representatives on this floor and in the other House than the honorable Senator himself.

Can the gentleman suppose that any little man, as he would think it to be, in not re-elevating me to a situation in this body, would inflict the slightest mortification on me? Not at all. I do not believe that it was intended in the act to compliment me, by any means. I believe it was designed to pretermit and to rebuke me; and the means to do it were afforded, because the persons who were then in power and controlled the presses and political influences in the State had been pampered and nourished, and cherished by the means which my late colleague, General Rusk, and myself, procured for the State, the \$5,000,000 granted by Congress, of which there remains to-day not one bit of gold-dust in the treasury of Texas. We gave them the means of controlling the political condition of that State, thinking we had placed men in power who had claims upon its confidence and respect. Whether it was a wayward fit, or whether it was a considered thing, I care not. It afforded me an opportunity of retiring to the situation that I desire; and it has not alienated my affections in the slightest from the people of Texas. They have no honors to confer that I would accept; still they are the people that I need not say I love. I cherish them, and their interest is to me a dear interest, because with their destiny my posterity are identified.

These are the reasons that control me, Mr. President, and they shall ever control me. Those men had no power to inflict mortification on me, and their act was exceedingly grateful to me because it solved a problem which had never been solved before. It had been insisted upon that Texas could not get along without my services; but they have demonstrated to me that they can get along without my services, and I am exceedingly glad of it, because it shows their increasing prosperity. [Laughter.] But, sir, whilst the constitutional term which remains unexhausted to me shall endure, I will continue faithfully to discharge my trust to them, and I have made a gain if they should perchance have made a loss, and I will avail myself of that advantage without leaving the Senate with a single regret, or, I hope, a harsh or ungentle feeling toward one gentleman within the scope of my view. I would not cherish a wish of unkindness to the honorable Senator from Georgia; and if truthfully he can reconcile the course which he has adopted to himself, he will meet with no rebuke from me. But rebuke and vindication are different things.

It is possible that I may be able to extend courtesy to the gentleman in my seclusion or retirement at home, in my humble way of life—for none of the blandishments of wealth or elegance have ever surrounded me in life. Hardy and rugged in my nature, both physically and intellectually, I have always been ready to meet and combat the inconveniences of life. I have known how to abound, and I have known how to want. I have known what it is to feel exultation, and I have realized abasement. Whatever Providence has allotted me, that I have learned to be contented with, so long as my honor is untarnished. The honorable gentleman may find it, ere a single year runs out, convenient in an excursion to Texas, after some political events have taken place in Georgia, to call and spend a social time with me, realizing that fortune is a capricious jade, and that politics are "mighty unsartin." [Laughter.] Should the gentleman come, I promise him the bread of peace, the reception of welcome; but still he can not indoctrinate

me with the principles of disunion. That I announce. That is a subject that shall be ruled out of our social intercourse, while it meets my unqualified condemnation without attaching it to the gentleman himself. [Applause in the galleries.]

The PRESIDING OFFICER. Order !

Mr. HOUSTON. I take the *Globe*, and expect to have them all filed away, and I may occasionally try to refresh my reminiscences, and regale myself by adverting to some scenes that have been exciting in the Senate of the United States, and throughout the nation. I shall hope that they are things that have been, but are not ; for no sound will be so delightful to me in retirement as to hear that the Union is more closely bound together every day, cemented by affection and reciprocal kind offices ; and that that crimination and recrimination which has existed heretofore, has died away ; that all agitation has subsided, and is forgotten ; that like one great family in a grand migration to a happier condition of national existence, we are marching hand in hand, and that our people feel one common cause, one common home, one common fraternity throughout the broad Union.

But, Mr. President, notwithstanding the gentleman's characteristic amenity and politeness, his great amiability of disposition, and his bland kindness of demeanor, I am satisfied that, when he gave utterance to these sentiments, he could not have been in earnest, and that they were merely an ebullition of the moment—nothing more. He says :

“The Senator talks about the Union and sings hosannas in its praise. I have heard those songs sung before ; and I must say that I have never heard them sung by a Southern man without suspecting at once that his eye was upon the Presidency of the United States.”

Sir, that would argue, if I were disposed to be suspicious—but I am very unsuspecting in my nature—that the gentleman who is ready to draw deductions from the conduct of others, was always looking at that prize himself, and that on the least indication, as he believed, of a similar feeling in others, he was ready to detect it and set it down to their account rather as an offense than as a commendable quality. Again :

“It may require a great deal of charity, looking at the antecedents of that Senator, and the remarks he has made here to-day, to suppose, although his political life is about to end, that he has not lost sight of that long and lingering hope of his—the great folly of his life.”

Now, sir, I might call on the gentleman for some evidence of that, but I will not do it. I do not believe it is tangible, and I do not wish to occupy time unnecessarily ; but, really, I have never endeavored to chalk out a course of policy in my life, with reference to the Presidency, that seemed half so significant as to promise the dissolution of the Union and the formation of a Southern republic ; for that clearly indicates ulterior views on the part of the Senator, with a mind that was suspicious—not with me ! Again :

“Sir, it is this very intensity of feeling which the Senator from Texas has so long exhibited for the Union, over and at the sacrifice of the interests of his own section, that the people of his State have decided to put him in retirement ; and, for one, I can not but rejoice at that decision.”

I should like to know what sacrifice of the interests of my country I have ever caused. Was it for sacrificing my country that I was immolated? or that I was pretermitted, is a better expression, for I consider it no sacrifice without some loss of life; and I am not hurt. [Laughter.] The cry was, "Abolition, and the three thousand preachers," because I advocated their right of petition to the Senate of the United States. These were the charges made against me: opposition to the Nebraska bill, voting against the repeal of the Missouri compromise. I am satisfied that it was done, not altogether regardless of the circumstances that then existed, for it was known that about the time the Nebraska bill was introduced, when it was not contemplated to repeal the Missouri compromise, in Providence, Rhode Island, I made a solemn declaration that I would vote against the bill, and resist it while I lived. Then the alternative was suggested, "Let us bring in the repeal of the Missouri compromise, and Houston is either bound to retract what he has avowed publicly, or to vote against the repeal of the Missouri compromise, and that will put him down, by raising the cry of abolition against him. He will have to vote with gentlemen who are ultra in the North, and that will put him down, by identifying him with them. Besides, the Administration of the Government, with all its patronage, with all the newspaper press, and with the cry of Democracy, shall overwhelm this man, and he is no longer an obstacle; and if we have suspected he had his eye on the Presidency, this will kill him at home, and then he will be killed abroad." There is a consolation in that part of it, and I am much obliged to them for it.

I do not interfere with politics out of the House or in the House, any more than I can help; but I see that it is complained that the Northern Democracy is routed and broken down. I announced in the discussion of the Nebraska bill, that if you dared to repeal the Missouri compromise, it would be giving the adversaries of the Democracy in the North a weapon with which they would discomfit and beat them down; that it was not sustaining the Northern Democracy; that it was literally butchering them. Has it not been so? And what has the South gained by it? The result is that within a brief space of time, two States that would have been Indian territory, will be added to the North. It has placed Missouri in such a situation that she must of necessity yield to the surrounding influences, and add another State to the North. I shall not enlarge upon this; but that is what the South gained. I forewarned them of the impending evil, and for that I was stricken down; so far as political influences could be brought to bear, I was pretermitted; and these were the offenses that I had committed. But the Southern vision is becoming clear; the beam is being taken out of their natural eyes, and they are beginning to comprehend fully the extent of the benefits flowing from that kind of dispensation. I opposed that repeal. I could not agree with gentlemen who advocated the measure of repealing the Missouri compromise, sanctified by so many Democratic associations, by the approval of Monroe and his Cabinet, of Jackson, of Polk, and of all the illustrious men; approved by all; rejected by none; not even a mooted question in the community. Its repeal was concocted here, and from here it was radiated throughout the country with the *éclat* of a Democratic Administration, as a Democratic measure.

But did that sanctify that curse to the South? No, sir; it could not convert it into a blessing; that was impossible. If some gentleman of the North, who is considered ultra in politics—the gentleman from Massachusetts, or from New York, or from Ohio—had introduced a provision to repeal the Missouri compromise, what reception would the proposition have met in the South? There was not a man in the whole South who would not have grasped his weapon of war and rushed to the scene of combat, and been willing to have fallen upon that line in vindication of Southern rights. Well, sir, did it sanctify it as a measure of blessing to the South, that it was introduced not by a Southern man, but by a Northern man with Southern principles? When he introduced it, it was adopted by the South and by both the existing political parties which had but a few years before solemnly abjured the reiteration of the slavery question, in their political conventions. Their solemn pledge was disregarded; the torch was applied to the magazines of agitation; and what has been the condition of the country from that moment to this, but agitation unnecessarily produced, for political ends and to manufacture Presidents? That was all of it, and the South is yet the sufferer; and I pray God that deeper calamities may not fall upon her. That measure is the initiative of misfortune to the South.

These may have been my antecedents; but they are such as I am proud of; and I only regret I did not triumph and enforce them with ability sufficient to have produced a trembling in this Chamber, to make gentlemen weak in the knees who resisted the conviction that flashed upon every mind.

I am sure I need not dwell upon this subject; but I will make a further remark to the honorable gentleman, who on a former occasion classed me as a party to myself. From that I rather derived some consolation, because I knew that according to my estimate, I could not have been in bad company if I were by myself, [laughter,] and that no difficulty could arise between myself and my companions. [Renewed laughter.] We should harmonize perfectly. I see discord in other political parties; I see a great want of harmony; I see “hards” and “softs,” politically in the same party, not exactly harmonizing; some going a little too far, some not going far enough; some going one road, and some another; some rather kind to banks, and others a little friendly to internal improvements, beyond the standard that General Jackson fixed.

I am a Union man. The great champion of the Union was Andrew Jackson. To him descended from the fathers of the Republic, in a direct line, the principles upon which he stood; and his declaration, “The Union: it must and shall be preserved,” will never be forgotten. Sir, that will tingle in the ears of patriots for ages to come. All the combinations of aspirants or political demagogues can not defeat the great object and aim of our forefathers, and of the men who rise in the vista between them and us. I have never, in my life, seen an Andrew Jackson Democrat who was not a firm and decided Union man. He was not a man to make hypothetical cases, and say that in such and such events, in case such and such things would be done, the Union would be dissolved. It is easy to make a man of straw and prostrate him. The honorable Senator from Georgia, however

says the people of Georgia would not even wait for overt acts. He thinks they would begin before it came to that. I think there was no danger to be apprehended from the anti-slavery agitation so long as it was confined to such people as those who originated it in the North—a lady or two, and a gentleman or two, here and there. They became objects of importance from the fact that the South, choosing to agitate the matter, came in conflict with them, and gave them prominence, and swelled them into something like a political party, and, after a while, they became imposing in their attitude. But, sir, there were more free-soilers made by the repeal of the Missouri compromise than had ever existed before on the face of the earth. By whom was that appeal brought about? Who produced it?

Sir, I am not afraid of disunion. I do not think there is any danger, though gentlemen may talk. There are a great many very gaseous gentlemen in the South who have a great deal of time to play the demagogue, and to become important street-corner politicians, to talk about it; but there are thousands of men at home at their work, who know nothing and care nothing about what is said in such places and by such persons. These men contrive either to be sent to public assemblies on occasions that can give expression to their opinions, or they send themselves voluntarily, and they assume to represent what is considered an important class in the community. But, sir, they are not going to bring about disunion. An attempt was made in a portion of the Southern country to start a great Southern league, to prepare the public mind for forcing the Southern States into a revolution at any time that might be thought proper; but that league was an abortion; it failed; it may have had one small branch, but it tapered down to the mere point of nothing. That was said to be a great effort. From the fuss it made throughout the South, you would have thought it embodied some great principle; that the South were in imminent danger of destruction, but it happened that the South got along very well, and the Southern league died. That is the way these leagues will go whenever they start, and are brought to the attention of the people. When the people reflect, they will be fully satisfied that it is not a league for the benefit either of them or of their posterity.

I can not for a moment believe that the wisdom of the nation will ever, so long as time lasts, abandon the road of security and safety to it, or that it will ever forget the wise teachings of the fathers. What do you think of the great political leader who will boldly assert that the boys, nowadays, have more wisdom than the framers of the Constitution and the fathers of the Revolution had? Such a sentiment has been enunciated by the author of the Southern league; but how much regard is to be paid to his sanity, or how much respect to his patriotism or his opinions? Sir, what shall be thought when a man profanely derides the memory of our glorious ancestors who established this Union, and consecrated it by their wisdom and by their loyalty and by their devotion to human happiness, and who had the prospective glory of a nation of freemen before them. The idea that an American tongue should be wagged to detract from their high renown and manifest wisdom is sacrilege.

The honorable gentleman supposes that I meant to make a martyr of him, and that I imputed to him treason, and wanted to crucify him. Sir,

I never thought of such a thing. I meant to make no application of my remarks on that point to him; but I wanted to impress him with my personal kindness of feeling, and to show that I had no hostility. I did not wish to evince, either in tone, in language, or in sentiment, any personal hostility to him. It was his opinions that I combated; not his personal amiable qualities, nor his blandness, nor his personal attractions or embellishments; but I wished to attack what I thought was the heresy of his positions; not to impugn his honor, his truth, or his candor. I could not do that, for he is exceedingly candid. [Laughter.] It is really strange that he should suppose that I would crucify him. I have no doubt he thinks he is right; but I would rather that he should live for a thousand years, that he should live until experience shall correct what I think are his errors; but I would not cut short his life a single moment, or send him to his long account with the sin of any predilection he might have for disunion upon his head. I would not think of it, Mr. President. [Laughter.] I am sure there is no single quality that I more admire than forbearance; and though that gentleman has thought proper to say that I charged him with treason, I beg leave to say that he was not in my mind's eye at the particular moment that I used the expression in regard to treason. I was referring then to a crisis over which busy memory was employed, thinking of the scenes that had passed between that moment and the moment I was addressing the Senate; what vast changes had taken place; a new world of associates, and all things, contrasted with that day, wonderful to contemplate. I never once thought of inflicting crucifixion upon the gentleman, nor did I think of charging him with treason, though I believe the sentiments he has enunciated might bear that construction, if we were to come down to the Constitution and its intent and spirit. He says it is treason to the South to do so and so. Well, sir, the honorable gentleman is not unconscious of his importance. I am satisfied that he is fully impressed with the exalted position which he occupies, and I can not say that I ever wish that he shall not be renewed in his position here; but if he shall not be, I promise him a hospitable reception at Cedar Point, where we can talk over the present, talk over the past, and enjoy the fish of the bay and the game of the forest.

Mr. President, I tell you that the honorable Senator is not altogether without some aspirations; he feels that he is not only capable of great things, but that they might be thrust upon him, for he says:

"I am free to declare, that if I had the control of the Southern people"—

Well, now, that shows that there is good material there out of which to make a Governor, and if he had never thought about the control of them he would not, in the heat of debate, suggest it here. There is something deliberate and calculating in this:

"I am free to declare here, that if I had the control of the Southern people, I would demand this of Congress"—

He thinks that the South should have everything. He does not define exactly what it is, but she should have an equal share of everything, without specifying any particular thing—as I now hope she has; and he says:

"I would demand this of Congress at the organization of every Territorial

government, as the terms upon which the South should remain in the Union. I would hold our 'right' in one hand and 'separation' in the other, and leave the North to choose between them. If you would do us justice, I would live with you in peace; if you denied us justice, I would not live with you another day."

Now, sir, I want to know when the North has denied us justice? and I want to know whether words spoken are to be taken for acts done? Is it to be a cause of quarrel between the North and South that a number of intemperate individuals at the North express ultra notions, about which the masses in the North do not agree themselves? Is the language of such individuals to be set down to the charge of the North as meriting the reprobation and condemnation of the whole community? and are they, for that reason, to be declared aliens and to be ostracised? Can we control the expressions of persons in the North? There is no constitutional prohibition, that I know of, against the expression of opinion; every man has a right to express his opinions in this country: and, much as I may be at variance with gentlemen in regard to their views, I do not consider the expression of them an act of treason to the South. The South very freely exercises the same privilege; and if the North had the same disposition which is evinced by some portions of the South, they could with good reason complain of the constant talk of dissolution, and use that as a pretext for sloping off themselves. I do not believe that the expression of opinions is a violation of the Constitution; I do not think it is sufficient ground to keep up an eternal quarrel. An overt act of encroachment on our rights would place us in a different position. I can see no use in presenting hypothetical cases continually, and saying that if such and such things were done that never have been contemplated or thought of, they would be good ground for separation. When those things occur it will be time enough to examine the point; we shall be as well prepared then as we are now; but to make preparation for an event that is not at all probable, may be the means of precipitating us into difficulties from which nothing would ever extricate us. When an act is done there may be something in it; but gentlemen may express themselves as they please.

I was censured, and it was brought up as a cause of challenge against me in a canvass through which I passed, that I had said that if John C. Fremont, or any other citizen under the Constitution of the Union, were elected President, I would not deem it cause for going into revolution or division. That was the sentiment I declared, and it was brought up in judgment against me. I repeat the sentiment—I would judge the tree by its fruit. The American people have the right to select any citizen who is qualified under the Constitution for President of the United States; and whilst he discharges his duties under the Constitution, I would render him allegiance as faithfully as if he had been the man of my own choice, however adverse he might be to me. So long as he discharged his duties by executing the laws of the country and supporting the Constitution, I would sustain him.

The gentleman feels ground of felicitation in the fact that I was beaten; he rejoices at that result. I can join him in that feeling, and say to him that, if he should happen to be beaten in Georgia, we can talk over both events in Texas in perfect tranquillity; and I am sure he will learn from me

to be reconciled, and feel pleasant under the infliction. But, considering the humility of my condition, as the gentleman represented it, his attack really suggested to me the fable of the dead lion. Another animal passing by, regarding his lifeless condition, took the liberty of planting its heels in his face, and exulted in the infliction which it made. It was of that *peculiar* class of animals from which Samson took a jaw-bone to slay the Philistines. [Explosive amusement in the galleries and on the floor of the Senate Chamber.]

Mr. IVERSON. Mr. President, I heartily rejoice that the Senator from Texas, in the generous moderation which he has exhibited upon the present occasion, has said nothing to which I feel called upon to make any reply. That Senator's relations and mine of a personal character, as he knows well, have been long friendly and cordial; and I regret, perhaps more than he, that anything should have occurred to mar the kind feelings which have subsisted between us. But, sir, when yesterday the Senator thought proper to indulge in language which I considered exceedingly ungenerous and harsh toward sentiments which I had uttered on this floor, I could but feel that I was called upon to repel the charges he made, and to carry the war even into Africa; but the kind personal feelings which the Senator has exhibited toward me to-day, together with the very exalted compliments he has thought proper to pay me, have disarmed me and suppressed even the temporary feelings into which I was betrayed yesterday after the speech of the Senator. I rejoice that I have it in my power, on the present occasion, to express my regrets that I should yesterday, by what I considered a harsh attack made on my sentiments and myself personally, have been betrayed into any language which was calculated to wound the sensibility of the Senator from Texas.

SPEECH OF HON. SAM HOUSTON.

Delivered in the Senate of the United States, February 3, 1859.

In pursuance of a notice, I ask leave to introduce a bill to repeal so much of the act of February 21, 1857, entitled "An act to divide the State of Texas into two judicial districts," as creates and establishes a district court of the United States in the eastern district of the State of Texas, and to incorporate the same with the western district of said State.

Before the motion is put, however, I desire to make some remarks explanatory of its object.

I might have claimed this as a privileged question; but not wishing to do so, I have determined to submit the remarks which I wish to make in relation to it on the presentation of this bill. I need not inform the honorable Senate, or you, Mr. President, that a subject of much excitement has occupied the attention of the Congress of the United States, in relation to the impeachment of one of the judicial officers of Texas.

From the reflections which have been cast upon the character of Texas, I feel called upon to vindicate her reputation, and to stand up in the maintenance of her rights, and, as I conceive, her good character. I find it has become historic

in the proceedings of the other House, and before the committee of investigation, that reflections of the most unwarrantable character have been cast, not only upon the general character of Texas, but upon her citizens at large. In the first place, I find in the answer of Judge Watrous before the committee that he alleges these facts as the reason for the clamor which he contended was raised against him. He has the effrontery to affect a tone of injured innocence, and says :

"I should have much more respect for the manliness which should have disclosed the real cause of the assault. As to the 'divers citizens' whose rights had been improperly invaded, they must, of course, be the defendants in the only two suits which I had tried. Can it for a moment be supposed that, in trying these two very ordinary suits, I could have been guilty of such enormous outrages as to call for or to justify this anomalous and this clandestine mode of procedure? The mystery is solved by the simple fact that the decision of one of the cases involved the construction of the statute of limitations, to which so many of the emigrants to Texas had looked as a sure and certain protection against those creditors whom they had left behind, and who were so unreasonable as to follow them into the country of their adoption, and commence suits upon the liens which had been created upon the property to secure the payment of these debts. It was, indeed, a just subject of complaint that the statute of limitations was not declared to be a sponge to wipe out all the debts of the citizens of Texas. If I had put the construction on the statute required by the exigencies of the case and the popular cry ; if I could have been driven from my position by any of the means resorted to ; if I had consented to surrender my reason and my judgment, and to tamper with my conscience and my oath, these resolutions would never have been heard of ; and I should have glided smoothly down the stream of popular favor, and have been enabled to taste the 'froth from every dip of the oar.' "

I find also in the *Globe* that a most zealous speech was made in advocacy of Judge Watrous by a gentleman from New Hampshire [Mr. Tappan], and that, in debating the subject of impeachment when the resolutions were under discussion in the House, he not only retracted a former judgment of Judge Watrous' guilt, but sought to protect him by indulging in aspersions upon the State and citizens of Texas, who were his accusers. This uncalled-for and wicked defamation, made before the country, calls for reply and for rebuke. The gentleman, with others who were interested with him in the defense of Judge Watrous, showed such utter disregard of the facts as to assert that the resolutions of the State urging the resignation of the judge, "grew out of the fact of a decision made by him, which touched the pockets of a good many citizens of Texas."

I request the close attention of honorable Senators to a history which it is now time to divulge, of one of the most extraordinary and monstrous conspiracies ever formed by the ingenuity of man, and under the incitements of plunder. I design to make a full and authentic *exposé*, which circumstances now call for, of a conspiracy against the public domain of Texas, of the most enormous designs, conceived in the most grasping and comprehensive spirit of fraud, armed with the most extraordinary resources, enlisting talents and power, and all the ingenuities of intellect in its execution, and involved in its progressive steps, in

a secrecy that would adorn a romance, and extending in its ramifications through different parts of the Union—I know not where.

The history I propose to recite, with strict adherence to the evidence in my possession, a part of which has been slumbering until this time, not designing to indulge in any assertions, or in any criminations not fully warranted by the text of the testimony.

In the first place, it is necessary to explain the condition of the public domain of Texas, at the period when the history of the appalling conspiracy referred to commenced. In the year 1837, by a general law of Texas, large donations of land were made to those who had arrived and settled in the country previous to 1836, the date of her declaration of independence; to married men one league of land, and to those who were unmarried, one-third of a league.

Under this law boards of land commissioners were appointed, whose duty it was to investigate all claims on the Government for head-rights to lands, and to grant certificates to such persons as furnished the requisite proofs of their being entitled to the same. Many of these boards betrayed their trust, and perpetrated frauds of the most alarming magnitude, assigning large numbers of certificates to fictitious persons. These frauds came to be of the most open and notorious character; so much so that cases could be instanced where, to counties not numbering more than one hundred voters, nine hundred certificates were issued by the fraudulent action of these boards. The amount of these false certificates reached at last to such an overwhelming number that on the 5th day of February, 1840, a law was enacted, visiting the most severe penalties on the crime of making, or issuing, or being concerned in the making or issuing any such fraudulent or forged certificates, and providing that those who issued, or dealt in, or purchased or located, or who were concerned in the issuing, or dealing in, or purchasing or locating, these fraudulent land certificates, should be punished by thirty-nine lashes on the bare back, and by imprisonment from three to twelve months, in the discretion of the judge. A law was passed about the same time, forbidding the survey of any land claimed under these certificates, until certified to be correct by other boards of commissioners, appointed to examine into and detect the frauds by which the bounty of the Republic had been abused, and an attempt made to despoil it of its domain.

Senators will be enabled, by the light of the legislation to which I have referred, to comprehend, on unimpeachable authority, the distressed and terrible condition of affairs in Texas, about the year 1840, with reference to her public lands. It is not necessary to accept the truth of the statement of the enormous and frightful frauds which threatened to devastate the Republic, robbing it of millions of acres of its public domain, on the faith of the popular clamor, or even on that of the general history of the time; for we have here the special and severe legislation of the State, attesting the justice of the public alarm, and defending her interests against the advances of the stupendous fraud that threatened to engulf the fortunes of herself and of her people. To this we may even add the high testimony of the Supreme Court of the United States, which at a subsequent date we find confirming the just causes of terror that had so agitated the Republic of Texas on the subject of these certificates, in the following terms:

“Immense numbers of these certificates were put in circulation, either forged

or fraudulently obtained, which, if confirmed by surveys and patents, would soon have absorbed all the vacant lands of the Republic."

To those who were adventurous in crime and daring in its exploits, a rich and tempting field was opened in the wide extent of these fraudulent land certificates. Detection was dangerous; but the prize was great in proportion to the danger. It was natural to suppose, too, that detection might be baffled by the resources of a company extending to distant points, and enlisting in its enterprise of fraud men of capital, of position, and of comprehensive ingenuity; and men who, so long as they escaped the thirty-nine lashes, would not care for public reproaches; and, so long as they saved their backs from public stripes, would laugh to scorn that lash which public indignation may put "into the hand of every honest man to whip the rascals naked through the world."

John C. Watrous was appointed Federal Judge in Texas on the 29th of May, 1846, soon after the admission of the State into the American Union. Some time previous to January, 1847, we find a land company organized in the city of New York, the main object of which was to speculate in the fraudulent Texas land certificates, and to endeavor to have them validated through the machinery of the courts. This company was composed of Messrs. J. N. Reynolds, J. S. Lake, Judge Watrous, O. Klemm, McMillen, Williams, etc. The only citizen of Texas who appears to be in the company is John C. Watrous, United States district judge, with circuit court powers.

The object of introducing Judge Watrous into this banded association is not left to mere conjecture. I will presently show what facilities it was designed to give to the removal of suits from Texas and Texas juries, and it may be well understood how the high position of Judge Watrous might be lent to the advancement, in various respects, of the interests of the company, and how his court might be prostituted, if he, a willing tool for gain, submitted to the vile offices of fraud.

To accomplish these purposes there were also imported into Texas about the date of the formation of the company referred to, two attorneys in their service—Ovid F. Johnson, of Pennsylvania, and William G. Hale, of New Hampshire.

Thus we find the conspiracy armed for the prosecution of its designs, having an active promoter in a judicial officer high in position, and having for its confederates parties whose names and positions have not yet been fully disclosed.

It appears that nearly the entire interest was represented in the city of New York, the commercial metropolis of the country, famous, indeed, more for its enterprises of good than for those magnificent adventures of fraud that form startling episodes in the history of a great commercial city.

In a letter which I will here submit there are some names given of members of the conspiracy, including that of Judge Watrous:

"NEW YORK, *November 14*, 1847.

"DEAR SIR:—This will introduce to you my friend O. F. Johnson, Esq., on his way to Texas, where, for the future, he intends to reside. Mr. J. was here, and being one of us, was present in several conferences with Messrs. Lake, Judge Watrous, Klemm, McMillen, Williams, etc., in reference to our Texas enterprise. He can tell you all, and more than all of us could by letter. I expect to see you before the 10th December.

"Yours truly,

J. N. REYNOLDS.

"Messrs. MARTIN & CO., New Orleans, Louisiana."

It will be noticed that to the list of names in the letter there is the significant affix of *et cetera*.

It appears from the correspondence of the association, passages from which I shall presently submit, that the general term even included Phalen, which was not divulged in the list referred to, although he was president of the association! Who else is included in the term *et cetera*? They may be upon the bench; they may be in the halls of Congress; they may be in positions of seeming respectability; they may be any and everywhere. The country is left to imagine the extent of the conspiracy, with enough known to stimulate the desire to know more.

The plot is concerted in the city of New York, the great city for the speculative and dramatic enterprises of trade. The curtain rises there, and we find the *dramatis personæ*, as far as revealed in the bills, in Judge Watrous, Reynolds, Lake, Klemm, Williams, and McMillen. It will be instructive of the plot to pass in review the public characters of some of the actors.

J. N. Reynolds, a New York politician, who appears to be an active manager of the affairs of the company, is the individual of that name who was charged with receiving from Lawrence, Stone & Co., a compensation of \$1,500 for lobbying a tariff scheme in Congress.

Joseph L. Williams is an ex-member of Congress from Tennessee; was a witness in behalf of Judge Watrous, in the investigation made in 1852 into the judge's official conduct as to the very frauds in which it now appears he was a confederate; and has resided during the past and present sessions of Congress in this city, where he has been actively defending Judge Watrous.

Of Messrs. Lake and Klemm, and of their mode of transacting business, we find some curious accounts in one of the numbers of "De Bow's Review," in the year 1848. (See October and November numbers, pp. 262, 263, treating of the connection of these gentlemen with the bubble banking system.)

The article tells us that—

"Mr. J. S. Lake was formerly canal commissioner, and became the largest stockholder in the Bank of Wooster [Ohio], an institution never in good repute, and which was on the point of failing three years ago, together with the Norwalk and Sandusky banks, in connection with the exploded bubble called the bank of St. Clair, Michigan. The capital of the Wooster Bank was \$249,450; of that there stood in Mr. Lake's name \$171,900. Mr. Lake then moved to New York, and commenced business as a broker under the firm of J. S. Lake & Co., in Wall street. The Co. was his son-in-law, O. Klemm, who was doing business in Cleveland under the firm of O. Klemm & Co., the Co. being J. S. Lake, in New York. Klemm was also cashier of the bank. Those gentlemen performed all the business of the bank; that is to say, Mr. Klemm purchased with its means eastern drafts, and sent them to Lake for collection, Lake making his returns occasionally, the other directors knowing but little of the transactions. With the large amount of the means derived from the Wooster Bank, Lake & Co. speculated in produce, on which they acknowledged a loss of \$150,000, and they started three other Ohio banks, besides buying the Mineral Bank of Maryland and a bank in Texas." . . . "Here, then, Lake & Co. had borrowed of the public on small notes through four banking machines, one laying the foundation of the others, \$936,398."

Mr. Lake's banking operations were extended to Texas, under circumstances

which make it evident that they were particularly designed to further the gigantic land conspiracy conducted there by Judge Watrous, and to furnish additional resources of power in the execution of their plans. We find this confederate of Judge Watrous securing the only bank charter in Texas. The mother bank was established at Galveston, Judge Watrous' home, and its president was Samuel M. Williams, whose name has been prominently brought forward in the late investigation into Judge Watrous' conduct in connection with the La Vega eleven-league grant; also with the grant in the Ufford and Dykes suit, and with the forged power of attorney introduced into both these suits.

Further: we find that, simultaneous with the institution of the Cavazos suit (which involved an immense amount of property—an embryo city, a port of entry, numerous villages, and valuable government improvements—and in which Judge Watrous' conduct was charged to have been fraudulent and corrupt), a branch bank is established at Brownsville, which is included in the Cavazos grant. Of this branch bank, Reynolds, one of the land company, and its active agent, is appointed manager or president. He appears to have entered into these banking operations with great spirit, judging from his letters in relation to the affairs of the land company, in which he speaks of importing "trunks full" of notes, and adverts to the lands on the Rio Grande, where his bank was located, as "an empire worth fighting for." I will read extracts from these letters, as they throw light on the general subject, which may be instructive.

"NEW YORK, *November 14, 1847.*

"DEAR SIR:— . . . The first plate is done, and the second is under full way. We had a very pleasant time when Klemm and McMillen were here. Mr. Williams, with whom you have become acquainted, was here, and we had a supper at Delmonico's. Johnson was with us, also Lake and Judge Watrous. Mr. Lake is hurrying like Jehu, and says we must be off, so that you, Mc., and I, shall leave New Orleans by the 10th. I am not half ready to leave, but suppose I shall be tumbled off with a *trunk full*.

"Yours truly,

J. N. REYNOLDS.

"To ———."

"NEW YORK, *May 6, 1847*

"MY DEAR SIR:—I shall endeavor to leave here for Philadelphia on Monday next. I am extremely anxious to see you; and Mr. Phalen, the president of our association, has business in Baltimore—he will leave on Saturday—so that on his return through your city we may all have an interview together.

"I send you a map of our survey on the Rio Grande—an empire worth fighting for. . . .

"To O. F. JOHNSON, Esq.

J. N. REYNOLDS."

It may be easily understood what service these bubble banks might perform, or might be expected to perform, in furnishing resources of power to the land company, and particularly in a small community like that of Brownsville. No exertion of power, or resort of ingenuity, seems to have been left untried by the conspirators to compass their infamous ends.

A United States judge was secured as a confederate; attorneys were imported into the country to give vigor to the speculation; and banks were established to subserve the ends of the conspiracy. All the transactions of different members of the company seem to have been "part of one stupendous whole," banded in

one common design of plunder; and a rivalry seemed to exist as to who should grasp the larger fortune in the land controversies of Texas.

To convey some idea of the fearful magnitude of the operations of this land company, I may state that it appears, from the action of the Senate of Texas on the subject, that they extended to twenty-four millions seven hundred and thirty-one thousand seven hundred and sixty-four acres of land, besides being implicated in the proceeds of other interests of immense value, to which I shall presently allude.

To give some idea of the confidence which appears to have animated this vast conspiracy, I may here introduce a letter in which Reynolds, one of the principal financial conductors, proposes to another member of the conspiracy to have still another judicial district created "in the glorious country their locations covered," and to secure the appointment of judge there. It seems that these parties were not satisfied with having enlisted the services of one federal judge to promote the ends of their conspiracy; they were anxious to perfect their organization by securing the appointment of still another judge in their interest, to share the labors of his honor, John Charles Watrous. I will read the brief but interesting disclosures made in the letter I have alluded to. Here it is:

"BRANCH OF THE COMMERCIAL AND AGRICULTURAL BANK OF TEXAS,
AT BROWNSVILLE.

"December 11, 1850.

"MY DEAR JOHNSON:— . . . You have seen the report recently published in the *Republic* of the glorious country our locations cover. I think you can gain it; and then get a law passed for a new United States district, and take the appointment. I would go on at the heel of the session, and log-roll for you if necessary.

"Yours truly,

J. N. REYNOLDS."

The members of the company seem to have a great aptitude for "log-rolling," and the disreputable appliances of the lobby. They must have considered themselves very potential in this respect, to judge from the frequent propositions of the kind. They had supreme confidence in themselves; and their continued success seems to have inspired the belief that there was naught too difficult or too high for spirits like theirs to dare.

As a further instance of the determined courage of these honest gentlemen, and their resolves to do or die, I am tempted here to give one other extract of a letter from Reynolds to Johnson, written at New York. It suggests, too, the desperate character of the enterprise for which the writer required men of "nerve" to adventure in the boat now floating down the stream of success, but which might at any time be dashed upon the rocks. He writes as follows:

"NEW YORK, May 4, 1847.

"MY DEAR SIR:— . . . We play for empire, and will see it to the end. If you find any of your moneyed friends who have the nerve to go into this boat with us, at this stage of our voyage, I will give them an interest on the most favorable terms. As to the value of the lands there can be no doubt. Does the Judge talk of coming North?

"Yours truly,

J. N. REYNOLDS.

"O. F. JOHNSON, Esq."

From the point to which I have now reached, in the narration of the facts as

to the organization, the object, and the means of this company, the history becomes more interesting, inasmuch as it directly involves the acts of Judge Watrous, and exposes, over their own signature, in letters, the shameless schemes of the members of the company to corrupt the courts of the United States.

The first movement of the parties in the court seems to have been the institution of a made-up suit, to test the question how far the fraudulent land certificates might be validated by the action of the courts. The suit was brought in Judge Watrous' court by Phalen, a citizen of New York, against Herman, a citizen of Texas, on a promissory note for three thousand dollars, dated 5th July, 1846, at ninety days.

The inspection of the correspondence of the land company betrays the fact that this man Phalen was the president of that company, and a confederate of Judge Watrous.

The defense was that the note was given for a fraudulent, and therefore worthless land certificate.

The petition in the suit was filed on the 21st of January, 1847.

The answer was filed on the 22d of the same month.

The transfer to New Orleans, on application of the plaintiff, was made on the next day after, the 23d. Thus, in less than seventy-two hours from the institution of the suit, it was transferred to New Orleans, on application of the plaintiff. All this was done out of term time.

The transcript was filed there (New Orleans) on the 11th of February. The trial was commenced on the 16th of that month; and the case was finally submitted, for decision, on the 23d of March.

Thus we see, that in sixty odd days from the filing of the petition, the case was put at issue, transferred, tried, and submitted. It appears that in the pleadings at New Orleans, it was admitted by the plaintiff that the certificate which he (Phalen) had sold to Herman for three thousand dollars was a *fraudulent one*, issued to a fictitious person.

It appears, moreover, that Judge Watrous had informed one of his confederates in the land association (Reynolds) of the transfer of the suit referred to, actually before it had been commenced in his court! In a letter from Reynolds to Johnson, dated the 10th of February, 1847, he says:

"Judge Watrous informs me, by letter of the 19th ultimo, that you were to leave the next day, from Galveston, for New Orleans, in charge of our land case, with the view of bringing it before the circuit court of that district."

This information was given on the 19th of January; the suit was not even instituted until the 21st of that month.

I will now read some of the correspondence in my possession, that passed between members of the land company touching the conduct of this suit:

"NEW YORK, *February 10*, 1847.

"DEAR SIR:—Judge Watrous informs me, by letter of the 19th ultimo, that you were to leave the next day, from Galveston, for New Orleans, in charge of our land case, with the view of bringing it before the circuit court of that district. And I hear from Major Holman, that you were daily expected in Philadelphia. I write therefore, at present, merely to say, that if you are in New Orleans, that I have caused Mr. Grimes to be written to by one of our associates, and that he will join you in the case. I am very anxious to have your views

briefly on the prospect; and if you will keep me advised of its progress, it will lay me under an obligation I shall take pleasure in requiting. In my judgment, *the least possible notoriety should attend the case in New Orleans*, no matter what the result may be. Nor do I think it was the best policy to have pressed the courts of Texas. They may be easily made to follow the law, while they have not the nerve to pronounce it.

"You will please call on Mr. Grimes. Let me hear from you.

"Yours truly,

J. N. REYNOLDS.

"OVID F. JOHNSON, Esq."

"NEW YORK, May 22, 1847.

"MY DEAR SIR:—Can you not contrive through Jennings, of New Orleans, to get at the Judge's opinion? His mind must, ere this, have been made up. Tell Jennings to get it out of the clerk of the district or of the circuit court. Tell him that you must have it for me in advance of the mail. Do your *best to have the decision go off quietly in New Orleans*. As *Jennings is now interested*, tell him that he must work to our hands. All this you can do from your acquaintance with him. You may promise him your influence as to the future, and it will not be less potential than the Duke. I would give anything to know at this moment, as I could so much better shape my action with Mr. M. Indeed, if we get a favorable opinion, and have the news in advance, I shall go by lightning to Texas.

"OVID F. JOHNSON, Esq.

J. N. REYNOLDS."

The declarations of these letters, perhaps, surpass anything ever seen in a correspondence of this nature, in shameless effrontery, and the betrayal of corrupt intentions. It is openly advised that "the best should be done to have the decision *go off quietly* in New Orleans"; that "*the least possible notoriety* should attend the case." It is recommended that dishonorable influences should be used with the officers of the court there; and it is admitted that they had been made interested in the case. Not satisfied with the part he had already taken in the making up and direction of this suit, but rivaling his confederates in the steps taken toward influencing officers of the court, we find Judge Watrous leaving his court at Galveston, to attend the court at New Orleans during the progress of the suit; thus giving an influence to his views and interests by his presence and countenance.

