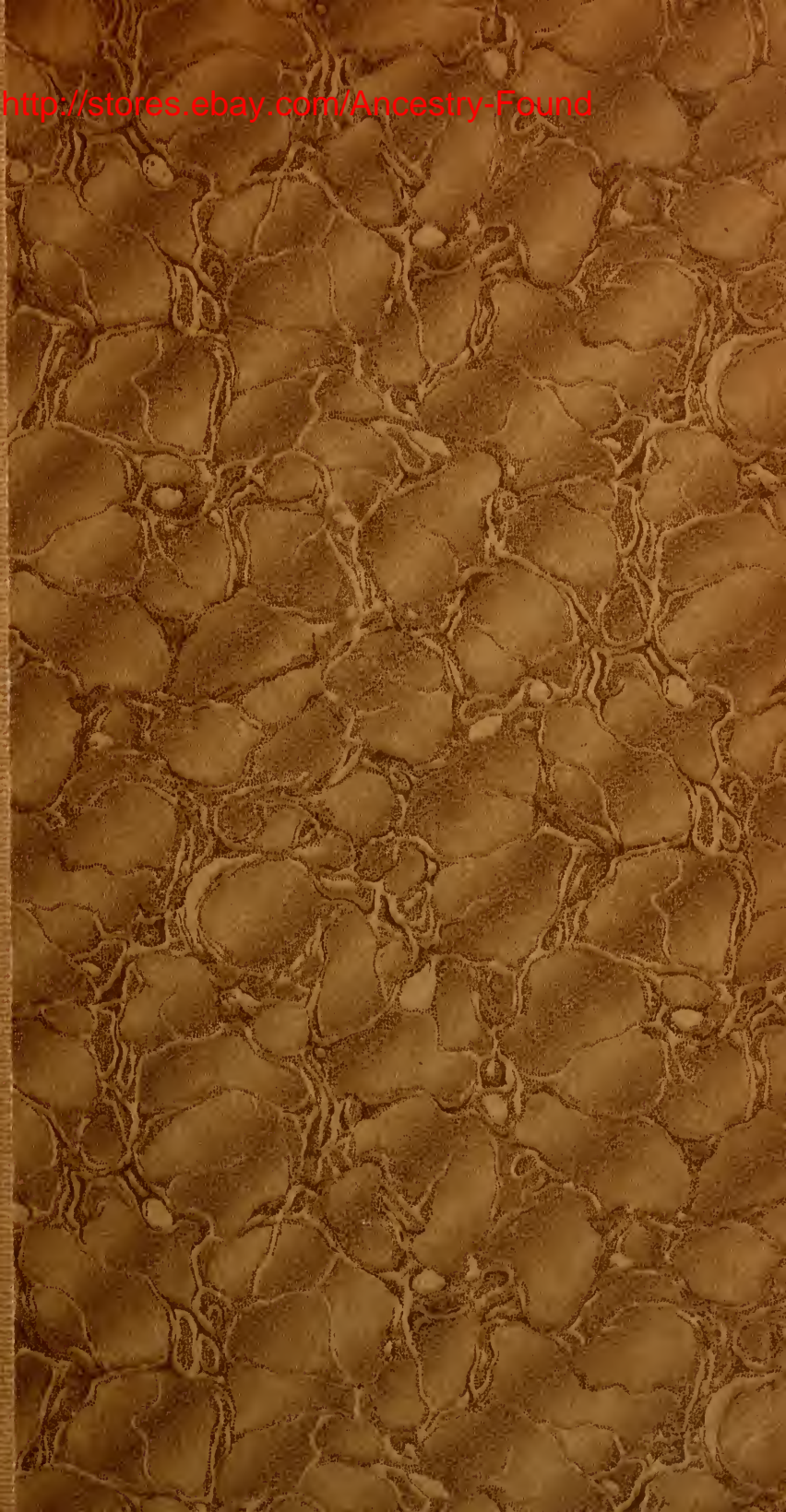



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### RECOGNITION OF THE REPUBLIC OF TEXAS BY THE UNITED STATES

BY

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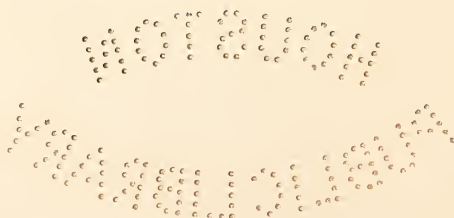
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**Cultivated mind is the guardian genius  
of democracy . . . It is the only dic-  
tator that freeman acknowledge and the  
only security that freemen desire.**

**President Mirabeau B. Lamar.**



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[Reprint from The Quarterly of the Texas State Historical Association, Vol. XIII, No. 3.]