On the 30th of June, 1847, a decision was given in the case of *Phalen vs. Herman*, in the court of New Orleans, in favor of the plaintiff, declaring the fraudulent certificate sued on to be valid, and giving judgment for \$3,000. Here the curtain drops in New Orleans; but without a day's intermission rises again, in continuation of the plot, in Texas.

With reference to this Phalen suit we find the following judgment expressed in a series of resolutions passed in August, 1856, by the Senate of Texas, but at too late a day in the session to obtain the action of the other legislative House:

"Said judge (Watrous) is guilty of obtaining and attempting, by contriving and carrying on a made-up suit in his own court, to validate in the same over twelve hundred fraudulent land certificates, claimed by himself and his 'competers,' and of a class—in all the enormous amount of twenty-four millions three hundred and thirty-one thousand seven hundred and sixty-four acres—of fraudulent certificates, thereby attempting to deprive his country of a vast domain, be-

sides causing the State the cost of additional counsel in defending herself against such enormous preconcerted spoliations; and, on discovery of his interests in said class of certificates being made, said judge transferred said suit for determination to the United States court in another State, after shaping the case and influencing that court in such a manner as to obtain his desired judgment."

It will be observed from what I have stated of the sudden translation of the conspiracy from New Orleans to Texas, that there is no pause in the progress of the drama; the scenes are shifted with almost incredible swiftness; and when the interest might seem to flag, we find a new character introduced into the drama to challenge our admiration of the versatility and resources of the plotters.

Thus we find, on the very day of the rendering of judgment in the Phalen suit at New Orleans, Thomas M. League, a new character in the play, but sufficiently well known as a partner of Judge Watrous in his land speculations, and an ally in all his enterprises, intervenes, and institutes a suit in the State court of Texas, as the transferee of the identical fraudulent certificate that had been declared valid in the United States district court at New Orleans. This Mr. League will be found to be a conspicuous party throughout the whole system of fraud dealt out through Judge Watrous' court. In a resolution adopted by the Senate of Texas, in 1856, just referred to, his connection with the judge is pointedly alluded to; and it is stated:

"That it is believed by many good citizens that said Watrous, in connection with Thomas M. League, and other compeers, are directly or indirectly interested in most of the important suits brought in his court."

It will be well to keep an eye on this Mr. League, and to note his association with the enterprise of the fraudulent certificates, for there will hereafter be shown his connection with other and later schemes of judicial fraud, carried out through the machinery of Judge Watrous' court.

It would appear, from the evidence taken before the committee of the House, in the investigation into Judge Watrous' conduct, an attempt is made to have it appear that League's connection with him dated from the inception of the Lapsley frauds, in 1850; but here we have the fact to note of his previous connection with the judge's land speculations; and find him, in 1847, at the head and front of the nefarious land certificate conspiracy. His connection with Watrous was a general one, and contracted with a common design, whenever and wherever opportunity offered.

The object of this suit, instituted by League, was to compel the surveyor to survey the land called for in the certificate. Thus we have the case brought into the State court, backed by the authority of a precedent decision, declaring this fraudulent certificate valid. The manner of thus bringing it may be explained by that passage in the letter of Reynolds, in which he says:

"Nor do I think it was the best policy to have pressed the courts of Texas. *They may be easily made* to follow the law, while they have not the nerve to pronounce it."

The case was decided in Galveston, the court sustaining the surveyor in his refusal to survey under such certificate; whereupon an appeal was taken to the supreme court of the State, at Austin.

Now to exhibit more fully the connection of Judge Watrous with these suits,

and with the general affairs of the land company, I will here read a letter which appears to have been addressed by William G. Hale, on the subject of this case, on the 14th of March, 1847, to Judge Watrous, who was then at New Orleans, being the same time when the Phalen suit was pending there.

"AUSTIN, March 14, 1847.

"MY DEAR FRIEND:—I have written several letters to you at Galveston, which your trip to New Orleans has probably prevented from reaching you. They contained some particulars which it is important for you to know, and I will briefly recapitulate them.

"*Our case* was docketed No. 504, nearly at the heel now, although some new appeals have come up. As the court is going over the docket regularly, and has about reached No. 250, it would be some time before we could get a hearing; but we expect to bring it in during the absence of the lawyer here, on the spring circuit. Hemphill speaks of taking a vacation in his turn. You will find more about it in my other letters. We have been looking over the case carefully, and have, we think, discovered some *new* points.

"Col. ———, from Nacogdoches, was here a short time ago, and being connected through some business with Colonel ———, communicated to us several startling pieces of intelligence. He says Miner has been riding about his part of the country, endeavoring publicly to buy up the certificates, but the large holders, being generally men of some respectability, would not associate with him, or listen to his offers; that he was thus compelled to traffic with the lowest class of bar-room vagabonds, who palmed off upon him *forged* and *duplicate* certificates, and boasted openly of cheating him, in all the 'groggeries.'

"This may, or may not, be correct; Miner, not the seller, may have been the cheater; but it shows the necessity of additional caution, and, coupled with his former conduct, furnishes, perhaps, a good ground for restraining him in his course.

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"Col. Ward refuses to patent islands. A *mandamus* will be necessary.

"I have inspected the titles of the *Nueces*, and will have an opinion ready.

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"We have had a long interview with Mr. Hedgcoxe, the agent of Peters colony, and are arranging matters.

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"Ever yours, WILLIAM G. HALE.

"Hon. JOHN C. WATROUS, New Orleans, Louisiana."

I ask the particular attention of honorable Senators to the terms and expressions of this letter; the trading with "bar-room vagabonds"; the likelihood of the sellers of these certificates having been "cheated" in the trade; and the chuckling tone of congratulation in the assertion of the probability of "Miner being the cheater, not the seller." It is to be recollected that this letter was to Judge Watrous himself. It was about "our case." Here is the letter of the "dear friend," the counselor, the agent of a United States district and circuit judge, informing him of trades made for his (the judge's) benefit, with drunken vagabonds, and chuckling over the cheats thought to be imposed upon the dirty and miserable bar-room gangs with whom it was found necessary to carry on their criminal commerce. Here is the principal, Judge Watrous, judge of a

federal court, adopting the acts of this smart agent, participating in the low swindling of bar-room vagabonds, and through the letters of his agent, communing with himself, and congratulating himself on the fruits of the lowest and most debased exploits of fraud.

It must be recollected, too, that this commerce in land certificates, openly treated of between Judge Watrous and his agent, was in violation of a law, of a highly penal character, punishing the offender with the infamy and pain of thirty-nine public stripes on the bare back.

Here also is another letter, which I will read, from the same William G. Hale to O. F. Johnson, directly indicating Judge Watrous' active connection with the suits referred to, and with the procurement of fraudulent land certificates :

"GALVESTON, July 5, 1847.

"MY DEAR SIR :—Colonel ———, Judge Watrous, and myself, received the 'legal papers' and your letter. Judge Norton happened, by the merest good fortune, to be here at the time, and Trueheart also ; so the whole matter was arranged here and by a trip to Houston.

"We altered the petitions materially, owing to many reasons which have sprung up since you left. Judge Watrous will explain them to you at length. All the papers were sent to San Antonio by Colonel Wilson, a partner of Trueheart, who pledged himself to have them filed by the 20th of last month. That directions should be sent from New York on the first of June, and in a matter of such difficulty, and be executed in San Antonio on the 25th, is one of those lucky chances which rarely happen.

"I have received several letters from the trustees of the Peters Association, and have written to them explaining some matters. What arrangement did you make with *them* as to fees ; and will they advance anything ?

"Our other matters remain *in statu quo*. The Stafford cases have given us much trouble, but we shall get out the attachments in a few days. We may, however, have to promise the sheriff, as an incentive, the \$175 which, as you wrote us, the banks agree to advance for expenses.

"Judge Toler is quite anxious about the 'Grant claims.' The papers in Holman's hands I hope you will be able to procure. The original certificates of the grant, ninety-seven in number, have been just found among Judge W.'s papers. Toler said he would be at the North this summer. A. Allen has already gone on. I suppose you have seen him. He will give you some trouble in arranging this matter.

"Judge Watrous will be in New York about the first of August. He has been detained here by business.

"Very truly yours, WILLIAM G. HALE."

The papers referred to in the above letter, as sent to San Antonio, by Colonel Wilson, were fraudulent land certificates, exceeding one million acres, besides an indefinite number which Hale, in his instructions to Wilson, designates as "No. 2" ; a list of those in the hands of Miner, the agent referred to in the letter from Hale to Watrous, as dealing with bar-room vagabonds, and cheating them for the benefit of his principal.

I may here introduce another letter from Hale to Johnson, showing the prosecution of the designs of the conspirators, as dealing in these fraudulent certi-

cates, in defiance of the penal statute, and showing also the great estimation of the advantage of having these certificates put into a company stock, and "managed" by Judge Watrous and his confederates; for to secure this advantage one hundred and fifty thousand out of three hundred thousand acres is offered as a premium.

"AUSTIN, February 24, 1847.

"MY DEAR SIR:— . . . Colonel ——— met here with an old acquaintance, Colonel ———, and, what is more to the purpose, a large landholder in the East. Through some former business connections with him, ——— was able to persuade him to an arrangement most advantageous to us. ——— holds about sixty of the rejected—ah! call them not fraudulent!—and thinks he can secure as many more. He is willing to give us half in order to have the others put into the company stock, and located and managed with the rest; most kindly offered to divide with us, so that this arrangement will secure us about thirty more leagues, or one hundred and fifty thousand acres *contingently*. ——— has gone home now to obtain them. He speaks in the most disrespectful terms of Miner and his management.

"Miner is here, and going to San Antonio. I have, most strangely, received no letter yet from Judge Watrous, respecting the final settlement with the 'little fellow,' nor the survey and the engagement of Hay, but I expect one daily. Miner's presence will complicate matters, I am afraid.

"WILLIAM G. HALE."

The expression of this letter "ah! call them not fraudulent," is curious for its flippant irony. It reminds one of the same self-complacency with which, in a formerly-quoted letter, he opines his agent, Miner, to be "the cheater, not the seller."

To return to the history of the case which Mr. League had taken in hand. At the December term of the Supreme Court of the United States, judgment was rendered, affirming the judgment of the Supreme Court of Texas, declaring the certificate invalid and void.

It might have been supposed that after the judgment of the Supreme Court of Texas, the high Court of Appeals, and, finally, after the decision of the Supreme Court of the United States, against the validity of the certificate, further efforts on the part of the company would have been hopeless. But what vitality, what ramifications, what resources, must they have possessed, when we find them daring, at the last, as I shall show, to anticipate exerting an influence on the United States Supreme Court itself? This, certainly, was a fitting climax to audacity and assertion of power. Thus we find this branch of the scheme of the conspirators expiring with an adventurous and desperate effort to retrieve their fortunes by improper influences with the courts; the last effort, still characteristic, and still significant of the comprehensive grasp and connections of this most extraordinary combination.

As exposing the honest proposition of exerting an influence on the Supreme Court of the United States, I will here read from a letter from Mr. Joseph L. Williams on this subject, to whom, it appears, was and is allotted the Washington branch of the company's operations:

"WASHINGTON CITY, November 1, 1851.

"DEAR SIR:— . . . Your suggestions as to the proper course for our

party to pursue, in respect to the *Salt Lake*, commanded, as they still do, my most earnest attention. Not doubting that you have most thoroughly viewed this triangular title—not hearing from Mr. Reynolds on this point, and of course unadvised of his peculiar views in detail, in relation thereto—I must say that I most fully concur in your views of our best policy. Time is on the wing. A few years more, and Mr. Reynolds and I border on ‘the sere and yellow leaf.’ Of immense value, the property admits of a very long division. A protracted litigation, in quest of the lion’s share, divests us virtually of all, and secures something only to our legal representatives. *Dum vivimus, vivamus*. So say I. Of our party, Mr. Reynolds holds the major interest; perhaps nearly all. Compared to his, my right is small. Thus, I feel some delicacy in obtruding any conclusion of mine against any deliberate judgment of his. I have the utmost confidence in his judgment and discretion.

“I am also sure that all that can be compassed by energy and perseverance, he (Reynolds) will accomplish. And yet, he may be impelled by the rivalry to evade an obsolete title on the one hand and a fraudulent one on the other, backed, as it is, by the perjured tyrants of a petty and venal Legislature. Hence, you will oblige me by assuring our old friend Reynolds that while, under the peculiar circumstances, I venture my mite of advice, in confirmation of yours, with due deference to him, I yet offer it most urgently. Please, therefore, show him this letter. As he is of course familiar with all the positions stated in your letter, they need not be detailed in this paper. My health, though far better than when I saw you here, under so many months of the care of Dr. Francis, of New York, is still by no means reliable. If this thing can be made available during the short life I have yet probably before me, I am very anxious to see that result.

“I find much of your matter of reliance in the big suit, in Bibb’s Reports. This casually led me, the other day, to bring the case to the notice of ———. He seems perfectly familiar with every precedent and doctrine applicable to this case, and its whole class, and he says it is quite impossible for the Supreme Court, on deliberate review and consideration, to abandon right, reason, and customary law on account of one casual act of stultification at the last term. *I shall not omit the part of striker with certain members of the court, which I told you I would see to. I am already here for the purpose. I will persuade Catron, of Tennessee, to take the case under his especial charge.*

“JOSEPH L. WILLIAMS.”

It has been shown, incontestably, that Judge Watrous was a member of the conspiracy, in the furtherance of whose designs Williams was acting. The part assumed by this man as “striker” with certain members of the Supreme Court, was, to all intents and purposes, the act of Judge Watrous himself. He (the judge) was responsible for the acts of his confederates, having entered into a conspiracy with them for their mutual profit, and with a common design. Such is the rule of evidence. Such is the irresistible conclusion to be made in cases of this nature, according to the authority which I will here read, from the great and universally admitted text-book on the subject of evidence, which is no doubt familiar to honorable Senators:

“The evidence in proof of a conspiracy will, generally, from the nature of the

case, be *circumstantial*. Though the common design is the essence of the charge, it is not necessary to prove that the defendants came together and actually agreed in terms to have that design, and to pursue it by common means. If it be proved that the defendants pursued by their acts the same object, often by the same means, one performing one part, and another another part of the same, so as to complete it, with a view to the attainment of that same object, the jury will be justified in the conclusion that they were engaged in a conspiracy to effect that object. Nor is it necessary to prove that the conspiracy originated with the defendants, or that they met during the process of its concoction; for every person entering into a conspiracy or common design already formed, is deemed in law *a party to all acts done by any of the other parties, before or afterward, in furtherance of the common design.*"—3 *Greenleaf*, sec. 93.

This rule for determining the responsibility of Judge Watrous I would have borne in mind, as I shall proceed to develop the acts of the different conspirators in the prosecution of their common schemes of fraud.

What state of things could exist, or can be imagined, that would more loudly and imperiously call for resolutions such as were passed by the Legislature of Texas, in the name of an outraged people, against the *judicial plunderer* and conspirator who was aiming to coin his fortunes by forgery and fraud the most stupendous? A copy of these resolutions I beg to submit here for the consideration of honorable Senators :

" JOINT RESOLUTION.

" *Whereas*, it is believed that John C. Watrous, judge of the United States district court for the district of Texas, has, while seeking that important position, given legal opinions in causes and questions to be litigated hereafter, in which the interests of individuals and of the State are immensely involved, whereby it is believed he has disqualified the court in which he presides from trying such questions and causes, thereby rendering it necessary to transfer an indefinite and unknown number of suits, hereafter to be commenced, to courts out of the State for trial; and whereas it is also believed that the said John C. Watrous has, while in office, aided and assisted certain individuals, if not directly interested himself, in an attempt to fasten upon this State one of the most stupendous frauds ever practiced upon any country or any people, the effect of which would be to rob Texas of millions of acres of her public domain, her only hope or resource for the payment of her public debt; and whereas his conduct in court and elsewhere, in derogation of his duty as a judge, has been marked by such prejudice and injustice toward the rights of the State, and divers of its citizens, as to show he does not deserve the high station he occupies: Therefore,

" *Be it resolved by the Legislature of the State of Texas*, That the said John C. Watrous be, and he is hereby requested, in behalf of the people of the State, to resign his office of judge of said United States Court for the district of Texas.

" SEC. 2. *Be it further resolved*, That the Governor forward the said John C. Watrous, under the seal of the State, a copy of the foregoing preamble and resolution; also, a copy to each of our Senators and Representatives in the Congress of the United States.

" Approved, *March 20, 1848.*"

An absurd and abortive attempt has been made by Judge Watrous and some

of his especial advocates, to explain the feeling that prompted the passage of these resolutions, by the fact that he had given an unpopular decision on the statute of limitations. Indeed, Judge Watrous, in his printed answer to the charges assigned against him, adopts this preposterous assertion as his principal defense, and appears to suggest that, instead of himself being the criminal, the people of Texas are so dishonest and depraved, that the standards of morality he has adopted in his court are too high for them to appreciate and conform to. The falsehood of this is only exceeded by the obliquity of the shameless man who utters it. In making such a statement in his answer, he knew that he was stating what was untrue in fact and false in spirit. And, further, I shall prove that he not only stated what was untrue, but was constrained to convict himself of it before the committee that inquired into his conduct.

In his answer to which I have reference, Judge Watrous has the effrontery to assert that his ruling in the case of the Union Bank *vs.* Stafford, on the statute of limitations, brought upon him the censure and denunciation conveyed in the resolutions of the Legislature. This was worse than puerility, for it proved to be utterly untrue. The Stafford suit was not even instituted until some months after the resolutions had been passed by the Legislature.

This essential fact Judge Watrous thought to suppress; but when the committee called for witnesses from Texas, and he had reason to suppose that his falsehood would be detected, he was then fain to acknowledge it, and to make the humiliating and self-convicting request of the committee to withdraw his answer, committing him to the falsehood, from the files, so that he might suppress the public evidence of his infamy, at least in this particular.

In 1852, the matter of the judge's nefarious dealings in fraudulent land certificates was brought to the attention of Congress, and this charge, among other matters of crimination, was assigned against the judge in a memorial of William Alexander, a citizen of Texas. Only three witnesses, however, out of twenty-one asked for by the prosecution, were sent for, and these three not witnesses to any one of the specifications pending against the judge. The committee reported the evidence insufficient; the House failed to act in any way on the matter, and the facts, therefore, of the case, remained undeveloped and occult, and the justice of it unvindicated.

The Legislature of Texas, at its last session, instructed the Representatives of that State to urge the trial of Judge Watrous on all the charges against him; and in obedience to these instructions the Hon. Mr. Reagan, who in part represents the State in the other branch of Congress, had the memorial of Mr. Alexander taken from the files, and referred to the Judiciary Committee for investigation. Mr. Reagan urged an investigation of the charges contained in that memorial; and in his speech in the House, on that subject, states:

"I also offered to the committee to make the charge against Judge Watrous, that he had sold three fraudulent league certificates to a gentleman by the name of Lowe, of Illinois, for about six thousand dollars, when he knew the certificates to be fraudulent, void, and worthless; and when, by the laws of Texas, to sell such certificates was a crime of the grade of forgery, and punishable with a most ignominious penalty. And I proposed to prove this charge by a part of a record which I had from the district court for Galveston county, Texas, and by

the testimony of gentlemen who were then here as witnesses in this case from Texas.

"But Judge Watrous resisted my right to make these charges, and the committee felt themselves bound by the action of the House on the Alexander memorial, as these were a part of the charges contained in that memorial, and declined to hear the charges. I then gave notice to Judge Watrous, and his counsel, General Cushing, that when the House came to act on the report of the committee I should bring these things to the attention of the House, so that if, by such means, he should elude a trial and escape justice, the Representatives of the people, and the people of the nation, through our proceedings, should know how it was done."

Here I might rest on the proofs already submitted of Judge Watrous' deep and dire offenses in connection with the land company, to the extensive operations of which I have but briefly referred. But I conceive that the just interests of my State, and those of some of her most valued citizens, who have been injured, misrepresented, and betrayed by the machinations of this conspiracy, require that I should extend the narrative to other principal facts.

I have already made brief allusion to the operations and designs of the conspiracy in the direction of the Rio Grande. This branch of the speculation deserves, on account of its great importance, a fuller development of the facts connected with it.

The Cavazos grant was one of immense value, and constituted a tempting prize to the grasping and rapacious spirit of these land speculators, with whom Judge Watrous was actively connected. It lies about sixty miles on the Rio Grande; about forty miles on the Gulf of Mexico and the Laguna Madre, and about sixty miles on the Sal Colorado. It contains about two hundred and fifty thousand acres of land. It embraces within its limits, as claimed by Cavazos, the town or city of Brownsville, also Point Isabel, which is the site of the Custom-house, and the port of entry for the Rio Grande country; besides numerous villages or ranches, and also valuable government sites and improvements. With the expectation of occupying the upper portion of the Rio Grande country, "an empire worth fighting for," it was necessary for the company to have this coast outlet to complete their gigantic scheme. Point Isabel was the only coast outlet for the great salt lake of Texas that lay within sixty miles of it, and that constituted an inexhaustible source of wealth. This great principality that commanded the outlet of the Rio Grande country, and that so abounded in all the elements of wealth, was reputed to be owned by some eight Mexican families.

The salt lake I have referred to was another grand prize, which the land company was seeking to grasp through the aid of Judge Watrous. I shall presently show how this underplot, too, was conceived and conducted in the progress of the sweeping and overwhelming designs of the vast combination.

Returning, however, to Galveston, to watch the progress of these honest gentry, with reference to the Cavazos grant, we find John Treanor and William G. Hale meeting there. It appears they there concoct a suit. This suit is represented by John Treanor, as the agent of all the Mexican families, or parties represented to be owners of the Cavazos grant. It is instituted by Allen and Hale; and the allegations of the complaint are verified by the affidavit of John

Treanor, claiming to be agent as aforesaid. This man Treanor appears to be a notorious person in the district of the Rio Grande, to judge from the testimony of Brevet-Major W. W. Chapman, of the army, when stationed at Fort Brown, who briefly describes him in a public official letter, as "a man without *character or standing* in the community." Sufficient indications of his character, however, are given in the part assumed by him and his confederate, Hale, in this Cavazos case. It appears from the record of this case that at least five of the Mexican families or parties claimed to be represented, had never given any authority whatever for the institution of the suit; and as to one of the five, Treanor himself was constrained to admit that his interest was diametrically opposed to the claim, for the establishment of which he had been made a party plaintiff. Here, then, in the very inception of the suit, we see fraud prominently and boldly standing out. In the whole progress of the suit, too, we remark John Treanor and William G. Hale as the managers throughout. Their numerous affidavits support the case to the end. In no part of the proceedings do we find the complainants acting or participating. It is Treanor, the "man without character or standing," and William G. Hale, the agent and attorney of the land company, I have been referring to, the intimate friend of Judge Watrous.

It appears, moreover, that for purposes of collusion it was managed that Hale and Johnson, the two lawyers imported for purposes already referred to, should take opposite sides. Further than this, and to still greater outrage of justice, it appears from the record that James N. Reynolds, a member of this New York land company, is appointed by Judge Watrous United States Commissioner at Brownsville, to take testimony. Thus the company, or its members, were represented by their agents and attorneys, who act as counsel on different sides of the case, and by Reynolds, the active manager of their affairs, who, as United States Commissioner, took the principal testimony for the defense, which it evidently appears to have been the object of the company to defeat.

The fact of collusion, the committee of investigation in the Thirty-fourth Congress have determined unanimously, and in passing judgment upon it they say:

"In the case of *Cavazos et al. vs. Stillman et al.*, the record affords sufficient evidence to satisfy the committee that there was collusion between the solicitors for the complainants and a part of the solicitors for the defendants, and that a part of the defendants, or one of them at least, Jacob Mussina, was defrauded and betrayed by such collusion. They would further state that there is evidence to satisfy them that a part of the defendants were concerned in the conspiracy, and that the judge of the court knew of the collusion during the pendency of the suit."

I may also suggest here that it will be found profitable to fix attention upon the man Treanor, as hereafter he will be found figuring in another important matter in active connection with Judge Watrous.

I am disinclined to trespass upon the time of the Senate by following this Cavazos case through its tortuous progress, and to its final acts of injustice and oppression. What little I have said of the patent fraud, in its inception and management, will prepare the minds of honorable Senators to understand the conclusions arrived at by the committees of investigation in the House, as to

the consummation of the conspiracy, and fraud by the wrongful decisions of Judge Watrous on the side of his confederates, Hale and Treanor.

The committee of the Thirty-fourth Congress conclude their report by saying :

"The committee have examined numerous records, consisting of pleadings, orders of court, affidavits and depositions, and after a patient and laborious research, they have reluctantly come to the conclusion that the conduct of Judge Watrous in the case above referred to can not be explained without supposing that he was actuated by other than upright and just motives; that in his disregard of the well-established rules of law and evidence he has put in jeopardy and sacrificed the right of litigants."

In the present Congress we have a report from a moiety of the Judiciary Committee, which, on the Cavazos branch of the case, presents the following summary and well-sustained judgment :

"Every irregular or wrongful decision of the judge was in favor of the complainants and against the defendant, Mussina, and those occupying a similar position, and was to their particular injury. By maintaining the proceeding as one rightfully brought on the chancery side of the court, these defendants were illegally deprived of their right to a trial by a jury, and were compelled to submit to an adjudication upon their rights to the property in such a manner that the decision would be final and conclusive as to the title of the property, instead of one upon the right of possession, which would at once have been pronounced, on the law side of the court in an action of ejectment. By maintaining jurisdiction over the case, when a portion of the defendants, as well as the plaintiffs, were aliens, these defendants were deprived of their rights to have the questions involved in it decided by the courts of Texas, to whose jurisdiction they were rightfully amenable, and whose laws were to govern in that decision. By admitting incompetent witnesses to testify, their rights were affected by evidence given by persons who had an interest in the litigation adverse to theirs. And, finally, they are prevented from having the decision against them reviewed in the appellate court by the failure of the judge to perform his full duty to them in facilitating the exercise of the right of appeal, given to them by the law, from motives of public policy, for their own private advantage; and that, too, when there is reason to believe that the decree by the court is not in conformity with the principles of law, as recognized in Texas. Such a course of action continued through the whole progress of a cause, in favor of some of the parties and against others, is, to our minds, conclusive evidence of the existence of a purpose, on the part of the judge, to favor one party or set of parties at the expense and to the injury of others, which is inconsistent with an upright, honest, and impartial discharge of the judicial functions. And this, we believe, constitutes a breach of that 'good behavior' upon which, by the Constitution, the tenure of the judicial office is made to depend."

It appears that a decree was rendered in the Cavazos suit, in the month of January, in favor of Cavazos and others.

After the rendition of the decree, suits in ejectment became necessary. At this juncture we find Judge Watrous again acting and making a wrongful and tyrannical order for the exclusion from jury service in his court (on the regular panel) of the citizens of the four Rio Grande counties of Cameron, Hidalgo, Starr, and Webb.

By the deputy marshal, whose term of office depended on the pleasure of the judge, jurors are *selected*—not taken from the jury list of the State, as the law requires; not even drawn or balloted for—to attend the United States Court at Brownsville; *all* from Galveston, a distance of several hundred miles. They are taken from this distant place, that is the home of Judge Watrous, and of his confederates, Hale and League. These Cavazos suits had been pending in Galveston, and adjudications been had on some of them. They were a subject of notoriety there; and had naturally given rise to much popular discussion and conversation with reference both to the questions and the interests involved.

Thus it appears that to accomplish the purpose of the judge more fully, the citizens of four counties were dishonored and deprived of important civil privileges, and the law was violated.

They were not taken from different parts of the State, as is the custom in the United States Courts, but from the narrow circle of the judge's own home and neighborhood. A schooner is chartered by the deputy marshal, to carry them to the court at Brownsville. There are also selected by the deputy marshal a company of strolling players to serve as jurors, and placed on board this schooner. Judge Watrous himself is a *compagnon de voyage*.

Honorable Senators may imagine the scene, the small, coasting, gulf schooner, freighted with jurymen and players, and the United States district and circuit judge.

I have, in a brief manner, referred to the collusion in the Cavazos suit, which Judge Watrous knew, and which he countenanced, to the prejudice and betrayal of at least one of the defendants, Mr. Jacob Mussina. The evident position of matters, and the reports of the committees on the subject, from which I have read, show that Mussina was without any power to enforce his rights, and without any chance to obtain them in the determination of this case in Judge Watrous' court. He then applied for redress to the courts of his domicile in Louisiana; and finding the parties there who were accused in the committee's report referred to, as having colluded in the Cavazos suit, and as having "defrauded and betrayed him," he sued them for the collusion and frauds they had practiced to his prejudice, in Judge Watrous' court, and otherwise. This suit was commenced on the 1st of November, 1851; it was tried in May, 1853; and a verdict was rendered in favor of Mussina, by a jury of his countrymen, for the land claimed, or \$214,000 in lieu thereof, and \$25,000 as damages.

In January, 1854, a rule was taken at Galveston, Texas, upon Jacob Mussina, a citizen of Louisiana, and he was cited to appear before Judge Watrous at Galveston, to answer for contempt of court in *instituting* the suit in New Orleans, in disobedience to the decree which he had rendered in the Cavazos case, although the fact was that *the suit referred to was commenced two months before the rendition of the decree*, which proceedings the House Judiciary Committee of the Thirty-fourth Congress have characterized in a deliberate, unanimous report, as "irregular, unjust, and illegal, and, taken in connection with the previous proceedings and rendition of the decree, oppressive and tyrannical." And this opinion was endorsed by a portion of the present Judiciary Committee in the House, from whose report I read the following expression of judgment:

"It also seems clear, when the pleadings in the suit instituted by Mussina against Stillman, Belden, and Alling, and Basse and Hord, in the fourth district

court of New Orleans, are considered, together with the judgment rendered in it, upon the verdict of a jury, and the evidence in the contempt case, that there was no foundation whatever for the proceeding against him for a contempt, and that the action of the judge with respect to it was unauthorized by law, and was intended to be vexatious and oppressive. How any other conclusion can be arrived at, when it is remembered that the suit in New Orleans was instituted by Mussina against his codefendants alone and their counsel, and related to rights growing out of their own transactions, it is not easy to conceive."

The defendant appealed from the judgment of the New Orleans court in favor of Mussina. In 1855, the case was heard on appeal, in the supreme court of the State of Louisiana, and was dismissed on a question of jurisdiction in the court. It was during the hearing of this appeal that Judge Watrous was at New Orleans, under the assumed name of "John Jones," and lodging secretly at the Verandah Hotel.

In order to continue understandingly the history, the narration of which I have undertaken, it is necessary here to make a momentary review of the positions occupied by the man Reynolds, who, it has been shown, was a prominent actor in the eventful drama of the conspiracy, so far as it appears to have progressed. It has been shown that he was one of the chief and choicest spirits in the inception of the New York company. It has been shown from the correspondence relative to the action of the court at New Orleans, that he had made the clerk of the court interested in the suit. It has been shown under what circumstances he established a bogus bank on the Cavazos grant. It has been shown that he was appointed by Judge Watrous, and acted as commissioner to take testimony in the Cavazos case, on the side of the defense, to defeat which, by collusion, was the evident purpose of the company of whom and in whose service he was.

Thus we find this man Reynolds connected and intermixed with all that takes place through Judge Watrous' court, in the progress of the conspiracy in which both were so deeply and so criminally interested and implicated.

I now present him as attempting to seize the "Great Salt Lake of Texas," the immense value of which and its location I have referred to. This lake was a reservation of the Government of Texas, and the only possible means of appropriating this valuable property was by influencing the courts and the Legislature.

It is shown by the letter of Mr. Joseph L. Williams, which I have read in another part of this case, and by the order of transfer, to which I shall presently refer, that the three, Reynolds, Williams, and Watrous, at least, were interested in this fraudulent adventure.

They had already been successful in the Phalen suits, at New Orleans (wherein their fraudulent certificates were declared valid); and, in the flush of their entire success in this matter, they were emboldened to extend their grasp, and to attempt to take by adventure every prize that their avarice could discover.

This suit is instituted in Judge Watrous' court, on the 14th of May, 1849. It appears that the case remained there from the 14th of May, 1849, to the 7th June, 1850. It is then transferred to New Orleans; and it is especially to be remembered that the application for the transfer in this case, as well as the transfer in the Phalen case, was made by the plaintiff himself—Mr. James N. Reynolds. I will here give an extract from the order of transfer:

"JAMES N. REYNOLDS, of Louisiana,
vs.
HENRY M. LEWIS, and THOMAS NEWCOMB, of Texas. } No. 1982.

"Petition in this cause filed in district court of the United States, district of Texas, on the 12th day May, A.D. 1849."

Copy of order of transfer.

And afterward, on Monday, the 7th day of June, A.D. 1850, the following order was made, to wit :

"JAMES N. REYNOLDS, }
vs. }
HENRY M. LEWIS. }

"This day came the parties by their attorneys, and upon motion of the said plaintiff, and because the judge of this court is so connected, in interest and otherwise, with one of the parties in this suit as to render it improper, in his opinion, to sit upon the trial of that cause, it is now hereby ordered by the court, that this fact be entered upon the record of this court, and that a certified copy of such entry, with all the proceedings in this suit, be forthwith certified in the circuit court of the United States for the eastern district of Louisiana, that being the most convenient court of the United States in the next adjacent State."

Well might Reynolds move for a transfer to New Orleans. Did he not think (as his correspondence has already disclosed) that he had the clerk of the court to work there in his behalf? Did he not think that he had an approach to the ear of the court there? Did he not have there the influence, the official presence of Judge Watrous, a brother of the bench? In fine, did he not have the case transferred from the juries of Texas, but to have it removed to a court, where there was every augury of success, it mattered not whether by fair or by foul means?

I have already directed attention to the participation of Thomas M. League in the management of the affairs of the land company, and in the advancement of its interests. It has been shown that at the time the curtain dropped at New Orleans on the Phalen case, a suit was on the instant instituted by League, on the identical *test* land certificate that had just been the subject of the suit in New Orleans; thus revealing his partnership in the common iniquity of Judge Watrous and his "compeers," and indicating his position as a prominent actor in the infamous certificate business, that was the chief, but not the only, subject of the company's operations.

It may also be remarked, that Johnson and Hale, the attorneys for the company in the Phalen case at New Orleans, appear also as counsel for League, in the consequent suit at Galveston.

It is to be seen how he sustains other characters, and undertakes other parts in the wide field of the company's speculations. It appears from the testimony in the Watrous investigation that, in company with Robert Hughes, the confidential adviser and favored counsel of Judge Watrous, he assumed or simulated an interest in what was called the Powers and Hewitson's colony grant, and undertook to bring suits in relation to it in Judge Watrous' court, by feigned change of residence.

The grant to Powers and Hewitson, the empressarios, included a large body of valuable land on the coast, west of Galveston.

Powers expressed an unwillingness to go out of the State, and change his residence, so as to qualify himself to sue in the Federal court. He, too, as League testified, had the common affliction of being "afraid to trust the juries of Texas." The difficulty, however, appears to have been solved by League, in concert with Judge Watrous' counsel and familiar, Robert Hughes. League volunteered to go out of the State, and bring suits in his own name, in the Federal court, for a share of the property to be recovered. Powers furnished the subject matter of litigation. League furnished all the money, and "Hughes was to do the legal part of the matter."

The plot, however, was finally disconcerted by the decision of the United States Supreme Court, to the effect that League's change of residence not being *bona fide*, he could have no standing in court; in a word, that it was an attempted fraud upon the jurisdiction of the court.

It then became necessary to use another party in the matter, and a gentleman by the name of Williams, of North Carolina, is substituted. Thus we see this man, bent on accomplishing his ends, throughout identifying himself and the counsel of Judge Watrous with a scheme in which both were only acting mercenary parts, using the word in its broadest sense; in which he was hired to act the part of a litigant in the court of his friend and partner, Judge Watrous, in fraud of the jurisdiction of that court; and in which the judge's counsel and familiar too was hired under a contract of chomperty, and was to have a share of the land for "doing all the legal part of the matter."

This is to be remarked, as the first introduction of Hewitson into the Federal court, and will shortly lead, as I shall show, to the development of other connections between him and Judge Watrous in the perpetration of other and more astounding frauds than have yet been disclosed.

I conceive that it is required, in order to complete the history of the system of frauds, in which Judge Watrous was prominently concerned, to show further the connections between some of the prominent actors introduced into the narrative and others to be introduced, in matters which have been the subject of late congressional investigation, and of fierce debate. I certainly do not propose to review the debates that have taken place on this subject. But I refer more particularly to the transactions, which I shall proceed to give a brief sketch of, of the obtaining of lands by Judge Watrous, the wrongful use of his court in relation thereto, and his participation in fixing a forged link in a chain of title upon settlers in Texas, that I may more fully show and illustrate the constant and pervading connection of parties already alluded to with the judge in attempts to plunder the citizens of Texas, and in administering a system of fraud through his court.

In January, 1851, we find that two suits were commenced in the United States court in Texas, presided over by Judge Watrous. One was entitled *Ufford vs. Dykes*; the other was *Lapsley vs. Spencer* and ten others.

These two suits were commenced in Judge Watrous' court at the same term, for between fifty and sixty thousand acres of land each. William G. Hale was counsel for the plaintiff in one case, and Robert Hughes counsel for the plaintiff in the other. In both cases, it appeared from the testimony,

the property claimed was owned in the State of Alabama; and in both cases, the claims of the parties had slumbered for nearly twenty years—*until the first term of the court of Judge Watrous, after he (Judge Watrous) had obtained an interest.*

With respect to the Ufford and Dykes suit, an attempt was made in the course of the investigation by the committee of the House to discover who were the parties in interest in Alabama. But the inquiry was baffled. The witness who was examined as to the matter, plead his privilege as an attorney, and declined to answer. What important disclosures might have been made, had the question been freely answered, and the truth relieved from suppression, is left to conjecture. It was esteemed important to know the connections which existed in the inception of these suits. The committee sought the information; but they were stopped at the very threshold by concealment, leaving the whole matter in suspicious darkness.

It is also found in the Ufford and Dykes case, that William G. Hale, the agent of the fraudulent land company, as shown by the correspondence, and holding the most intimate relations with the court, is counsel for the plaintiff, and that on the other side of the case, the counsel is Robert Hughes, the confidential friend and witness of the court.

The same question of title existed as in the Lapsley cases, in which Judge Watrous was interested by partnership in speculation with the plaintiff to the amount of one-fourth of the property, which one-fourth is valued at \$75,000, *and for which he (Judge Watrous) has never paid, and never was required to pay, a cent of purchase money up to the present time.* The grants in both cases had a common title; and in one of them Judge Watrous had obtained an interest.

It may be observed, too, that the judge professes to have purchased an interest in one of these grants, without ever seeing the title papers, on the simple opinion of Hughes, "the best land lawyer in the Union," as he enthusiastically describes him, that they were good. He was willing, as he signifies, to accept this opinion absolutely as true. Now this Ufford and Dykes grant had a title identical with that in which Judge Watrous had obtained an interest. This title he had declared to be good, on the bare assertion of Hughes. He thus went on the bench in the Ufford and Dykes case, fully committed to an opinion on the title, and with nothing whatever for him on that point to adjudicate.

I now request honorable Senators to accompany me to a scene in the United States district court in Texas, and to bestow upon it but a moment's criticism, in order to perceive its significance.

On the bench is his honor, Judge Watrous, surrounded by all the imposing circumstances of the dispensation of justice. The case of Ufford *vs.* Dykes is called. A jury is impaneled. Before the judge, as foreman of that jury, stands Edwin Shearer, a deputy clerk in his own court, who is the agent of the judge, who was consulted on the subject, at the inception of the very scheme of fraud at Galveston; was present at Selma, Alabama, when the contract was made between Judge Watrous and others, and who is a brother-in-law of Price, a partner of the judge in that transaction; and besides, was not qualified under the law to be a juror. It appears that a verdict was rendered thus:

VERDICT—Endorsed : “ We, the jury, find a verdict for the plaintiffs for the ten leagues of land described in the plaintiff's petition, and also ten cents damages.

“ March 10, 1854.

EDWIN SHEARER, *Foreman.*”

This appears to have gone by default. Now, to obtain a default, a chain of title was necessary ; such a chain was to be exhibited. Yet it is found to be admitted by counsel, more than a year after this trial, that the authority to sell the land in suit—the *power of attorney to Williams*—the main link of the title, was wanting. It could not have been before the court or the jury, when the verdict was entered. It could not, for the especial reason that the default was entered in March, 1854, and the testimony of the parties in the Watrous investigation shows that the power was never transcribed, or withdrawn from the land office, until December of that year. Juries, it is to be recollected, are selected in Judge Watrous' court—not balloted for. Further comment than this is unnecessary.

This default was opened at the suggestion of Judge Watrous, as the judgment by default did not appear to answer the purpose he had in view. The object evidently was to have the title completed, by introducing the power of attorney, and obtaining judgment of its genuineness. And the fact most striking is that at the second trial, Robert Hughes, the representative of Judge Watrous, is smuggled into the case for the defense, and very kindly furnished to the opposite counsel, William G. Hale, Esq., the power referred to—the very link of title necessary to defeat him, Robert Hughes, in the defense of the suit !

I have adverted to a scene in the Ufford and Dykes case. I wish the attention of Senators to another scene, transpiring after the lapse of about one year, in the same cause, and in the same court. Judge Watrous is on the bench. Before him stand Robert Hughes and William G. Hale. Contemplate for a moment the position of these parties. Judge Watrous is the owner of an interest valued at seventy-five thousand dollars in the La Vega grant, which, it appears, he purchased in reliance on the opinion of Robert Hughes. To Hughes is intrusted the defense of his title. He is the “ *sole counsel* ” for Lapsley and others. He stands now before the court in opposition to that title, as “ the leading counsel for the defendant, and controlled its management.” Here is Robert Hughes, the representative of Judge Watrous, interested in the La Vega title, standing before Judge Watrous, in opposition to that title. What a strange and anomalous position, surely ! Here is his honor, John C. Watrous, on the bench ; and here, John C. Watrous personated by Hughes at the bar. The case is called, and the curtain rises on still further developments in the scene. The plaintiff's counsel, William G. Hale, announces himself ready to proceed, *except* that he lacks the power of attorney to Williams, that is all-important to complete his title. Judge Watrous, through his representative, or Hughes, as representing the Judge, supplies that want ; thus kindly giving to his opponent, Hale, the very means of defeating him (Hughes) in the suit ; but mark you, the means also of sustaining the title of Judge Watrous—for the power of attorney was common to both titles. I have already shown, in the Cavazos case, how counsel of this vast company were introduced for purposes of

collusion, and for the betrayal of parties who stood in the way of the land speculations of Judge Watrous and his confederates. Therefore, this is illustration the second.

It will be seen hereafter, as I proceed toward the completion of the narrative of facts I have undertaken, that the power of attorney alluded to plays a very important part in the scheme of fraud by which Judge Watrous was attempting to appropriate an immense tract of land situated within his judicial district.

The legal title to the La Vega grant was conveyed by League to John W. Lapsley, of Alabama, who held the property in trust for the several parties in interest, including Judge Watrous.

In the deed of conveyance there is to be remarked a very singular feature. There is no general warranty of title ; but there is a special and extraordinary warranty given in the following terms :

“The said party of the first part (League) binds himself, his heirs, and legal representatives to warrant and forever defend the title by this indenture granted to the said party of the second part, his heirs, legal representatives, and assigns, against the said *Thomas de la Vega*, and the party of the first part, the respective heirs and assigns, and all others claiming, or to claim, *by, under, or through* the said Thomas de la Vega, and the party of the first part, or either of them.”

This warranty, it is to be observed, is against the party's own vendor. It applied to the chain of title from him, the all-important link of which was the power of attorney to Williams to sell the land. It shows that in the transaction at Selma, Alabama, to which Judge Watrous was a party, the power of attorney was a subject of concern, and probably of debate. It suggests that even then, by some of the parties, the denunciation was anticipated, which was afterward made, of that title-paper as a forgery, and a forgery, too, in the procurement of which Judge Watrous himself had assisted.

This power of attorney purports to have been made in the year 1832. It appears that no attempt was made to prove it up until 1855. Thus it was kept secret, or nothing revealed of it, for about twenty-three years. It is true that Robert Hughes testified that he withdrew a power of attorney from the general land office in 1854—twenty-one years after its purported date ; that there was no mark on it showing when, or by whom it was filed, or that it was ever filed ; nor is there any mark or evidence on the document to show that the power of attorney, the present subject of discussion, was the paper withdrawn from the land office by Robert Hughes—as he was careful not to leave in the land office any copy of the paper he withdrew.

I have requested, in the progress of this narrative, that honorable Senators would regard attentively the man Hewitson, who appears to have been one of the heaviest suitors in Judge Watrous' court, and a partner of League and of Hughes in the subject-matter of the litigation, and of whose use by the court, in support of perhaps the most monstrous of its frauds, I promised some revelations. He, too, is now called in by Judge Watrous, through his counsel, to perform a service at the sacrifice, as the sequel will show, of all that honest men hold most dear—such sacrifices and such service, however, as seem to be the price of the Judge's favor.

In the case of Ufford and Dykes, a verdict was rendered February 27, 1855; the 23d of the same month, and the same year, Hewitson's deposition is taken, *de bene esse*, at Galveston, to prove up the power of attorney. The order of transfer had then been made to remove the Lapsley cases from Austin to New Orleans. The power to Williams was common to both suits. It had been managed to get it into the Ufford and Dykes case without difficulty, through the favor of Judge Watrous, and the evident collusion of counsel. In the Lapsley cases, however, an attempt is made to prove it up by Hewitson's deposition. Why, I ask, was this done? Why was the discrimination in relation to the proof of the power made between the two suits, unless for the palpable reason that it was considered that the power was not in a position to pass the review of the tribunal at New Orleans? Thus again is betrayed the ill-concealed concern of the parties in relation to this power of attorney.

The deposition of Hewitson appears to have been taken at Galveston. It is to be observed that the Lapsley cases, in which it was intended to be used, were then *in transitu*, in obedience to the order of transfer, and that the transcript was in the pocket of Robert Hughes at Galveston. The deposition was taken before Archibald Hughes, a son of Robert Hughes, an agent of Lapsley, Watrous, and others, in their land transactions, deputy marshal, then, or formerly, deputy clerk, and United States Commissioner in Judge Watrous' court. Thus, before this creature of the court, without notice to the counsel of Spencer, then in Galveston, and selecting the time when the suits were *in transitu*, it was managed to take this deposition of a confederate in the land transactions both of court and counsel.

The introduction of this deposition was made with an adroitness and secrecy characteristic of the parties who managed it. They were governed by constant policy and secrecy, that seem to have regulated all their movements. In the Lapsley suit, as in the Phalen suit at New Orleans, they showed their appreciation of the maxims of the policy of Reynolds, who advised that the cause should "go off quietly"; that "the least possible notoriety should attend it," etc.

Thus was the deposition of the confederate Hewitson, on which it was sought to rob the honest settlers of their land and homes, taken after the transcript had been ordered to be transmitted to New Orleans, taken without notice to the opposite parties, and taken surreptitiously before a creature of the court, and a man in intimate relation with those whose interest it was to betray and defeat the settlers who claimed the land. Remarkable coincidence—this testimony of Hewitson, in support of the power of attorney, is taken at Galveston during the trial of the Ufford *vs.* Dykes case, and perhaps on the very day when Hughes so magnanimously furnished Hale with a copy, and stipulated that no exceptions should be taken.

In my opening remarks I alluded to "the deep secrecy" which surrounded, as far as possible, the movements of the conspiracy, a sketch of which I have attempted to give from the results of long investigation, and by the lights of some newly discovered evidence on the subject. I have pointed out, in the progress of the narrative, instances of the secrecy and cunning of the management of these parties. Every means were taken to conceal their steps, and every opportunity was seized to take the opposite parties at advantage.

The order of transfer from Austin appears to have been entered at the November term, 1854. The transcript was taken by Robert Hughes, with Hewitson's deposition, which was sent him *en route* to New Orleans, where the cases appear to have been filed in April, 1855. When the docket was called there, it appears that Hughes was anxious to have the cases disposed of with dispatch, and to take advantage of the supposed absence, at that time, of a defense. But in this he was disappointed by the sudden apparition in court of a poor settler, who had traveled all the way from the wilderness, over hundreds of weary and painful miles, to confront the artful despoiler of his home and to demand justice. I will let the poor man, Eliphas Spencer, tell his story of what transpired in the court at New Orleans, as it is related in the printed evidence taken by the committee of the House in the Watrous investigation. He says :

"I think he [Hughes] said he would like to have them [the suits] tried at as early a day as would be convenient to the court, for he thought there would be no defense, and they could not take up much of the time of the court in trying them. After that I got up and said that I had come some six hundred miles to defend my land, and I wished that time should be given me to prepare my evidence, etc. Judge Hughes observed, 'Oh, Mr. Spencer, I did not know that you were in court, or any one, to attend to the suits.'"

In confirmation of this statement of Spencer of the advantage attempted to be taken against him, there is found an admission of Hughes himself, made in a letter to Lapsley, written when he was in attendance on the cases in New Orleans, April, 1853 :

"I will press the cases to trial with the utmost rigor. I do not expect there will be any counsel here for the defendants."

There is something here of almost pathetic interest to claim the earnest attention of this honorable body. This poor settler, it appears, had planted a home as early as 1847, on what was then the extreme frontier of Texas, and had lived through hardships and dangers difficult to depict, until at last he had secured, as he fondly imagined, a permanent resting-place for his life, and had commenced to gather the fruits of his toils and privations to sustain his wife and children. This land was included in the La Vega tract, and he was the principal defendant, representing in the business the other settlers who had planted themselves around him. He was sued in every shape, and it would seem that every ingenuity of his opponents was taxed to betray him. It appears from the evidence that the suit instituted against him at Galveston was removed to Austin, without any order of transfer having been made in the case ; that he had no lawyer employed to attend to it at Austin, and that when all the cases were removed to New Orleans and the transcript carried there, he heard for the first time, and then, too, not from those who were prosecuting and attempting to betray him, of Judge Watrous' long-concealed interest in the suits, and their removal, on that account, to New Orleans. No sooner is he made aware of this—no sooner does he perceive the long-matured conspiracy to keep him in ignorance and to betray him and his co-suitors—than the poor intended victim is suddenly aroused, hurries to New Orleans, six hundred miles away, and confronts in the court-room the confederate of Judge Watrous, for his ruin,

at the very moment that he is saying to the court that the suits would not be defended. Well might Mr. Hughes exclaim, "Oh, Mr. Spencer!" at the dramatic surprise; and well may our sympathies be prompted by the apparition on the stage of the poor man come to save his home from the grasp of the spoiler; and yet at last, by the renewed acts and influences of corrupt and powerful men, he is turned from it.

It has been shown that it was the expectation of Hughes to have the Lapsley cases dispatched, and to use the deposition of James Hewitson as to the execution of the power of attorney, taken, as has been seen, surreptitiously, and by a fraudulent contrivance, before any of the defendants or their counsel should be present to protect their rights on the trial at New Orleans. Under any circumstances, the only proper course would have been to attach the power of attorney, which was referred to in the deposition of Hewitson, and made a part of it. But this is not done; it is found that, after the lapse of a year from the filing of the deposition, when the trial of the case comes on, it has not even been filed. It was used in evidence against Spencer, and still not filed; but a copy appears to have been substituted for it.

Let me for a moment regard the scene in court, in which Robert Hughes, who had constituted himself the exclusive custodian of this paper, comes forward to sustain it by his testimony as a witness. Here is the representative of Judge Watrous, by his own evidence, establishing the genuineness of the paper, as that which Hewitson had sworn to, and which, since that time, had been in the possession of said Hughes. He produces the paper from his pocket, without any indorsement, without any file mark, and identifies it.

Thus it appears that the defendants in the Lapsley cases were deprived of opportunity to protect their rights against this forged document, except upon presentation in court.

Judgment had been rendered in the case of Lapsley against Spencer on the 30th of May, 1856, and six days thereafter, the following entry is found in one of the Lapsley cases remaining over, showing the anxiety of the parties for an opportunity to sustain their plea of forgery, and evidencing the persistent attempts of Hughes to deny them such opportunity. I read, from page 649, testimony in the Watrous investigation :

Minutes, April Term, 1856.

"NEW ORLEANS, *Friday, June 6, 1856.*

"JOHN W. LAPSLEY
vs.

} No. 2458.

D. R. MITCHELL, WARREN, and JAMES DUNN. }

"The defendants, by their counsel, this day suggested to the court, that heretofore, to wit: on or about the 25th day of February, 1855, the plaintiff herein took the deposition, *de bene esse*, of one James Hewitson, to prove execution of a certain power of attorney purporting to have been executed by Thomas Vega, before Juan Gonzales, regidor of Leona Vicario, with José Nazas Ortez and J. M. McMoral as assisting witnesses, dated the 5th day of May, 1832, authorizing Samuel M. Williams to sell the land in controversy

which said power of attorney defendants believe to be a forgery, and having so filed their plea by their attorney, which said power of attorney has never been filed among the papers of said cause, although the same constitutes a part of the deposition of the said Hewitson, and that the same is yet in the possession of the plaintiff's attorney; and thereupon moved the court to require and cause the said power of attorney to be regularly filed among the papers of said cause, or to be deposited with the clerk in his special charge and keeping, subject to the inspecting of the parties, that the defendants may have an opportunity of sustaining their plea of forgery aforesaid by procuring witnesses to inspect said power of attorney. The plaintiff's counsel being present in court, accepted service of this motion, and waived time to show cause."

Minutes, April Term, 1856.

"JOHN W. LAPSLEY vs. D. R. MITCHELL and WARREN.	}	"NEW ORLEANS, <i>Monday, June 7, 1856.</i>
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"The rule herein taken by the defendant upon the plaintiff, to show cause why he should not file the original of a certain power of attorney, having been argued and submitted on a former day, and the court having considered the same, doth now order that the said rule be discharged."

In the course of the debate in the House, with respect to the charges against Judge Watrous, considerable stress appears to have been laid on the decision of the Supreme Court, of *Lapsley vs. Spencer*, by which the question as to the power of attorney in that case was settled. From the dissenting opinion, however, of Mr. Justice Daniel, the all-important fact is developed, that the question of fraud, with respect to the power of attorney, had been taken from the jury by the ruling of the court. He says:

"It seems to me that there was error in the instruction of the court to the jury: that there was no fraud in the transactions by which the alleged title to the land in controversy had been obtained, or transmitted to the plaintiff."

This fact is of the highest importance. The opinion of Mr. Justice Daniel to which I have referred, and which manifests careful and special study of the questions connected with the power of attorney, contains so clear a judgment on the subject, that I may conclude what I have to say on it by quoting a portion of the learned judge's remarks. He says:

"In the next place, with respect to the deduction of title from La Vega, to whom, it is said, a grant was made by the government, by the decrees first examined. The first step in the deraignment of this title is the paper, styled the power of attorney, from La Vega to Williams, dated May 5, 1832. The authenticity of this paper rests upon no foundation of legitimate evidence. It can not be considered as possessing the dignity and verity of a record, nor of a copy from a record. It is not shown that the laws of Texas required it to be recorded; and without such a requisition it could not be made, in legal acceptance, a record, by the mere will or act of a private

person. This paper does not appear to have been placed on record; and if, in truth, it had been recorded in a proper legal sense, still there is no copy said to have been taken from a record, or certified by any legal custodian of the record or of the original document. . . .

"It has been seen that this document is neither a record nor a copy from a record. The language of the instrument, and that of the certificate of Gonzales, alike contradict any such conclusion. The certificate declares it to be a copy of a private paper, and nothing more. . . .

"The irregularities connected with this alleged power of attorney seem to me too glaring, and too obviously liable to gross abuse, and tend too strongly to injury to the rights of property, to be tolerated in courts governed by correct and safe rules of evidence."

Judgment was rendered in New Orleans in favor of the plaintiff in the suit of Lapsley *vs.* Spencer, as I have stated, on the 30th May, 1856. After the decision of this suit, it appears that in another of the Lapsley cases remaining on the docket, viz.: Lapsley *vs.* Mitchell and Warren, a commission was taken out by the defendant to take the testimony of Tomas de la Vega of the La Vega grant, and of José Cosme de Castenado, the custodian of the archives at Saltillo, with reference to the power of attorney heretofore so frequently referred to, which purported to have been made from La Vega to Williams. These depositions were returned in March, 1857. In that of La Vega the deponent denies ever having signed any such paper as the power; and in that of Castenado, the custodian of the archives, the deponent swears that the alleged power of attorney was—

"Signed only by the alcalde, Don Juan Gonzales, and Don José Maria de Aguirre, and not by Don Rafael Aguirre or Don Tomas de la Vega, or the assisting witnesses, wherefore the said document can be of no effect; and that in verification of all that he has stated, he refers to the original documents, which exist in the archives under his charge."

This was the first public declaration made from Saltillo of the forgery of the document. Now, suddenly the case assumes a serious and startling aspect, and strikes dismay and terror into the ranks of the conspirators. Orders had been left at the court at New Orleans, that immediately on the receipt of the depositions of La Vega and Castenado there, that copies should be sent to Galveston. There can be no doubt, however, that the parties claiming under the power of attorney, and represented there, knew very well what the import of these depositions would be. Is it, indeed, to be supposed that they, with a property worth \$300,000 at stake, which depended on this very muniment of title, should have neglected wholly, and for so long a time, to examine the archives at Saltillo, and inquire what was on record there?

The storm had burst, and the conspirators, in dismay, are compelled to face the loud denunciations of their guilt. Now they have to meet the brunt of the battle. The day of discovery and retribution has come; and collecting together, serrying their ranks, and summoning all their resources, they prepare desperately to resist the judgment that has overtaken them.

Now it is that Judge Watrous is observed to call to his aid all of his confederates. Now it is that the whole *corps dramatique* is summoned on the

stage for the grand catastrophe. Now it is that the judge calls upon his confederates to stand by him, and to redeem the prices of his favor to them by the most unscrupulous of means, and most desperate of services.

Thus it is observed that the first step of the startled plotters is to gather around the judge, and attempt to protect the great head and front of the conspiracy. It is observed that in attempting the desperate defense they hesitate at nothing. It is observed that in seeking to cover the judge they expose themselves to new discoveries of guilt, and sink deeper into the mire of falsehood and fraud.

It will be instructive to note the parts which the different confederates of Judge Watrous take, and the length to which they go in seeking to establish a defense for him. To commence with League, one of the closest of his confederates: when examined, in the course of the Watrous investigation, he strives to make it appear that when the copies of the depositions taken at Mexico were received at Galveston, he had repeated conversations with Robert Hughes in relation thereto; but that Judge Watrous discouraged or forbade any conversation with himself on the subject. I will here read some of the passages from the testimony to this effect:

"*Question* (by the chairman). You spoke of having received a copy of a deposition from the clerk at New Orleans. You received that in Galveston?"

"*Answer*. Yes, sir. It was sent to Judge Hughes, not me.

"*Question*. Was Judge Hughes in Galveston at that time?"

"*Answer*. I think he was.

"*Question*. What time was that?"

"*Answer*. It must have been in *the month of April, 1857*.

"*Question*. You are certain that that communication was sent to Judge Hughes?"

"*Answer*. I think it was.

"*Question*. Whom did you consult as to the propriety of going to Mexico for Gonzales?"

"*Answer*. *With Judge Hughes*. I might have mentioned it to Judge Watrous; I think I did. He called; *but whenever I attempted to say anything to him, he would reply, 'Go to Judge Hughes; I have nothing to do with it!'*"

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"A copy of the depositions taken in Mexico was sent to Judge Hughes; *Judge Hughes sent for me immediately, and read it over*. Some of it was in Spanish; but he made it out." . . .

"*Question*. Did you take from *Judge Hughes* any copy of the depositions taken in Mexico, impeaching the power of attorney?"

"*Answer*. I took the substance, but not an exact copy.

"*Question*. You noted down on paper the substance?"

"*Answer*. Yes, I noted it down, and submitted it to my Alabama friends.

"*Question*. Did you note that from the depositions before you?"

"*Answer*. *Judge Hughes noted it*.

"*Question*. Judge Hughes put upon paper the substance of the testimony taken in Mexico?"

"*Answer*. Yes; and I think that I added to it something.

"*Question.* How much space did the statement occupy upon paper ?

"*Answer.* I can not recollect. Not a great deal.

"*Question.* Did you take that part to Alabama ?

"*Answer.* I did."

Now, it appears, in relation to the testimony of Hughes himself, that at the time of the alleged conversation at Galveston, referred to by League, he (Hughes) was *absent from his home at Galveston* ; that these two gentlemen could never have compared notes, as alleged, at the time of receiving the depositions ; and that the first time that Hughes had ever seen the depositions was in August, three months after League alleged to have been in conference with him on the subject of the power of attorney. Here is the testimony of Hughes, establishing these conclusions beyond a doubt :

"*Question.* When was Hale employed in the case of *Lapsley vs. Spencer* ?

"*Answer.* I do not know, certainly ; *I was absent from home when information was received of the taking of the deposition of Tomas de la Vega, in Mexico* ; when I returned, I was informed of what had occurred. The deposition was shown to me, and I was informed that Mr. Hale had been employed to assist in the case. It was a short time after it had been taken—two or three months—that I received information of it." . . .

"*Question.* When did you first see the deposition of Tomas de la Vega ?

"*Answer.* I saw it at the time I spoke of, when I returned home some time last summer, and when, as I said before, Mr. Hale was employed as assistant counsel ; *that was the first time I saw it* ; that was a week or ten days before the election on the first Monday in August."

Mr. League has unquestionably committed himself in that part of his statement which I have quoted. It seems to be a strange and impossible hallucination, that he should mistake conferences, which he undoubtedly had with Judge Watrous, on the subject of these depositions, and of the best means to defeat them, as having taken place with Robert Hughes, unless he regarded them as Siamese twins.

The most glaring contradictions appear in this man's (League's) testimony, as taken from day to day before the committee, exposing his desire not so much to develop the truth as to shield Judge Watrous, the great head and director of the conspiracy.

In further contradiction of the statement he had made of conferences held exclusively with Hughes, it appears not only that Hughes could not have been a party to such conferences, but that League did actually converse and consult, at the time named, personally, fully, and intimately, with Judge Watrous himself, on the subject of the depositions taken in Mexico. The fact is drawn out of him, on an examination some days subsequent to that on which he denied having conferred with the judge on the subject, that he, the judge, advised that he should go and consult the Alabama parties relative thereto.

With respect to this advice, I may make a single suggestion. There is but one course that is probable that honest men would have adopted, in an alleged discovery, such as was communicated to Judge Watrous and his confederates, in the depositions taken at Saltillo. Supposing that these parties had no previous knowledge of the fact of the forgery of this power

of attorney; would they not naturally and immediately have sought the archives for information and evidence, where the original must be, if any such existed? This would have shown an honesty of purpose. It is now to be seen what course they do adopt, other than that which was natural for innocent men to take; and I beg the especial attention of honorable Senators to this point, that they may determine whether the course of the parties evidenced or not an honest desire to arrive at the truth. League goes to see the Alabama gentlemen, at the suggestion of Judge Watrous. He sees Lapsley at Selma; tells him of the discovery made in the depositions taken at Saltillo; and the consequence is, that Lapsley gives him \$2,500 to enable him to go to Mexico and "procure" testimony to sustain the alleged power of attorney.

Now, it is in evidence that Lapsley, who professes to be very careful in his negotiations, had exacted from League a warranty of title against the particular risk of the validity of this power. League was reputed to be worth some seventy-five or one hundred thousand dollars; and his warranty was the only security the parties had by which to save themselves. He goes to Lapsley, and tells him, in substance, "News has reached us that I am liable to you on the warranty." What does Lapsley say? Does he say: "I entered into the transaction believing that everything was *bona fide*. I will have nothing more to do with it; and must look to your warranty"? No such thing. He says: "I release you from your warranty." He gives up and renounces the only chance which he and the parties he was to represent had to save themselves; but not only this, he gives to League \$2,500 to pay his mileage to Mexico!

One other circumstance, too, is suggestive, in relation to this warranty against the power of attorney, the link in the title from La Vega. In Mr. Lapsley's testimony, it appears that it had been greatly urged by Judge Watrous, at the time of the conveyance, that League had hesitated to sign the warranty, and that Judge Watrous had encouraged and pressed him to do it, saying: "You can sign it with perfect safety, Mr. League, because I am satisfied myself that the title is good." Yet the warranty, when so urged, and about which so much was then manifested, is found to be released at the very time that the validity of the link of title for which it was given, is called in question! and without which, Lapsley said, the bargain would fall through.

I will observe here, that in all that I have stated of the circumstances surrounding the alleged power of attorney from La Vega to Williams, to sell the land in controversy, I have not designed making any attempt to prove this document a forgery. That, I think, is indubitable. But my object has been to show the part taken by Judge Watrous and his agents to foist a forgery upon the poor settlers they were seeking to defraud. To accomplish this object, I now proceed to a continuation of the narrative, resuming at the point where League returns to Galveston, having been furnished by the Alabama parties with means to prosecute their designs in Mexico.

From the printed testimony in the Watrous case, it appears that the judge was fully acquainted by League with the communications and results of his interview with the Alabama associates. It was the judge who suggested

the employment of the services of William G. Hale in the emergency. They are accordingly secured ; and no sooner so, than Hale calls to his aid John Treanor, to undertake the most unscrupulous and desperate scheme for the fabrication of evidence in Mexico, to suit their purposes. Here, it may be observed, are again introduced upon the stage the two parties who were united as principal and agent in the Cavazos case, to direct the suit by their affidavits and their collusive management, in which it appears that, by the judge lending himself to the scheme, they had been successful. Treanor, the man branded as one "without character or standing," is prepared for a trip to Mexico, to procure, on the best terms, such testimony as he can, to sustain the power of attorney ; he is joined by League, and Francis J. Parker, a clerk of Judge Watrous' court.

It will be profitable to review the antecedents and relations of this man Parker, as it will be found that he figures in several important matters of fraud and chicanery, conducted through Judge Watrous' court. It will be recollected that reference was made to an order entered in Judge Watrous' court, for the exclusion, from the regular panel of jurors, of the citizens of four counties lying on the Rio Grande. From the marshal's returns in the comptroller's office, it appears that this order was strictly carried out until January, 1856, when it is discovered that it was violated in returning Mr. Francis J. Parker as one of the regular panel, at Galveston, and that he was the only citizen from the Rio Grande summoned in the face of the order, and with regard to whom the marshal had departed from the rule of the court.

Now, why was Mr. Parker "selected"? Why was he selected "two or three times"? An answer may be suggested by slightly reviewing the relations of this man to Judge Watrous, who was deeply interested, at least, in important questions pending in his court.

Parker was, in the first place, the deputy clerk of the United States court at Brownsville, over which Judge Watrous presided. He had also been appointed by the judge United States commissioner for Brownsville ; and is now an itinerant commissioner on his mission to procure testimony in Mexico for the establishment of the forged power of attorney. It will be recollected that F. J. Parker was selected for jury service in this court. Edwin Shearer, also a deputy clerk, had been placed on the jury in the Ufford and Dykes case.

The progress of this man Parker, in acts of service for Judge Watrous, is next traced in his participation in the attempt made by the judge to prove up the forged power of attorney in the Lapsley cases. He appears to have been the selected custodian of this precious document, and to have accompanied to New Orleans the witness who had been obtained at an expense of \$6,000.

Still further he may be traced, doing Judge Watrous' work, until at last he comes forward as a witness for Judge Watrous, before the Supreme Court of the United States, to sustain his honor in his act of corrupt oppression, depriving Mussina of his appeal in the Cavazos case.

But I will now revert to the course taken by the parties, League, Treanor, and Parker, in their mission to Mexico, with respect to the power of attorney. The three proceeded together as far as Monterey, about seventy miles

from Saltillo; and from the former place, as if the movements of the party were again determined by the old anxiety to avoid notoriety and attention, Treanor proceeds alone to the scene of operations. On reaching Saltillo, it might be supposed that he would at once have consulted the archives in relation to the power of attorney. But instead of exhibiting an honest purpose, by proceeding at once to the archives, and comparing the copy which he held with the original, he directs his steps, first to the house of Gonzales, a former *alcalde* of the place, an old man, partially blind, and he exhibits the important document to him, and prompts him to give an opinion of its genuineness. A quarter of a century had elapsed since the document purports to have been made. The old man naturally suggests that he will go to the archives—of course, to examine the original. Mr. Treanor's reply is that he does not wish this; and suggests as a reason, "that the proof was to be taken, not for a Mexican, but for an American court." Subsequently, he (Treanor) does examine the archives; he goes there alone; and, it appears, for another purpose than that of examining the original of this power. And in answer to the inquiry if he had found anything there corresponding with the copy or *testimonio* which he held, and whether he compared them, replied, "I compared them *not very particularly*, but I saw they were very *nearly equal*." Not very particularly! why not? The matter of this power of attorney was the sole object of his mission to Saltillo. "Nearly equal" to the *testimonio*.

Such is his testimony before the committee of investigation. Strange, indeed, that Judge Watrous and his astute counsel did not think proper to ask the witness (their witness) in what respect the original and the *testimonio* differed.

The proofs of the forgery were too plain. Treanor did not dare to take the deposition of old Gonzales, before the authorities of Saltillo, as in such a case, according to the law of Mexico, the officer taking the deposition would have been required to give notice to La Vega and other parties, whom it was his object to keep in utter ignorance of his machinations.

It therefore became necessary to take Gonzales away. But it was found the old man was not willing to leave. Here Hewitson, who resided at Saltillo, who had, by a deposition of his own at Galveston, sustained this forged document, and who, it has been shown, was a general partner in the system of fraud dealt out through the machinery of Judge Watrous' court, is found to intervene to effect the object of Treanor's mission. It is eventually, by his persuasions, and by that of \$500 in money, that Gonzales is induced to accompany Treanor, six or seven days' travel, to Rio Grande City.

After Gonzales was got as far as Rio Grande City, his deposition was taken *ex parte*. League was bent upon making the most of this old man's testimony, to obtain which, it is proved, he has paid him at least \$1,300, besides his expenses, and was desirous of taking the old man to New Orleans, *as he said*, to testify *before the court there*. Mr. Treanor, for whose able services it is also proved that League paid \$1,300, over and above his expenses, and further sums not revealed, is appointed to prevail upon Gonzales to go to New Orleans. League assists in the persuasion by decoying the simple old man, as he himself states, by pictures of the "progress of civilization," which he would see by an extension of his travels to New

Orleans. It appears, however, that the payment of seven or eight hundred dollars additional, which League said was to compensate the old Mexican, who was a tanner, for some hides left in his vats, proved more powerful in inducing him to go to New Orleans than the alluring picture of "civilization" with which he was promised to be amused. In his testimony before the committee, League says that he promised the old man, if he would go to New Orleans, to show him "a steamboat and a railroad." By a very wonderful coincidence, just as he was using this persuasion, "the steamboat came puffing up toward Rio Grande City." "How pretty!" he said; "we can go on that boat and be taken to New Orleans." But old Gonzales cared more for the hides, either absolutely or constructively, in his vats, than for taking "pretty" tours on "puffing steamboats." Mr. League then tries another temptation, by offering him seven or eight hundred dollars in the shape of compensation for his hides; and "by that means," says Mr. League in his testimony, "we got him to New Orleans."

It is worthy of remark what boldness is displayed in the actions of League and Treanor, in attempting to assert the validity of this power of attorney on the personal testimony of this poor old man. Who is Gonzales, that his deposition should have such value? He is without official station; he is the custodian of nothing; without judicial favor, his oath can amount to no more than that of any other ordinary person.

League, Treanor, and Parker proceed with the witness to Galveston. Thus, it appears, he is brought to the residence of Judge Watrous, Robert Hughes, and William G. Hale. It appears that Gonzales is not sworn at Galveston; but he is put here in charge of Robert Hughes, who, in company with League and Treanor, carries him to New Orleans. In the testimony of Mr. League, from which I have just made some quotations, he makes the profession that his object in getting Gonzales to New Orleans was to introduce him *before the court* as a witness. But this is not done. The witness is taken before a commissioner, and makes another deposition; thus leaving without explanation the cause of the removal of Gonzales from Saltillo, for the purpose of taking his deposition.

On page 461 of the printed testimony in the Watrous case will be found the deposition of the witness Gonzales. On the examination in chief he makes out a pretty good story, and shows evidence of careful drilling. But the cross-examination which ensues reveals the most melancholy and painful case of depravity that is conceivable.

It is only with feelings of the strongest aversion that we can contemplate such an example of open falsehood, and glaring and painful contradictions in the testimony of a sworn witness. It is only on the cross-examination that the fact is drawn out from the old man, on presentation of the power of attorney to him, that *he can not read it*. His sight is so decayed that he has to acknowledge that he could not read the writing, unless drawn up in letters as large as those on a street sign, which was pointed out to him over the way.

It is to this trashy, miserable evidence of this poor old blind man, who was procured as a witness through Judge Watrous' suggestions, bribed with money, and drilled so far even as to make him suppress the fact of the decay of his sight; it is to this revolting example of the purchased and perjured

evidence of an old Mexican dotard, that Judge Watrous, in his answer to the committee of investigation, has pointed with an air of triumph for his vindication, and for the proof of the genuineness of the forged power of attorney, and as "placing it beyond all controversy or debate." He (Watrous) is certainly more to be execrated for the defiance of truth and of decency, in endeavoring to impose such a conclusion upon the committee, than the poor Mexican driveller, who was seduced and moulded to his purpose by bribery.

To cap the climax of effrontery exhibited in the parade made of old Gonzales' testimony, but one circumstance was wanting, and that seems to have been supplied by that useful creature, John Treanor. At the same examination before the commissioner at New Orleans, he is actually introduced to testify to the respectability of the deponent, Gonzales. The further wonder appears that he gets his information from Hewitson.

And as to Hewitson's former deposition, to the genuineness of the power of attorney, a few words just here may dispose of the question of veracity, generally, of his statements. He had sworn, in the deposition at Galveston, that Gonzales was dead. Yet it appears from the testimony that Gonzales and himself lived in the same town, and were well acquainted with each other, "acquaintances of long standing!" It is not necessary to canvass the truth of Mr. Hewitson's statement after this revelation.

However, the monstrous contradiction introduced here affords another illustration of the boldness of Judge Watrous and his confederates in pressing the ends of their conspiracy. In 1855, Hewitson, who was, as I have stated, one of the heaviest suitors in Watrous' court, is at Galveston. At that time the Lapsley cases are *in transitu*, and are filed and tried, within sixty days, at New Orleans. In this emergency, it suited the purposes of Judge Watrous and his confederates, that Hewitson should come forward and swear that his townsman and neighbor was dead. Yet a little while after, it suiting their purposes, they have the extreme and almost incredible effrontery to introduce the formerly dead townsman and neighbor as a living witness, under a certificate of respectability obtained from Hewitson himself. Can there be any defiance of truth more extreme, more unblushing, and more revolting in its shamelessness than this?

So far, I have followed with patience the general narrative of this stupendous and far-reaching conspiracy, through its windings and devices. I have done this to show the ramifications of the plot, and to illustrate the boldness of the actors. That boldness I have shown to be especially displayed in the desperate attempts made to impose upon the courts a forged power of attorney, in the procurement and benefits of which forgery Judge Watrous was largely interested.

However, there is one simple and summary view of the whole matter, that to my mind is so conclusive of the fraud of the parties in the La Vega land transactions, that I can not conceive how a rational mind can require further proof of, or remain in doubt with respect to, the existence of corruption among the parties to the sale of this land. I will briefly express this view, and I will challenge upon it the judgment of this honorable body, whether there was fairness or fraud in the transaction.

I refer to the circumstance of the monstrous inequality between the

amount of purchase money to be paid by Judge Watrous and his partners for these lands, and their actual value at the time of the sale. And I will start out with the well-settled principle of law, that a purchaser, with a notice of fraud in the sale on the part of those selling, becomes a party to the fraud.

Here, then, as the evidence shows, we see a body of sixty thousand acres of choice land, worth, at the time of sale, at least \$100,000, with land scrip to the amount of "ten or twelve thousand acres," sold for the paltry sum of \$6,200. This scrip had a cash market value at the time of the sale, nearly, if not quite, equal to the whole amount of the purchase money; but, located on a questionable title, its market value was much more, which would render the La Vega title an absolute donation to these parties. These lands were in the hands of trustees, Messrs. M. B. Menard and Nathaniel F. Williams. The latter was the brother of Mrs. St. John, the party for whose benefit the sale was made; the other was one of the large land operators in Texas, and both were intimately acquainted with the value of property of this description. The title, also, had been derived through Samuel M. Williams, also a brother of Mrs. St. John, who was the actor in obtaining the title, and who knew all about it. If there was any defect in that title, he knew of it. If there was a reason for selling it cheap, he knew of it.

Further: it is to be noticed that shortly previous to the sale of this land, the case of *Hancock vs. McKinney* had been decided in the district court of the State, wherein a title, exactly similar to the La Vega title, as admitted by Judge Watrous himself, had been adjudged to be valid. So identical were the titles, as the testimony shows, that it may be considered that the adjudication was upon this very title, purchased from Williams by Judge Watrous and his partners.

Yet, under all these circumstances, this large body of land, worth \$100,000 at least, and the title to which had just been declared valid by the district court of the State, is sold by gentlemen who are acting under the obligations of a trust, and who are well acquainted with the value of the land, for a few cents an acre! I ask, do not all these circumstances combine to show that there was a known and acknowledged defect in the title? They irresistibly point to the fact that Williams knew that there was no power of attorney from La Vega to perfect the title. They incontestably prove that it was a corrupt and speculative sale of defective title. Let me place this question before honorable Senators:

Suppose that the action of the trustees, Menard and Williams, or her other agents making this sale and conveyance, had been called into question by Mrs. St. John (for whose benefit the sale was made); suppose she had come into court and had said that the sale was not fair, and moved to set it aside: is there any court of equity in the land that would have refused the application? No. The inequality between the value of the land and the amount of the purchase money is too egregious to be overlooked. It is the very sign and badge of fraud to the transaction. It proves, beyond the shadow of a doubt, the knowledge of the parties of the defects of the title, and existence of a corrupt conspiracy to supply this all-important link, and without which it was wholly worthless, as subsequent events have shown, by a forged document, and by using Judge Watrous' court to sustain such forged muniment of title.

And, in this connection, it will be borne in mind that Judge Watrous not alone received one-fourth part of the purchased land at the trifling consideration named, but also, on a credit of five years, and to this day, after a lapse of eight years, has not paid, or been required to pay, one cent.

Moreover, there is another most important circumstance. I have stated that the grant in the Hancock and McKinney case and the La Vega grant were identical. The position of Samuel M. Williams was the same in both grants. He had sold the Santiago del Valle grant (which was involved in the Hancock and McKinney case), as the agent of Santiago del Valle, in the same manner as he had sold the La Vega grant as the agent of La Vega. Judge Watrous was also interested in the Santiago del Valle grant to the extent of some four or five thousand acres of land. He, the judge, was represented by Robert Hughes, who argued the case before the Supreme Court of Texas. Now, it appears that, in the Hancock and McKinney case, as in the Lapsley cases, there was no power of attorney from Santiago del Valle to Williams.

In the case of Hancock *vs.* McKinney, "it was *admitted* that Williams had authority to act for Del Valle." This is reported from the case—7 Texas Reports. An opportunity to explain this singular admission was offered Hughes, the counsel of Judge Watrous, on his examination as a witness before the House committee. But what does he say?

"*Question.* Was the power of attorney from Santiago del Valle, authorizing Williams to sell, in the Hancock and McKinney case?"

"*Answer.* I do not know. It is a long time since I saw that record."