## RECOGNITION OF THE REPUBLIC OF TEXAS BY THE UNITED STATES.<sup>1</sup>

ETHEL ZIVLEY RATHER.

### THE MOVEMENT FOR INDEPENDENCE.

When Texas in the fall of 1835 found herself at war with Mexico, her first step, after putting the country in a state of defense, was to cast about for aid. Two alternatives were presented to her: she might either ally herself with the Mexican Liberals, who were also in rebellion against the centralized government of Santa Anna; or she might declare independence, and trust to the United States for assistance to sustain it. What she did was to experiment with each course in turn; and the revolution falls thus into

<sup>1</sup>A thesis presented to the faculty of Yale University in part fulfillment of the requirements for the degree of Doctor of Philosophy, May, 1908. This paper does not claim to be a complete study of the relations between the United States and Texas which led to the recognition by the former of the independence of the Republic of Texas in 1837. There should be some material on the subject in the records of the Department of State at Washington, to which I have not had access; while the archives in the City of Mexico would doubtless throw much additional light upon the relations between the United States and Mexico during this period. The most valuable and complete sources, however, have been available (see bibliography, pp. 254-255).

My acknowledgments are due to Mr. Worthington C. Ford, formerly of the Library of Congress, and to Mr. Richard Rathbun, assistant secretary of the Smithsonian Institution, for courteous assistance in the use of materials in the Library of Congress; and especially to Professor George P. Garrison and Dr. Eugene C. Barker of the University of Texas, Professor Herbert E. Bolton, of Leland Stanford University, and Professor J. S. Bassett, of Smith College, for valuable suggestions and indispensable help.

ETHEL ZIVLEY RATHER.

two phases—first, an effort to restore the “republican principles” of the constitution which Santa Anna had overthrown; secondly, a struggle for independence. Some emphasis has been laid upon the conscientiousness of the Texan colonists during the first period in adhering to their obligations to Mexico and the reluctance with which they finally threw off allegiance to their adopted country. It is no doubt true that, rather than engage in a war whose issue was at best doubtful, the majority of the colonists would have preferred to continue the old relationship with Mexico under the constitution, if peace might thereby have been restored. But in tracing the relations between Texas and the United States at this time, one is forced to question whether the Texan leaders were as sincere during the first months of the revolution in their loyalty to the constitution of 1824 as they were later on in the acknowledged war for independence; whether more confidence either in their own strength or in help from without might not have led earlier to an unqualified declaration of independence. In the fall of 1835, however, they felt that help from some quarter must be forthcoming—that alone they were incapable of resisting the forces that had already suppressed similar uprisings in other provinces throughout Mexico.

The Consultation at San Felipe, which was called partly for the purpose of determining what course to pursue, decided, November 6, against a declaration of independence by a vote of thirty-three to fifteen. On the next day a report defining the position in which Texas stood was brought in by a committee appointed for the purpose, and unanimously adopted. It stated that:

Whereas, General Antonio Lopez de Santa Anna, and other military chieftains, have, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican confederacy; now the good people of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE

1st. That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of mil-



itary despots, and in defence of the republican principles of the federal constitution of Mexico, of eighteen and twenty-four.<sup>1</sup>

2d. That Texas is no longer morally or civilly bound by the compact of union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican confederacy as will take up arms against military despotism. .

3d. That they do not acknowledge that the present authorities of the nominal Mexican republic have the right to govern within the limits of Texas.

4th. That they will not cease to carry on war against the said authorities whilst their troops are within the limits of Texas.

5th. That they hold it to be their right during the disorganization of the federal system, and the reign of despotism, to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties, but that they will continue faithful to the Mexican government so long as that nation is governed by the constitution and laws that were formed for the government of the political association.

6th. That Texas is responsible for the expense of her armies now in the field.

7th. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

8th. That she will reward, by donations in lands, all who volunteer their services in her present struggle, and receive them as citizens.<sup>2</sup>

Throughout the rest of this year and the beginning of the next, the General Council of the provisional government<sup>3</sup> remained at least nominally faithful to this declaration. On the other hand Provisional Governor Smith was from the first an ardent advocate of an immediate declaration of independence; and it is to this

<sup>1</sup>The Mexican republic, so-called, which Santa Anna had just overthrown was established in 1824. Its constitution was modeled largely after that of the United States (Garrison, *Texas*, 98).

<sup>2</sup>Gammel, *Laws of Texas*, I, 522.