Now, is it to be supposed that this active counsel in the case where his client and patron, Judge Watrous, was interested to the amount of four or five thousand acres of the most valuable land (situated immediately opposite to the seat of government), would have failed to recollect the existence of this all-important link in the chain of title? Thus, as in the case of Ufford and Dykes, so in the case of Hancock *vs.* McKinney, it is managed to obtain the admission, and to avoid all question as to the authority of Williams to sell the land.

So, it appears, that of the parties, Judge Watrous and his counsel, Robert Hughes, at least, went into the La Vega land speculation, their attention directed, especially directed, to the power of attorney from La Vega to Williams, which they had to look to as the principal link of title.

The investigation touching the official conduct of Judge Watrous, which was had in the Thirty-fourth Congress, was made in the most deliberate, painstaking, and thorough manner. Distinct votes were taken at different stages of the proceedings. Nearly the whole available time of the session was devoted to the examination of the records offered in support of the charges, which records in fact composed the entire evidence in the cases.

With respect to the charges assigned by Spencer, the committee found a verdict against the judge, and proclaimed that "he had given just cause of alarm to the citizens of Texas for the safety of private rights and property, and of their public domain, and had debarred them from the rights of an impartial trial in the federal courts of their own district."

This judgment was followed up, and in its conclusions enforced by a

moiety of the present Judiciary Committee, in whose elaborate and conclusive report the following finding of the facts is included :

"That while holding the office of District Judge of the United States, he engaged with other persons in speculating in immense tracts of land situated within his judicial district, the titles to which he knew were in dispute, and where litigation was inevitable.

"That he allowed his court to be used as an agent, to aid himself and partners in speculation in land, and to secure an advantage over other persons with whom litigation was apprehended. That he sat as judge on the trial of cases where he was personally interested in questions involved, to which may be added a participation in the improper procurement of testimony to advance his own and partner's interests."

Into the merits of the legal question, with respect to the appeal sought to be taken by Mussina in the Cavazos case, I do not propose to inquire. It is indispensable, however, to insure a clear understanding of the case, and to complete its history, to notice the matter, and to read here the judgment pronounced on this branch of the Watrous case by the following honorable gentlemen, composing a moiety of the House Judiciary Committee before alluded to : Messrs. Henry Chapman, of Pennsylvania ; Charles Billingshurst, of Wisconsin ; Miles Taylor, of Louisiana, and George S. Houston, of Alabama :

"And, finally, they are prevented from having the decision against them reviewed in the appellate court, by the failure of the judge to perform his full duty to them in facilitating the exercise of the right of appeal, given to them by law, from motives of public policy, for their own private advantage."

It appears that Mussina applied to the Supreme Court for a rule for a *mandamus* against Judge Watrous, who had, as he conceived, refused or defeated his application for an appeal, which was within the time prescribed by the law. To this Judge Watrous answered, and sustained his answer by the testimony of Cleveland, Parker, Jones, Love, and son. It is revealed in the testimony that William G. Hale was here in Washington, on the spot. Mr. Love, the clerk of Judge Watrous, says :

"Mr. Hale sent from Washington city a copy of Mr. Mussina's affidavit before the Supreme Court of the United States." "I got four or five affidavits, and enclosed them to Judge Watrous. All of us [*i. e.*, Cleveland, Parker, Jones, his son, and himself, all creatures of the court] agreed in making the affidavits on our own recollection."

It is unnecessary to review the testimony of these witnesses before the House committee. A mere inspection of it will present the contradictions with which it abounds, and will show the changes and shifting of the witnesses, according as their recollections are refreshed from time to time by Judge Watrous. It would appear that on this testimony and the statement of Judge Watrous, the rule for a *mandamus* was denied. In a further part of the testimony taken in the Judge Watrous investigation, it is shown that the Supreme Court would not permit the truth of a judge's return, in a case of this nature, to be questioned ; "that by the practice of the Supreme Court, it did not allow a question of fact to be raised on the return of any

of the judges on a rule *nisi* for a *mandamus*, but took the judge's return as absolutely true in relation to the facts." I ask honorable Senators to pause here. I beg them to consider to what this question of appeal from Judge Watrous' court has reduced itself. I ask, has Judge Watrous proved himself the man of truth and honor, that his word should not be permitted to be questioned? Is he the man whose statement should not be gainsaid? Is he the man to be continued in a position where his statements are to govern and override all contradiction? Is he the man to remain on the bench?

It has been shown now what steps were taken by Judge Watrous and his court officers to baffle, and finally defeat, the appeal of Mussina.

Thus was the right of appeal, a right so absolutely recognized as essential to the interests of justice, and so important with reference to public policy, denied the petitioner. Such, indeed, was a fitting conclusion to the series of acts of collusion, tyranny, and oppression which had signalized the action of the judge in the celebrated Cavazos case.

As to the final act of collusion on the part of Judge Watrous and his confederates in preventing Mussina's appeal, the judgment of the committee in the Thirty-fourth Congress is so strong and clear, that if I could afford the time, I might comment at length upon the deliberate and atrocious circumstances that mark this last act in the Cavazos case.

But even apart from this, there appear additional reasons why an appeal was not taken in the Cavazos case, even if it had been possible; or why an attempt was not made at an earlier day, despite of the machinations to prevent it. There were reasons to esteem the record as partial, collusive, and false; and a party might well hesitate to risk his case upon such a record. He might well fear the effect of a made-up record; and one made up, too, as the testimony would show, under the eye of William G. Hale, the chief actor in the scenes we have described.

But I conceive a special and particular reason to prevent a party from risking his rights on such a record as that in the Cavazos case. I allude here to one of the most open and barefaced acts of collusion possible to be imagined, having been countenanced by the judge, and put falsely upon the record, so as to operate to the particular prejudice and detriment of Mussina. This circumstance alone will furnish an ample explanation of Mr. Mussina's much-accused delay in taking an appeal.

It appears that by collusion, and in defiance of law and justice, Robert H. Hord was called by the complainants, and made a witness for them, on the trial of the Cavazos case. Thereupon, having been sworn on his *voir dire* to testify as to his interest, the solicitor of Jacob Mussina, one of the defendants, put the following questions to him:

"Have you, or have you not, any understanding or agreement with the complainants, or either of them, or their agent or solicitors, in relation to the determination of this cause, or of any of the matters involved therein, adverse to any interest or right claimed by Jacob Mussina in any property or rights involved in this suit? Are you, or not, interested in any such understanding or agreement?"

This question Mr. Hord refused to answer, and, thereupon, the court decided "that the question need not be answered."

As to this ruling of the court, the committee of the Thirty-fourth Congress say unanimously :

"The court permitted Robert H. Hord, counsel for defendants, and witness covertly interested, to testify at the hearing of said case, and sustained his refusal to answer the following proper and legal question, intended to show that he had a collusive interest adverse to Jacob Mussina."

And a moiety of the committee of the present Congress sustain this view by the following declaration of judgment :

"The refusal of the judge to compel the witness (Hord) to answer the questions propounded to him by Mussina's counsel, and then permitting the witness to testify to a fact material to the issue, and in opposition to Mussina's interest, was, we think, in violation of law.

"The action of the judge, in the instance spoken of, seems to be subversive of all recognized principle, and to admit of no excuse."

The testimony of Hord, which the court admitted, was of great importance. It went to the main question of the genuineness of the title of complainants. His testimony was important, as against Mussina, and others of the defendants : and it further appears that with Mussina he had held the most confidential relations, having been his agent and attorney.

It appears further, from the testimony before the committee, that long before Mr. Hord was thus examined as a witness, he had made a collusive agreement with the man Treanor, who was acting as the agent of the complainant, Cavazos, and who now called him as a witness. It is shown in the testimony that Hord held an instrument of writing, purporting to be a sale, or contract of sale, to himself and partner, of the town tract of Brownsville, which was the principal subject-matter of the suit, which was signed by John Treanor, as agent for Cavazos and wife ; and the suit was continued, and Hord offered as a witness, simply to carry out this fraudulent arrangement.

This revelation is not only important, as going to show the collusive interest of the witness Hord, but it throws further light upon the wretched system of fraud to which Treanor, this useful agent and witness of Judge Watrous, was a party.

It would seem to be an excess of oppression, thus through collusive management to use a party as a witness against his client and friend, and to deny him the privilege of examining such witness as to that collusion. But the record is falsified still further to take advantage of this testimony ; and Mussina is to be bound hand and foot, so as to preclude all possibility of his contesting his rights upon a fair and honest record. Not satisfied with foisting upon the case the testimony of Hord, as a witness of the complainant, the "statement of proceedings," which is signed by Love, the clerk of the court, makes it appear that this testimony of Hord *had been offered by Mussina*, and other of the defendants. Love, in his testimony before the committee, in answer to the question, "By whom was the original statement of proceedings made?" says :

"I do not know certainly ; but I believe the original was presented to the clerk of the court by Mr. Hale, for him to verify by the indorsements on the papers filed."

Thus is falsehood added to falsehood ; thus is the truth of the record prostituted to collusive designs ; and at last, by its falsification, is Mussina left without anything on which to hang even a hope for the recovery of his rights.

Indeed, every circumstance about the record was calculated to inspire suspicion of its integrity. The translations of some of the most important documents in the case had been made by Hale ; and although he was not sworn, he was allowed to withdraw the original documents from the file ; the translations which he substituted were admitted by the court ; and thus again was the record of the case governed by this colluding and unscrupulous attorney, who holds an absolute conveyance for the larger portion of the property.

No wonder that Mussina was unwilling to trust to the integrity of the record thus made up under the eye and direction of his adversary. Nor does he appear to have been timorous without reason. Sir, it appears by the testimony before the late investigating committee, that, in a suit which he instituted in New Orleans, against the parties who had colluded in Judge Watrous' court, to despoil him of his rights, a false record was sent up from Judge Watrous' court ; false, too, in the most important and vital particular. In the examination of the record, it was found that an affidavit had been falsified by striking from the very middle of it an important portion of the evidence. Against men who dared thus to do an open act of infamous crime, Mussina had to contend from first to last. Other and glaring evidences of collusion are to be seen in this "statement of proceedings," and, indeed, throughout the record as sent up to the Supreme Court.

It appears that the judge's partnership speculations were of the most various kinds. He not only was interested in the fraudulent certificate business ; he not only engaged in speculations with a company of professional dealers in real estate ; but he had other partnerships by which to sustain his fortunes. He taxed his ingenuity in contracting partnerships of every description.

The testimony shows that he even obtained partners in the ownership he claimed of a patent for curing beef, and of an extensive beef-curing establishment.

But it is found that he went into another partnership of much more questionable honesty than the beef-curing speculation. He became connected with Dr. Cameron in a silver mine of Mexico. This partner was a principal litigant in his court, and had heavy suits pending therein to large tracts of land under Mexican grants ; of course it became the judge's interest that his partner should harvest his means ; and to the extent of this interest, he necessarily vacated his office.

I must here advert briefly to another gigantic speculation with which Judge Watrous is shown to have been connected. I refer to what is known as Peters colony ; which was a contract of colonization of more than ten thousand square miles of land in Texas. William G. Hale, in his correspondence with Judge Watrous, from which I have already read, makes allusions to the progress of negotiations on the subject. In his letter, dated March 14, 1847, to Judge Watrous, he remarks, " We have had a long inter-

view with Mr. Hedgecoxe (the agent of Peters colony grant), and are arranging matters."

It further appears that the Hon. Caleb Cushing was employed as the attorney for this association, which is known to have numbered among its members men of the highest station and most powerful influence in the land; and that when elevated to the high office of Attorney-General of the United States, he gave an extra-judicial opinion in favor of the claim of the company, which will be found in the published opinions of the Attorney-Generals.

It was this former attorney for the association, with which Judge Watrous was connected, who was called to his aid when pressed by the investigation before the committee of the House, and who acted as his counsel and defender throughout that emergency. I mention this only to illustrate the ramifications and varieties of the influences brought to sustain Judge Watrous whenever occasion required, and the extent of which baffles imagination, and leaves us at a loss what to conjecture.

I will here bring to the notice of this honorable body a letter addressed by one of the managers of Peters colony grant to Judge Watrous after his elevation to the bench:

"LOUISVILLE, KENTUCKY, *January 15, 1847.*

"DEAR SIR:—I am just in receipt of your letter of the 22d ultimo, and upon presenting it to the trustees of the company who manage its affairs, they instructed me to say to you that the transfer of their cause by you to Messrs. Johnson and Hale, meets their entire approbation. Relying upon their knowledge of your own ability to select for them, they have addressed a note to Messrs. J. and H., but if it should not reach them, please do us the favor to say to them that their selection is satisfactory, and that we hope they will investigate the matter thoroughly for trial. Our agent in the grant, upon whom the process will be served, is Mr. Henry O. Hedgecoxe, McGarrath's post-office, Texas—the county I do not know, as the grant has been divided within a year into three counties. If they require any information from us, we shall promptly give it to them. I am pleased to learn that you have received and accepted the appointment of judge of the Federal court of Texas. I do you but justice when I say that I believe, from the reputation you have among those whom I know to be competent to decide, that you deserved the appointment; and I am also satisfied that, if our case should come before you, we shall have both law and justice rendered us, so far as it is dependent on your decision.

"Please accept my best thanks for your attention and communication, and believe me, very respectfully, etc.,

"To Judge J. C. WATROUS.

JNO. J. SMITH."

The fact is thus revealed that Judge Watrous had been counsel in this case before going on the bench, and that in assuming the judicial office, he had turned over the business he had been managing to Hale and Johnson, the attorneys he had imported into Texas to aid in the accomplishment of his purposes. The writer of this letter, one of the persons who had employed the judge in this case, congratulates him on his promotion to the bench, and says:

"I am also satisfied that if our case should come before you, that we shall have both law and justice rendered to us, so far as it is dependent upon your decision."

Thus writes the client to his lawyer who had been made judge, and who is congratulated on the *justice* with which he will decide the case in which he had been counsel.

It may well be imagined what influences this conspiracy must have possessed itself of and wielded for evil, when it is seen how a memorialist who dared to ask for the impeachment of Judge Watrous has been hunted, traced, and threatened, to deter him from the prosecution of his remedy before Congress. Leading presses have been subsidized to devote their columns to his abuse, and to the circulation of absurd slanders. Great influences must certainly have been employed to procure this wholesale and unqualified personal abuse, when we reflect upon the indorsements Mr. Mussina has received with respect to the truth and justice of his complaints. The assertion of his wrongs has been sustained by the unanimous report of one committee of Congress; the findings of this committee have again been indorsed by a moiety of the present House Judiciary Committee, and those of this committee who dissented have been willing to admit that they had not examined the charges assigned by Mussina with care. With such indorsements of his verity, and the fact being considered, too, that the judge he accuses had been previously charged by the sovereign State itself, what influences may we not imagine to have been employed to so pervert the truth?

In the history I have stated of the conspiracies, collusions, and frauds in which Judge Watrous was an active party, I have not attempted to comprehend all the malfeasances of the judge. The record of these might be greatly extended. But I have only intended to give a sketch of the most prominent and notorious of his misdeeds. In doing this I think I may claim that I have not indulged in mere assertions, nor in any statements, unless sustained and accompanied by the evidence. I think that I have not commented with violence upon any of the revelations of the judge's offenses. I have had no disposition to indulge in denunciations, and I have sought only to marshal the facts for the calm consideration and judgment of this honorable body. With respect to the malfeasance of the judge in the cases of Mussina and Spencer, I have been governed in my statements by the letter of the testimony taken by the House committee in the investigation of his conduct. I have followed this testimony strictly, I believe, and with no other anxiety than that of arriving at those legitimate conclusions of fact which it inevitably leads to and warrants.

In drawing to a close the brief history I have attempted to narrate of the frauds which were conceived, set on foot, and promoted by Judge Watrous and his confederates, a portion of whom, at least, are known, it will be well to make a slight review of the principal facts, so as to hold clearly in the mind correct and proportionate ideas of the vast conspiracy, of the details of which I have spoken at length.

It appears that the company was organized on a scale of most extraordinary extent; and that its ramifications, as far as known, reached from State to State, to the most distant points of the Union, and that, as far as they

are unknown, they may well be imagined to extend to existing sources of power anywhere in the country. The objects about which this combination was employed have been shown to have been of the most comprehensive and varied character. But seldom, indeed, has any record of crime offered more convincing proofs of guilt, or displayed more numerous and more ingenious varieties of transgression, than that written in the history of the Watrous conspiracy.

Every object that cupidity could devise, or that fraud could suggest, seems to have been embraced in the designs of this stupendous company.

It was its object to plunder the public domain of Texas, to seize upon it by fraud and forgery, and to fasten upon whole communities the most audacious frauds ever sought to be practiced upon State or people.

It was its object to deal in fraudulent land certificates, and to sustain these dealings by corrupting and seducing the courts, thus adding crime to crime. It has been seen that the most open propositions of corruption were made, and the traffic was carried on with the direct countenance and assistance of Judge Watrous, whose agent explored the bar-rooms and grogeries of the State for customers.

It was its object to conceal their operations, and especially to remove them from the action of Texan juries. For this service it has been shown how the machinery of Judge Watrous' court was employed, and how in that court the great suit of Phalen *vs.* Herman, seeking to substantiate these worthless certificates, was instituted, and removed out of the State in less than seventy-two hours, and that done out of term-time.

It was its object to plunder private property, and to secure to its members vast bodies of lands in Texas, and to despoil the settlers of their just and hard-earned rights.

It was its object to acquire interests in land within the jurisdiction of Judge Watrous' court; to further these speculations by the corrupt use of that court; and through its protection to escape responsibility to Texas juries.

It was its object to have the federal court absolutely subservient to its designs; and for this purpose servile juries were sought to be selected, and an order made by Judge Watrous to exclude from jury duty citizens of four counties, which counties embraced the chief portion of the company's known field of operations.

It was its object to impose upon the courts a forged muniment of title to a vast estate, and to sustain the forgery by perjured and purchased testimony. The whole history of the forged power of attorney is overwhelming in its evidence of the black and redoubled crime of Judge Watrous and his confederates, in seeking to sustain a forgery of the most monstrous description, by devices of fraud, by bolder acts of bribery, and, at last, by direct subornation of perjury.

It was its object to betray suitors in Judge Watrous' court, by collusion between the court and counsel, and between opposite counsel, and to divide out among themselves the gains.

It was its object to oppose all unfriendly parties who attempted to sue in the federal court, and, through the favor of this judge, to practice revenge upon them, to strip them of their rights and to mock them.

All these stupendous and vile objects were sought to be accomplished through the subserviency of Judge Watrous' court, and by the aid of the corrupt appliances he possessed. The whole conspiracy centered in him; and for the sum of all its wrongful acts he is to be held responsible.

How shall this fearful responsibility be exacted? This honorable body can not do it; it can not administer the punishment, or series of punishments, that the black record calls for. But although it can not visit a felon's doom upon the culprit, it may banish him from the offices of the State. The least it can do is to deprive of further opportunities of further wrongs a judge who has disgraced his station and defiled his ermine and stricken dismay in the hearts of the people. This is all that is asked for; simply that Judge Watrous' opportunities, as a judicial officer, of continuing with impunity his offenses, may be limited by the passing of the bill I have offered. And in making this least request, I appeal for your compliance in the name of a noble, outraged people; and in the name of interests which are even higher in their appeal to you—those of the honor of this Government as residing in the character of our federal judiciary.

Mr. President, I shall for only a few moments longer occupy the attention of the Senate. This has been a most extraordinary case. It is one that appeals to the integrity, to the consideration, and to the reflection of the Senate. These disclosures of criminality, the evidence furnished by his confederates, the extraordinary character of his judicial decisions, his tyranny, his unprecedented despotism in judicial action—all these things seem to present it as the only alternative that we should get rid of this man in some way.

Why, sir, the temptations of twenty-four million acres of public domain, and the corrupting influences of a combination so extensive and extraordinary as this has been, are calculated to engulf all the interests of the State. There is a mode of remedy that has heretofore been resorted to, and can be again. By consolidating the two judicial districts of Texas into one, we can get rid of this intolerable incubus; we can divest ourselves of this calamity. Texas, in all that she has ever felt in her days of extreme excitement to the present day, has never felt so keenly the afflictions of revolution as she feels this moral curse and this judicial iniquity upon her. She has passed through many trials, but none that compare to this. This promises an interminable duration: we know not when we are to get rid of it. Twenty-four million acres of land! there is magic in its sound—magic in the number of acres. It is a kingdom; it is an empire worth fighting for; and it will be fought for; and it admits of divisions and subdivisions. Where it is to go, through what ramifications it is to run, no one knows. No one knows the artifice that is now used, and the means that are to be employed in these and other speculations in Texas referred to. Sir, rid us of this man; give us an honest judicial officer. The people of Texas, of Anglo-Saxon descent, are an honest people. It is that which causes them to feel this curse with tenfold wretchedness. They are not capricious. No other people, with the manifest outrages that have been there committed, would tolerate this man to sit on a judicial bench, and to remain in a position where he could soil his ermine, and attach infamy to his office. Sir, our people have been always submissive to law, or enough of them to maintain

the solidity of our community; and though men have gone there in other days—and I was among the first emigrants—who may not have lived here under the most favorable and delightful circumstances, yet they have united all their energies, they have made themselves a people, and they deserve to be considered as such.

The gentlemen who have thought proper to reflect on their character, and even this judge himself, would find that they themselves would come up to a very low standard of Texan morality. I insist that we be relieved from this judicial monster, that has disgraced the judicial system of our Government more than any man has ever before done, and whose crimes are but partially exposed to the public, notwithstanding he has sunk deep, deep in the slough of infamy. I wish this bill read.

SPEECH REFUTING CALUMNIES PRODUCED AND CIRCULATED
AGAINST HIS CHARACTER AS COMMANDER-IN-CHIEF OF
THE ARMY OF TEXAS.

Delivered in the Senate of the United States, February 28, 1859.

MR. HOUSTON. Within a very few days, Mr. President, my political life will terminate. Previous to that event, I deem it due to myself, and to the truth of history, as well as to posterity, that I should be indulged in vindicating myself against uncalled-for charges and unjustifiable defamation. Were it necessary, in retiring from official position, to cite illustrious examples for such a course, I could cite that of General Washington, who felt it necessary, with his large, his immeasurable renown, to offer a refutation of *anonymous* calumnies which had been circulated against him, and to specify the particular facts in relation to them. I find, too, that General Jackson, in his lifetime, deemed it proper to file a vindication of himself, which was not disclosed until after his decease. Not wishing to place myself in a category with these illustrious men, I nevertheless feel that it is due to myself that I should vindicate my character from the attacks that have been made upon me. Within the next month, I shall have served my country, with few intervals, for a period of forty-six years. How that service has been performed, I leave to posterity to determine. My only desire is, that truth shall be vindicated, and that I may stand upon that foundation, so far as posterity may be concerned with my action, that they may have an opportunity of drawing truthful deductions. Either of the illustrious patriots referred to might have spared much of their world-renowned distinction, and yet have had a world-wide fame left. More humble in my sphere than they were, more circumscribed than they, I feel that it is the more necessary for me to vindicate what may justly attach to me, from the fact that I leave a posterity, and from that circumstance I feel a superadded obligation. Neither of those illustrious men left posterity. I shall leave a posterity that have to inherit either my good name, based upon truth, or that which necessarily results to a character that is not unspotted in its public relations. I have been careless of replying to these things for years. I believe no less than ten or fifteen books have been written

defamatory of me, and I had hoped, having passed them with very little observation, that, as I approached the close of my political term, and was about to retire to the shades of private life, I should be permitted to enjoy that retirement in tranquillity; that my defamers would not pursue me there with the rancor and hatred with which they pursue an aspiring politician whom they wish to sink or depress. I could see no reason for their continued efforts to detract from my fairly-earned reputation.

Mr. President, these were fond anticipations, and they were delightful to cherish. I entertained them with cordiality; they were welcome to my heart. But I find recently, and that is it to which my observation is immediately directed, a production purporting to be a Texas Almanac, which contains what is said to be a narrative of the "campaign of San Jacinto." It has a name attached to it, and purports to be taken from the diary of a gentleman who has the prefix of "Doctor" to his name, to give it weight in society. The individual is unknown. He is a poor dupe, ignorant, I presume, of the contents of the paper which bears his name. It is possible that he never knew a word it contained. It would be difficult to think otherwise; for one avenue to his understanding, he being profoundly deaf, has for many years been closed, and he has given a positive contradiction to the parts of his paper that were considered the most pointed and important.

The object was to assail my reputation, and to show that the battle of San Jacinto, and all the preceding acts of generalship connected with that event, had been forced upon the General, and that really, on that occasion, he had acted with a delicacy unbecoming a rugged soldier. This is the design. How far it will be successful, I do not pretend to say; but it is strange that such a mass of this work should be produced. I perceive that no less than twenty-five thousand copies of it are to be circulated in the character of a book. It would be rather imposing, bound in cloth or leather, but in paper it is not so very important; but still there is something very *ostensible* about it.

My object, on this occasion, will be to show the true state of facts connected with that campaign, and with the wars of Texas. It is a subject which I had hoped was passed by forever, and would never again come under review, particularly my having had any connection with it. I had desired that it would cease forever, so far as I was concerned, and that I should never be placed in a position in which I should seem to be fighting my battles over again. They have not been so numerous, or so illustrious, that I should recall them with any more pleasure than that which arises from having rendered yeoman service to my country, and rendered every duty that patriotism demanded. I had hoped, therefore, that I should be spared this occasion of presenting myself before the public. In treating of the subject now, I will speak of the General and Commander-in-chief in the third person, for I do not like the pronoun *I*, so often repeated as would otherwise be necessary, and I shall give it that character which I think will be most seemly and acceptable.

It is necessary, in the first place, to announce the fact that, on the 2d of March, 1836, the declaration of Texan independence was proclaimed. The condition of the country at that time I will not particularly explain; but a provisional government had existed previous to that time. In December, 1835, when the troubles first began in Texas, in the inception of its revolution, Houston was appointed Major-General of the forces by the consultation then in session at

San Felipe. He remained in that position. A delegate from each municipality, or what would correspond to counties here, was to constitute a Government, with a Governor, Lieutenant-Governor, and Council. They had the power of the country. An army was requisite, and means were necessary to sustain the revolution. This was the first organization of anything like a Government, which absorbed the power that had previously existed in committees of vigilance and safety in different sections of the country. When the general was appointed, his first act was to organize a force to repel an invading army which he was satisfied would advance upon Texas. A rendezvous had been established, at which the drilling and organization of the troops was to take place, and officers were sent to their respective posts for the purpose of recruiting men. Colonel Fannin was appointed at Matagorda, to superintend that district, second in command to the General-in-chief; and he remained there until the gallant band from Alabama and Georgia visited that country. They were volunteers under Colonels Ward, Shackelford, Duvall, and other illustrious names. When they arrived, Colonel Fannin, disregarding the orders of the Commander-in-chief, became, by countenance of the council, a candidate for commander of the volunteers. Some four or five hundred of them had arrived, all equipped and disciplined; men of intelligence, men of character, men of chivalry and of honor. A more gallant band never graced the American soil in defense of liberty. He was selected; and the project of the council was to invade Matamoras, under the auspices of Fannin. San Antonio had been taken in 1835. Troops were to remain there. It was a post more than seventy miles from any colonies or settlements by the Americans. It was a Spanish town or city, with many thousand population, and very few Americans. The Alamo was nothing more than a church, and derived its cognomen from the fact of its being surrounded by poplars or cotton-wood trees. The Alamo was known as a fortress since the Mexican revolution in 1812. The troops remained at Bexar until about the last of December.

The council, without the knowledge of the Governor, and without the concurrence of the Commander-in-chief of the army, had secretly sent orders authorizing Grant and others to invade Matamoras, some three hundred miles, I think, through an uninhabited country, and thereby to leave the Alamo in a defenseless position. They marched off, and left only one hundred and fifty effective men, taking some two hundred with them. Fannin was to unite with them from the mouth of the Brazos, at Copano, and there the two forces were to unite under the auspices of Colonel Fannin, and were to proceed to Matamoras and take possession of it. The enemy, in the meantime, were known to be advancing upon Texas, and they were thus detaching an inefficient force, which, if it had been concentrated, would have been able to resist all the powers of Mexico combined. The Commander-in-chief was ordered by the Governor to repair immediately to Goliad, and if the expedition surreptitiously ordered by the council should proceed to Matamoras, to take charge of it. Under his conduct it was supposed that something might be achieved, or at least disaster prevented.

The council, on the 7th of January, passed an edict creating Fannin and Johnson military agents, and investing them with all the power of the country, to impress property, receive troops, command them, appoint subordinates throughout the country, and effectually supersede the Commander-in-chief in his authority. As I said before, he was ordered to repair to Copano. He did so.

While at Goliad, he sent an order to Colonel Neill, who was in command of the Alamo, to blow up that place and fall back to Gonzales, making that a defensive position, which was supposed to be the furthest boundary the enemy would ever reach.

This was on the 17th of January. That order was secretly superseded by the council; and Colonel Travis, having relieved Colonel Neill, did not blow up the Alamo, and retreat with such articles as were necessary for the defense of the country; but remained in possession from the 17th of January until the last of February, when the Alamo was invested by the force of Santa Anna. Surrounded there, and cut off from all succor, the consequence was they were destroyed; they fell victims to the ruthless feelings of Santa Anna, by the contrivance of the council, and in violation of the plans of the Major-General for the defense of the country.

What was the fate of Johnson, of Ward, and of Morris? They had advanced beyond Copano previous to forming a junction with Fannin, and they were cut off. Fannin subsequently arrived, and attempted to advance, but fell back to Goliad. When the Alamo fell, he was at Goliad. King's command had been left at Refugio, for the purpose of defending some families, instead of removing them. They were invested there; and Ward, with a battalion of the gallant volunteers of whom I have spoken, was sent to relieve King; but he was annihilated. Fannin was in Goliad. Ward, in attempting to come back, had become lost or bewildered. The Alamo had fallen. On the 4th of March the Commander-in-chief was re-elected by the convention, after having laid down his authority. He hesitated for hours before he would accept the situation. He had anticipated every disaster that befell the country, from the detached condition of the troops, under the orders of the council, and the inevitable destruction that awaited them; and to this effect had so reported to the Governor, on the 4th of February.

When he assumed the command what was his situation? Had he aid and succor? He had conciliated the Indians by treaty whilst he was superseded by the unlawful edicts of the council. He had conciliated thirteen bands of Indians, and they remained amicable throughout the struggle of the revolution. Had they not been conciliated, but turned loose upon our people, the women and children would have perished in their flight arising from panic. After treaty with the Indians he attended the conventions, and acted in the deliberations of that body, signing the declaration of independence, and was there elected. When he started to the army, the only hope of Texas remained then at Gonzales. Men with martial spirit, with well-nerved arms and gallant hearts, had hastily rallied there as the last hope of Texas. The Alamo was known to be in siege. Fannin was known to be embarrassed. Ward, also, and Morris and Johnson, destroyed. All seemed to bespeak calamity of the most direful character. It was under those circumstances that the general started; and what was his escort? A general-in-chief, you would suppose, was at least surrounded by a staff of gallant men. It would be imagined that some prestige ought to be given to him. He was to produce a nation; he was to defend a people; he was to command the resources of the country, and he must give character to the army. He had, sir, two aides-de-camp, one captain, and a youth. This was his escort in marching to the headquarters of the army, as it

was called. The provisional government had become extinct ; self-combustion had taken place, and it was utterly consumed.

The general proceeded on his way and met many fugitives. The day on which he left Washington, the 6th of March, the Alamo had fallen. He anticipated it ; and marching to Gonzales as soon as practicable, though his health was infirm, he arrived there on the 11th of March. He found at Gonzales three hundred and seventy-four men, half fed, half clad, and half armed, and without organization. That was the nucleus on which he had to form an army and defend the country. No sooner did he arrive than he sent a dispatch to Colonel Fannin, fifty-eight miles, which would reach him in thirty hours, to fall back. He was satisfied that the Alamo had fallen. Colonel Fannin was ordered to fall back from Goliad, twenty-five miles to Victoria, on the Guadalupe, thus placing him within striking distance of Gonzales, for he had only to march twenty-five miles to Victoria to be on the east side of the Colorado, with the only succor hoped for by the general. He received an answer from Colonel Fannin, stating *that he had received his order ; had held a council of war, and that he had determined to defend the place, and called it Fort Defiance, and had taken the responsibility to disobey the order.*

Under these circumstances, the confirmation of the fall of the Alamo reached the general. Was it policy to give battle there against an overwhelming force, flushed with victory and the massacre of the Alamo ? Was it wisdom in him to put upon the hazard of a die three hundred and seventy-four men, in the condition in which his troops were, against ten thousand choice, victorious troops of Mexico, backed by a nation of eight million people, when he had only to rely upon the voluntary casualties that might exist to sustain him ? What did he do when he first went there ? He ordered every wagon but one to be employed in transporting the women and children from the town of Gonzales, and had only four oxen and a single wagon, as he believed, to transport all the baggage and munitions of war belonging to Texas at that point. That was all he had left. He had provided for the women and children ; and every female and child left but one, whose husband had just perished in the Alamo ; and, disconsolate, she would not consent to leave there until the rear-guard was leaving the place, but invoked the murderous hand of the Mexicans to fall upon and destroy her and her children.

Though the news of the fall of the Alamo arrived at eight or nine o'clock at night, that night, by eleven o'clock, the Commander-in-chief had everything in readiness to march, though panic raged, and frenzy seized upon many ; and though it took all his personal influence to resist the panic and bring them to composure, with all the encouragement he could use, he succeeded. An example of composure himself, he at last got the excitement allayed, but not until twenty-five persons had deserted and carried panic with them to the eastern section of the country, as far as the Sabine, announcing the fall and massacre of the Alamo, and the massacre of the troops. He fell back, but fell back in good order.

An incident that I will mention, of the most unpleasant character, occurred on leaving Gonzales. On that night, about twelve miles from there, it was announced to the general that the Mexicans would suffer ; that a barrel of gin and a barrel of wine had been poisoned with arsenic, and that, as they came to consume it, it would destroy them. I presume no man ever had such feelings

of horror at a deed being perpetrated of this kind, from which all the waters of the Jordan could not cleanse the reputation of a general. But, fortunately, the rear-guard, without direction, set fire to the place on leaving it, and at Peach creek, fifteen miles from that place, ere day dawned, explosions were heard which produced some excitement in camp, where it was supposed to be the enemy's artillery; but the general rejoiced in it, as he knew, from the difference in the explosion, that it was not artillery, but the poisoned liquor. That is one incident that occurred, among other distressing events.

At Peach creek, fifteen miles from Gonzales, he met a reinforcement of one hundred and twenty-five men; but out of these one hundred and twenty-five men, ere morning, twenty-five had again deserted, owing to the terrible details that were brought of the massacre of the Alamo. With that addition, his force only amounted to four hundred and seventy-four men that remained with him. The next day he met a detachment of thirty-five men, and anticipating that he would make a stand at the Colorado, as he found it impossible to make a stand, at Gonzales, appointed an aide-de-camp, Major William T. Austin, and dispatched him for artillery to the mouth of the Brazos, for the purpose of enabling him, on arriving at the Colorado, to make a stand—for he had not a single piece of ordnance, not a cartridge, or a ball. The aide-de-camp departed with an assurance that within seven or eight days he would have it on the Colorado, at Beason's. In the meantime, and to show that the general was not a fugitive, or that he was not disposed to expose any one to hazard, he was informed on the Nevada, fifteen miles from the Colorado, that a blind woman, with six children, had been passed by, as she was not residing on the road, but off at a distance. He immediately ordered two of his aides-de-camp, with a company of men, to go and bring her up, and made a dilatory march until she joined them on the west side of the Colorado. He then halted at the Colorado for days, until the last hoof and the last human being that was a fugitive had passed over. He had permitted none to remain behind, exposed to the ruthless enemy.

There he remained, until the news of Fannin's disaster came. Fannin, after disobeying orders, attempted on the 19th to retreat, and had only twenty-five miles to reach Victoria. His opinions of chivalry and honor were such that he would not avail himself of the night to do it in, although he had been admonished by the smoke of the enemies' encampment for eight days previous to attempting a retreat. He then attempted to retreat in open day. The Mexican cavalry surrounded him. He halted in a prairie, without water; commenced a fortification, and there was surrounded by the enemy, who, from the hill-tops, shot down upon him. Though the most gallant spirits were there with him, he remained in that situation all that night, and the next day, when a flag of truce was presented; he entered into a capitulation, and was taken to Goliad, on a promise to be returned to the United States with all associated with him. In less than eight days the attempt was made to massacre him and every man with him. I believe some few did escape, most of whom came afterward and joined the army.

The general fell back from the Colorado. The artillery had not yet arrived. He had every reason to believe that the check given to General Sesma, opposite to his camp on the west side of the Colorado, would induce him to send for reinforcements, and that, Fannin having been massacred, a concentration of the enemy would necessarily take place, and that an overwhelming force would soon

be upon him. He knew that one battle must be decisive of the fate of Texas. If he fought a battle, and many of his men were wounded, he could not transport them, and he would be compelled to sacrifice the army to the wounded. He determined to fall back, and did so, and on falling back received an accession of three companies that had been ordered from the mouth of the Brazos. He heard no word of the artillery, for none had reached there, nor did it ever start for the army, and it was years before he knew that his orders had been countermanded, and his aide-de-camp withdrawn from him. He wishes to cast no reflection upon the dead. I shall not enter into that, but the general's orders were not executed ; they were countermanded ; and the opportunity of obtaining artillery was cut off from him. He marched, and took position on the Brazos, with as much expedition as was consistent with his situation ; but at San Felipe he found a spirit of dissatisfaction in the troops. The Government had removed east. It had left Washington and gone to Harrisburg, and the apprehension of the settlers had been awakened and increased rather than decreased. The spirits of the men were bowed down. Hope seemed to have departed, and with the little band alone remained anything like a consciousness of strength.

At San Felipe objection was made to marching up the Brazos. It was said that settlements were down below, and persons interested were there. Oxen could not be found for the march, in the morning, of a certain company. The general directed that they should follow as soon as oxen were collected. He marched up the Brazos, and, crossing Mill Creek, encamped there. An express was sent to him, asking his permission for that company to go down the Brazos to Fort Bend, and to remain there. Knowing that it arose from a spirit of sedition, he granted that permission, and they marched down. On the Brazos, the efficient force under his command amounted to five hundred and twenty. He remained there from the last of March until the 13th of April. On his arrival at the Brazos he found that the rains had been excessive. He had no opportunity of operating against the enemy. They marched to San Felipe, within eighteen miles of him, and would have been liable to surprise at any time, had it not been for the high waters of the Brazos, which prevented him from marching upon them by surprise. Thus, he was pent up. The portion of the Brazos in which he was became an island. The water had not been for years so high.

On arriving at the Brazos, he found that the *Yellow Stone*, a very respectable steamboat, had gone up the river for the purpose of transporting cotton. She was seized by order of the general, to enable him, if necessary, to pass the Brazos at any moment, and was detained with a guard on board. She remained there for a number of days. The general had taken every precaution possible to prevent the enemy from passing the Brazos below. He had ordered every craft to be destroyed on the river. He knew that the enemy could not have constructed rafts and crossed ; but, by a *ruse*, they obtained the only boat that was in that part of the country where a command was stationed. They came and spoke English. The boat was sent over, and the Mexicans surprised the boatmen and took possession of it. Thoe on the east side of the river retreated, and thus Santa Anna obtained an opportunity of transporting his artillery and army across the Brazos. The general anticipated that something of the kind must have taken place, because his intelligence from San Felipe was, that all was quiet there. The enemy had kept up a cannonade on the position across

the river, where over one hundred men were stationed. The encampment on the Brazos was the point at which the first piece of artillery was ever received by the army. They were without munitions; old horse-shoes, and all pieces of iron that could be procured had to be cut up; various things were to be provided; there were no cartridges, and but few balls. Two small six-pounders, presented by the magnanimity of the people of Cincinnati, and subsequently called the "twin sisters," were the first pieces of artillery that were used in Texas. From thence, the march commenced at Donoho's, three miles from Groce's. It had required several days to cross the Brazos with the horses and wagons.

General Rusk had arrived in camp on the 4th of April. He was then Secretary of War—Colonel Rusk—and as a friend of the Commander-in-chief, he was received. He was superseded, and Mr. Thomas was acting Secretary of War. He remained with the army. The Commander-in-chief camped three miles from the Brazos timber, and with unusual vigilance preserved the forces together, only a few deserting. They were then east of the Brazos, and the settlements were east of them. He remained only that night. The road from San Felipe, situated below the army on the Brazos, led to eastern Texas or the Sabine. The road to Harrisburg crossed it at right angles going south. The general had provided a guide acquainted with the country, as it was a portion in which he had never been. The morning came. Arrangements were made early. Some embarrassments arose for want of animals for artillery; but soon they were in readiness, and as the troops filed out in the direction of Harrisburg, without an intimation being given to any one, two companies that had been stationed at San Felipe, and below that, on the Brazos, and ordered to concentrate at Donoho's, arrived. The officers were sullen and refractory; they had "not eaten." Some conversation took place. They asked if no fighting was to be done. They were told fighting was to be done; they need not be uneasy about that; the enemy have crossed below. At that moment a negro came up and said he had been made a prisoner by the enemy and was released, and announced the fact that Santa Anna had crossed the Brazos and was marching to Harrisburg. These companies were ordered into line. One of them obeyed; the other objected to going, as they had had no refreshments. The whole management, and the entire responsibility of every movement at that time, devolved upon the general. He told the refractory captain, whom he had known for many years, to march directly to the Trinity and protect the women and children if the Indians should prove turbulent; and, at all events, to kill beef for them, and see that their supplies were sufficient. The general acted upon no orders given to him during the campaign; but assumed the sole responsibility of all his acts.

The march to Harrisburg was effected through the greatest possible difficulties. The prairies were quagmired. The contents of the wagons had to be carried across the bogs, and the empty wagons had to be assisted in aid of the horses. No less than eight impediments in one day had to be overcome in that way. Notwithstanding that, the remarkable success of the march brought the army in a little time to Harrisburg, opposite which it halted. Deaf Smith, known as such—his proper name was Erasmus Smith—had gone over by rafts with other spies, and, after crossing, arrested two couriers and brought them into camp. Upon them was found a buckskin wallet, containing dispatches of

General Filisola to General Santa Anna, as well as from Mexico, and thereby we were satisfied that Santa Anna had marched to San Jacinto with the *élite* of his army, and we resolved to push on. Orders were given by the general immediately to prepare rations for three days, and to be at an early hour in readiness to cross the bayou. The next morning we find that the Commander-in-chief addressed a note in pencil to Colonel Henry Raguét, of Nacogdoches, in these words:

"CAMP AT HARRISBURG, *April 19, 1836.*

"*Sir* :—This morning we are in preparation to meet Santa Anna. It is the only chance of saving Texas. From time to time I have looked for reinforcements in vain. The convention adjourning to Harrisburg struck *panic* throughout the country. Texas could have started at least four thousand men. We will only have about seven hundred to march with, besides the camp guard. We go to conquer. It is wisdom, growing out of necessity, to meet the enemy now; every consideration enforces it. No previous occasion would justify it. The troops are in fine spirits, and now is the time for action."

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

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

This letter was signed by the Commander-in-chief.

A crossing was effected by the evening, and the line of march was taken up. The force amounted to a little over seven hundred men. The camp guard remained opposite Harrisburg. The cavalry had to swim across the bayou, which is of considerable width and depth. General Rusk remained with the army on the west side. The Commander-in-chief stepped into the first boat of the pioneers, swam his horse with the boat, and took position on the opposite side, where the enemy were, and continued there until the army crossed. The march was then taken up. A few minutes, or perhaps an hour or so of daylight only remained. The troops continued to march until the men became so exhausted and fatigued that they were falling against each other in the ranks, and some falling down from exhaustion. The general ordered a halt after marching a short distance from the road to secure a place in a chaparral. The army rested for perhaps two hours, when, at the tap of the drum given by the general, they were again on their feet, and took up the line of march for San Jacinto, for the purpose of cutting off Santa Anna below the junction of the San Jacinto and Buffalo bayou. It was necessary for Santa Anna to cross the San Jacinto to unite with the Mexicans in Nacogdoches county, and incite the Indians to war. Santa Anna had provided a boat through the instrumentality of Texans who had joined him, and was in readiness to cross. He had marched down to New Washington, some seven or eight miles below the San Jacinto, and was returning to take up his march eastward. After sunrise some time, the army having halted to slaughter beeves and refresh, the signal was given that our scouts had encountered those of the enemy; eating was suspended, everything packed, and we were on the march. We marched down to the ferry of San Jacinto, and there halted. There was no word of the enemy. About half a mile or a mile up the bayou, where the timber commenced, we fell back and formed an en-

campment in the timber, so as to give security from the brow of the hill, as well as the timber that covered it, at the same time running up the boat which he had provided, and securing it in the rear of our encampment.

That was the position taken. The artillery was planted in front, for it had never been fired, and the enemy were really not apprised that we had a piece. The troops were secured so as to expose none but the few artillerists to view. There were but eighteen of them, and nine were assigned to each piece. The enemy, within about three hundred yards, I think, took position with their artillery and infantry, and opened fire from a twelve-pounder. It continued until evening. It did no execution, however, with the exception of one shot. Colonel Neill, of the artillery, was wounded, though not mortally. That was the only injury we sustained. At length Santa Anna ordered his infantry to advance. They were advancing, when our artillery was ordered to fire upon them; but they being so much depressed, it passed over their heads and did no injury; but they returned in such haste and confusion to their encampment that it inspirited our troops, and caused the welkin to ring.

Upon our left a company of infantry was, by Santa Anna, posted in an island of timber, within one hundred and fifty yards of our encampment. An officer desired the general to let him charge, which was readily conceded. He wished to, and did, make the charge on horseback, though not in accordance with the general's opinion. It proved a failure; which will be explained hereafter.

The enemy, after receiving some injury from the discharge of our artillery, fell back to the heights of San Jacinto, and commenced fortifying.

In the evening the general ordered a reconnoitering party, under Colonel Sherman, to reconnoiter; but they were ordered not to go within the fire of the enemy's guns, or to provoke an attack; but if he could, by his appearance, decoy them into the direction of a certain island of timber, they would be received there by the artillery and infantry that had been ordered to be in readiness to march to that point. No sooner was he out of sight than a firing commenced, with a view, as Sherman himself declared, to bring on a general action, in violation of the general's orders. Confusion was the result of it. Two men were wounded in our line. A confused retreat took place; and the consequence was that two gallant men were wounded, and one subsequently died of his wounds. This was done in direct violation of the general's orders; for it was not his intention to bring on a general action that day. The guards that night were doubled. The next day, about nine o'clock, troops were discovered advancing along the prairie ridge, in the direction of the Mexican encampment, which produced some excitement. The general, not wishing the impression to be received that they were reinforcements, suggested that it was a *ruse* of the Mexicans: that they were the same troops that were seen yesterday; that they were marching around the swell in the prairie for the purpose of display, because they were apprehensive of an attack from the Texans. He sent out two spies secretly—Deaf Smith and Karnes—upon their track; with directions to report to him privately. They did so, and reported that the reinforcement which the enemy had thus received amounted to five hundred and forty.

Things remained without any change until about twelve o'clock, when the general was asked to call a council of war. No council of war had ever been solicited before. It seemed strange to him. What indications had appeared he did not know. The council was called, however, consisting of six field offi-

cers and the Secretary of War. The proposition was put to the council, " Shall we attack the enemy in position, or receive their attack on ours?" The two junior officers—for such is the way of taking the sense of courts in the army—were in favor of attacking the enemy in position. The four seniors and the Secretary of War, who spoke, said that "to attack veteran troops with raw militia is a thing unheard of; to charge upon the enemy, without bayonets, in an open prairie, had never been known; our situation is strong; in it we can whip all Mexico." Understanding this as the sense of the council, the general dismissed them. They went to their respective places.

In the morning the sun had risen brightly, and he determined with this omen, "To-day the battle shall take place." In furtherance of that, he walked to the bayou near where he had lain on the earth without covering, and after bathing his face, he sent for the Commissary-general, Colonel Forbes, and ordered him to procure two axes, and place them at a particular tree, which he designated in the margin of the timber. He sent for Deaf Smith, and told him at his peril not to leave the camp that day without orders; that he would be wanted, and for him to select a companion in whom he had unbounded reliance. His orders were obeyed. After the council was dismissed the general sent for Deaf Smith and his comrade, Reeves, who came mounted, when he gave them the axes so as not to attract the attention of the troops. They placed them in their saddles, as Mexicans carry swords and weapons, and started briskly for the scene of action. The general announced to them: "You will be speedy if you return in time for the scenes that are to be enacted here." They executed the order, and when the troops with the general were within sixty yards of the enemy's front, when charging, Deaf Smith returned and announced that the bridge was cut down. It had been preconcerted to announce that the enemy had received no reinforcement. It was announced to the army for the first time; for the idea that the bridge would be cut down was never thought of by any one but the general himself, until he ordered it to be done, and then only known to Smith and his comrade. It would have made the army polemics if it had been known that Vince's bridge was to be destroyed, for it cut off all means of escape for either army. There was no alternative but victory or death. The general who counsels will find, that in the "multitude of counsel there is confusion." It has been denied that the bridge was cut down by order of the general. It was said to be the promptings of Deaf Smith. It has been in these latter days that these calumnies are circulated. I will show, I think, from very good authority, that it has remained uncontradicted for nearly twenty years; for here it is. It was announced in the official report of the battle, in which the commanding general says:

"At half-past three o'clock in the evening I ordered the officers of the Texan army to parade their respective commands, having, in the meantime, ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape."

"I ordered them" is the language that is used in the official report of the general, that has remained uncontroverted until this time. It will be discovered, from incontestable evidence of the most honorable and brave amongst men, that the individual who gave origin to this calumny, was the very identical creature who proved recreant on the field. The Commander-in-chief, however, felt no disposition to censure any one. He felt that there should be an amnesty in

consideration of the glorious results of the battle. He wished not to censure any one, but gave all praise, and gave some too much. I ask the Secretary to read this letter.

The Secretary read as follows :

“WASHINGTON, *September 17, 1841.*

“DEAR SIR:—You wish to know of me, what I know of the conduct of Colonel Sidney Sherman, before and after the battle of San Jacinto. On our march to that place, Colonel Sherman often asked me if I had heard you speak of him. I informed him that I had heard you speak of him, and always in the highest terms of praise. I thought he looked disappointed. There was mutiny and discontent in the army, created, as I believed, by those who wished to put you down; and I believed that Colonel Sherman was one of the most active in creating disturbance, as I will have occasion to show.

“Various councils were held on the Brazos, as well as on the march to San Jacinto, for the purpose of opposing or destroying your authority. Colonel Sherman, I am satisfied, was among the most active of those who sought to destroy you. On the 20th of April, the day before the battle of San Jacinto, you gave Colonel Sherman orders to charge on an island of timber, on the left of the artillery, with two companies of his regiment, for the purpose of routing some Mexicans who were in the timber. He wished you to let him charge on horseback, which you reluctantly granted. As he approached the enemy they fired and killed one horse of his command, and the whole command came galloping back to the camp. In the evening, when the enemy had withdrawn to where they fortified, at his request, you ordered Colonel Sherman to take the cavalry and reconnoiter the enemy, and if he could decoy the enemy's cavalry to a certain island of timber, that the artillery and infantry should be there to sustain him, *but by no means to approach within gun-shot of the enemy's infantry or line.*

“I was present when you gave the orders to Colonel Sherman, and soon after he came to me and asked me if I would sustain him, as he had determined to bring on a general engagement, contrary to your orders. At the same time, the officer with him said he had agreed to sustain him with his command. I replied that I knew it was contrary to your orders to him, for I heard you give them to him; but, if a general engagement was brought on, my regiment would be under arms, and I would support him; for you had ordered me to have the men under arms. He departed, saying he would depend on me. He soon commenced firing after he was out of sight of our camp; and, as it had not been expected from the orders given by you to him, there was great stir in the camp. I started with my command, and in marching a short distance, I saw the cavalry returning with two wounded men. In the meantime, Colonel Wharton, from you, ordered me not to advance, but to wait further orders. You afterward ordered me, with my command, back to our camp, and showed evident dissatisfaction with Sherman for disobeying your orders, in attempting to bring on a general engagement, when you did not intend it should be done. It was then late in the evening of the 20th.

“After the arrival of General Cos' command, next morning (21st), and I think it was between twelve and two o'clock, I was summoned to attend a council of war. I attended with six other field officers, when you told us the object of our being called together. *You asked the council 'whether we should attack the enemy, or remain in our position and [let] the enemy attack us.'*

"The officer lowest in rank voted first, and so on, until all voted. Only two out of the seven voted for attacking the enemy. The balance voted in favor of awaiting the attack upon us. They said that we had not bayonets to charge with, and that it was through an open prairie; that our position was strong, and in it we could whip all Mexico.

"When you received the sense of the council, you gave no opinion, but dismissed the members. Soon after, I was riding out to graze my horse and take a look at the enemy. You spoke to me, and asked me my object in riding out. I told you, when you said, 'Do not be absent, Colonel, more than thirty minutes, as I will want you.' I did return in less than a half hour; you requested me to see my captains and men, and ascertain their feelings about fighting. I reported favorably, and said they were anxious to fight, or they told many lies. You ordered the troops to be paraded; the second regiment, called Sherman's, as he was Colonel, and myself Lieutenant-Colonel. Soon after you ordered the parade, Colonel Sherman, in company with Colonel Burleson, came to me, and asked me *if I intended to obey your orders, and if I did not think it would be better to wait until next morning, just before day, and make the attack.* Sherman went on to say that whatever I said should be done. I told him that I would fight, if you said so, and that I would follow you to h—l, if you would lead, in defending Texas. They then left me. When Colonel Sherman and myself were mounted, at the head of the regiment, he asked me if I would take command that day, as I had some experience in fighting, and he never had been in a battle. I thanked him kindly, saying that I would do so, and after we were ordered to advance, he rode with me until the enemy commenced firing upon us. Colonel Sherman then left in great haste for a small island of timber, about three hundred yards distant, in the rear of our left wing, where he secured himself, and remained there until the enemy had all fled. As I returned from the pursuit of the enemy, I met him coming up with some stragglers.

"This statement is made principally from notes taken during the campaign, and from facts within my recollection, as though they had passed yesterday. I have forborne to state anything about Colonel Sherman's conduct in disposing of, and appropriating the *spoils privately to his own use*; but, should it be necessary at any future day to do so, I am fully prepared.

"I am your friend, etc.,

JOSEPH L. BENNETT.

"General SAM HOUSTON, *Washington, Texas.*"

Mr. HOUSTON. Mr. President, this is one of the gentlemen who have been most active in contributing to the contents of this almanac, as I have been informed, and one to whom the calumny has been traced. This is not the only evidence that I have in relation to that gentleman; and I will make one statement, as it is a fact that is important in relation to the calumnies to which I am responding: that this letter has been in the possession of Colonel Sherman since 1843. He was furnished with a copy of it; and, during several years of Colonel Bennett's life, he never called for explanation, nor did he ever confront Colonel Bennett when he went where he was, but slunk from his presence, and cowered before him. Since his decease, Sherman has been busily engaged in propagating every slander against the Commander-in-chief that malice could devise; and, though challenged and invited to publish the letter of Colonel Bennett, he has thought proper to rest under all the imputations of cowardice heaped upon him, and finds consolation, I presume, in trying to place others in

his own category. Now, as this comes in at this particular point, I have another letter that I think proper to submit. It is very short, and I asked the Secretary to read it.

The Secretary read it, as follows :

“WALKER COUNTY, *November 2, 1857.*

“GENERAL HOUSTON :—Seeing that you have been attacked by persons on pretense that they have been in the battle of San Jacinto, and wish to injure you by false charges, I feel it my duty to give you a statement of what I know to be correct.

“I joined the army on the Colorado, and in its march to San Jacinto I joined Captain Hayden Arnold's company, of the second regiment, commanded by Colonel Sherman. Captain Arnold's company was the first in the regiment in the charge upon the enemy in battle. I was the fifth or sixth man from Colonel Sherman. While we were advancing upon the enemy's lines, and before any firing had taken place, Colonel Sherman called out in an audible voice, ‘Halt.’ At that moment Lieutenant-Colonel Bennett, who was close by, hallooed out, ‘This is no time to halt ; push on, boys, the enemy is right here in this little timber, push on’ ; and advanced in front of the command. In casting my eye on Colonel Bennett a moment afterward, I saw General Rusk near to him. Colonel Sherman halted where he gave the order ‘to halt,’ and I never saw him again until after the battle was over. I then saw him coming up in the rear with some stragglers, at the ravine where the army halted in pursuit, and the place from which you ordered Captain Turner's company back to guard the spoils.

“Your obedient servant,

PHILIP MARTIN.

“General SAM HOUSTON, *Huntsville, Texas.*”

Mr. HOUSTON. This evidence, Mr. President, seems to account for the anxiety that Sherman entertains to place his conduct in such a light as to get rid of the deserved charge of cowardice, and ordering a halt before he fled from the field, and attach the imputation which he deserves, to the Commander-in-chief. This is the gratitude he returns. But, Mr. President, it is proper to remark, that previous to the order for the demolition of the bridge, and during the early part of the day, two officers came to the Commander-in-chief and asked him if it would not be well to construct a bridge across the bayou, immediately opposite the encampment, which was, perhaps, some seventy or a hundred yards wide at tide-water. The general, to get rid of them, remarked, “Is there material?” and told them to see. They went, and after returning, reported that, by demolishing Governor Zavala's house, a bridge might be constructed. The general observed to them, that other arrangements might suit better, and cast them off. So soon as the general supposed the bridge was destroyed, or cut down, he ordered Colonel Bennett to go around to the captains and men of Sherman's regiment, to see what their spirits were ; whether they were cheerful, and whether he thought them desirous for a battle. Colonel Bennett reported favorably. They were ordered to parade. The plan of battle is described in the official report of the Commander-in-chief, to be found in Yoakum's History, one of the most authentic and valuable books in connection with the general affairs of Texas, that can be found ; in which nothing is stated upon individual responsibility ; everything in it is sustained by the official documents.

With the exception of the Commander-in-chief, no gentleman in the army had ever been in a general action, or even witnessed one ; no one had been

drilled in a regular army, or had been accustomed to the evolutions necessary to the maneuvering of troops. So soon as the disposition of the troops was made, according to his judgment, he announced to the Secretary of War the plan of battle. It was concurred in instantly. The Commander-in-chief requested the Secretary of War to take command of the left wing, so as to possess him of the timber, and enable him to turn the right wing of the enemy. The General's plan of battle was carried out. About all the silly and scandalous charges made against the general, as to ordering a halt during the action, and after he was wounded, leaving the field, I will examine the facts, known to the army, and every brave man in it. I will, as authority, refer to the report of the Secretary of War, General Rusk, and see what he says in relation to that. In his report to the President *ad interim*, he says :

"Major-General Houston acted with great gallantry, encouraging his men to the attack, and heroically charged, in front of the infantry, within a few yards of the enemy, receiving at the same time a wound in his leg."

This is the testimony of General Rusk, in relation to one of the calumnies that have been brought forward and paraded by the maligners of the Commander-in-chief. Again, to show that the General was not laggard throughout the action, we find the attestation of as gallant a man as lives, General Benjamin McCulloch. He says :

"At the battle of San Jacinto, I was in command of one piece of artillery. The fire from it opened upon the enemy about two hundred yards distant. We advanced after each discharge, keeping in advance of the infantry, until we were within less than one hundred yards of their breastworks, at which time I had aimed the gun, but was delayed in firing for a moment by General Houston, who passed across, some thirty yards in front of the gun, and was at that time nearly that distance in advance of every man in that part of the field. After this, I saw him advancing upon the enemy, at least one-third of the distance between the two armies, in front of Colonel Burleson's regiment, when it was not more than seventy or eighty yards from the enemy's breastworks. About this time, the enemy gave way, and the route became general.

"My recollections of the battle of San Jacinto.

"February 28, 1858.

BEN. MCCULLOCH."

Now, I merely read these documents to show the refutation which is given to these calumnies, and that they may become a record, and placed in the annals of the country while I am living, and not leave it to other hands to finish a work which Providence has accorded to me. I will, in concluding this point, read the testimony of General Rusk, to show that the Commander-in-chief remained on the field, and continued in pursuit of the enemy until his horse, pierced with five balls, fell under him.

Extract from a letter of General Rusk to William B. Stout, relative to the conduct of General Houston, in the battle of San Jacinto :

"As to the halt spoken of, I know of none ordered by General Houston, except at the bog, or quagmire, after the Mexicans were defeated and in full retreat. At that point, I met with the general for the first time after he was wounded. The men were entangled and in confusion ; the General ordered a halt to form the men."

From this time no hostile gun was fired. The last detachment of the enemy immediately surrendered. This was not in the onset of the action ; but when it was over. Mr. Sherman displayed his prudence in the onset of the action, and secured his person beyond the reach of danger. Thus far, Mr. President, I have referred to documentary evidence that may be relied on, to establish the conduct of the general, which may be found in one of the most authentic histories of Texas ; one written with good taste, succinct and instructing in its character, and giving a good idea of the object for which it was designed—Yoakum's History of Texas. It is a work with which the Commander-in-chief had no connection, never having seen a page of it in manuscript in his life. His object has not been to write history, or to supervise its composition. His only object has been to vindicate himself against the calumnies that have been brought forward, and got up recently, for the purpose not only of attacking him, but assailing every man who was friendly to him, and that by individuals whose malignity has been bitter ; whose hostility to the cause of Texas, and to everything like the establishment of good government, has been notorious and proverbial in Texas. The *author* of this almanac, Willard Richardson—I must immortalize him—if reports be true, and I have no reason to doubt them, had he been assigned to his proper place, would have been dignified by a penitentiary residence before this time, owing to the peccadilloes with which he was charged. Although they have been smothered and done away with, his character is not vindicated to the world. He still goes on from sin to sin, from abuse to slander. Sir, I have no disposition to animadvert more ; but could the characters of these individuals, and the motives which prompted them, be known, it would not have been necessary for me to occupy the time of the Senate on this occasion ; or to give a thought to what has transpired, in relation to the Commander-in-chief of the army of Texas. I find, however, that bitter, that undying hostility to him, that will not perish even with his life ; and I have no doubt the very creatures that are hunting him now, would hunt him, if they could, beyond the grave. No longer than last night—and I regret, exceedingly, to advert to it—I received a letter from a respectable gentleman in New York, containing an item that I must pay some attention to. I hate these trivial things ; but yet they bear an import with them that seems to claim my attention. He says :

“ PORT CHESTER, WESTCHESTER COUNTY, NEW YORK, }
“February 24, 1859. } ”

“ MY DEAR GENERAL :—Chagrined and mortified, I sit down to tell you of the burning disgrace that has, this evening, been given to your well-earned fame. Reverend James H. Perry, D.D., of New York, delivered in a lecture in the Methodist Episcopal Church, this evening, the most bitter remarks respecting your bravery and honor that ever passed human lips. The subject was ‘ The battle of San Jacinto ; its causes and consequences.’ Mr. Perry informed his large and intelligent audience that he was prompted by patriotic motives to enlist in the Texan cause ; that he visited you at your camp, with letters of introduction, and was admitted a member of your staff. Without repeating the details of the battle, in which he took occasion to say that every *advance movement* of the army was without your consent, and only made by the wiser and more patriotic manifestations of the army, in which you were *obliged* to acquiesce, he closed by a peroration that astonished and wounded every person

present. He said: 'I wish it to be understood, for I speak what I do know, that the battle of San Jacinto was fought, and the victory was achieved, in spite of General Houston, and the wreath that now encircles his brow as the hero of that battle has not in it one green leaf.'

"I would not, my dear general, call your attention to this subject but for the reason that the details of the lecture are to be given elsewhere at the North; and, being a young man at the time the battle was fought, my whole theory of the 'causes and consequences,' and the part taken by yourself, has been utterly destroyed, so far as the reverend doctor could do it. May I inquire if you remember James H. Perry as your aide-de-camp, and what the part he took in the battle of San Jacinto? Your answer will not only gratify me, but hundreds who listened to the defamations of your honored and cherished renown.

"I am, very sincerely, your attached friend,

"General SAM HOUSTON.

— — —."

Now, Mr. President, for twelve years this gentleman has been sedulously engaged in defaming the character of the Commander-in-chief, or attempting to do it. I was apprised of it before. Gentlemen of his denomination, of high respectability, assured me that a stop would be put to it. I see that he has broken out in a fresh place. It is necessary that I should give some of my knowledge of his character.

He came to the camp on the Colorado with letters of introduction from the President and other members of the Cabinet to the Commander-in-chief, recommending him as a graduate of West Point, or having been a student there. Being a good-looking gentleman, plausible in his manner, unembarrassed by diffidence, not very cultivated, still would do very well for a soldier or officer, his appearance being fine, the general appointed him a member of his staff. Shortly after, reports came on very detrimental to him. The general was not apprised of them, and ordered him to drill Colonel Burleson's regiment. Colonel Burleson objected to his drilling his regiment, for the reason that he did not consider him a man of good character; that he had come to New Orleans with his wife, or some other woman, as was reported, and taking a free yellow girl from the North, he had attempted to dispose of her, as a slave, in the South, and some difficulties originated from the fact. His "patriotism" that he speaks of, which caused him to enlist in the cause of Texas, I rather suppose, from the influence of disagreeable circumstances, prompted him to seek a refuge in Texas. He came there. That was the reverend gentleman. He continued there, in his position as staff officer, until the arrival of the army on the Brazos.

An order was given by the general that no one should communicate from camp without the communication passing the general's eye; and whenever an express was to leave camp the letters were to be brought to him, so that he might know that nothing detrimental to the army should go out, or that anything necessary to be concealed would be disclosed to the world. An express was about to start. A letter of Major Perry, that then was, was brought to the general. It was sealed. He opened it, and found it contained the grossest defamation and slander of himself; he sent for Major Perry; he gave the letter to the Assistant Inspector-General, and told him to read it to Major Perry; it was so done. Major Perry, when asked by the Commander-in-chief what he thought of it, observed, it was stronger than he imagined, and may be it was wrong. He

then said, "Go to your duty, sir ; I do not care for all the spies in the world if they will tell the truth."

Perry remained in camp, still attached to the staff, and when they arrived at Harrisburg he passed over Buffalo bayou with the spies. On the march to San Jacinto he was taken under suspicious circumstances—having left the line of the Texans. He was taken by Captain Karnes and private Seacrist, of the spies, and brought to the general. They reported that he had changed his horse's caparison, also his musket for an escopet, and they believed he had communication with the enemy. The general ordered him to be disarmed and sent to the guard fire. Karnes said, "General, are you not going to execute him?" "No, Karnes," replied the general, "I have no leisure at this time to look into the matter." "Sir," said he, "if we had known that you would not have instantly executed him, you would never have been troubled with him ; he is a traitor and a spy."

That was on the 20th. He remained under guard until the morning of the 21st. He sent the general a message, which is not precisely recollected. The general gave orders to restore his arms, giving him an opportunity to wipe off the stigma that he had placed upon his character, and gave him leave to go into the battle ; whether he did or not is not known to me. When I heard of his conduct, the general might have apprehended that he would have been the first object for him to assassinate ; but he defies a traitor, a spy, or an assassin, if he can confront him. This is the Rev. James H. Perry, D.D. His letter from the Brazos shall be published after I return to Texas. It shall appear in the *New York Herald*. It will vindicate all I have said.

He says, in his letter from camp, that the general was not in the habit of drinking ardent spirits, but was a confirmed opium-eater. I believe there never was one of them cured, and the general looks very little like an opium-eater. His correspondent was the notorious Robert Potter, of North Carolina, who was Secretary of the Navy in Texas. The general had no hand in making him so. He was the gentleman with whom the reverend doctor corresponded. He acknowledges himself his spy and pimp upon the general, and they were a most worthy pair.

These are some of the circumstances that I have felt it my duty to state in vindication of the Commander-in-chief. I think it is a duty that a man owes, after he has passed his life pretty much in the service of his country, and is about to retire from that service, that he should do a little redding up, and arranging of matters which posterity may not so well comprehend without explanation. I will call the attention of the honorable Senate to one fact ; and I will ask, why was the council called, and why was it desired ? Because the indications were clear that the Commander-in-chief intended that day to engage the enemy ; that his arrangements, though silent, indicated his purpose. There were persons who censured his conduct from time to time, and charged him with cowardice. He was charged with retreating from Gonzales, and from the Colorado, and under a pressure of circumstances crossing the Brazos, with a design to cross the Trinity, and go east. Why did they not then call a council to counteract his designs ? Why did they not interpose to prevent these things if they believed them ? No council of war was asked for until on the eve of battle, and the gentleman who was the first to flee from the field, and who was charged with appropriating the spoils privately, was most active in that council. The

spoils are a matter of some import. Is it supposable that Santa Anna, with his Mexican ostentation, would march at the head of the finest army ever marshaled in Mexico and not have with him plate and jewels becoming the condition of a man whose sway was absolute, and whose expectation on his return was to assume the imperial purple and the scepter of the Mexican monarchy? What ever became of these spoils? The Commander-in-chief of the Texas army decreed the spoils to the army. Nor did he ever receive the value of one cent. Colonel Sherman was appointed president of the board to manage and distribute the spoils to the troops. Colonel Bennett has thrown some light upon that subject, and had he been called on by Colonel Sherman, after he charged him with appropriating them, it appears from his letter that he could have given much insight into the affair. Not one dollar's worth of the plate was ever produced, but the stragglers who lagged behind had enjoyed the opportunity of concealing them until a better time was afforded to them to carry them away.

They have charged the Commander-in-chief with having more troops than he reported. Seven hundred on the Colorado was the number, according to the statement of Colonel Burleson, as he supposed. The General-in-chief never reported more than six hundred and thirty-two; his efficient force never exceeded over seven hundred troops at any one point. At all events, such was the result of the campaign that all the wisdom of man could not have rendered it more successful and beneficial to the country. Had he been drawn into action by indiscretion, and the attempt to force a battle, the bridge at Vince's would not have been cut down, which prevented the escape of the enemy; the enemy would have escaped: Santa Anna would have reached his reserve force of four thousand men on the Brazos. But by cutting off their retreat, by the Commander-in-chief's own design of destroying the bridge, and leading his troops into action at the proper time, he secured for Texas all that wisdom and valor could have done, whether he exercised them or not.

The Commander-in-chief is charged with receiving orders from the Secretary of War to march upon Harrisburg. He never received an order from the Secretary of War. By reference to this volume, containing the historical facts, it will be seen that he never intimated that he would march toward the Trinity, but gave orders to the troops to unite at Donoho's. That indicated his design to advance in pursuit of the enemy to Harrisburg. He was resolved never to pass the Trinity; and if he were to perish, it should be west of that boundary. Would he have submitted to the orders of the Secretary of War, who was suspended, or any one in his place, unless it was under the written order that would vindicate him to the world and to posterity? No written order is pretended for anything he had done; and the Secretary of War, acquiescing in his competency and his ability to command, never interfered with his designs in the smallest punctilio.

Thus has it been, Mr. President, that I have been driven to this recourse. I had no design, indeed I had no wish, but to pass from public life quietly and without interference. I know that I have not presented the facts in that succinct and lucid manner that I ought to have done; yet I have presented such points as I think essential, though they are documentary, and more than I would have desired, to vindicate the Commander-in-chief in the position he has taken, and to show to the world that these calumnies, so recently circulated, are prompted by the deepest malignity, and by persons whose vices, could they be

known, would sink them below the observation of all the virtuous and wise. This individual in the North who is seeking to illumine the world with his lectures, will find a new subject furnished him on this occasion.

Now, Mr. President, notwithstanding the various slanders that have been circulated about the Commander-in-chief, it is somewhat strange that the only point about which there has been no contestation for fame and for heroic wreaths, is in relation to the circumstances connected with the capture of General Santa Anna. When he was brought into the camp and the interview took place, the Commander-in-chief was lying on the ground. He did not lie as generals usually lie, for they have comforts. The night before the battle he had lain on the cold ground, without a blanket, his saddle for his pillow, without covering, in the bleak norther that blew that night. He was no better off after the battle. Nor had he ever had a tent or canopy over his head that he could claim, as General-in-chief, save the blue canopy of heaven. He had not one dollar in his pocket, nor a military chest, for he never received one while in command of the army. His personal and moral influence in the army held it together; for there was no Government, and all of hope that remained was centered in him, as the Government expressed it, for there were no other means. But, sir, when Santa Anna was taken and brought into camp, the general was dozing, after having had a sleepless night from suffering; his wound was severe. Looking up he saw Santa Anna, who announced to him in Spanish: "I am General Antonio Lopez de Santa Anna, President of the Republic of Mexico, and a prisoner at your disposition." Calmly and quietly it was received. The hand was waved to a box that stood by, and there Santa Anna was seated. After some time, with apparent emotion, but with great composure to what I had expected, under the circumstances, he proposed a negotiation for his liberation. He was informed that the general had not the power; that there was an organized civil government, and it must be referred to them. Santa Anna insisted upon negotiation, and expressed his great aversion to all civil government. The general assured him that he could not do it. He then observed to the general something like this: That he could afford to be generous; that he was very fortunate; born to no common destiny; that he had conquered the Napoleon of the West.

The Commander-in-chief adverted to his conduct at the Alamo, as well as the massacre of Fannin and his men at Goliad. The first he sought to justify on the ground that it was in accordance with the rules of war. The second he excused himself for, assuring the general that he was not aware of any capitulation between General Urea and Colonel Fannin, and if he lived to regain power, he would make an example of Urea.

The Commander-in-chief after awhile asked him if he wanted refreshment. It was ordered. He was asked if he wished his marquee, if he desired his camp baggage, if he wished his aide-de-camp. He expressed great pleasure at the proposition, but looked doubtful as to whether it could be so. They were ordered. Colonel Almonte went and selected his baggage. His keys were never asked for; no search was made. He was treated as a guest. No indignity was offered him by the Commander-in-chief. To be sure, there was some turbulence of feeling in camp, but no rude manifestations. Under these circumstances it was that Santa Anna was received. Propositions were made to the Commander-in-chief that he should be executed, but they were repelled in a

becoming manner. No one has sought to claim the honor of saving him on that occasion; and did the general feel a disposition to claim any renown, distinction, or fame, for any one act of his life, stripped of all its policy, he might do it for his conduct on that occasion.

But, sir, there was reason as well as humanity for it. While Santa Anna was held a prisoner his friends were afraid to invade Texas, because they knew not at what moment it would cause his sacrifice. His enemies dared not attempt a combination in Mexico for invasion, for they did not know at what moment he would be turned loose upon them. So that it guaranteed peace to Texas so long as he was kept a prisoner; and for that reason, together with reasons of humanity, his life was preserved. It is true, he had forfeited it to the laws of war. Retaliation was just; but was it either wise, or was it humane, that he should have perished?

The Commander-in-chief, on that occasion, was not aware that he had the approval of Holy Writ for the course he adopted—though he subsequently became apprised of the fact; for we find that, after Elisha had smitten the Syrians and conducted them into the midst of Samaria, and had ordered their eyes to be opened, the King of Israel, Jehoram, said to the prophet: "My father, shall I smite them? shall I smite them?" And he answered: "Thou shalt not smite them; wouldst thou smite those whom thou hast taken captive with thy sword and with thy bow? Set bread and water before them, that they may eat and drink, and go to their master." Sir, that sanctioned the course of the Commander-in-chief on that occasion; and though he was not as familiar with the subject as he ought to have been, yet, when apprised of it afterward, he was rejoiced to know that he had the authority of Holy Writ for his conduct.

I should not have felt it necessary to reply to the attacks that have been made upon me, were it not that I am to leave a progeny, that might, at some future time, be called on to know why a response was not given to these fabrications, and the denial given to them. There is not one word of truth contained in all the calumnies in this book, or of others, except one, and that is, that the Commander-in-chief never communicated his counsel to any one. That is true, and it is the only truth in this or other books on the "campaign of San Jacinto." How could the general permit his designs to be known when mutiny and sedition were rife in camp, and when combinations were formed to thwart every measure that wisdom and prudence could devise, up to the very hour that the troops were formed for battle?

The truth of history has been perverted, and the opposite has been asserted. Contributions of material have been made to this almanac; it was concocted and arranged, and then given to the world in such a shape that the dissemination of the calumny throughout the United States must affect the individual to whom it was directed, and make some impression upon him, and destroy his reputation.

Good reasons have actuated me on this occasion. The character of the individuals who have propagated these slanders against the Commander-in-chief are such as are not known to the public at large, and might have weight in society that would poison the true source of history, and subserve, to some extent, their unworthy ends; when, if their characters were known, truth would receive no detriment from their statements.

I regret, Mr. President, that I could not have prepared my matter more at

leisure ; for it is but a few days past since I contemplated addressing the Senate on this subject. I should then have done it with more pleasure, and with less detention of the honorable body ; but this is the last occasion on which I ever expect that my voice will be heard in this Chamber ; never again shall I address the President of this body.

Mr. President, in retiring from the duties which have sat lightly upon me in this Chamber since I have been associated with it, though changes have taken place, and successive gentlemen have occupied the seats in the Senate, I have believed, and felt it my duty, to cultivate the relations of good feeling and friendship with each and every gentleman, and I hope the same cordial respect will continue to obtain in this body. I know the high and important duties that devolve upon Senators, and I have confidence that their attention and their great abilities will be called to the discharge of those duties ; that they will, on great national subjects, harmonize so as to give vigor to, and cement our institutions ; and that they will keep pace in their efforts to advance the country with the progress that seems to invite it onward. My prayers will remain with them, that light, knowledge, wisdom, and patriotism may guide them, and that their efforts will be perpetually employed for blessings to our country ; that under their influence and their exertions the nation will be blessed, the people happy, and the perpetuity of the Union secured to the latest posterity. [Applause in the galleries.]

ADDRESS AT THE UNION MASS MEETING, AUSTIN, TEXAS,
ON THE 22D OF SEPTEMBER, 1860.

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 tributes 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 is 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 blest beyond all other lands, where freedom would be eternal and Union unbroken. It concerns me deeply, as it does every one 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 in its onward march, sweeping the valleys of California, and laving 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 disunited 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 all 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 do-

main, 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 to-day be oppressed and down-trodden 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 even 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 has 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 dissensions 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 Aboli-

tionism, 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 over-estimate 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 reasonable 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 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

* In the six Northern States—New Hampshire, Connecticut, Rhode Island, Vermont, Maine, and Wisconsin—where elections have been held, the Republicans have gained over the State elections of 1856, 37,145. Leaving out Connecticut, where the gain is 37,715, owing to the fact that the Black Republicans had not organized for the State election in 1856, there has been a falling off. As compared with the Presidential vote of 1856, they stand:

1856.		1860.	
Republican.....	265,357	Republican.....	254,875
Opposition.....	186,121	Opposition.....	215,670
Black Republican majority in 1856.....			79,236
“ “ “ 1860.....			<u>39,205</u>
Opposition gain.....			40,031
Popular vote of 1856.....			451,478
“ “ 1860.....			470,545

It will thus be seen that on a gain in the popular vote of 19,067, the Black Republicans fell off 40,031.

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 Government 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 that 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 their 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 reasonable 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 non-intervention 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, Col. 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 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 whippers 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 slave-holders 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 and 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 people 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 all 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?

PART V.

LAST STATE PAPERS AS GOVERNOR OF TEXAS.

MESSAGE TO THE LEGISLATURE OF TEXAS.

AUSTIN, *January 13, 1860.*

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

A PRESS of public business, which has not allowed time for the preparation of this communication, has prevented me from presenting at an earlier period, to the Representatives of the people, that information respecting the condition of our State affairs and the policy which will actuate my administration, expected at my hands.