<sup>3</sup>One work of the Consultation was the organization of a provisional government. "The scheme adopted was double, one part providing for a civil and the other for a military organization; and both of them were triumphs of potential confusion and conflict of authority. The civil government was to consist of a governor and lieutenant-governor elected by the consultation, and a council made up of one member from each municipality elected by its delegates. The governor and council had ill-defined and practically coördinate powers, . . . and there was no provision against deadlocks" (Garrison, *Texas*, 197-198).

difference of opinion that the long and undignified quarrel between the governor and the Council has been ascribed.<sup>1</sup>

The attitude of the Council on this subject is no doubt partly responsible for the general impression that in the fall of 1835 the majority of the Texans, known as the conservatives, were reluctant to withdraw allegiance from Mexico—that, in spite of their declaration to the contrary, they did feel still under moral obligation to remain faithful to the constitution of 1824.<sup>2</sup> Stephen F. Austin, also, repeatedly offered support for such a belief. In a report made to the provisional government, November 30, 1835, after explaining at some length that the volunteers had taken up arms in defence of the constitution of 1824, he continued thus:

I have faithfully labored for years to unite Texas permanently to the Mexican confederation. . . . There was but one way to effect this union with any hope of permanency or harmony, which was by admitting Texas into a state of the Mexican confederation. . . .

The people of Texas desired it; and if proofs were wanting (but

<sup>1</sup>Smith, "The Quarrel Between Governor Smith and the Council of the Provisional Government of the Republic," in *THE QUARTERLY*, V, 295. The subjects of dispute as enumerated in this article were as follows: (1) the question of aiding Colonel Gonzales, a Mexican Liberal; (2) the change in the manner of drawing drafts on the treasurer, so that the council might vote money without the governor's consent—in anticipation perhaps, of Smith's opposition to assisting the Mexican Liberals; (3) the relations with General Mexfa, another Mexican Liberal; (4) the call of a convention, in order to declare independence; (5) the appointment of D. C. Barrett and Edward Gritten, members of the Council, and prominent opponents of Smith, respectively as judge advocate general of the Texan armies, and as collector of the port of C6pano; (6) the Matamoras expedition, undertaken on the basis of co6peration with the Mexican Liberals.

<sup>2</sup>The declaration of November 7 was entirely illogical. It stated that Texas had taken up arms in defense of a union from which she herself had practically withdrawn. In referring to the confused statements in this document Austin speaks apologetically thus:

"The general consultation of Texas was elected at a time when the country was distracted by popular excitements, produced by the diversity of opinions which naturally resulted from the disbelief of some that the federal system would be destroyed, or was even attacked, the excited and intemperate zeal of others, and the general want of certain information in all. It could not be reasonably expected that a body elected under such circumstances, would be entirely free from the conflicting opinions that prevailed amongst their constituents, or that a clear and positively definite position would be taken by it" (Austin to Barrett, December 3, 1835, in *Telegraph and Texas Register*, February 27, 1836; also in Wooten, *A Comprehensive History of Texas*, I, 566).

they are not) of their fidelity to their obligations as Mexican citizens, this effort to erect Texas into a state affords one which is conclusive to every man of judgment who knows anything about this country.

The object of the Texans, therefore, in wishing a separation from Coahuila, and the erection of their country into a state, was to avoid a total separation from Mexico by a revolution. . . .<sup>1</sup>

Later on, also, in explaining the action taken by the Consultation of San Felipe, Austin again said:

The majority of Texas, so far as an opinion can be formed from the acts of the people at their primary meetings, was decidedly in favor of declaring in positive, clear and unequivocal terms, for the federal constitution of 1824, and for the organization of a local government, either as a state of the Mexican confederation, or provisionally, until the authorities of the state of Coahuila and Texas could be restored. This measure was absolutely necessary to save the country from anarchy, for it was left without any government at all, owing to the dispersion and imprisonment of the executive and legislative authorities, by the unconstitutional intervention of the military power. Some individuals were also in favor of independence, though no public meeting whose proceedings I have seen, expressed such an idea.<sup>2</sup>

Even William H. Wharton, one of the most radical advocates for independence, in speaking of the November declaration, said: "I do not blame the Consultation for their declaration. They were not empowered and it was not in the contemplation of those who elected them to make any other."<sup>3</sup> Morfit, the agent sent out in the summer of 1836 by President Jackson to examine into the condition of affairs in Texas, also reported, August 22: "The Texans assert that this resistance was not because they even *then* [that is, after Cos's invasion] wished to separate from the confederacy, but,

<sup>1</sup>Wooten, *A Comprehensive History of Texas*, I. 562-563.

<sup>2</sup>Austin to Barrett, December 3, 1835, *ibid.*, 566.