In the short period which has elapsed since my inauguration it is not to be supposed that I have been able to obtain a critical knowledge of the workings of the different departments of government, so as to recommend such modifications and improvements as may be necessary to effect the purposes of economy and reform, and I can therefore but commend the application of those principles, which should extend to and influence all the avenues of government, affecting the discharge of official duty, of whatever grade, and controlling the operations of government, legislative and administrative.

The office of the Executive falls into my hands at a peculiar period in our history as a State. Contemplating alone the vastness of its extent, the diversified interests of its people, and the character of its resources, yet undeveloped, there is enough to demand continued labor and attention, in order to apply the benefits of government with sound discretion, and a proper regard to the relative demands of each interest; but apart from these, a considerable portion of our State bordering on the Rio Grande River is in a state of tumult and war, our frontier is unprotected and harassed by Indians, and our Treasury, which we have hitherto regarded as of exhaustless capacity, considering the probable expenses of government, is without a dollar subject to appropriation, beyond the amount necessary to defray the current expenses of government for the present year.

Difficulties like these impelled immediate action. The peace and security of the State being a paramount object, my attention has first been directed toward quieting the disorders upon the Rio Grande, and providing for the defense of our settlements against Indian depredations. With a due regard for the dignity of the State, should be united a desire to maintain peace within our limits. The bloodshed, the ravages, the desolation of an intestine war are to be considered; nor should we lose sight of the immense cost of prosecuting it. If, by the use of those means known to humanity and the laws of nations, such disturbances can be quelled, all the considerations mentioned demand their exercise.

Possessed of no information going to show the cause of the disorders existing

upon the Rio Grande, the Executive could but act upon the fact of their existence; and accordingly on the 28th of December I issued a proclamation, which was printed in the English and Spanish languages, for circulation in that region; and a copy of the same is herewith submitted. This course is not only justified by precedent, but it is founded upon the principles of justice and humanity. Without assuming to know the origin of the disorders, it warns the offenders against the law of consequences of further rebellion, and exhorts a return to duty. If productive of the desired end, the saving of blood and treasure which would accrue would be considerations which should far outweigh the promptings of revenge, or the appeals of hostility against a race already degenerate from oppression. If such means fail, the law must be vindicated, and the offenders taught subordination by force.

The first official information received by the Executive from the seat of these disorders was the communication of Capt. W. G. Tobine, herewith submitted, bearing date at Ramireno, near Brownsville, December 16, 1859, and received by hands of Capt. A. C. Hill. I was gratified to learn from that dispatch that the Federal Government had interposed to restore order in that region, and that Major Hientzleman, an officer of discretion and valor, had assumed the control of military operations. Whatever complaints may be made against the Federal Government on account of the removal of the troops from that portion of our border, its promptitude in affording relief at this time is deserving of consideration. Satisfied from the report of Capt. Tobin that a sufficient force was on the spot to quell the disturbance, and that the Federal arm would be still further extended at the call of its officer commanding the troops there, I dispatched Capt. Hill with an escort of twenty men, with instructions to Major John S. Ford, acting as commander of the Texas forces, by virtue of an order from my predecessor. In that communication I stated that, "as the management of military operations has been assigned by the Federal Government to its officers, if troops are desired from Texas, it is proper that a requisition should be made by an officer of the Federal Government in command of the United States forces at that station." Should such a requisition be made, I am satisfied that citizen soldiery of the country will respond with alacrity to the call.

On the 10th of January the report of Major John S. Ford was received, dated at Ringgold barracks, December 29, 1859, giving an account of the engagement at Rio Grande City, in which the followers of Cortinas were completely routed and dispersed. The entire forces on this occasion were under the command of Major Hientzleman, to whom great credit is given for the disposition made of the troops. Our rangers behaved on this occasion, as on the former occasion, with that bravery which is a part of the Texan character, and the Federal troops likewise acted with great gallantry. So signal was the rout of the opposing forces that I think their uniting again is improbable. The report of Major Ford is herewith submitted.

On the 11th inst. I received dispatches from Major Wm. G. Tobin, dated Ringgold barracks, January 3d, 1860, showing the organization of the Texas forces, and the result of the elections held accordingly; also a letter from Major Hientzleman, in reply to Major Tobin, in which it is shown that in the opinion of that officer the forces of Cortinas "entirely dispersed," and that a force of the United States troops were on the march. All of these documents are respectfully submitted.

I have every reason to hope that ere this time the disorders have been quelled, and that the emergency which has called our citizens from their homes no longer exists.

Unable to form any correct conclusion as to the origin of these disorders, it has been impossible for me to lay before your honorable body the information which would otherwise be expected at my hands. Not only the Legislature, but the people of our entire State, on whom may fall the burthen of taxation to meet the cost of sustaining troops in the field, have a right to know the entire facts connected with the disturbance. If the causes are local in their nature, as I have supposed, or if a premeditated invasion was contemplated, it is equally important for our peace and safety that the truth should be placed before the country. Actuated by this motive, I determined to send commissioners without delay to Brownsville, and accordingly, on the 2d of January, Messrs. Angel Navarro, of Bexar, and Robert H. Taylor, of Fannin County, were commissioned for that purpose, and proceeded at once on their mission. These gentlemen both possess a knowledge of the Spanish language, and represent different sections of the State. From the tenor of their instructions, herewith submitted, it will be seen that all necessary discretion is given to them with reference to the State troops in that vicinity. If, after a conference with the Federal officer commanding, their services are deemed necessary, as soon as their report reaches the Executive it will be submitted to the Legislature for its consideration.

In whatever light we may view these disorders upon the Rio Grande, they may readily be traced to the insecure condition of our border arising from the withdrawal of the Federal troops. Mexico is in a continued state of anarchy; her population feel none of the influences of a stable government. Lawless chieftains plunder them with impunity, and light the torch of civil war at pleasure. Riot, murder, and revolution reign above law and order. Separated from Mexico as we are by a narrow river alone, and a continual intercourse going on between its people and ours, it is but natural that the unhappy influences of her condition should extend to our border. To prevent these influences operating upon the turbulent portion of our own population, as well as to check any effort on the part of the citizens of Mexico to aid them in setting the laws at defiance, the presence of the Federal troops is absolutely necessary; and in my opinion the disturbances may be attributed to the insecurity arising from their removal, which left no check against the influences of civil war in Mexico. I have full confidence that the Federal Government will not only guard against such exigencies in the future, but will, as it should, recognize as valid the acts of its military officer on the Rio Grande in assuming the control of our State troops, and reimburse Texas for the cost of pay and subsistence.

Notwithstanding the fact that no appropriation had been made by the Legislature to provide for the defense of our frontier, and the condition of the Treasury warranted but little hope of relief from that quarter, I could not disregard the claims of our frontier citizens to protection from marauding bands of Indians which infest our border, and accordingly at once took steps to call into the field a sufficient force to meet the present emergency. By virtue of the constitutional power vested in the Executive to resist invasion, I felt fully authorized to pursue this course, believing that the Legislature would provide the means of pay and subsistence for the troops.

Instructions have been issued to Captains W. C. Dalrymple, Ed. Burleson, and John H. Connor, to raise each sixty men for immediate service. Since the initiative steps to effect this purpose were taken, the bill entitled "An act for the protection of the frontier," came into my hands. Inasmuch as the Legislature has thrown upon the Executive the entire responsibility of defending the frontier, it is but just to him and to the people of the State, that the Legislature should provide him with the means of meeting that responsibility, as the exigency before him requires. The bill in question but affirms a constitutional power already existing in the Executive. It provides the manner in which the troops shall be organized, and the rates at which they shall be paid; but the money by which they are to be paid and sustained in the field is unprovided for. Without a dollar at his command, it is impossible for the Executive to sustain rangers on the frontier, or accomplish much for the defense of the State; and although numbers of our citizens are ready to go to the scene of danger, relying upon the justice of the State to pay them for their services, yet they can not be expected to enter upon the dangerous service before them without necessary subsistence. The Executive is determined to use all the constitutional means in his power to give security to our border.

He will endeavor to send to the frontier efficient and reliable protection, and will call into the field no more men than appears absolutely necessary; but beyond this he has no power. The Legislature can alone provide and appropriate the money.

Our frontier people have long been harassed by Indians. They have been compelled, from time to time, to leave their homes in pursuit of them, to punish their aggressions, and recover property stolen. A feeling of insecurity exists which nothing but an active force, continually on the alert, can dispel. Scattered along the border, they are unable to get together in sufficient numbers to punish the enemy, without endangering their firesides. I have therefore determined to send them protection from the interior. If an emergency arise, or the Indians appear in force, they may then be called into service as minute men, without leaving their families long unprotected.

The defense of our settlements properly belongs to the Federal Government, and it is only in cases where protection is not extended by it, that we may resort to our own means of defense. It has been my belief for years that mounted rangers are the only species of troops calculated to afford efficient protection against roving bands of Indians. Thus far the Federal Government has not acted upon such a policy as respects our frontier. I shall at an early period urge upon the President of the United States, and the War Department, the necessity for such a force, as well as the propriety of mustering into the service of the United States the troops now being raised for the protection of our frontier.

I shall also urge upon the proper department, the importance of authorizing a treaty with all the Indian tribes on our border, and the payment of annuities directly to them, through a Texas agency, instead of by way of Arkansas as at present. The fact that these tribes respect the laws of Arkansas, and the civilized nations of Indians, and that no depredations are committed on that frontier, but altogether upon that of Texas, is a suf-

ficient reason for believing that a change of policy in this respect would be beneficial.

In view of the continued depredations upon our frontier and the insecurity arising from the anarchical condition of Mexico, I shall take immediate steps for the organization of the militia, in accordance with the act of April 21, 1846. As our settlements widen, and the people of the interior become strangers to the incidents of border life, the use of arms and the knowledge of all that pertains to military duties, will not be kept up to that degree which will insure efficiency in the hour of danger. Military discipline is an important item in the education of a free people. Familiar with the use of arms, they can be made available at any moment to repel invasion or crush rebellion. I would commend to your honorable body, the propriety of making such appropriation as will be necessary to put our militia system into operation.

The Report of the State Comptroller, already laid before the Legislature, shows that we have very little to congratulate ourselves upon, on account of the condition of the Treasury. There remained in the Treasury at the expiration of the last fiscal year, ending on the 31st of August, 1859, the sum of \$411,402.69, in U. S. bonds and specie.

The \$2,000,000 set apart for the School Fund yet remains, but the balance of the \$5,000,000 received from the sale of our Santa Fé territory to the United States, is exhausted, except the amount set apart for the University Fund, amounting to \$106,972.26, and the balance mentioned of \$411,402.69 belonging to the General Fund. Notwithstanding a continued revenue arising from taxation and the interest on our United States bonds, has flowed in a continued stream into the Treasury, the money has gone out in a ceaseless stream, until, instead of seeking, as has formerly been the case, for modes of emptying the public Treasury, we have to seek for modes of replenishing it. Added to the revenue of the fiscal year, the balance in the Treasury on the 1st of August, 1859, will but little more than meet the ordinary expenses of Government; and to make it do this, economy is necessary.

We have a force in the field upon the Rio Grande, and the frontier is to be protected from the Indians. We can not expect our citizens to wait the delay to be experienced in our endeavors to obtain the recognition of our State forces by the United States. They must be provisioned and paid. Common justice demands that the State should recompense them, and not force them to wait until the General Government shall make the necessary appropriation. To meet these extraordinary expenditures by means most prudent, is an object which I especially enjoin on your attention. Every avenue of extravagance should be closed, every proper means of retrenchment should be adopted. The keys of the Treasury should be held with an honest grasp, and no appropriation be made which is not necessary and strictly in accordance with law. Every disbursing officer of the Government should be held to strict accountability, and no stretch of authority be permitted in the exercise of the power confided to him. What economy will not accomplish can, in my opinion, be best supplied by taxation. Texas has learned some experience from going into debt, which she will do well to remember, and I trust she will guard against its consequences in future.

The various departments of Government should, in my opinion, be made, as far as possible, self-sustaining, and where it is impossible, from their nature, to make them so, a rigid exaction of duty at the hands of all those who are in the employ of the Government should be required. No free Government can afford to establish sinecures, or to support idleness. The money which comes from the pockets of the people, should be economized for their good, and all who are the recipients of it should render a fair recompense of time and labor. The subjects are within the province of the Legislature. The Executive is powerless, and if reform is needed in any of these respects, it falls upon the Legislature to inquire into abuses, if there be any, and provide an immediate remedy.

The deficit in the revenue of the Land Office, added to the fact that the business of that department does not keep pace with the demands upon it, furnish subjects for your consideration.

The interests of the State demand that it should be self-supporting, and the interests of the people demand that its business should be brought up at the earliest possible period. A large force is already employed in that department, but the issuance of patents has been delayed, and it remains for the Legislature to discover whether this is to be attributed to the amount of labor performed by the employes of the Government, or the fact that the force is inadequate to the demands of business. If the latter, it is false economy to allow a further accumulation of business, and thus cause a still greater delay. The holders of our land certificates are entitled to their patents, and if an additional force is necessary, it should at once be provided. The deficit in the operations of that department, estimated for the present fiscal year, ending August 31, 1860, at \$24,000, shows the necessity of prompt legislation to bring its affairs up to a proper standard. If the fees paid by those who have business with that department do not meet its expenses, they should be increased; if, on the other hand, the deficit arises from the fact that a part of the time of that department is occupied by business for which no fees are provided by law, those who consume the time of the employes in the transaction of their business should be compelled to pay for the same. In my opinion, the affairs of that office can best be brought to a self-supporting standard, by providing an entire system of fees, covering the entire ground of its operations, and providing at the same time for payment of its employes, wherever the same is practicable, in proportion to the labor they perform.

I can not press too earnestly upon the Legislature the subject of common school education. The success of the system already in operation is established beyond a doubt. Its application is general, and its defects as few as any system which could be applied to a population as scattered as ours. The nucleus of a complete system exists already; and we have in our public domain the means of strengthening it until its capacity will equal the demands made upon it as our population increases. No better use can be made of the proceeds of the sale of the alternate sections of land reserved to the State for any cause, than to apply the same to this fund.

I would also commend to your consideration the importance of extending a reasonable aid to institutions of learning, now in operation in our State, supported by private enterprise, and encourage by a general law the estab-

lishment of others. Our citizens have already displayed much zeal and enterprise in rearing up in our midst institutions which are accomplishing great good. To sustain these is difficult, and as the benefits arising from these are to be felt in the general prosperity of the State, and the intelligence of its entire people, a proper encouragement at the hands of the Legislature should be extended. Surrounded by proper guards, a measure of this character would be productive of great good.

The establishment of a university is, in my opinion, a matter alone for the future. At this time it is neither expedient nor is it good policy to provide for the sale of those lands set apart for the university fund. If at some future period it should be deemed expedient or in keeping with a more enlarged policy to devote our entire energies to a more general diffusion of knowledge than a university would afford, or even if the voice of the State should demand the establishment of one, these lands will then provide the means of advancing the cause of education. When that period arrives their value will be greatly increased. If sold now but little will be realized from them, and before the expiration of twenty years, the time upon which over fifty thousand acres have already been sold, the lands will be worth more than three-fold the amount they should bring now, with accumulated interest.

So far as the one hundred thousand dollars of bonds and their interest, taken from the general and applied to the university fund by the last Legislature, are concerned, I believe the condition of the Treasury and our immediate necessities demand that the act be repealed, and the money again placed subject to appropriation. We need money for the protection of our frontier, and to save us from taxation; more than for a fund which promises no immediate benefit. Our common school fund already provides for the education contemplated by the Constitution; and if this amount, thus unnecessarily withdrawn from the general fund, will reduce the burthens of taxation, the people will be better able in the future to bear taxation to support a university, if one should be necessary.

I have long regarded our present land system as defective; and believe with the framers of the Constitution of the Republic, that our public domain should be sectionized. The Federal Government has adopted this system with reference to its public lands; and all of the difficulties which surround our titles are obviated. We can not redeem the past, but we can provide for the future. If all of our public domain were surveyed by competent persons, who would be willing to take a portion of our lands as compensation for their labor, it would greatly facilitate the settlement of the country, and give security to our whole land operations. It would also furnish some data upon which to base conclusions as to the value of our lands, and if accompanied by the researches of a geological and agricultural bureau, would vastly tend to the development of the resources of our State. Our lands, if divided into sections, half and quarter sections, would meet a ready sale; whereas, at present, the difficulty attending our land titles makes many persons loth to file their certificates, lest they may conflict with private locations; but if their metes and bounds were declared by the State none of this apprehension would exist.

I believe that the policy of extending our frontier too rapidly has already resulted in great loss of life, owing to the sparse settlements being an easy prey to savages. If a base line were run at the extreme edge of our present settlements, and the territory beyond withdrawn from location and settlement, we

could then, by a liberal policy which would give an alternate quarter section of land to every actual settler who would reside upon and cultivate the same for two years, draw to our frontier a host of hardy pioneers, who would not only be able to resist the encroachments of the Indians, but soon acquire strength sufficient to intimidate them. If this plan were adopted, and a force of Texas Rangers, authorized by the United States, kept actively scouting in our territory beyond the settlements, we would cease to hear of those calamities which now continually shock our ears. Thus our frontier could be gradually extended, the lives of our citizens spared, and a vast amount of money necessary to protect the present scattered settlements saved to the Treasury. The alternate quarter sections reserved would be increased in value from the occupancy of the settler, while he would be benefited by receiving the land at the bare cost of the fee of patenting and surveying. I believe that the policy of giving land to actual settlers is a good one, but we should at the same time endeavor to make our settlements compact, and should also confine our donation policy alone to the settler and his immediate heirs, and not extend it to his assignees.

As one means of replenishing our exhausted Treasury I would commend the immediate sale of all lands which shall be found to be forfeited to the State for non-payment of taxes; and such legislation should be adopted as will induce the purchase of these lands, and give security to the titles made to the same. A rigid system for the collection of taxes is necessary, so that all branches of business and all classes of property-holders may pay their proportion toward bearing the expenses of government. Some means should also be adopted by which the various assessors and collectors of the State would be able to secure the payment of proper taxes upon lands owned out of their respective counties. It is a notorious fact that but few of the lands upon which taxes are paid in counties distant from their location, afford the State an equitable revenue. While it is not fair that parties should be compelled to pay their taxes on lands in the counties in which the lands lie, it is no more than just that the State should provide some standard for their valuation, where they are not so paid.

I can not too earnestly press upon the Legislature the necessity for economy in reference to the public lands. They are now all that we may draw upon for the education of the people and development of our resources. Every citizen of Texas has an interest in the public domain, and the representatives of the people should regard it as their duty to refuse to squander them in profligate schemes, or to meet the ends of special legislation.

The Executive would also suggest some change in the mode of collecting the revenue. The amount of labor required at the hands of assessors and collectors, when compared with the compensation they receive, is so great that but few men of competent business talent can be induced to accept the office. The Legislature should, in my opinion, so amend the revenue laws as to secure the services of responsible men, who can not be imposed upon. The task of visiting the domicile of every citizen in order to obtain the valuation of his property is arduous, and it is in but few counties that the officer is even reasonably paid for his labor.

The several railroad charters passed since my induction into office have met my approval. The terms are explicit, and in accordance with the general railroad law of the State. No charter will receive my assent which does not contain those proper guards against fraud, imposition, and reckless speculation

which are necessary at once to guard the interests of the State and the pockets of the people. Corporations have so often trampled upon the rights of the private citizen that we should be careful when we grant them privileges that we part with no right belonging to the people. The State has already been generous; and her generosity has in several cases been abused. We can yet afford to be generous in our railroad policy, but we should make such terms as will secure every interest to be affected. It will be my endeavor to exact at the hands of every railroad company in the State, a strict compliance with the terms of the charter. The benefits conferred are so great, and the terms made by the State so easy, that there is little room for excuse in case of a failure to comply with the law.

The improvement of our rivers under the act of August 1, 1856, will receive that attention at my hands which the importance of the subject demands. To many sections of the country these natural channels of transportation are of great utility. It will be my endeavor to employ practical men, acquainted with the nature of our rivers, to superintend their improvement, and report upon the manner in which contractors have performed their duty.

I can see but little utility in the office of State Engineer under our present system of railroad and river improvements. It is impossible for one individual to supervise all of the works in progress in the State. In the immediate locality of our rivers men can be found fully competent to decide upon the proper method of their improvement. The railroad law already provides that the company for whose benefit the examination is made shall pay the expenses of the same. The law should plainly designate what the nature of the expenses shall be, and the manner in which the examination shall be made, in order to prevent corruption; and also establish the fees and duties of the examining board, which can be appointed for the time being, and thus save the State the cost of a salaried officer.

I would commend the continuance of the geological survey, and would suggest, as an auxiliary, the establishment of an agricultural bureau, with the view of collecting agricultural statistics, and developing our general agricultural interests.

It will be necessary that the Legislature provide further prosecution of the boundary survey for establishing the line between the United States and Texas, in accordance with the act approved January 23, 1858. How far that survey has been prosecuted the Executive has not been able to learn. It remains for the Legislature to inquire into the manner in which the appropriation of \$20,000, made by the last Legislature, has been expended, what amount will still be necessary to complete the survey, and make an appropriation for the same.

I would recommend to your consideration the propriety of changing the time for the meeting of the Legislature until the 15th of December, or some early period before the time allotted for the inauguration of Governor. Our experience under the present arrangement has shown that but little legislation of importance is effected before the incoming of the new administration, and I believe the change would result in a great saving of money to the State.

So much trouble has heretofore arisen in reference to our public printing, that it behooves the present Legislature to provide all necessary regulations against fraud and misconstruction of the laws regulating the same. The duties of the public printer, like all other officers, should be plainly defined. The law should

provide against the latitudinous construction, by which thousands of dollars may be swept away from the Treasury upon a plea of custom, and explicitly declare that the work shall not be "leaded," but shall be "solid"; and that no unnecessary blanks be allowed. The various reports of public officers printed for the use of the Legislature should be declared not to be part of the journal, and that they shall not be printed as appendices to them. The present law is defective in these respects, and I commend to the Legislature the propriety of amending it so as to meet not only these, but all other objections.

Upon the action of the Legislature depends to a considerable extent the construction to be given to the present contract for the public printer. It is for the Legislature to say, after the matter has been fully investigated, whether the charges made by the public printer for the past four years were correct, and in accordance with law. If they are not, and money has been illegally drawn from the Treasury, it is not only in accordance with justice but precedent, that restitution be made.

In providing a means to disseminate the laws it seems to the Executive that a regard should be had to the means most likely to bring them within the reach of the great mass of the people. I do not believe that the present mode of distributing them is calculated to accomplish this end. But few individuals get possession of them, and frequently long after they have gone into effect. The people have a right to know the law, and the Legislature should seek that channel of communication which is most accessible. I believe that if a portion of the money now expended in printing was devoted to the publication of the laws in one newspaper in each county in the State, or at least one in each judicial district, the benefit to the community would be far greater than that received by printing them in pamphlet form alone. A much smaller number in pamphlet form would then suffice, and the expense to the State would be but little, if any, greater. The cost of publishing the general laws in the manner mentioned would be but slight, and if at the same time, by the distribution of the public funds, the entire press of the State is benefited to any extent, it is an object for favorable consideration. Nothing has more contributed to the prosperity of Texas than the energy and perseverance of the press. It is a powerful auxiliary to freedom everywhere, and when actuated by that feeling of responsibility which points toward impressing the public mind, by means of correct information, with a true sense of right, and a proper moral tone, rising above the bickerings of party or personal abuse, it may be relied on as one of the bulwarks of liberty, to be sustained and defended by every free people.

I would suggest to the Legislature the propriety of adopting such measures as will urge upon Congress the justice of paying to Texas the balance now in the Treasury of the United States on account of our public debt. In the present condition of our Treasury this amount becomes important. Texas is entitled to it, and should receive it without delay.

The time has again arrived when an examination of the affairs of the State penitentiary is called for. An investigation of its financial and sanitary condition is necessary, that the Legislature may be able to judge as to the legislation necessary to sustain it properly.

The law passed by the last Legislature, which grants a preemption privilege for every three negroes an individual may own, is, in my opinion, based upon

erroneous ideas of the institution of slavery, calculated to create distinctions between rich and poor, and to confer exclusive benefits upon one class of our citizens at the expense of the other, and recognizes the idea that government is bound to make the rich richer, and the poor poorer. In the eye of the law all men should stand equal. To draw a distinction between those of our population who have not been able to acquire slaves, and those who have, is, in my opinion, impolitic, and I respectfully commend to the Legislature the immediate repeal of the law.

I can not refrain from congratulating the Legislature upon the triumph of conservatism, as seen in the many evidences of the determination of the masses of the people of the North, to abide by the Constitution and the Union, and to put down the fanatical efforts of misguided abolitionists, who would endanger the safety of the Union to advance their vapid schemes. That their efforts will so operate upon the impending struggle as to stay the hand of slavery agitators, is to be hoped. This outspeaking 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 at the ballot-box 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.

We have in our own Constitution the adaptation of those principles of republicanism which are the basis of the Constitution of the Union. The representatives of the people are called upon by the responsibilities of the trust reposed in them, to hold that instrument sacred, and to construe it strictly. The Executive will guarantee on his part that no watchfulness shall be spared in guarding over the public weal, or in maintaining the Constitution in its full intent and meaning.

SAM HOUSTON.

MESSAGE TRANSMITTING RESOLUTIONS OF THE STATE OF
SOUTH CAROLINA.

EXECUTIVE OFFICE,
AUSTIN, TEXAS, *January 24, 1860.* }

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

The following resolutions and autograph letter I have received from the Governor of South Carolina, with a request therein that I transmit the same to your honorable body:

RESOLUTIONS IN RELATION TO FEDERAL RELATIONS.

“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."

EXECUTIVE DEPARTMENT, }
COLUMBIA, S. C., *December 30, 1859.* }

HIS EXCELLENCY, SAMUEL HOUSTON:

Dear Sir :—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.

With great respect and consideration,

I am, yours truly,

WM. H. GIST.

This is done 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, 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.

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 meas-

ures 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 slaveholding 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 individuals 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, 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 to-day 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. Is it 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 necessary 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 any 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 or 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 had 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 Thos. 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 to-day 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 *volentem 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 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 offensive 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 mad-dened 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 impairing 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.

SAM HOUSTON.

MESSAGE TO THE LEGISLATURE OF TEXAS—EXTRA SESSION.

EXECUTIVE DEPARTMENT,
AUSTIN, *January 21, 1861.* }

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES :

You have been convened in extra session, in view of the unsettled condition of our national affairs, the continued invasion of our frontier by Indians, and the embarrassed condition of the Treasury. To these subjects alone your attention will be invited, and it is hoped that only those which are incident to these will meet your consideration.

The defense of the State being a paramount object, the Executive will first press the necessity of providing for the same upon your consideration. When the Executive came into office the frontier was entirely unguarded, except by Federal troops. The Indians, unrestrained by the presence of rangers, embraced the favorable opportunity, and gained a foothold in the country, and ere their presence was known and means could be adopted to repel them, commenced a series of depredations which struck terror to the settlements. Their savage work was not confined to the frontier alone, but extended to counties within fifty miles of the capital.

Although not apprised of this state of things, the Executive had made such provision for the defense of the frontier as seemed necessary. On the 26th of December, a few days after his inauguration, an order was issued to Captain W. C. Dalrymple, of Williamson County, to raise a company of sixty men, rank and file.

This was followed by orders of the same character to Captain Ed. Burleson, of Hays, and to Captain John H. Conner, of Travis, on the 4th and 13th of January. These companies were ordered to such points as would enable them to carry out the orders given them to give the greatest amount of protection to the frontier inhabitants.

Had the frontier not been entirely abandoned to the Indians for months previous to his inauguration these companies would have sufficed to prevent any concerted and extensive movement against the settlements on the part of the Indians; but they were already secreted in the country. Intelligence having reached the Executive that numerous small parties of Indians were ravaging the line of settlements beyond Bell County, but yet not on the extreme frontier, orders were issued on the 13th of February to Lieut. White of Bell, Salmon of Basque, and Walker of Erath County, to raise each a detachment of twenty-five men to range in and give defense to the counties of Caryell, Hamilton, Comanche, Erath, Eastland, and Palo Pinto. These detachments were soon in the field, with orders to exercise every energy to give the frontier protection and security.

Authentic accounts of depredations still coming in, the Executive on the 21st of February sent to the various frontier counties a letter authorizing the citizens of each county to raise a minute company of not more than twenty men, who should look to the next Legislature for payment; and to more effectually insure the presence of these minute companies in the field, a general order was issued on the 9th of March, by which the Chief-Justice of each county was instructed to organize immediately a minute company of fifteen men, to whom the following orders were given :

“ The detachments will immediately take the field, and enter upon active service, affording protection to the inhabitants of their respective counties.

“ When an Indian trail is found it must be diligently followed, and if the sign indicates a larger party of Indians than he is able to cope with, he will call not exceeding ten men to his aid.”

The lieutenant commanding each detachment or minute company was authorized to purchase necessary supplies, and where it was possible to do so, they were sent forward by the Executive.

Under this order minute companies of fifteen men each were mustered into service in the following counties: Lieut. Scanland, Montague; Lieut. Isbell, Wise; Lieut. Cochran, Young; Lieut. Jones, Palo Pinto; Lieut. Stevens, Eastland; Lieut. Lowe, Erath; Lieut. Price, Comanche; Lieut. Nelson, Basque; Lieut. Gentry, Hamilton; Lieut. Font le Roy, Caryell; Lieut. Cowan, Llano; Lieut. Wood, San Saba; Lieut. Hughes, Lampasas; Lieut. Lewis, Mason; Lieut. O'Hair, Burnett; Lieut. Franzelin, Gillespie; Lieut. Balentyne, Bandera; Lieut. McFadden, Keer; Lieut. Kennedy, Hoalde; Lieut. Patton, Blanco; Lieut. Brown, Bexar; Lieut. Watkins, Medina; Lieut. Ragsdale, Frio.

In addition to putting this force of minute men in the field, the Executive, in order to enable the frontier citizens to more successfully defend themselves, purchased and distributed through the frontier counties one hundred Colt's revolvers, which, with a number of revolvers, rifles, and muskets, were sent forward. Ammunition was also supplied to the minute companies. To provide for the defense of the settlement beyond San Antonio, an order was issued on the 5th of March, to Capt. Peter Tomlinson, of Atascosa County, to raise forty-eight men, to whom were assigned the range between the Frio and the Rio Grande. Captain Tomlinson was mustered into service on the 20th of March.

It will thus be seen that up to this period the Executive had called into service a ranging force of 720 men, which might be increased upon an emergency to 950. The greater part of this force was then in active service, and as a result the Indians disappeared from the settlements. The monthly reports of the officers commanding the minute men now on file in the Executive office attest this fact. The minute companies of fifteen men were kept in service until the 18th of May, when, there being no longer a pressing necessity for their presence in the field, they were disbanded, subject to be called out at any moment by order of the Chief-Justice of their county.

Before, however, these forces could be brought to bear on the settlements many murders had been committed, and a large number of horses stolen. With a view of avenging these outrages, and the recovery of the property of our citizens, the Executive determined to send against the Indians a force sufficient to discover their hiding-places, and accomplish these objects.

It had long been the opinion of the Executive that the horses stolen from us

are herded at some central point between our settlements and the trading-posts where they are sold, and that from this point stealing parties strike for our settlements, leaving others in charge of the animals already taken. To punish these Indians, as well as to ferret out the parties who purchase our horses from them, required an able force, and was a work requiring much time and privation. The duty of raising troops for this expedition was assigned to Col. M. T. Johnson, of Tarrant County, to whom was issued orders on the 17th of March to raise a sufficient number of mounted rangers to repel, pursue, and punish the Indians now ravaging the north and northwestern settlements of Texas, with full liberty to dispose of the force under your (his) command, at your (his) discretion. In pursuance of this order Col. Johnson raised five companies of rangers of 83 men, commanded by Captains Smith of McLennan, Darnell of Dallas, Woods of Fannin, Fitzhugh of Collin, and Johnson of Tarrant. These rendezvoused at Fort Belknap, where they were joined by two companies under command of Capts. Ed. Burleson and W. C. Dalrymple, and on the 23d of May the expedition started for the Indian country.

The several reports of Col. Johnson to be submitted will furnish a full statement of the progress of the expedition. A portion of the troops were ordered back by Col. Johnson from Old Fort Radsminske the 30th of July. The others penetrated the Indian country beyond the line of Kansas, and after enduring many privations returned to Fort Belknap, where they were disbanded by order of the Executive.

Although no Indian depredations were at that time reported, the Executive, to guard against their repetition, ordered Capt. L. S. Ross to McLennan on the 11th of September to raise a company of seventy men, and to take his station beyond Fort Belknap, where he arrived on the 17th of October.

On the 6th of December information reached the Executive of the most appalling outrages committed by the Indians in Jack and Parker Counties. Orders were immediately sent forward to Capts. Thos. Stocton, of Young, and James Barry, of Basque County, to raise each twenty-four men, and proceed to co-operate with Captain Ross in protecting the settlements. These troops did not then enter the service, but on the 17th of December an order was issued to Capt. A. B. Burleson to raise seventy men, which was followed by orders to Capt. E. W. Rogers, of Ellis, on the 26th of December, and to Capt. Thomas Harrison, of McLennan, on the 2d of January, to raise each seventy men, all of whom have now gone forward to Fort Belknap, where Col. W. C. Dalrymple, of Williamson County, acting under commission as aide-de-camp to the Executive, has been ordered to repair, to effect an organization of the troops, and to devise means for their efficiency.

It affords the Executive pleasure to state that the Indians who committed the late depredations in Jack and Parker Counties have been overtaken and killed, by a force under command of Captain Ross, whose report will be submitted.

The Executive, to support and render efficient the force which he has had from time to time in the field, has had no money at his command except the University Fund, amounting to \$106,992.26, which was by special act of the Legislature authorized to be used for purposes of frontier defense. It was his opinion that the Legislature intended that this fund should be used alone for the defense of the Indian frontier, and not for the payment of claims on account of the war upon the Rio Grande. The troubles upon the Rio Grande, although

speedily settled after the arrival of the commissioners sent by the Executive, cost the State an amount far beyond the estimate of the Legislature, and when claims were presented for supplies furnished troops the Executive did not believe the money should be drawn from the University Fund, and expressed his views in that respect to the Comptroller. That fund was the sole dependence of the Executive for the purchase of supplies to keep troops in the field. A considerable sum was paid, however, from the fund for debts contracted during the Rio Grande war. This reduced the amount which might be used to defend the frontier to \$76,937.73, which has been exhausted. The Executive, however, kept troops continually in the field, and until the present time supplied them, with the exception of the minute companies called out in each county. Not a dollar has been at his command for months. Deprived of money to purchase supplies, and with the fact before him that Treasury warrants were already selling at a heavy discount, the Executive might well have thrown upon others the responsibility of abandoning the frontier, and left the people to defend themselves. But neither this, nor the fact that many have continually denounced and misrepresented his efforts made in behalf of the frontier, have caused him to forego his exertions; on the contrary, they have been redoubled.

At such periods a man, true to the obligations of his station and the instincts of humanity, should alike rise superior to the obstacles impending in his pathway, and the petty considerations of chagrin and disappointment at the conduct of those who maligned and censured him; and it is a satisfaction to the Executive now to know that the first who have received the undoubted evidences of the determination and the ability of the troops sent forward by him to defend them, are those who have been foremost in their efforts to thwart his endeavors. Finding that it was impossible to purchase any adequate amount of supplies on the credit of the State, the Executive, in two communications dated the 8th of November and the 7th of January, suggested to the State Treasurer the propriety of using, for purposes of frontier defense, the amount in the Treasury on account of University land sales; but the opinion of that officer was adverse to the proposition, and that fund, amounting to \$34,708.14, still remains in the Treasury.

The Executive, believing that the Legislature would not repudiate a pledge made under such circumstances, procured of Mr. S. M. Swenson two months' supply of rations, with a guarantee that the same should be paid as soon as your honorable body met. This supply will be exhausted by the time more can be sent forward, and to your earnest consideration the matter is commended.

It will be seen, from the plain statement of facts given above, that from the time of his inauguration up to the present time, the Executive has devoted all the energies at his command to the defense of the frontier. He has called into service a number of the most experienced ranging officers in the State, and given them troops obtained in counties capable of furnishing the best Indian fighters in the world. Not only in the number, but in the equipment of the troops, the means he has adopted for frontier defense have been adequate to more than the reasonable expectations of the country. Besides these, he has provided every county with a minute company for its own defense, formed of its own citizens. If these endeavors have not sufficed to protect the country, no exertions which he could have made would have done so.

In March last the Executive tendered to the Secretary of War of the United States 5,000 Texan volunteers to aid in the defense of the frontier. The offer was declined. Efforts have been made to induce Congress to pass a bill authorizing the calling of such a force into the field ; but they have been, thus far, unsuccessful.

The Federal Government has, however, from time to time sent reinforcements of the regular army to Texas, until the entire force on our border comprises about one-fifth of our entire army.

These prevent the invasion of our soil by any numerous body of Indians, and occasionally intercept small stealing parties ; but to entirely check the latter a more active force is necessary, which should be constantly employed in scouring the country.

The militia act, passed by the last Legislature, was found by the Executive to contain conflicting provisions, which prevented its being put in operation ; the necessity of rendering it entirely practicable is respectfully presented to the Legislature.

According to the estimates made, which were laid before the Legislature, the ordinary expenses of government exceeded per annum the amount received from revenue.

The extraordinary expenses arising from the construction of the Insane Asylum and other causes, as well as the balance due from former years, have greatly increased this deficiency, and, as a consequence, the Treasury is now without means to defray the expenses of government for the present year.

The Executive has endeavored, so far as the law gives him control, to reduce the expenditures of government to an economical basis ; but his power is extremely limited, and his endeavors in this respect have, of course, been governed by the appropriations made by the Legislature.

The Executive deemed it his duty, on the 8th of February, 1860, to send a special message to the Legislature, showing the condition of the Treasury, and urging the adoption of such measures as would prevent its embarrassment. There remained in the Treasury, on the 1st day of February, but \$219,000, against which stood the amount due on account of appropriations made by the present and previous Legislatures, estimated at \$508,582.74.

To show the rapid depletion which followed, it may be stated that the State Treasury on the 15th of February reported but \$232,903.21 in the Treasury, which included the University Fund, amounting to \$109,472.26. There was, therefore, to sustain the civil list but \$123,480.95. The balances still due on appropriations were to be paid, and the Government to be sustained until the whole revenue came in, which was estimated by the Comptroller to be \$343,447.95. In presenting the condition of the Treasury to your honorable body the Executive urged the necessity of increased taxation.

The Legislature, however, did not second his views, and an act was passed in lieu thereof, providing for the payment of interest on Treasury warrants.

Much difficulty was experienced in putting this act into operation, and the Comptroller did not consent until the 1st of June to issue the warrants. Since that period they have been issued for all claims for rangers' pay ; and since, the University Fund has been exhausted for other claims connected with the frontier service where parties would take them.

No one could have more regretted the delay of putting this law into execu-

tion than the Executive. It was a measure calculated to sustain the faith and credit of the State, and it has done so to a material extent. The warrants were purchased at from 85 to 95 cents on the dollar, the purchasers relying for payment on the collection of the money due by the Federal Government to Texas for expenses incurred in defending the frontier, and it was not until the prospect of obtaining that money was understood to be uncertain that they depreciated to any great extent. At present there is scarcely any demand for them even at a ruinous discount.

The Legislature will at once see the necessity of providing means for the redemption of the warrants, with the interest.

Not only the holders of those already issued, but a large number of rangers yet to be paid, have a right to expect that the public faith shall be maintained. The Legislature should see to it that the brave men who have, regardless of privation and danger, gone to the defense of the frontier are not deprived of the pay justly due them.

They have already been compelled to yield a considerable portion to obtain money to meet their necessities. Many are yet holding their warrants in the hope that justice will be done them. Those yet to be paid look alike to the Legislature.

Those now in the field will be stimulated to greater efforts in behalf of the frontier if they find that their zeal and courage are appreciated, and provision is made to recompense their toil.

The Executive regrets to be compelled to inform the Legislature that none of the money appropriated by the United States Congress to reimburse the State for expenses incurred in defending the frontier against Indians has yet been obtained. There was appropriated by act of Congress of March 3, 1859, the sum of \$53,000, and on the 21st of June, 1860, the sum of \$123,444.51 for this purpose. No steps had been taken for the collection of the amount due on the first appropriation when the present Executive came into office. On the 16th of March, 1860, instructions were sent to the Comptroller to forward to the War Department at Washington duplicate copies of the muster rolls, vouchers, etc., necessary to obtain the amount paid by the State for the services of six companies of rangers called into service by Gen. Persifer F. Smith in 1854, provided for by act of Congress of March 3, 1859.

The Comptroller declined to send the vouchers necessary to secure the collection of the amount. It was the intention of the Executive to solicit the services of one or more of our members of Congress then at Washington in the settlement of our business, and when the amount due the State was ascertained, to obtain U. S. Treasury drafts, which could have been cashed here by the Comptroller at par, and thus all the expenses of a special agent would have been avoided. The Executive again on the 9th of October requested that the vouchers for the whole claim be forwarded at as early a day as practicable, the Comptroller having informed him that they were ready for transmission. On the 3d of November, desiring to facilitate and hasten the collection of this amount, the Executive notified the Comptroller of his intention to appoint Geo. J. Durham, Esq., chief clerk of the Comptroller's office, as agent to bear the muster rolls, vouchers, etc., to Washington, and to attend to the collection of the claim. On the 5th of November a communication was received from the Comptroller, declining to place the papers in the hands of Mr. Durham, and on

the 28th of November Mr. Durham declined to accept the appointment, which in the meantime had been tendered him.

The only obstacle in the way of the prompt collection of the amount has been the fact that the vouchers have not been placed in the possession of the War Department. Until this is done the money can not be obtained. The vouchers are in the possession of the Comptroller, and it has been in his power at any time to transmit them either in person or by some safe hand to the Secretary of War. When the claim has progressed thus far toward a settlement, the Executive will direct his endeavors toward securing all that may be justly due the State.

It is also proper to state that since the letter to the Comptroller of October last, stating that the muster rolls, etc., were ready for transmission to Washington, the Executive has been notified that five of the rolls, representing about \$40,000 of the amount due, are lost.

An examination of the facts presented will furnish the Legislature the data upon which to base their actions in reference to future operations of the Treasury. It will be seen that there is already a deficit in the revenue necessary to meet the civil expenditures. The ordinary expenses of the Government until the taxes come in in June will be about \$30,000 per month. The deficit already existing added to this amount will consume the entire amount then received, and leave the Government totally unprovided for for another year. Not only is this to be provided for, but the treasury warrants now in circulation are to be paid, as well as those rangers who have been, and are now, in service; and means are to be provided for the future defense of the frontier.

From the report of the Comptroller hereunto appended, and made a part of this message, it will be seen that from the 21st of December, 1859, to the 19th of January, 1861, there had been paid out from the Treasury in cash the sum of \$763,394.65, and that ten per cent. Treasury warrants had been issued, amounting to \$129,556.99, making a total of \$892,951.64. Of this amount there was expended:

For the Cortina war	\$137,828 10
“ Expenses of Legislature.....	94,997 01
“ Pay of Ford, Bourland, and Brown’s Com’s..	60,445 02
“ Supplies furnished Capt. Willions.....	7,423 46
“ Construction of Lunatic Asylum.....	33,369 12
“ Machinery of Penitentiary.....	27,000 00
“ Improvement of Bays and Rivers.....	68,270 40
“ Improvement of Capital Grounds.....	4,771 08
“ Debt of the late Republic.....	12,391 64
Total	\$446,495 83

This entire amount was paid upon expenses, ordinary and extraordinary, incurred prior to the commencement of the term of the present Executive, excepting a portion of the amount paid for expenses of the Legislature. Of the balance, \$446,495.83, a considerable portion is of the same character, or for special appropriations not included in the ordinary appropriations of Government. It will be seen that the entire amount of money used by the Executive for the de-

fense of the frontier is \$76,937.73, and that the entire amount of warrants issued for the same service is \$62,843.39, making a total of \$139,781.02. Deducting this from the above, \$446,495.83, it will be seen that the amount expended in the past year for the ordinary expenses of Government, including such special appropriations and amounts due, as are not enumerated above, was \$306,674.71.

According to estimates made, there is yet due, on account of frontier defense, for pay and subsistence of twenty- three minute companies.....	\$30,000 00
For pay and subsistence of full companies.....	125,000 00
	<hr/>
	\$155,000 00
Amount paid in cash and warrants.....	139,781 12
	<hr/>
Showing total cost of frontier defense.....	\$294,781 12

It is the opinion of the Executive that the estimate made, \$155,000, will cover the entire indebtedness on account of frontier defense for the past year. The entire operations have been conducted with the strictest economy. The troops have been supplied upon contract at exceedingly low rates, and all officers held to strict accountability. When the number of men kept in the field, and the distant points to which supplies have been sent, are considered, the entire cost is not great.

The expenses of keeping a regiment in the field one year were estimated by the Comptroller to be \$603,000. Should a contingency arise by which the Federal army will be disbanded, and the Indians, now under treaty stipulations with the Federal Government, and controlled by them, be turned loose, large appropriations will be necessary for the defense of our frontier. But should the present state of things continue, it will be necessary to maintain a force of rangers in the field. The frontier must be defended in any event, and it is not improbable that the financial difficulties already attending the Government will be felt in the Indian Department, and there may be failures in carrying out the treaties with the Indians. Trouble will ensue, much of which will be felt by our border.

The Executive would, therefore, present the following estimates to sustain the Government the present year, and to meet deficiencies :

Amount due for Rangers' pay and subsistence.....	\$155,000 00
Interest warrants in circulation.....	129,556 99
Defense of frontier.....	500,000 00
Ordinary expenses of Government (see Comptroller's Report for September 1st, 1859).....	331,400 00
Amount due on outstanding debt.....	50,000 00
Amount of debt of Republic which will be called for....	10,000 00
	<hr/>
Total.....	\$1,175,956 99

The expenses of the present session of the Legislature are also to be provided for.

Total receipts to August 31, 1861 (see Comptroller's Report, September, 1859).....	\$343,344 27
Amount in Treasury, subject to disbursement, January 19, 1861, per Treasurer's Report.....	14,785 62
Total.....	\$358,129 89

The peculiar attitude of our relations with the Federal Government will, I trust, command the earnest attention of the Legislature. While the proud structure of government, built by our fathers, seems tottering to ruin, and some of its pillars are already torn loose by the hand of internal dissension, we may not alone contemplate the scene and await its total downfall. As parts yet of that structure, the solemn duty presses upon us to prove faithful to the trust imposed by the patriots and sages of the past, and to restore it to its original pride and grandeur if we can ; and if we can not, to see that our own liberties perish not beneath its ruins.

The election of the Black Republican candidate to the Presidency has involved the issue of the permanency of the Government upon the basis laid down by its 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 on 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 revolution, less responsibility would attach to us as we consider the momentous question 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. A high resolve to maintain our constitutional rights, and, failing to obtain them, to risk the perils of revolution even as our fathers risked it, should, in my opinion, actuate every citizen of Texas; but we should remember that we owe duties and obligations to States having rights in common with us; and whose institutions are the same as ours.

No aggression can come upon us which will not be visited upon them; and whatever our action may be, it should be of that character which will bear us blameless to posterity, should the step be fatal to the interests of those States.

While deploring the election of Messrs. Lincoln and Hamlin, the Executive yet has seen in it no cause for the immediate and separate secession of Texas. Believing, however, that the time had come when the Southern States should co-operate and counsel together to devise means for the maintenance of their constitutional rights, and to demand redress for the grievances they have been suffering at the hands of many of the Northern States, he has directed his efforts to that end. Believing that a convention of the character contemplated by the joint resolution of February 16, 1858, should be held, and desiring that the people of Texas should be represented in the same, and have full opportunity to elect delegates reflecting their will, he ordered an election for that purpose to be held on the first Monday in February next. Although since that time four of the Southern States have declared themselves no longer members of the Union; yet he confidently looks forward to the assemblage of such a body.

A majority of the Southern States have as yet taken no action, and the efforts of our brethren of the border are now directed toward securing unity of the entire South.

The interests of Texas are closely identified with the remaining States; and if, by joining her counsels with theirs, such assurances can be obtained of a determination on the part of the Northern States to regard our constitutional rights as will induce the States which have declared themselves out of the Union to rescind their action, the end attained will silence whatever reproaches the rash and inconsiderate may heap upon us. Texas, although identified by her institutions with the States which have declared themselves out of the Union, can not forget her relation to the border States. Pressed for years by the whole weight of abolition influence, these States have stood as barriers against its approach. Those who ask Texas to desert them now should remember that in our days of gloom, when doubt hung over the fortunes of our little army, and the cry for help went out, while some of those who seek to induce us to follow their precipitate lead, looked coldly on us, these States sent men and money to our aid.

Their best blood was shed here in our defense, and if we are to be influenced by considerations other than our own safety, the fact that these States still seem determined to maintain their ground and fight the battle of the Constitution within the Union, should have equal weight with us as with those States which have no higher claim upon us, and who without cause on our part have surrendered the ties which made us one.

Whatever may be the course of Texas, the ambition of her people should be that she should take no step except after calm deliberation. A past history, in which 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 of 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 should provide a legal means by which they shall express their will as free-men at the ballot-box. They have stood aloof from revolutionary schemes, and now await the action of your honorable body, that they may in a legitimate manner speak through the ballot-box. As one of the special objects for which you were convened, the Executive would press this upon your attention, and would urge that such action be as prompt as possible.

Confiding in the wisdom of the Legislature, and in its recognition of the supremacy of the people, the Executive relies upon the adoption of such legislation as will secure a full, free, and fair expression of their will. Should the Legislature in its wisdom deem it necessary to call a convention of delegates fresh from the people, the Executive would not oppose the same, but he would suggest that the people be the tribunal of the last resort, and that no action be considered final until it has been submitted to them.

While the public mind is agitated and wild excitement tramples upon reason, the Executive has a right to look to the legislative department of the Government for wise and sagacious counsels. Representing the creative power of law, the high responsibilities upon you demand that you indig-nantly frown upon any and every attempt to subvert the laws, and substitute in their stead the will of revolutionary leaders.

Assembled as you are at the most important epoch in our history as a people, may all the solemnities of such an occasion impress you with a determination to act your part in such a way that the confidence of the people in the stability of our institutions will not be shaken. If appealing to the popular voice, you show your confidence in their patriotism and sense by placing this important question in their hands, all will be well.

Be their voice as it may, we shall be united; and whether our future be prosperous or gloomy, a common faith and hope will actuate us. But if, on the contrary, moved by rash and unwise counsels, you yield the powers of government into the hands of those who do not represent the people, and would rise superior to them, the confidence of the masses in the reign of law and order will be shaken, and gloomy forebodings will fill the hearts of the friends of regulated government, lest the reign of anarchy and confusion come upon us. We have gone through one revolution in Texas a united people. We can be united again; and will be, if the people are intrusted with the control of their destinies.

The situation of Texas, her extensive border subject to hostile incursions for seven hundred miles, the vast extent of her territory, and her scattered population, all are subjects to be considered in reference to this question. If our form of government is to be changed, we must have a regard for the future. The millions now spent by the United States for our frontier, the support of our postal service, the defense of our commerce, must all come from the pockets of our people. Providence has withheld from us in the past year the abundance which has formerly rewarded the care of the husbandman.

The people in many sections are already calling for relief. We can not afford under these circumstances to plunge madly into revolution. The Executive has not yet lost the hope that our rights can be maintained in the Union, and that it may yet be perpetuated. Between constitutional remedies and anarchy and civil war he can see no middle ground. All the glorious associations of our past history prove that hitherto we have been capable of self-government. The tyrants of Europe have ever disputed this fact.

Let us give no strength to their arbitrary dogmas by any action of ours; and whatever may be our future course let us keep proudly in the ascendant the great principle upon which rests the idea of American liberty.

During the present month the Executive has had the honor to receive the Hon. J. M. Calhoun, Commissioner from the State of Alabama, upon the attitude of our national affairs. The correspondence upon that subject is herewith submitted to the Legislature.

In conclusion, gentlemen, the Executive would again press upon your attention the great importance of maintaining the public credit and faith, and would warn you against the consequences of involving the people in debt at this stage of our affairs. We can better pay as we go than we can meet accumulated debt in the future.

May a kind Providence guide you aright.

Your obedient servant,

SAM HOUSTON.

MESSAGE TO THE LEGISLATURE OF TEXAS.

EXECUTIVE DEPARTMENT, *February 6, 1861.*

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

In view of the contemplated speedy adjournment of the Legislature, the Executive would again call your attention to the embarrassed condition of the finances, and press upon your attention the importance of adopting such measures as will sustain the government during the present fiscal year.

In the message sent to your honorable body at the commencement of the present session the Executive pressed this subject upon your attention, and in connection with it the importance of providing for the defense of the frontier settlements. These were two of the three objects for which you were convened. The course of your legislation since that period, and the possibility of a severance of the connection of Texas with the Federal Union,

render it imperative that money should be raised to sustain the government, so that in such a contingency the people of the State may be ready to meet any emergency that may come upon them.

The Executive, in his message, presented for your consideration the following figures, showing the probable receipts and disbursements of the present year :

Amount due for Rangers' pay and subsistence.....	\$155,000 00
Interest warrants in circulation.....	129,556 99
Defense of frontier.....	500,000 00
Ordinary expenses of Government (see Comptroller's Report for September, 1859)	331,400 00
Amount due on outstanding debt.....	50,000 00
Amount of debt of Republic which will be called for..	10,000 00
Total.....	<u>\$1,175,956 99</u>

The expenses of the present session of the Legislature are also to be provided for.

Total receipts to August 31, 1861 (see Comptroller's Report, September, 1859).....	\$343,344 27
Amount in Treasury subject to disbursement, January 19, 1861 (per Treasurer's report).....	14,785 62
Total.....	<u>\$358,129 89</u>

The above amount shows a deficiency on the 19th of January, 1861, of \$817,827.10. The amount due Rangers alone for services rendered up to this period, amounts to at least \$300,000, and unless means are adopted to pay their claims in money the same will depreciate, and no temporizing expedient can prevent that result. The government must go on performing its functions or anarchy will ensue, and to keep it in motion money is necessary. The frontier must be defended or the settlements must give way, and no matter what expedient may now be resorted to, both men and money must be had, and the Executive implores the Legislature not to wait until the call for men and money comes laden with the dying shrieks of women and children.

The Legislature may vouchsafe to the people of the frontier the privilege of protecting themselves at their own cost, depending upon promises to pay in the future; but such a policy will be found totally inadequate to the present emergency. Cash will be needed to purchase ammunition and supplies. By the Treasurer's report, received on Saturday, the 2d instant, it appears that there was then in the Treasury, subject to disbursement on account of State revenue, \$5,279.69.

The Legislature has already appropriated \$9,768.62 of the fund arising from University land sales, and \$17,313.30 of the fund accumulating from estates of deceased persons, for the per diem and mileage of its members, and it has only been by the use of these funds that the Treasury has been spared thus far from entire bankruptcy. The amount on hand will be exhausted before the termination of the present week, when there must be a suspension of specie payments altogether.

The revenue estimated to come in on July 1 (\$343,344.27) will be much reduced, from the fact that the Comptroller has been, and is now drawing advance drafts on the various assessors and collectors to meet appropriations. It is also well known that the assessments for the present year have been suspended by order of the Comptroller. Property in the meantime has been steadily decreasing in value, and parties will not be willing to have the same assessed at any more than it will bring in the market at the time of assessment. This depreciation in value will be so great, that at the present rate of taxation not more than half the amount estimated will be collected. The ordinary expenses of government, about \$30,000 per month, are to be met until the taxes come in.

The officers, many of whom are dependent upon their salaries for the support of themselves and families, should be punctually paid; but even if they wait until the taxes come in, the Treasury will then be without a dollar to pay the expenses of the next twelve months. The necessity for the adoption of measures whereby the Treasury may be replenished, must therefore be apparent.

Without considering the possible contingency arising from a change in our Federal relations, means must be provided to meet the deficiency of \$817,827.10 mentioned above. But should Texas withdraw from the Union, a new condition of things will arise which will require large expenditures.

In view of the possibility of such a contingency happening at as early a period as the 2d of March, the Legislature can not fail to see the necessity of making such provision as will secure the safety of the State and maintain its honor. Steps should be taken to provide an adequate force to take the place of the 3,000 Federal troops now in Texas. The safety of our frontier depends upon the action of your honorable body in this respect. A few days of delay may involve the most terrible consequences. Not only the Rio Grande frontier, but also our whole line of settlements, demand the continual presence of a force sufficient to intimidate our enemies from invading us in large bodies, and it will be the part of wisdom to guard now against the consequences of the removal of such a force. The expenses will be millions, but the lives of our people are worth more. Nor is this all. If we do not defend the outposts of civilization, the frontier must recede until we have it at our very doors.

We must also provide for the continuation of our postal service, so that our people may not be deprived of communication with the world without. If we are to become independent of the Federal Government, let us at once act a manly and self-reliant part. Let not Texas be subject to the humiliation of dependence on a Government which she has thrown off. If we are to separate, let us have the means provided for taking care of ourselves; and from the date of our separation protect our people with our own army, carry our own mails, and sustain ourselves as an independent people should. The Executive has that confidence in the people of Texas, to believe that if their minds are resolved on separation, they will furnish, if in their power, the millions necessary to maintain that new position.

The Executive relies upon the wisdom of the Legislature to devise the ways and means to sustain the government, and he can not but press upon the consideration of the Legislature (a large majority of whom regard dis-

union as a fixed fact) the importance of providing against that contingency. He has now performed his whole duty. If the Legislature provides the means to maintain the public faith, to defend the frontier, and sustain the government in all its departments, the Executive, faithful to the trust reposed in him by the people, will see to it, so far as his powers will permit, that the honor and interest of Texas do not suffer at his hands. If these be unprovided for and the government is left in its present condition, he will feel that this last appeal to the wisdom, justice, and patriotism of your honorable body will justify him to the world, should his endeavors to care for the interest of the people be fruitless.

SAM HOUSTON.

APPENDIX.

IN 1878 there was published, at Austin, Texas, a pamphlet having a special interest as relates to the history of the State of Texas. It is entitled, "The Battle of San Jacinto, as viewed from both an American and Mexican Standpoint ; its Details and Incidents as Officially Reported by Major-General Sam Houston, of the Texan Army ; also, an Account of the Action written by Colonel Pedro Delgado, of General Santa Anna's Staff." The official report of General Houston has its place in the preceding pages of this volume.

The "roster" of the Texan army engaged in that battle, which in the pamphlet follows General Houston's report, is one of those permanent documents which will have a lasting interest, not only for the descendants of the men then engaged, but for their fellow-citizens and for the world at large. As the names of the Spartans who fell at Thermopylæ were treasured as worthy of equal honor with their chieftain, so with the memory of Sam Houston should be sacredly guarded that of his brave associates, to whom the victory which saved a people and won a State was due. If the Plymouth obelisk holds engraved on granite the names of all that came to the northern extreme of the American Republic, the truest men of the North, the day ought not to be distant when a similar shaft shall enroll the names of these truest men of the South.

The Mexican report is worthy of perpetuation ; that, so long as the annals of American history are read, the contrast between the style of thought and of expression with which the Anglo-Saxon settlers of Texas had to contend should be preserved as a memorial. Invited, as they were, by Santa Anna to settlement in Mexican territory, that they might strengthen the Republic established at the separation of the Mexican colonies from Spain, the very style of this report reveals the character of the man and his associates, who sought to force them to become the tools of the Dictator's personal ambition.

The special interest of this pamphlet is enhanced by the fact

that it was printed at the "Institution for the Deaf and Dumb" established in Texas—an index of the advance of State institutions at the extreme south-west of the American Union.

MEXICAN ACCOUNT OF THE BATTLE OF SAN JACINTO.

BY COL. PEDRO DELGADO, OF GEN. SANTA ANNA'S STAFF.

On the 14th of April, 1836, His Excellency the President ordered his Staff to prepare to march, with only one skiff, and leaving his own and the officers' baggage with General Ramirez y Sesma, who was instructed to remain at the crossing of the Brazos, whither we expected to return within three days.

On the 13th the flank companies of the Battalions of Matamoros, Aldama, Guerrero, Toluca, Mexico, and, I believe, Gaudalajara, had commenced crossing the river with a six-pounder commanded by Lieutenant Ignacio Arrenal, and fifty mounted men of Tampico and Guanajuato, who formed His Excellency's escort. The whole force amounted to 600 men, more or less.

At about 4 o'clock P.M. His Excellency started for Harrisburg, with the force above mentioned.

The bottom of the Brazos is a dense and lofty timber over three leagues wide. On reaching the prairie we found a small creek, which offered only one crossing. The infantry passed it comfortably over a large tree which had fallen in such a manner as to form a convenient bridge. The ammunition was passed over by hand. But His Excellency, to avoid delay, ordered the baggage and the commissary stores to remain packed on the mules. However, the water was soon over the pack-saddles, and the opposite bank was steep and slippery. Several mules fell down, interfering with each other, which resulted in a terrible jamming of officers and dragoons, pack-mules and horses. This, together with shouts and curses, completed a scene of wild confusion, which His Excellency witnessed with hearty laughter. Several officers and dragoons fell in the water; the stores were damaged, and two mules were drowned. So much for the precipitation of this march.

The sun had already set when we resumed the march over a muddy prairie. The night was dark; a great many men straggled off, and our piece of artillery bogged at every turn of the wheel. Such was our condition, when, at about 9 o'clock, His Excellency ordered a halt in a small grove, where we passed the night without water.

On the 15th, at 8 o'clock A.M., most of the stragglers having joined, we started again.

At about noon we reached a plantation abundantly supplied with corn, meal, sheep, and hogs; it had a good garden and a fine cotton-gin. We halted to refresh men and beasts.

At 3 o'clock P.M., after having set fire to the dwelling and gin-houses, we resumed our march. Here His Excellency started ahead with his Staff and escort, leaving General Castrillon in command of the infantry. We traveled, at a brisk trot, at least ten leagues without halting, until we reached the vicinity of Harrisburg at about 11 o'clock at night. His Excellency,

with an Adjutant and fifteen dragoons, went on foot to that town, distant about one mile, entered it, and succeeded in capturing two Americans, who stated that Zavala and other members of the so-called Government of Texas had left the morning before for Galveston. A part of the infantry joined us on the following morning at daylight.

On the 16th we remained at Harrisburg, to await our broken-down stragglers, who kept dropping in until 2 or 3 o'clock P.M.

On the opposite side of the bayou we found two or three houses well supplied with wearing apparel, mainly for women's use, fine furniture, an excellent piano, jars of preserves, chocolate, fruit, etc., all of which were appropriated for the benefit of His Excellency and his attendants. I and others obtained only what they could not use. After the houses had been sacked and burnt down, a party of Americans fired upon our men from the woods; it is wonderful that some of us, camped as we were along the bank of the bayou, were not killed. The Quartermaster-Sergeant of Matamoros was seriously wounded. This incident took place at 5 o'clock P.M. On the same day Colonel Almonte started from Harrisburg for New Washington with the cavalry.

On the 17th, at about 3 o'clock P.M., His Excellency, after having instructed me to burn the town, started for New Washington with the troops. It was nearly dark when we had finished crossing the bayou. Then a courier from General Almonte arrived, upon which His Excellency ordered Colonel Iberri to start with his Adjutant, bearing dispatches to General Filisola on the Brazos. At 7 o'clock P.M. we resumed our march. Our piece of artillery bogged at every moment in some hole or ravine. As it was found impossible for the draught mules to cross a narrow bridge, rendered still more dangerous by darkness and rain, His Excellency instructed General Castrillon to head the bayou with the cannon, three leagues above, with an escort of only one company of infantry.

Shortly after 10 o'clock at night a violent storm set in; darkness caused us to wander from our course, in consequence of which His Excellency ordered a halt, requiring every man to stand in the ranks, without shelter from the rain.

On the morning of the 18th we moved on, our cannon being still far away.

At noon we reached New Washington, where we found flour, soap, tobacco, and other articles, which were issued to the men. His Excellency instructed me to mount one of his horses, and, with a small party of dragoons, to gather beeves for the use of the troops. In a short time I drove in more than one hundred head of cattle, so abundant are they in that country.

General Castrillon came in, at 5 o'clock P.M., with the cannon.

On the 19th His Excellency ordered Captain Barragan to start with a detachment of dragoons to reconnoitre Houston's movements. We halted at that place, all being quiet.

On the 20th, at about 8 o'clock A.M., everything was ready for the march. We had burnt a fine warehouse on the wharf, and all the houses in the town, when Captain Barragan rushed in at full speed, reporting that Houston was close on our rear, and that his troops had captured some of our stragglers, and had disarmed and dispatched them.

There is in front of New Washington a dense wood, through which runs a narrow lane, about half a league in length, allowing passage to pack-mules, in single file only, and to mounted men in double file. This lane was filled with our pickets, the drove of mules, and the remainder of the detachment. His Excellency and Staff were still in the town. Upon hearing Barragan's report, he leaped on his horse, and galloped off at full speed for the lane, which, being crowded with men and mules, did not afford him as prompt an exit as he wished. However, knocking down one, and riding over another, he overcame the obstacles, shouting at the top of his voice, "The enemy are coming! the enemy are coming!" The excitement of the General-in-chief had such a terrifying effect upon the troops that every face turned pale; order could no longer be preserved, and every man thought of flight, or of finding a hiding-place, and gave up all idea of fighting. Upon reaching the prairie a column of attack was formed with trepidation and confusion, amidst incoherent movements and contradictory orders.

At this moment His Excellency did me the honor to place me in command of the artillery and ordnance, giving me his orders verbally, with strict injunctions as to my responsibility. Meanwhile, the officers having dismounted and taken their stations in front of their commands, we moved in search of the enemy, with flankers on both sides to explore the woods. As the knapsacks might impede the movements of the men, His Excellency ordered that they should be dropped on the road, still preserving our formation. The order was obeyed, the knapsacks being left in the keeping of Providence or fortune, and we resumed our march.

It was 2 o'clock P.M. when we descried Houston's pickets at the edge of a large wood, in which he concealed his main force. Our skirmishers commenced firing; they were answered by the enemy, who fell back in the woods. His Excellency reached the ground with our main body, with the intention, as I understood, of attacking at once; but they kept hidden, which prevented him from ascertaining their position. He, therefore, changed his dispositions, and ordered the company of Toluca to deploy as skirmishers in the direction of the woods. Our cannon, established on a small elevation, opened its fire. The enemy responded with a discharge of grape, which wounded severely Captain Urrizia, and killed his horse.

At this moment His Excellency came to me and ordered me to unload the ordnance stores, and to turn over the twenty mules on which they were packed to Captain Barragan, who was instructed to bring in the knapsacks which had been left on the road. I was cautious enough to part with only eighteen mules, keeping two for an emergency.

Then His Excellency went to look for a camping-ground, and established his whole force along the shore of San Jacinto Bay, at least one mile from the place where I had been left. About one hour later I received orders, through Colonel Bringas, to come into camp immediately with the ordnance stores and the piece of artillery. That officer was, also, the bearer of orders to the company of Toluca, the only force that checked the enemy, to fall back likewise. I observed to Colonel Bringas that it would take some time to execute this order—the chests, as His Excellency knew, being piled up on the ground, and I having only two mules upon which to load them; and, furthermore, that should the company of Toluca leave me unsupported,

the enemy would probably pounce upon the stores, all of which would go to the devil. Colonel Bringas advised me to do as best I could, adding that I ought to know that no observations could be made to His Excellency, and he had no desire to argue with him in the raving state of mind in which he was.

The Colonel parted with me, followed by the company of Toluca. It may well be imagined that, as soon as the enemy saw our artillery and stores unprotected, he paid them special attention. He established his cannons in such a manner as to disable our gun and to support an attack, should it take place. Their first shot shattered the caisson on the limber; another scattered about our ordnance boxes; another, again, killed two fine mules; and they kept annoying us during the two long hours it took me to remove, with only two mules, forty and odd boxes of ammunition. How the General-in-chief had endangered the whole division! I acknowledge that I had never before been in such danger. What would have become of me if, in consequence of the General's order, the enemy had captured our artillery and stores, as he might have done, unsupported as it was? I had no resource left but to make the best defense I could with my gun. For this purpose I instructed Lieutenant Arenal to have it loaded with grape, and not to fire until the enemy came within close range, in order both to spare ammunition and to intimidate the assailants.

At length, at 5 o'clock P.M., my duty was performed, and, as I entered the camp with the last load, I was closely followed by the enemy's cavalry. His Excellency noticing it, instructed me to order Captain Aguirre, who commanded our cavalry, to face the enemy, without gaining ground. This movement checked the enemy for a few moments; but, soon after, they dashed upon our dragoons, and were close enough to engage them with the sword, without, however, any material result. Then His Excellency, deploying several companies as skirmishers, forced the enemy back to his camp, on which he retired sluggishly and in disorder.

This last engagement took place after sundown.

At daybreak on the 21st, His Excellency ordered a breastwork to be erected for the cannon. It was constructed with pack-saddles, sacks of hard bread, baggage, etc. A trifling barricade of branches ran along its front and right.

The camping-ground of His Excellency's selection was, in all respects, against military rules. Any youngster would have done better.

We had the enemy on our right, within a wood, at long musket range. Our front, although level, was exposed to the fire of the enemy, who could keep it up with impunity from his sheltered position. Retreat was easy for him on his rear and right, while our own troops had no space for manoeuvring. We had in our rear a small grove, reaching to the bay shore, which extended on our right as far as New Washington. What ground had we to retreat upon in case of a reverse? From sad experience, I answer—None!

A few hours before the engagement I submitted to General Castrillon a few remarks on the subject, suggested by my limited knowledge. But he answered: "What can I do, my friend? I know it well, but I can not help it. You know that nothing avails here against the caprice, arbitrary will, and ignorance of that man." This was said in an impassioned voice, and in close proximity to His Excellency's tent.

At 9 o'clock A.M. General Cos came in with a reinforcement of about 500 men. His arrival was greeted with the roll of drums and with joyful shouts. As it was represented to His Excellency that these men had not slept the night before, he instructed them to stack their arms, to remove their accoutrements, and to go to sleep quietly in the adjoining grove.

No important incident took place until 4:30 P.M. At this fatal moment the bugler on our right signaled the advance of the enemy upon that wing. His Excellency and Staff were asleep; the greater number of the men were also sleeping; of the rest, some were eating, others were scattered in the woods in search of boughs to prepare shelter. Our line was composed of musket stacks. Our cavalry were riding bare-back to and from water.

I stepped upon some ammunition boxes, the better to observe the movements of the enemy. I saw that their formation was a mere line in one rank, and very extended. In their center was the Texas flag; on both wings they had two light cannons, well manned. Their cavalry was opposite our front, overlapping our left.

In this disposition, yelling furiously, with a brisk fire of grape, muskets, and rifles, they advanced resolutely upon our camp. There the utmost confusion prevailed. General Castrillon shouted on one side; on another Colonel Almonte was giving orders; some cried out to commence firing; others to lie down to avoid grape-shots. Among the latter was His Excellency.

Then, already, I saw our men flying in small groups, terrified, and sheltering themselves behind large trees. I endeavored to force some of them to fight, but all efforts were in vain—the evil was beyond remedy; they were a bewildered and panic-stricken herd.

The enemy kept up a brisk cross-fire of grape on the woods. Presently we heard, in close proximity, the unpleasant noise of their clamors. Meeting no resistance, they dashed, lightning-like, upon our deserted camp.

Then I saw His Excellency running about in the utmost excitement, wringing his hands and unable to give an order. General Castrillon was stretched on the ground wounded in the leg. Colonel Trevino was killed, and Colonel Marcial Aguirre was severely injured. I saw, also, the enemy reaching the ordnance train, and killing a corporal and two gunners who had been detailed to repair cartridges which had been damaged on the previous evening.

Everything being lost, I went—leading my horse, which I could not mount, because the firing had rendered him restless and fractious—to join our men, still hoping that we might be able to defend ourselves, or to retire under the shelter of night. This, however, could not be done. It is a known fact that Mexican soldiers, once demoralized, can not be controlled, unless they are thoroughly inured to war.

On the left, and about a musket-shot distance from our camp, was a small grove on the bay shore. Our disbanded herd rushed for it, to obtain shelter from the horrid slaughter carried on all over the prairie by the bloodthirsty usurpers. Unfortunately, we met, on our way, an obstacle difficult to overcome. It was a bayou, not very wide, but rather deep. The men, on reaching it, would helplessly crowd together, and were shot down by the enemy, who was close enough not to miss his aim. It was there that the greatest carnage took place.

Upon reaching that spot, I saw Colonel Almonte swimming across the bayou with his left hand, and holding up his right, which grasped his sword.

I stated before that I was leading my horse, but, in this critical situation, I vaulted on him, and, with two leaps, he landed me on the opposite bank of the bayou. To my sorrow, I had to leave that noble animal, mired, at that place, and to part with him, probably forever. As I dismounted I sank in the mire waist deep, and I had the greatest trouble to get out of it by taking hold of the grass. Both my shoes remained in the bayou. I made an effort to recover them, but I soon came to the conclusion that, did I tarry there, a rifle shot would certainly make an outlet for my soul, as had happened to many a poor fellow around me. Thus I made for the grove barefooted.

There I met a number of other officers, with whom I wandered at random, buried in gloomy thoughts upon our tragic disaster. We still entertained a hope of rallying some of our men, but it was impossible.

The enemy's cavalry surrounded the grove, while his infantry penetrated it, pursuing us with fierce and bloodthirsty feelings.

There they killed Colonel Batres; and it would have been all over with us had not Providence placed us in the hands of the noble and generous captain of cavalry, Allen, who, by great exertion, saved us repeatedly from being slaughtered by the drunken and infuriated volunteers.

Thence they marched us to their camp. I was barefooted; the prairie had recently been burnt up, and the blades of grass, hardened by fire, penetrated like needles the soles of my feet, so that I could scarcely walk. This did not prevent them from striking me with the butt end of their guns, because I did not walk as fast as they wanted.

These savages struck, with their bayonets, our wounded soldiers lying on the way; others, following them, consummated the sacrifice with a musket or a pistol shot.

I can not forbear mentioning an incident which affected me deeply, and, I believe, had the same effect on my companions. We were about one hundred and fifty officers and men picked up by Allen's party, who marched us to their camp under close guard. I have no doubt that the Americans, amidst the hurrahs and exultation of their triumph, were lavish of insults; however, not understanding their language, we did not feel them. But one of our own countrymen, who had joined the enemy's cause, assailed us, in our own language, with such a volley of threats, insults, and abuse, that the tongue of that vile and recreant Mexican seemed to have been wrought in the very caves of hell, and set in motion by Lucifer himself. "Now, you shall see," he said, "contemptible and faithless assassins, if you do not pay with your vile blood for your murders at the Alamo and La Bahia. The time has come when the just cause we defend triumphs over you; you shall pay with your heads for the arson, robberies, and depredations you have committed in our country," etc., etc.

What a welcome for honorable men, who knew, in the depth of their hearts, that they had acted in accordance with the dictates of duty, when, unfortunate, prostrate, and humbled in the extreme, the fate of war had placed their lives at the mercy of these brigands, and when they were awaiting, with resignation, the consummation of the sacrifice! Can such wicked men exist?

At last we reached the camp. We were seated on the ground, by twos, as we had marched. On the bay shore our thirst had been quenched with an abundance of water, which Allen and others allowed to pass from hand to hand until all of us were satisfied. A crowd gathered around us, asking, with persistent impertinence, "General Santa Anna? General Cos?" We knew not the fate of these gentlemen; but, to rid ourselves of their repeated questions, we answered: "Dead! dead!" I still wore my embroidered shoulder-straps on my jacket; they attracted their attention, and one after another would say: "You General?" "Me no General!" would I answer, until one of the indefatigable questioners tore off my shoulder-straps angrily. I was glad of it, as they ceased importuning me with their questions.

After having kept us sitting about an hour and a half, they marched us into the woods, where we saw an immense fire, made up of a huge pile of wood, even whole trees being used. I and several of my companions were silly enough to believe that we were about to be burnt alive, in retaliation for those who had been burnt in the Alamo. We should have considered it an act of mercy to be shot first. Oh! the bitter and cruel moment! However, we felt considerably relieved when they placed us around the fire to warm ourselves and to dry our wet clothes. We were surrounded by twenty-five or thirty sentinels. You should have seen those men, or rather phantoms, converted into moving armories; some wore two, three, and even four brace of pistols; a cloth bag, of very respectable size, filled with bullets; a powder-horn; a sabre, or a bowie-knife, besides a rifle, musket, or carbine. Every one of them had in his hand a burning candle. I wonder where they obtained so many of them, for the heat of their hands and the breeze melted them very fast, and yet that illumination was kept up the whole night. Was this display of light intended to prevent us from attempting an escape? The fools! where could we go in that vast country, unknown to us, intersected by large rivers and forests, where wild beasts and hunger, and where they themselves, would destroy us?

Early on the 22d our camp was visited by the so-called Secretary of War, Mr. Rusk, who asked us endless questions upon the grand topic of the day—our defeat and their unexpected success. Colonel Juan N. Almonte, the only one of us who spoke English, answered his questions. That gentleman renewed his visits. Once he asked for a list of the names, surnames, and rank of the captured officers, which list was promptly made up by Almonte, with a pen or pencil, I do not remember which, and handed over immediately.

There were not wanting among us officers sufficiently forgetful of duty and of the dignity and decorum of their rank to mingle with the enlisted men, because it was rumored that from sergeant down would be spared, and from lieutenant upward would be shot. What a shame that such contemptible beings, destitute of honor, should still associate with those who have always proudly borne, and gloried in, their noble badges of office.

Some Americans would come and tell us, in broken Spanish, what was going on amongst their leaders, stating that the officers and the people—that is, the soldiery—were holding a meeting to consider the question whether we should be shot before notifying it to their Government, or

whether the execution should be postponed until ordered by the superior authority. Such was the state of our affairs when the assembly, roll-call, or something else, was beaten. Over a hundred men fell into line; they loaded their guns, and then stood at ease. We felt rather nervous. I, for one, was as cold as ice, believing that those in favor of immediate execution had carried the point, and that the fatal moment had come. Soon, however, our confidence returned, when a good man (they are to be found everywhere) told us to cheer up, as Houston, Rusk, Allen, and others, whom I respect for it, had opposed the motion. In fact, the party that had been formed near us went to relieve the guard.

At this time they began bringing in, on wagons and on our own mules, the arms, stores, clothing, baggage, and all the spoils of our camp, which operation took four whole days.

At 2 o'clock P.M. His Excellency the General-in-chief, Don Antonio Lopez de Santa Anna, arrived, under the charge of a mounted soldier. He wore linen trousers, a blue cotton jacket, a cap, and red worsted slippers. His leader did not know him, but, noticing a motion of curiosity amongst us as he approached, he became satisfied that he was conducting no common officer, and reported at once with him to General Houston. The latter sent two of his Adjutants to inquire of us whether Santa Anna had lost any teeth; some answered that they did not know; but others, with more candor, or, perhaps, less discretion, said: "Yes, gentlemen; and you may further say to your General, that the person just brought before him is President Santa Anna himself." The news spread over the whole camp, and the inquisitive fellows who surrounded us ran to strike up an acquaintance with His Excellency. Some of them proposed to fire salutes, and to make other demonstrations to celebrate the capture of so lofty a person. But Houston courteously forbade it. From this time we were left alone, His Excellency having become the center of attraction.

On the 23d seventy or eighty loads of ordnance stores had already been brought in, and deposited, together with piles of loaded muskets and of cartridge-boxes, in close proximity to our camp.