<sup>3</sup>Wharton to Archer, November 29, 1835, in Brown, *History of Texas*, I, 428. There is some conflict as to the date of this letter. It was printed in an undated circular as an enclosure in a letter from Archer to the editors of the *Telegraph and Texas Register* and in another circular, likewise undated, as an enclosure in a letter from Archer to the editor of the *Texas Republican* (both in Austin Papers). In the first case it is dated November 26, and in the second November 28.

on the contrary, because they were desirous to bring back the Government to the terms of the constitution of 1824."<sup>1</sup>

Despite such authorities, an examination of the private correspondence of the time, principally Austin's own, and other documents that were not intended for the Mexican eye leads one to the conclusion that the declaration of November 7 and all acts in conformity thereto were not altogether the results of loyalty to the constitution of 1824, but were dictated largely by policy. William H. Wharton, in declining his appointment to go as commissioner to the United States,<sup>2</sup> testified to the fact that it was expediency that governed the action of the Consultation. Referring to the indefinite attitude assumed by the November declaration he said: "It was generally thought, and I then thought it a matter of policy so to declare. It was thought (by a majority over a very strong minority) that a declaration for the constitution would neutralize the prejudices or enlist the sympathies and assistance of the Federal party of the interior in our favor; and also that under such declaration we could obtain the requisite loans, etc., from the capitalists of the United States."<sup>3</sup> James W. Robinson, one of the prominent members of the Consultation and who afterward became Lieutenant-Governor of the provisional government and ex-officio president of the General Council, writing from the Consultation on November 3, 1835, said: "How the convention will decide is uncertain, but the probability is in favor of the constitution as a matter of policy only, as all agree we must go, sooner or later, for independence."<sup>4</sup> Robinson, it must be remembered, was also of the radical party, and his statement may be somewhat biased. But it is a well-known fact that the first report of the committee of the Consultation,<sup>5</sup> which John A. Wharton presented, November 4, was an absolute declaration of independence. This was even adopted; but on the recommendation of Houston, tradition says, it was reconsidered, and the declaration of November 7

<sup>1</sup>*Senate Docs.*, 24 Cong., 2 Sess., I, No. 20, p. 7.

<sup>2</sup>See below, p. 168.

<sup>3</sup>Wharton to Archer, November 29, 1835, in Brown, *History of Texas*, I, 428.

<sup>4</sup>Robinson to Frost Thorn, November 3, 1835, cited by Yoakum, *History of Texas*, II, 12, footnote.

<sup>5</sup>See above, p. 156.



took its place.<sup>1</sup> The motives that influenced the Consultation in making this change were no doubt the same as those expressed in a report sent in to San Felipe, November 9, by the Jurisdiction of Liberty. It said:

In behalf of their fellow citizens they [that is, the committee appointed to make the report] state that a premature declaration of independence would be inexpedient and injurious, that a temporary provisional organization of Government with a careful attention to the development of events is the best policy; that a precipitous cession from the Mexican Republic might incur the reprehension, and wean from us the sympathies of many friends in the North.<sup>2</sup>

Another argument in favor of the interpretation of the declaration of November 7 as a measure purely of expediency is the striking analogy between the present situation and that of 1832. At that time a struggle was going on in Mexico between Bustamante, who had set up a tyrannical form of government, and Santa Anna, then posing as the champion of the Constitution of 1824. In the meantime hostilities had broken out at Anahuac between the Texan

<sup>1</sup>The *Journals of the Consultation* in the printed form in which they now exist (Gammel, *Laws of Texas*, I, 507-548) state simply that on November 4 Wharton, from this committee, "made a report." That this is an expurgated edition of the Journals there is much internal evidence to show. But, aside from this, the circumstances under which the Journals were published would naturally lead one to expect as much. December 25, 1835, when the quarrel between the governor and the council concerning the coöperation with the Mexican Liberals was at its height Barrett, who was perhaps the most radical of Governor Smith's opponents, presented a "corrected copy of the Journals of the Convention" [Consultation], and this "revised Journal" was ordered printed (Gammel, *Laws of Texas*, I, 507, 693). Yoakum, *History of Texas*, II, 12, footnote, is authority for the statement that a declaration of independence was first adopted and then reconsidered. He bases his information upon another copy of the journal, page 51--probably the original. Garrison, *Texas*, 195, suggests that the declaration of November 4 may be among the archives in the state house, but it has not yet been discovered.

<sup>2</sup>Extract from a letter addressed to the Provisional Government by the Committee of Safety of the Jurisdiction of Liberty, November 9, 1835, in minutes of the General Council, November 15 (MS), Austin Papers. It was printed in *Proceedings of the General Council*, for November 16 and appears in Gammel, *Laws of Texas*, I, 554. This is another illustration (see above, note 1) of the revision which took place before printing. Besides having the spelling and the punctuation corrected, the printed copy reads, simply, "that a precipitate secession from the Mexican Republic might incur reprehension." Evidently it was the desire of the Council to eliminate anything that would savor of independence.

colonists and Mexican troops stationed in Texas. The report had reached Mexico that it was a move on the part of the Texans for independence. Mejía, of the popular party, immediately made a truce with Bustamante's troops, and set out to Texas to suppress the rebellion. It would be well, the Texans thought, to have some excuse to give for the disturbances. They therefore drew up what were known as the Turtle Bayou resolutions, declaring in favor of Santa Anna and the Constitution of 1824. Mejía was well satisfied with these expressions of loyalty. "He was received with great ceremony at Brazoria and immediately presented with the blessed resolutions. Nothing further was needed to prove to him that the conduct of the Texans had been entirely innocent and praiseworthy."<sup>1</sup> It was not strange, therefore, that in 1835 the Texans called to mind an expedient that three years earlier, under similar circumstances, had served them so effectively.

In 1835, however, a large proportion of the Texans were actually contemplating independence. But the problem of securing immediate aid against Santa Anna confronted them. The Mexican Liberals held out flattering inducements.<sup>2</sup> The other source, the United States, from which they were ardently hoping to receive help, was far less certain. Besides a precipitate declaration might meet with the disfavor of their neighbor on the north,<sup>3</sup> whose good will above all it was essential to retain. Under considerations such as these many of the radicals were induced to temporize, with the mental reservation that independence should be the ultimate aim.

<sup>1</sup>Garrison, *Texas*, 178-179.

<sup>2</sup>Smith, "The Quarrel between Governor Smith and the Council," in *THE QUARTERLY*, V, 299-300.

<sup>3</sup>As a matter of fact good use was made later on of the "forbearance" of the Texans at this time. Even Wharton, in an appeal made before a public meeting in New York. April 26, 1836 (see below, p. 186), laid considerable emphasis upon this point. He says, "Even after all this [that is, Ccs's invasion, etc.], they did not declare independence. No, on the 7th of November last, while flushed with various and signal triumphs over the central mercenaries, the people of Texas, in solemn convention, declared for the constitution of 1824, and pledged themselves to aid with their fortunes and their lives in its restoration. On the second of March, however, finding that all parties in Mexico had united against them, . . . they then declared their absolute independence" (*Address of the Honorable Wm. H. Wharton*, April 26, 1836, Austin Papers).

And in this desire it is safe to assume that a great number of the so-called conservative party also shared.

There can be no doubt that Stephen F. Austin was influenced by such considerations, and his attitude throws perhaps the truest light upon the situation in the fall of 1835. He was at the time the recognized leader of the conservatives; and he has subsequently been held up as the one man who to the last was faithful to every possible obligation to Mexico. To all outward appearance this was true. In his zeal to coöperate with the Liberal party he even incurred the suspicion of some of his own fellow citizens—so much so that he was spoken of contemptuously as a "Mexican." Though a man remarkable for his fairness in dealing with others, his opposition to a declaration of independence in the fall of 1835 led him into bitter and unjust denunciations of his opponents—a thing that he deeply regretted afterward.<sup>1</sup> But the principle at stake was not loyalty to Mexico; however reluctantly he may have renounced allegiance to his adopted country when such a step became necessary. The controlling motive of his life was the welfare of his colony; and on his return from Mexico, he undoubtedly felt that the radical party, in precipitating the revolution, was endangering the very end they had in view, namely, independence. That he, too, however, had become convinced that independence must be the ultimate result, there is abundant evidence to show; and this perhaps explains the apparent inconsistency of his attitude in the fall of 1835. In a personal letter to a cousin, written August 21, 1835, from New Orleans on his return from a two years' imprisonment in Mexico, he gives the clearest exposition of his views. Having been kept in close confinement in Mexico, he was as yet unaware of the recent developments in Texas. He had, however, as he says in this letter, already come to the conclusion that the best interests of Texas demanded that she become a part of the United States. He had foreseen that the Anglo-American colonization of Texas, if unchecked, would result inevitably in her separation from Mexico, which he considered but the preliminary step to annexation to the United States. As a means of hastening the process he planned

<sup>1</sup>See below, p. 165, note 5; p. 173, note 1.

to induce a great immigration during the winter of 1835-6—"with passports, so long as the door was legally open; should it be closed, it would then be time enough to force it open, if necessary." The immigrants should of course be slaveholders, in order to harmonize with their neighbors in the slaveholding states. When this had been accomplished, he expected "the violent political convulsions of Mexico to shake off Texas as a gentle breeze shakes off a ripe peach." The importance of Texas to the southwest he believed would appeal to all reflecting men, but especially to Jackson and the Senate. In the meanwhile, however, everything should be governed by "*prudence and an observance of appearances.*" "The Mexicans," he says, "are a strange people. *Appearances* mean everything to them even though they know they are being deceived. They have high ideals of national dignity, but will sacrifice national dignity and national interest, too, if it can be done so as not to arrest public attention. The more the Anglo-American population of Texas is increased the more readily will the Mexican government give it up; and the more Texas *seems* to oppose a separation from Mexico the less tenacious will Mexico hold to it."<sup>1</sup>