We had noticed repeatedly that some of the Americans went about that combustible matter, and even handled it, with their pipes in their mouths. In one of these instances of carelessness, some grains of powder, scattered on the ground, were ignited; the fire reached the cartridge-boxes and their contents, and soon extended to the pans of the muskets, which exploded like an infernal machine. The prairie, too, was set on fire, and the covers of the ordnance-boxes were already burning. Those nearest the scene of danger took to flight; we and our sentinels followed, and, although we knew that they would be dissatisfied at our race, and might possibly fire at us, we kept running. Then the guard, and even some of the officers, in view of the increasing danger, chose not to remain hindmost, and kept pace with us, expecting at every moment the fatal explosion. We had run a considerable distance, when we turned round, and saw that the fire had been extinguished. We could not help applauding the resolution and bold determination with which some of these extraordinary men had rushed into the flames, and smothered them with their feet and blankets, and some water drawn from the bay. We had a narrow escape. I thought at one time that

the conquerors of San Jacinto would all be blown up into eternity; not, however, without some regret on my part to have to go the way they went, owing to their stupid carelessness.

On the 24th several batches of officers and men were brought in by the numerous scouting parties sent out to search the country.

At 5 o'clock P.M. a steamboat arrived, having on board the Texan President, Vice-President Zavala, and other members of the administration.

The artillery on board, consisting of two guns, fired a salute of five rounds; the troops in camp were formed in line, and received their supreme magistrate with hurrahs; then he was conducted triumphantly to General Houston's tent.

Among the Yankees who spoke Spanish a little, and came to talk with, or rather to insult us, was a hunchback, an inveterate talker. The wretch, who did not measure a yard and a half above the ground, took a wicked pleasure in bringing us stirring and unpleasant news. He boasted much of his gallantry, and, when reciting his many acts of prowess, the little rascal would say: "Well, did Santa Anna believe that he could trifle with us? Not he! He can, perhaps, fight his own people, because he knows them, and knows, also, that they are not brave, gallant, and determined, as we are. He thought us far away, poor fellow! without noticing that we were on his tracks, keeping him in sight, counting, with our spy-glasses, on tree-tops, his men, one by one, and allowing him to come and entrap himself in this corner, with no means of escape, as we had burnt the bridge over the bayou behind him, and had made our preparations to bag every one of you. If he does not sign, at once, a treaty putting an end to the war, and removing every Mexican soldier from our territory, it will cost not only his life, but also the lives of all you prisoners." Such was the conversation of our bold little hunchback.

On the 25th, General Cos and Captains Bachiller and Iberri were confined with us. The presence of the General had created such a sensation among the conquerors that they crowded and quarreled for a sight of him—they would even push off the sentinels. The General found it expedient to lie down, wrapping his head in his blanket, to avoid the annoyance of their impertinent curiosity. Scoundrels were not wanting who would have murdered him.

On the 26th our property was sold at auction. It was hard to see them breaking our trunks open, and every one of them loaded with our shirts, trousers, coats, etc., whilst we remained with what we had on our bodies.

I saw my boots going, while my blistered feet were wrapped up in pieces of raw hide.

To make up for our cloaks, overcoats, and blankets, which belonged to the highest bidder, they favored us with the great-coats of our own soldiers, which were so lousy that we had the greatest trouble to rid ourselves of the vermin; and, still, we had nothing else with which to cover ourselves.

His Excellency, the General-in-chief, alone had the good fortune to preserve most, if not the whole, of his baggage.

The saddle and pack-mules belonging to our division were also distributed among the conquering officers and soldiers.

It was quite amusing to see these gentlemen putting riding saddles on some fractious and wicked mule, which knew nothing beyond the pack.

They would adorn them with the green and red cords which our Voltigeurs and Grenadiers wore on their caps, placing them on their ears, necks, or backs. One did put two pair of blinds on one mule—one on the head-stall, as it should be, and the other on the nose-band, stopping the poor animal's nostrils.

They would also bedeck their mules with the epaulets of our officers, caring little if one was white and the other yellow—they glittered, that was enough. They delighted in covering their animals with all sorts of trappings and colors, after the fashion of our bull-fight clowns.

One of these young chevaliers attracted more especially my attention. He had saddled up and adorned his mule, without, however, noticing that the surcingle was loose. He mounted the long-eared steed, which was held fast by some of his friends whilst he steadied himself in the saddle. They let go; and you should have seen the brute scampering over God's own green fields, and scattering about its trappings and ornaments. Lo! our poor Yankee flies on high with his saddle, and drops heavily on the ground, from which he could not rise, his ribs being somewhat damaged. This was not the worst, but the mule, once in the woods, could not be caught again. Trials of horsemanship lasted the whole day, but most of the champions shared the fate of the first one. How strange these men are! Many of them act and feel like the wild Comanche.

On the 27th and following days, no incident took place worth being noticed. I will only say, to the everlasting shame of our conquerors, that they kept us starving, sleeping in the mud, and exposed to frequent and heavy showers. Still more intolerable was the stench arising from the corpses on the field of San Jacinto, which they had not the generosity to burn or to bury, after the time-honored custom, regardless of their own comfort and health and those of the surrounding settlements.

On the 3d of May, at 4 o'clock P.M., we were sent to another camp, distant a little over one league. There were two or three frame houses, but they were occupied by both the conquering and conquered Generals, lodgings being provided for us under the trees. There, again, an attempt was made to murder General Cos.

Four days passed along quietly.

On the 7th, at 5 o'clock P.M., they marched us on board the steamboat *Yellow Stone*, where we found General Santa Anna, the President, Senor Zavala, and other dignitaries of their so-called Government. Shortly after General Houston was carried on board on his cot, on his way to New Orleans to obtain medical attendance for a wound he had received in his leg at San Jacinto. There was also the Mexican General Adrian Woll, who had come from our army under flag of truce. This gallant General, our good friend, was dismissed at sundown, being hardly allowed to embrace two or three of us, with a few hurried words, as we were surrounded by very strict and insolent guards. I saw, as he landed, tears of indignation gushing forth from his eyes at the wretched and degraded condition of his brothers-in-arms. I am sure he wished he was lightning, to smite our oppressors. In parting with us, he expressed the deepest sorrow.

The officer under whose charge we were on board was, if I do not mistake, a physician, and was extremely harsh and tyrannical. After sunset we were

no longer permitted to move, having to sleep on deck, crowded, like bars of soap, on top of each other. Positive orders had been given to the sentinels to blow out the brains of any man that raised his head. Therefore, without obtaining a drink of water, or being allowed to attend to the wants of nature, we laid our heads down, motionless, until sunrise.

Very early on the 8th, after striking a bell three times, as is customary on these vessels, the machine was set in motion, and we glided down to Galveston. Not to forget it, I will mention a strange incident. As the steamboat passed opposite the battle-field of San Jacinto, the troops on board were formed, facing to the field, and presented arms, the drums beating a march. They remained in that position until they had lost sight of the field. What was their object?

A little after 12 o'clock M. we reached Galveston, remaining in the sun the rest of the day.

There we passed another unpleasant moment. The company from Kentucky was composed of the most reckless, drunken, and lawless men in the Texan army, and we prisoners were placed under the charge of these lambs. Some of the men began, I do not know why, to fight with their fists, which soon brought about a general *melée*. They struck at each other indiscriminately, some seizing their rifles and pistols. Officers interfered, and were soon mingled in the row, giving and receiving blows. Soldiers knew no longer their officers, and a fierce affray raged for some time. The uproar and stamping of feet on the deck attracted the attention of the gentlemen in the cabin below. They came out to ascertain the cause of the difficulty, but the rascals were so hotly engaged in their contest that they did not mind the voice of their President and other chiefs any more than the barking of dogs. Fearful that the disorder might increase, and, perhaps, end in a tragic manner, we remained motionless. At length, by choking some of them, and by the utmost exertion,* the brave Captain Allen succeeded in restoring order.

General Santa Anna was transferred on board the *Independence*, and we were landed at sunset.

I was lucky enough to meet Lieutenant Carlos Ocampo, of the Battalion of Jimenes, who gave me a bounteous supply of coffee and hard bread, with which I made up for the last two days' fast. For several days our philanthropic benefactors had allowed us but one ounce of food. The citizens Don Ramon Murgo and Don Gil Hernandez, who had been captured on a Mexican vessel boarded by the Texans, shared the captivity of Lieutenant Ocampo. The bad treatment inflicted by these wretches on that officer can scarcely be conceived. I saw his shoulders covered with stripes and sores, resulting from one hundred lashes laid on him when fastened to a gun.

On the 9th the officers were assigned a camping-ground—less than fifty square yards—where we remained until the middle of August. Our condition was infinitely worse on that accursed island, because we had no wholesome water, nor the shelter of shade trees, which we had enjoyed on our former camping-grounds. The heat is much more intense on the coast, and, besides, we had to contend with myriads of flies, mosquitoes, and sand-crabs, not to speak of continual storms and showers. Such were the swarms of mosquitoes, that it would seem that the whole species in the world had taken Galveston for a place of rendezvous. The sand-crabs would bite, with-

out, however, being venomous ; but they gnawed and destroyed our wretched clothing. The little pests became so tame that large numbers of them lived and slept among us. So many enemies at the same time were too many for us. Within forty days few amongst us were still in good health. From 10 o'clock in the morning the sun darted its rays so intensely upon our tents that they became suffocating, their temperature rising to that of an oven, and forcing us out. We obtained water from holes dug on the bay shore—it was warm, and tasted horribly.

As to food—so long as the stores of a vessel, robbed by them from our nation, lasted, we fared tolerably well ; but, these supplies being exhausted, they starved us again.

The tidings of San Jacinto had spread abroad. Those who received them with the greatest delight were a certain class of vagabonds and lawless men, burdened with crimes, who hid themselves in the large city of New Orleans. These Gipsies, the refuse of the world, had some scruple in joining the cause of Texas, as congenial as it was to them, for the mere trifling fact that Santa Anna had entered it with 6,000 Mexicans. They had preferred to pause, with due regard for their valuable skins, and await the result. No sooner, however, had they heard of the disaster of the 21st of April, than their patriotism was screwed up to the highest pitch. They became louder in their boasts ; ran to enlist to fill up the ranks of the Texan rebels, as adventurers or volunteers, and shipped at once to join the army. Henceforth shiploads of that hateful rabble came in quick succession from New Orleans. Now they could, without danger, squabble over the league of land, or for the ownership of the land of plenty. As they approached the coast of Galveston, and descried the promised land, Orestes-like, they greeted with enthusiasm their beloved new home. Their hurrahs and expressions of joy were interspersed with deep and repeated draughts of their horrid whiskey. All their trust and hope lay now in the dense forests and fertile plains of Texas.

Such were not our feelings. Whenever the arrival of these new-comers was announced, gloom prevailed in our camp, knowing that we had to expect every kind of impertinence. Every gang of that rabble that came surrounded our camp, most of them being drunk, and thought it becoming to make a display of bravery and patriotism, by pouring upon us a volley of *Godames*, and other abusive expressions. Our outward appearance was, unfortunately, quite ridiculous ; filthy, lean, unshorn, most of us sick, some in rags, or all but naked, we sought, naturally, to hide ourselves. Not so, however ; we were compelled to form in line, in order that nothing might escape the scrutiny, criticism, and merriment of our inquisitive visitors, who, of course, conceived a poor idea of the Mexican people from the samples exhibited before them. Nevertheless, and in spite of the helpless condition in which they saw us, they discussed among themselves the propriety of calling on us at night for the charitable purpose of murdering us. General Cos, who had received several reports on that subject, sent for the commandant of the camp to acquaint him with the facts, and to request him to protect us by an increase of guards and vigilance.

There were among the volunteers some men of wealth and education who came to our camp for the only purpose of visiting, and being acquainted

with, the prisoners. These gentlemen were accompanied to our camp by the commandant, who introduced them to us with much regard and formality. After a short conversation, through an interpreter, they took leave of us, to call on Don Martin Prefecto de Cos.

This noble and young Mexican General was our constant companion and good friend in captivity, relieving, by all means in his power, his countrymen, and particularly the sick, giving them clothing, money, and other necessities. He met the annoyances of captivity with noble resignation; with his lofty manners and perfect breeding, he soothed the ferocious nature of these tigers, causing them to become more tractable and humane with us. Colonel Morgan, the commandant of our camp, was a harsh and rough man, a violent enemy to the Mexicans. Nevertheless, he became so attached to Cos that he asked of him his portrait, which he showed to all his friends as a particularly valuable gift. Cos evinced such a calm dignity in captivity, that twice, or three times, assassins, who had resolved upon his death, desisted from their design upon seeing him, embraced him, and became his friends. Let it not be said that I flatter him, for I have never received any favor from him; therefore my praise should be above suspicion.

I have said that we remained on Galveston Island until the middle of August.

On the 16th of that month we slept on board a schooner, the name of which I do not remember, and, on the 18th, we landed at the town of Anahuac, where we remained up to the 25th. At 4 o'clock P.M. we started for Liberty, ten leagues in the interior of Texas, under the orders of Judge William Hardin, of that locality. On our arrival we camped in Judge Hardin's yard, in a small, shady grove. There we breathed a pure air, enjoyed a milder climate, wholesome water, together with much more comfort and liberty. At length we were free from the rod of that pitiless Morgan and the incessant insults of the volunteer rabble.

Soon, however, provisions gave out, notwithstanding the repeated and urgent applications of Hardin to his Government, which failed to attend to them.

It is proper to say, to the honor and credit of Don Francisco Pizarro Martinez, Mexican Consul at New Orleans, that, when we were destitute of food, clothing, and all other necessities—most of us down struggling with chills and fever, the prevailing disease in that country between the months of October and December—this worthy Mexican sent us a supply of excellent hard bread, sugar, coffee, blankets, and a plain suit of clothes for every one of us. I am convinced that nothing but the timely arrival of these gifts saved our lives. Had they been delayed only fifteen days most of us would have died, as happened with fifteen of our companions who were laid in the grave, from exhaustion, before that supply reached us.

Judge Hardin relieved our bitter condition by all means in his power, retaining for himself the worst of his houses, in order to appropriate the two others for the sick. Being ill himself, he went, personally, for a physician, medicine, or whatever we needed. He listened to our frequent applications with remarkable patience; granted them if he could; if not, he felt deeply concerned. For the mere form he kept over us two sentinels at night, relieving them in day-time, and allowing some of us to walk about town. In

the month of November he built a fine frame house, at his own expense, to shelter us from rain and cold. After a short time he became very much attached to us, and felt so grieved at our unfortunate condition that he withdrew entirely the small detachment that guarded us, and allowed us the limits of the town. Should some drunken man insult us, he went, or sent some member of his family, to drive him out. Meat and salt were our only rations, and these often gave out. Then, even in the stormiest or coldest days, Hardin would shoulder his rifle and walk out to kill a beef, which he sent, ready butchered, to our quarters. When we were out of rations, which happened not seldom, his good and virtuous wife was kind enough to send us large pieces of seasoned beef, bacon, coffee, sugar, bread, and whatever was placed upon her own table. On one occasion she removed from her family beds five or six mattresses, which were placed on the beds of as many of the sick prisoners. Again, on another occasion, she distributed among us half a barrel of hard bread, all that was left for her own use. The butter, potatoes, and corn in the house belonged to the prisoners.

Oh! virtuous family! How great and how many your exertions have been to relieve the despair of our sorrowful and destitute condition! Oh, William Hardin! thy name, and that of thy noble wife, will be imperishable in the hearts of the Mexican prisoners, who, victims of fate, suffered the unexpected disaster of San Jacinto! I vow that, although thou art among the criminal enemies of my beloved country, whether of thy own free will, or because thy destiny so willed it, I will never cease to proclaim and praise thy meritorious and charitable conduct toward us.

A ball was given by the citizens of Liberty, on the 21st of April, 1837, to which all the neighboring families were invited.

The ball was intended to commemorate the bloody 21st of April, 1836, on which day so many illustrious Mexicans were immolated. These people had the effrontery to invite to that criminal entertainment General Cos, who, of course, declined. It was told to him by a man of some standing that there were alarming conversations about the Mexican prisoners. This report was not altogether groundless, inasmuch as the gatherings of those besotted people are invariably more or less influenced by mean liquors. In consequence we spent a very uncomfortable night.

However, it so happened that Bacchus inspired them with gentler feelings. There is no evil that does not work some good. We were told that they deliberated at length upon the question of the prisoners, and that they resolved to send a petition to their Government, which was signed even by the ladies, asking it to dispatch us at once or to set us free, as we were eating up their meat and supplies. They added that their destitution was daily increasing, and that they would soon have nothing left for their families, unless the Government granted them prompt relief.

Hallowed be the hour when this petition was inspired! Its result was that we were set free, which happy news reached us on the memorable 25th day of April, 1837.

RETURN OF KILLED AND WOUNDED IN THE ACTIONS OF
THE 20TH AND 21ST OF APRIL, 1836.

MAJOR-GENERAL SAM HOUSTON, wounded severely.

FIRST REGIMENT TEXAS VOLUNTEERS.

Company A.—GEO. WATERS, private, slightly wounded on the 21st.

Company B.—JAMES COUNLY, private, badly wounded on the 21st.

WM. S. WALKER, private, badly wounded on the 21st.*

Company C.—CAPT. JESSE BILLINGSLEY, slightly wounded on the 21st.

LEMUEL BLAKELY, private, killed on the 21st.

LOGAN VANDEVEER, private, badly wounded on the 21st.

WASHINGTON ANDERSON, private, slightly wounded on the 21st.

CALVIN PAGE, private, slightly wounded on the 21st.

MARTIN WALKER, private, badly wounded on the 21st.

Company D.—CAPT. MOSELY BAKER, slightly wounded on the 21st.

C. D. ANDERSON, private, slightly wounded on the 21st.

ALLEN INGRAM, private, badly wounded on the 21st.

Company F.—LEROY WILKINSON, private, slightly wounded on the 21st.

JAMES NELSON, private, wounded on the 21st.

MITCHELL PUTNAM, private, wounded on the 21st.

Company H.—A. R. STEVENS, private, wounded on the 21st.

J. TOM, private, killed on the 21st.

J. — COOPER, private, badly wounded on the 21st.

B. R. BRIGHAM, private, killed on the 21st.

Killed, 3; wounded, 15, Total, 18.

SECOND REGIMENT TEXAS VOLUNTEERS.

Company D.—2D LIEUT. LAMB, killed on the 21st.

G. W. ROBINSON, private, severely wounded on the 21st.

WM. WINTERS, private, severely wounded on the 21st.

1ST SERGT. ALBERT GALLATIN, slightly wounded on the 21st.

Company D.—E. G. RECTOR, private, slightly wounded on the 21st.

Company E.—WASHINGTON LEWIS, private, severely wounded on the 21st.

Company F.—ALPHONSO STEEL, severely wounded on the 21st.

Company K.—1ST LIEUT. J. C. HALE, killed on the 21st.

Company J.—CAPT. SMITH, slightly wounded on the 21st.

1ST SERGT. THOMAS P. FOWL, killed on the 21st.

W. F. JAMES, private, severely wounded on the 21st.

Killed, 3; severely wounded, 5; slightly wounded, 3. Total, 11.

DR. WM. MOTLEY, wounded severely on the 21st; died since.

A. R. STEVENS, wounded severely on the 21st; died since.

LIEUT.-COL. J. C. NEIL, of the Artillery, wounded severely on the 20th.

WM. A. PARK, of the Artillery, wounded slightly on the 21st.

DEVEREAUX J. WOODLIEF, of the Cavalry, wounded on the 20th.

OLWYN J. TRASK, private, of the Cavalry, wounded severely on the 20th.

A LIST OF OFFICERS, NON-COMMISSIONED OFFICERS, AND
PRIVATES, ENGAGED IN THE BATTLE OF SAN JACINTO,
ON THE 21ST OF APRIL, 1836.

MAJ.-GEN. SAM. HOUSTON, *Commander-in-Chief of the Texan Forces.*

STAFF.

JOHN A. WHARTON	<i>Adjutant-General.</i>
GEO. W. HOCKLEY	<i>Inspector-General.</i>
JOHN FORBES	<i>Commissary-General.</i>
WILLIAM G. COOKE	<i>Assistant Inspector-General.</i>
A. HORTON,	
WILLIAM H. PATTON,	
JAMES COLLINGSWORTH,	} <i>Aides-de-Camp.</i>
JAMES H. PERRY,	
R. EDEN HANDY,	
R. M. COLEMAN,	} <i>Volunteer Aides.</i>
HON. THOMAS J. RUSK	<i>Secretary of War.</i>
WILLIAM MOTLEY	<i>Physician.</i>

MEDICAL STAFF.

ALEXANDER EWING....*Surgeon 1st Regiment Artillery, Acting Surgeon-General.*

—— DAVIDSON

—— FITZHUGH

ANSON JONES.

SHIELDS BOOKER, {

N. D. LABADIE, {

ARTILLERY CORPS.

J. C. NEIL	<i>Lieutenant-Colonel.*</i>
ISAAC N. MORELAND	<i>Captain.</i>
W. STILLWELL	<i>1st Lieutenant.</i>
RICHARDSON SCURRY	<i>1st Sergeant.</i>
THOMAS PLASTER	<i>2d Sergeant.</i>

PRIVATES.

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

Assisted by the following regulars from the companies of Captains Teal and Turner :

* Wounded on the 20th.

† Wounded on the 21st.

Campbell,	} Of Teal's Co.	Benson,	} Of Turner's Co.
Millerman,		Clayton,	
Gainer,		Merwin,	
Cumberland,		Legg,	

CAVALRY CORPS.

MIRABEAU B. LAMAR	<i>Commanding.</i>
HENRY KARNES.....	<i>Captain.</i>
W. H. SMITH.....	<i>Captain.</i>
J. R. COOK	<i>1st Lieutenant.</i>
WM. HARNESS.....	<i>2d Lieutenant.</i>
LEM. GUSTINE	<i>Physician.</i>

PRIVATES.

W. Secrest,	Young P. Allsbury,	J. Thompson,
F. Secrest,	D. McKay,	John Robbins,
A. Allsbury,	W. J. C. Pierce,	William F. Young,
S. C. Turnage,	W. King,	James Douthatt,
D. W. Reaves,	Thomas Blackwell,	John Carpenter,
E. R. Rainwater,	—— Goodwin,	William Taylor,
J. D. Elliott,	J. Coker,	Anthony Foster,
J. P. Davis,	W. B. Sweeney,	Z. Y. Beauford,
J. Neil,	Benjamin F. Smith,	Spenser Townsend,
N. Nixon,	Thomas Robbins,	James Shaw,
G. Deaderick,	Elisha Clapp,	William D. Redd,
J. Nash,	H. Henderson,	—— Clopper,
Isaac W. Burton,	George Johnson,	P. H. Bell,
Jacob Duncan,	J. W. Williamson,	J. W. Robinson.
A. W. Hill,	Wilson C. Brown,	

REGULARS.

LIEUT.-COL. HENRY MILLARD.....	<i>Commanding.</i>
CAPTAIN JOHN M. ALLEN.....	<i>Acting Major.</i>

Company A.

ANDREW BRISCOE.....	<i>Captain.</i>
MARTIN K. SNELL	<i>1st Lieutenant.</i>
ROBERT MCCLOSKEY	<i>2d Lieutenant.</i>
LYMAN F. ROUNDS	<i>1st Sergeant.</i>
DAVID S. NELSON.....	<i>2d Sergeant.</i>
DANIEL O. DRISCOLL	<i>3d Sergeant.</i>
CHARLES A. FORD.....	<i>4th Sergeant.</i>
—— RICHARDSON.....	<i>1st Corporal.</i>
HARRY C. CRAIG	<i>2d Corporal.</i>
—— BEAR.....	<i>3d Corporal.</i>
—— FLORES.....	<i>Musician.</i>

PRIVATES.

Bruff,	Farley,	Marsh,	Smith, 2d,
Bebee,	Grieves,	Morton,	Sullivan,
Benton,	Warner,	O'Niel,	Saunders,
H. P. Brewster,	Henderson,	Pierce,	Swain,
Cassady,	Lang,	Patton,	Tindall, 1st,
Dutcher,	Larbartare,	Rheinhardt,	Taylor,
Darri,	Limski,	Kainer,	Van Winkle,
Elliott,	Mason,	Richardson,	Wilkinson,
Flynn,	Montgomery,	Smith, 1st,	Webb.

VOLUNTEERS.

Company B.

A. TURNER.....	<i>Captain.</i>
W. MILLEN.....	<i>1st Lieutenant.</i>
W. W. SUMMERS.....	<i>2d Lieutenant.</i>
CHARLES STEWART.....	<i>1st Sergeant.</i>
——— SWEARINGER.....	<i>2d Sergeant.</i>
ROBERT MOORE.....	<i>Corporal.</i>
THOMAS WILSON.....	<i>Corporal.</i>
M. SNYDER.....	<i>Corporal.</i>

PRIVATES.

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

Company B.

RICHARD ROMAN.....	<i>Captain.</i>
NICHOLAS DAWSON.....	<i>2d Lieutenant.</i>
JAMES WHARTON.....	<i>Sergeant.</i>
A. MITCHELL.....	<i>Sergeant.</i>
S. L. WHEELER.....	<i>Sergeant.</i>
A. TAYLOR.....	<i>Corporal.</i>
J. S. EGBERT.....	<i>Corporal.</i>
W. MOORE.....	<i>Corporal.</i>

PRIVATES.

——— Angell,	J. M. Jett,	W. Richardson,
G. Brown,	Stev. Jett,	D. Tindale,
Joseph Barstow,	A. S. Jordan,	J. Vinaler,
J. B. Bradley,	S. W. Lamar,	C. W. Waldron,
B. Coles,	Edward Lewis,	F. F. Williams,
J. S. Conn,	J. W. B. M'Farlane,	James Wilder,
J. H. T. Dixon,	A. M'Stea,	W. S. Walker,
William Dunbar,	H. Miller,	James Ownby.
H. Homan,	W. G. Newman,	

Company I.

W. S. FISHER.....	<i>Captain.</i>
R. W. CARTER	<i>2d Lieutenant.</i>
—— JONES	<i>Sergeant.</i>

PRIVATES.

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

STAFF OF THE COMMAND.

NICHOLAS LYNCH.....	<i>Adjutant.</i>
W. M. CARPER.....	<i>Surgeon.</i>
JOHN SMITH.....	<i>Sergeant-Major.</i>
PINKNEY CALDWELL.....	<i>Quartermaster.</i>

FIRST REGIMENT TEXAS VOLUNTEERS.

* EDWARD BURLESON	<i>Colonel.</i>
ALEX. SOMERVILLE.....	<i>Lieutenant-Colonel.</i>
JAS. W. TINSLEY.....	<i>Adjutant.</i>
H. N. CLEVELAND.....	<i>Sergeant-Major.</i>

Company A.

WM. WOOD.....	<i>Captain.</i>
S. B. RAYMOND	<i>2d Lieutenant.</i>
J. C. ALLISON.....	<i>1st Sergeant.</i>
JAS. A. SYLVESTER	<i>2d Sergeant.</i>
O. T. BROWN	<i>3d Sergeant.</i>
NATHANIEL PECK	<i>4th Sergeant.</i>

PRIVATES.

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

Company C.

JESSE BILLINGSLEY.....*Captain.*
 MICAH ANDREWS.....*Lieutenant.*
 JAMES A. CRAFT.....*2d Lieutenant.*
 RUSSEL B. CRAFT.....*1st Sergeant.*
 WM. H. MAGILL.....*2d Sergeant.*
 CAMPBELL TAYLOR.....*3d Sergeant.*

PRIVATES.

L. C. Cunningham,	William Simmons,	Gernett E. Brown,
John Herron,	George Green,	Robert M. Cravens,
Preston Conley,	Geo. P. Erath,	Walker Wilson, —
Jackson Berry,	Jno. W. Bunton,	Prior Holden,
Jefferson Barton,	William Crisswell,	Thos. H. Mays,
Dempsey Pace,	Sam. M'Clelland,	A. M. Highsmith,
Lemuel Blakely,	Lewis Goodwin,	James Curtis,
George Self,	Jos. Garwood,	Thos. M. D nnis,
Thomas Davy,	Willis Avery,	James R. Pace,
Jacob Standefer,	Jesse Halderman,	John Hobson,
Wayne Barton,	Charles Williams,	V. M. Bain,
Sampson Connell,	Aaron Burleson,	Robert Hood,
Logan Vanderveer,	William Standefer,	Martin Walker, —
Washington Anderson,	Calvin Gage,	Dugald M'Lean,
	Thos. A. Graves.	

Company D.

MOSELEY BAKER.....*Captain.*
 J. P. BORDEN.....*1st Lieutenant.*
 JOHN PETTUS.....*2d Lieutenant.*
 JOSEPH BAKER.....*1st Sergeant.*
 E. O. PETTUS.....*2d Sergeant.*
 M. A. BRYAN.....*3d Sergeant.*
 JAMES BELL.....*1st Corporal.*
 JAMES FRIEL.....*2d Corporal.*
 ISAAC L. HILL.....*3d Corporal.*

PRIVATES.

O. D. Anderson,	Robert Moore,	Wm. Bernbeck,
J. B. Alexander,	Jos. McCrabb,	—— Millett,
John Beachom,	Louis Rorder,	Philip Stroth,
T. H. Bell,	V. W. Swearngen,	Andreas Voxel,
S. R. Bostic,	Jos. Vermilion,	Nicholas Peck,
P. P. Borden,	I. E. Watkins,	Wm. Hawkins,
J. Carter,	A. W. Wolsey,	John Duncan,
Samuel Davis,	W. R. Williams,	Geo. Sutherland,
G. W. Davis,	Ellison York,	Thos. Gay,
J. R. Foster,	Patrick Usher,	Joseph Miller,
A. Greenlaw,	J. S. Menifee,	G. W. Gardner,
—— Fowler,	Paul Scarbrough,	Wm. Mock,
Hugh Frazier,	John Flick,	S. H. Isbel,

William Isbell,
R. Kleburg,
James Tarlton,
Mat. Kuykendall,

J. H. Money,
Allen Ingraham,
—— Weppler,
John Marshall,

McHenry Winburn,*
T. R. Jackson,*
D. D. D. Baker.*

Company K.

R. J. CALDER.....*Captain.*
JOHN SHARPE..... *1st Lieutenant.*
M. A. BINGHAM.....*1st Sergeant.*

PRIVATES.

B. Brigham,
J. Conner,
F. S. Cooke,
T. Cooke,
S. Conner,
Geo. J. Johnstone,
Granville Mills,
Elias Baker,
H. Dibble,
T. M. Fowler,
H. Fields,
B. C. Franklin,
J. Green,
W. C. Hogg,

J. Hall,
E. B. Halstead,
J. W. Hassell,
W. Lambert,
B. Mims,
W. Muir,
P. D. M'Neil,
C. Malone,
J. Plunkett, ●
W. P. Reese,
C. K. Reese,
J. A. Spicer,
H. Stonfer,
J. Threadgill,

W. P. Scott,
R. Crawford,
S. B. Mitchell,
B. F. Fitch,
W. W. Gant,
J. S. Edgar,
J. Smith,
T. D. Owen,
W. Hale,
A. G. Butts,
D. Dederick,
C. Forrister,
W. K. Denham.

Company F.

WM. J. E. HEARD*Captain.*
WM. EASTLAND *1st Lieutenant*
ELI MERCER..... *1st Sergeant.*
* WILSON LIGHTFOOT. ✓.....*2d Sergeant.*
ALFRED KELSO *1st Corporal.*
ELIJAH MERCER.....*2d Corporal.*

PRIVATES.

Robert M'Laughlin,
Leroy Wilkinson,
- Wm. Lightfoot, ✓
Daniel Miller,
Jesse Robinson,
Josiah Hagans,
John M'Crab,
Maxwell Steel,
John Bigley,
Hugh McKenzie,
Jos. Elinger,
John Halliet,

D. Dunham,
Wm. Passe,
James S. Lester,
Fidelie Breeding,
Christian Winner,
J. Robinson,
James Nelson,
John Tumlinson,
Francis Brockfield,
Charles M. Henry,
James Byrd,
Nathaniel Reid,
Wm. Waters.

P. B. O'Conner,
Thos. Ryons,
John Lewis,
Jos. Highland,
Leander Becson,
Andrew Sennatt,
S. T. Foley,
Allen Jones,
Thomas Adams,
Mitchell Putnam,
T. M. Hardiman,
Chas. Thompson,

* Officers belonging to the Regular service.

Company H.

WM. W. HILL *Captain.**
 R. STEVENSON.....*Commanding Company.*
 H. H. SWISHER *1st Lieutenant.*
 C. RANEY *1st Sergeant.*
 A. R. STEVENS *2d Sergeant.*
 WM. H. MILLER *4th Sergeant.*

PRIVATES.

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

SECOND REGIMENT TEXAS VOLUNTEERS.

SIDNEY SHERMAN.....*Colonel.*
 JOSEPH L. BENNETT.....*Lieutenant-Colonel.*
 LYSANDER WELLS.....*Major.*
 EDWARD B. WOOD.....*Adjutant.*
 BENNETT MCNELLY*Sergeant-Major.*

First Company.

HAYDEN ARNOLD*Captain.*
 R. W. SMITH.....*1st Lieutenant.*
 ISAAC EDWARDS*2d Lieutenant.*

PRIVATES.

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

* Sick ; Company commanded by R. Stevenson.

Second Company.

WM. WARE	<i>Captain.</i>
JOB S. COLLARD.....	<i>1st Lieutenant.</i>
GEO. A. LAMB.....	<i>2d Lieutenant.</i>
ALBERT GALLITIN.....	<i>1st Sergeant.</i>
WM. C. WINTERS.....	<i>2d Sergeant.</i>

PRIVATES.

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

Third Company.

WM. M. LOGAN.....	<i>Captain.</i>
FRANKLIN HARDEN.....	<i>1st Lieutenant.</i>
B. J. HARPER	<i>2d Lieutenant.</i>
EDWARD T. BRANCH.....	<i>1st Sergeant.</i>

PRIVATES.

John Biddle,	L. J. Dyches,	C. W. Thompson,
J. M. Maxwell,	David H. McFadden,	Cornelius Devore,
M. Charencan,	Thomas Orr,	M. J. Brakey,
E. Bollinger,	Luke Bryan,	Thos. Belnap,
P. Bollinger,	Wm. Kibbe,	Wm. Duffee,
John Slayton,	E. M. Tanner,	Joseph Ellender,
Patrick Cernel,	H. R. Williams,	Wm. Smith,
Wm. M. Smith,	Michael Pevetoe,	Wm. Robertson,
David Choat,	Lefroy Godree,	W. A. Smyth,
David Cole,	Joseph Farewell,	James Cole.

Fourth Company.

WM. H. PATTON	<i>Captain.*</i>
DAVID MURPHREE	<i>1st Lieutenant.</i>
PETER HARPER	<i>2d Lieutenant.</i>
JOHN SMITH.....	<i>1st Sergeant.</i>
PENDLETON RECTOR..	<i>2d Sergeant.</i>
A. W. BREEDLOVE.....	<i>3d Sergeant.</i>
G. L. BLEDSOE.....	<i>1st Corporal.</i>

PRIVATES.

James Bradley,	Colden Denman,	J. M. M'Cormack,
J. C. Boyd,	Edw. Darst,	James Hayr,
Robert Barr,	R. B. Darst,	Charles Hick,
A. J. Beard,	J. K. Davis,	A. D. Kenyon,
Alex. Bailey,	E. Gallaher,	G. W. Lewis,
J. J. Childs,	James Hall,	J. Pickering,
St. Clair Patton,	S. Phillips,	James Harris,
Claiborn Rector,	Thomas M'Gay,	Wm. Brennan,

* Before entered as Aide to General H.

Phineas Ripley,	J. A. Barkley,	Wm. H. Jack,
Thomas J. Sweeney,	Francis Walnut,	Doct. Baylor,
J. B. Taylor,	Hinton Curtis,	Thos. F. Coney,
L. Willoughby,	J. B. Grice,	A. Lewis,
G. Wright,	Nat. Hager,	W. P. Lane,
M. B. Atkinson,	B. F. Cage,	E. G. Rector.

THOS. H. M'INTIRE.....*Captain.*
 JOHN P. GILL.....*1st Lieutenant.*
 BAZIL G. IJAMS.....*2d Lieutenant.*
 ROBERT D. TYLER.....*1st Sergeant.*
 JOHN WILKINSON.....*2d Sergeant.*
 E. G. COFFMAN.....*1st Corporal.*

PRIVATES.

Wm. Boyle,	J. Campbell,	Placido M'Curdy,
Benj. Bencroft,	—— Cooper,	David Odom,
George Barker,	T. Davis,	G. W. Penticost,
Wm. Bennett,	Oscar Farish,	S. W. Peebles,
John Clarke,	Thomas Hopkins,	Sam. Sharpe,
J. B. Coliant,	Jack Lowrie,	Isaac Jaques,
John Chevis, 1st,	Cyrus Cepton,	Isaac Maiden,
John Chevis, 2d,	Ambrose Mayer,	F. Wilkinson.
Thomas Cox,	Moses Allison,	

JAMES GILLASPIE.....*Captain.*
 WILLIAM FINCH.....*1st Lieutenant.*
 A. L. HARRISON.....*2d Lieutenant.*
 R. T. CHODERICK.....*1st Sergeant.*

PRIVATES.

John Sayres,	Wm. Fertilan,	Alphonzo Steel,
F. B. Lassiter,	A. Montgomery,	Benj. Johnson,
M. R. Goheen,	A. Lolison,	F. M. Woodward,
T. H. Webb,	E. M'Millan,	Wm. Peterson,
John Peterson,	S. Darling,	J. C. White,
J. Montgomery,	J. W. Scolling,	Robert Henry,
T. F. Johnson,	J. Richardson,	Elijah Votau,
Hez. Harris,	Jennings O'Bannion,	G. Crosby,
W. F. Ferrill,	Willis L. Ellis,	Joel Dedrick,
Sam. Wyley,	James Walker,	L. Raney.

B. BRYANT.....*Captain.*
 JOHN C. HALE.....*1st Lieutenant.*
 A. S. LEWIS.....*2d Lieutenant.*

PRIVATES.

Wm. Earle,	L. H. White,	J. R. Johnson,
J. S. P. Irvén,	A. M'Kenzie,	William Pate,
Sim. Roberts,	A. Cobble,	B. Lindsay,

Joseph P. Parks,
C. Rockwell,
R. B. Russel,

John F. Gilbert,
D. Roberts,
Wm. B. Scates,

James Clarke,
Robert Love.

WILLIAM KIMBO.....*Captain.*
JAMES ROWE.....*1st Lieutenant.*
JOHN HARMAN.....*1st Sergeant.*
WILLIAM FISHER.....*2d Sergeant.*
HENRY REED.....*3d Sergeant.*

PRIVATES.

D. Brown,
William Bateman,
J. A. Chaffin,
H. Corsine,
Joel Crane,
R. T. Crane,
Josh. Clelens,
W. H. Davis,
S. Holeman,
H. Hill,
George Hancock,

E. O. Legrand,
D. Love,
D. H. M'Gary,
Thomas Maxwell,
A. G. M'Gowan,
J. W. Proctor,
Benj. Thomas,
D. Watson,
Lewis Wilworth,
R. Stevenson,
G. W. Jones,

W. B. Bennett,
B. Green,
J. Kent,
—— Caddell,
R. Hotchkiss,
Thos. M. Hughes,
A. Buffington,
James Burch,
R. Burch,
A. E. Manuel.

JUAN N. SEGUIN.....*Captain.*
MANUEL FLORES.....*1st Sergeant.*
ANTONIO MANCHACA.....*2d Sergeant.*
NEP. FLORES.....*1st Corporal.*
AMBRO RODRIGES.....*2d Corporal.*

PRIVATES.

Antonio Cruz,
Jose Maria Mocha,
Eduado Samirer,
Lucin Ennques,
Matias Cuvier,

Antonio Cuevies,
Simon Ancola,
Man'l Tarin,
Pedro Henern,
Thom Maldonart,

Cecario Cormona,
Jacinto Pena,
N. Nararro,
A. Varcinas,
Man'l Avoca.

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