Again, after the decision to join the Mexican Liberals had been

<sup>1</sup>Austin to a cousin (probably Mrs. Mary Austin Holley), August 21, 1835, Austin Papers. Compare this with Austin's attitude as expressed in a letter to Capt. Henry Austin, written shortly after the passage of the law of April 6, 1830. After deploring this law he goes on to say that all the settlers had been growing sincerely attached to the Mexican government. He does not know, he says, what the ultimate fate of Texas is to be, but for himself he is opposed to union with the United States except under certain guarantees, among which he would insist upon the perpetual exclusion of slavery from the country. A much earlier expression of the same opinions regarding Mexico that are contained in Austin's letter of August 21, 1835, is found in a letter written in cipher by Poinsett to Clay, July 27, 1825 (cited by Reeves, *American Diplomacy under Tyler and Polk*, 62). Poinsett says:

"I find that there exists great apprehension in the minds of the people of this country that the government of the United States contemplates renewing their claim to the territory north of the Rio Bravo del Norte, and it may be of some importance to consider their great sensibilities on this subject. It appears to me that it will be important to gain time if we wish to extend our territory beyond the boundary agreed upon by the treaty of 1819. Most of the good land from the Colorado to the Sabine has been granted by the state of Texas and is rapidly peopling with either grantees or squatters from the United States, a population they will find difficult to govern, and perhaps after a short period they may not be so averse to part with that portion of their territory as they are at present."



made, Austin wrote: "Every possible aid should be given the Federal party in the interior; but it should be done as auxiliary aid, in conformity with the 2nd article of the declaration. By doing this the war will be kept out of Texas. The country will remain at peace. It will fill up rapidly with families, and there will be no great need of a standing army."<sup>1</sup>

The importance of these statements lies in Austin's powerful influence. All things considered he was, without doubt, the first man in Texas. The newspapers quoted him; the private correspondence of the time also attests his popularity. Expressions such as the following were frequent: "All eyes are turned towards you . . . Texas can be wielded by you, and *you alone*; and her destiny is now completely in your hands. I have every confidence that you will guide us safely through all our perils."<sup>2</sup>

Soon after his arrival in Texas, however, Austin saw that his plan for separation from Mexico<sup>3</sup> would never have time to materialize. The war, indeed, was upon them. It had come, he said, much sooner than he had expected when he left Mexico or New Orleans.<sup>4</sup> Still he was opposed to declaring independence. The centralized government had succeeded in crushing similar rebellions throughout Mexico. Texas would do well to look to her resources before defying the strength of the "Napoleon of the West," as Santa Anna styled himself. A declaration of independence would turn against her even the Federal party with whom there was yet an opportunity to unite. If this union were effected the war might be kept out of Texas and prevented from assuming a "national" character.<sup>5</sup> In the meantime every nerve should be strained to put the country in a state of preparation.

As a part of their effort in this direction there would be nothing

<sup>1</sup>Austin to Johnson, Parker, Barrett, Robinson, Hanks, Sublett, and Hoxey, December 22, 1835, Brown, *Life of Henry Smith*, 177-180.

<sup>2</sup>W. B. Travis to Austin, September 22, 1835, Austin Papers.

<sup>3</sup>See above, pp. 163-164.

<sup>4</sup>Austin to Grayson, September 19, 1835, Austin Papers.

<sup>5</sup>Austin to Houston, January 7, 1836, *Telegraph and Texas Register*, February 27, 1836; Austin to F. W. Johnson, Daniel Parker, D. C. Barrett, J. W. Robinson, Wyatt Hanks, P. Sublett, and Asa Hoxey, December 22, 1835, in Brown, *Life of Henry Smith*, 177-180; Austin to R. R. Royal, December 25, 1835, *Ibid.* 249-253. These last two letters cited were the result of a party warfare in which Austin allowed himself to become involved. See below, p. 173, note 1.

amiss in applying to the United States, also, for sympathy and material aid. Even before hostilities began, Austin had said, "If there was any way of getting at it I should like to know what the *wise men* of the United States think the people of Texas ought to do."<sup>1</sup> Later on, only a week after the Consultation that had declared for the constitution had adjourned, Austin wrote, "The fate of Texas depends mainly on this—we ought to get united to the U. S. as soon as possible, it is the best we can do."<sup>2</sup>

Nothing can be more natural than this promptness with which the minds of the Anglo-American colonists reverted to their mother-country when friction began with the Mexican authorities. Often throughout the whole colonization period there was clearly discernible among the Texan pioneers a longing for the laws and institutions they had left, and a consequent impatience at the clumsy machinery of Mexican government. There was no congeniality between the two peoples. A newspaper article signed "Jefferson" and printed in the *Telegraph and Texas Register*, expresses sentiments toward the Mexicans which must have been typical. In comparing the Texan revolution with the American revolution of 1776 the writer said:

*We separate from a people one-half of whom are the most depraved of the different races of Indians, different in color, pursuits and character; and all of whom are divided from us by the insurmountable barrier which nature and refined taste have thrown between us—a people whose inert and idle habits, general ignorance and superstition, prevents the possibility of our ever mingling in the same harmonious family; and if possible, could only be done by self-degradation. . . . we separate from a people who not only neglected us, but drained our little resources, and threw every obstacle in the way of our advancement and prosperity. . . . [a nation] not sufficiently stable to assume a character, and consistent, in her different convulsions, only in treachery, tyranny and imbecility."*

This article appeared in February, 1836, and was written prob-

<sup>1</sup>Austin to a cousin, August 21, 1835, cited above, p. 163.

<sup>2</sup>Austin to Perry, November 22, 1835, Austin Papers.

<sup>3</sup>*Telegraph and Texas Register*, February 27, 1836.

ably by Wharton,<sup>1</sup> who was then on his way as commissioner to Washington. Its object had been to show the futility of further attempts to coöperate with the Mexican Liberals. But, though Wharton was unaware of the fact, it was unnecessary. During the first two months of 1836 even the most ardent adherents to the principles laid down in the November declaration had been won over, and when the convention met at Washington, Texas, March 1,<sup>2</sup> a declaration of independence was a foregone conclusion. On the next day, indeed, the declaration was made, and seven weeks later, on the battlefield of San Jacinto, the independence of Texas became a reality.

#### EFFORTS TO SECURE RECOGNITION.

##### 1. *The work of the first commission.*

The Texans realized that one of the first essentials in carrying on a successful revolution was money. In his inaugural address the chairman of the Consultation, Dr. Branch T. Archer, had stated: "It will be necessary to procure funds . . . in order to carry on the war in which we are now engaged; it will, therefore, be our duty to elect agents to procure those funds."<sup>3</sup> November 12, five days after the expedient of declaring for the constitution of 1824 had been adopted, the Consultation decreed that a commission, consisting of Stephen F. Austin, Branch T. Archer, and William H. Wharton be dispatched to the United States furnished with such instructions as the governor and the council might deem necessary.<sup>4</sup>

These instructions were not issued until nearly a month later, and Austin seems to have feared their power would be limited to soliciting financial aid only. He is said to have expressed an un-

<sup>1</sup>In his correspondence with the Texan Government Wharton refers to two pamphlets, one signed "Curtius," the other "Jefferson," which he had written and sent to Congress (Wharton to Governor Smith, February 7, 1836. Garrison, *Dip. Cor. Tex.*, I, 65; Wharton to Austin, January 15, 1837, *ibid.*, 176).

<sup>2</sup>When the Consultation had adjourned, November 14, 1835, it had been resolved "to meet on the first day of March next, unless sooner called by the governor and council" (Gammel, *Laws of Texas*, I, 548).

<sup>3</sup>Gammel, *Laws of Texas*, I, 511.

<sup>4</sup>*Ibid.*, 534.

willingness to go at all, unless vested with authority to treat with the government for annexation.<sup>1</sup> Wharton at first definitely declined his appointment, but for a different reason. He was one of the recognized leaders of the radicals, as Austin was of the conservatives, and he was loud in his demand for an immediate declaration of independence. The attitude assumed by the Consultation was much too indefinite, he claimed, to induce capitalists to lend pecuniary aid. Moreover, the declaration was of such a nature as would lead to the belief that the revolution was simply an internal domestic quarrel, and on that basis the United States would refuse to interfere. He advised that a convention meet, January 15, of the coming year to declare independence and sell Texas to the United States if practicable.<sup>2</sup>

The delay in providing instructions seems to have been due largely to doubts as to just what duties, aside from raising money, should be laid upon the commissioners, and the authority by which they should be sent out. A select committee appointed for the purpose of deciding this question reported November 21:

that upon considering the matter, they are unable to find any acts of the Convention, or of this Council, whereon to base instructions for the conduct of said agents, or any "data" which can guide your committee in an opinion of their duties, but from all the information they can obtain, your committee have concluded, that the agents should receive their instructions from the Executive; but in order to enable the Governor to give the necessary instructions, an ordinance should first be originated by the Committee of State, and passed and approved, defining in general the powers and duties of the agents, and make it the duty of the Executive to give such instructions as will be conformable to the resolutions of the Convention and the ordinances of the General Council, made with reference to the subject in view when this office was created. But your committee can not advise that the Committee of State be instructed upon this subject with propriety, until

<sup>1</sup>M. A. Bryan, Austin's nephew, to his father and mother, November 30, 1835, Austin Papers.

<sup>2</sup>Wharton to Archer, November 29, in Brown, *History of Texas*, I, 428. Wharton finally accepted the appointment (*Journal of the Council*, 108, cited by Yoakum, *History of Texas* II, 36). Yoakum also had access to a copy of the *Journal of the Council* different from that printed in Gammel, *Laws of Texas*, I.



the reports of the several committees on the Military, Navy, and Finance have been received and passed.<sup>1</sup>

Two weeks more were consumed in trying to frame an ordinance creating a loan of one million dollars, for which the commissioners were to negotiate.<sup>2</sup> Finally, December 4, Provisional Governor Smith, in his message to the General Council, took up the matter thus:

It must be acknowledged by all, that our only succour is expected from the East, where as yet we have not dispatched our agents, sufficient time has elapsed since the rising of the Convention, for them, by this time, to have arrived in the United States. They have called on me, in vain, day after day, time after time, for their dispatches, at least some of them, and they are not yet ready. I say to you, the fate of Texas depends upon their immediate dispatch and success. Why then delay a matter of such vital importance, and give place to minor matters which could be much better delayed? Permit me to beg of you a suspension of all other business, until our Foreign Agents are dispatched.<sup>3</sup>

Accordingly, on the next day an ordinance was passed authorizing the governor to issue to the commissioners<sup>4</sup> instructions as follows: they were to negotiate a loan of one million dollars and receive donations for Texas; to purchase supplies for the government, such as munitions of war, provisions, war vessels, etc.; to appoint agents for the government in the principal cities, subject only to themselves; to grant letters of marque and reprisal; and finally to open communications with the United States government relative to the political situation of Texas, under such instructions as the governor might deem prudent, in the present revolutionary condition of Texas and Mexico.<sup>5</sup> On the 7th the governor's formal

<sup>1</sup>Gammel, *Laws of Texas*, I, 31.

<sup>2</sup>Barker, "Texas Revolutionary Finances," in *Political Science Quarterly*, XIX, 628.

<sup>3</sup>Gammel, *Laws of Texas*, I, 623-624.

<sup>4</sup>Both Austin and Wharton had decided to go. The personal enmity, which had long existed between them and which had been augmented in the fall of 1835 by their differing views toward declaring independence, did not wear away until after they had worked together for a while in New Orleans (Austin to McKinney, January 21, 1836, Austin Papers).

<sup>5</sup>Gammel, *Laws of Texas*, I, 956-958.

commission authorizing the negotiation of the loan was issued,<sup>1</sup> and on the 8th the commissioners' private instructions were drawn up.<sup>2</sup>

It was this latter document which conferred upon the commissioners their diplomatic authority. After giving directions concerning the armed vessels that were to be fitted out and sent from New Orleans, the supplies to be purchased there, the loan and the donations that might be tendered, the instructions continued:

Finally, you will proceed to the City of Washington, with all convenient speed endeavoring at all points to enlist the sympathies of the free and enlightened people of the United States in our favour by explaining to them our true political situation and the causes which impelled us to take up arms; and the critical situation in which we now stand. You will approach the authorities of our Mother Country, either by yourselves, or confidential friends; and ascertain the feelings of the Government toward Texas, in her present attitude. Whether any interposition on the part of that Government in our favour can be expected, or whether in their opinion, any ulterior move on our part would to them, be more commendable and be calculated to render us more worthy of their favour, or whether by any fair and honorable means, Texas can become a member of that Republic. If not, if we declare Independence, whether that Government would immediately recognize and respect [us] as an independent People. Receive us [as] allies, and form with us a treaty of Amity both offensive and defensive. If all should fail on the part of the Government, or a refusal to intermeddle in our difficulty, You will immediately notify this Government whether good or bad, of your success,<sup>3</sup> and govern yourselves accordingly. On the failure of success with the Government, you will redouble your energies in arousing the sympathies of the Patriotic citizens of the north to rally to our assistance.<sup>4</sup>

<sup>1</sup>Commission issued by Governor Smith, December 7, 1835, Austin Papers; also in Garrison, *Dip. Cor. Tex.*, I, 51-52.

<sup>2</sup>Private Instructions, December 8, 1835, Austin Papers; also in Garrison, *Dip. Cor. Tex.*, I, 52-54.

<sup>3</sup>What is meant, evidently, is "If all should fail on the part of the government, and there should be a refusal to intermeddle in our difficulty, you will immediately notify this government of your success, whether good or bad."

<sup>4</sup>Garrison, *Dip. Cor. Tex.*, I, 53. The wording of these instructions seems to imply that the Texans expected that in some way annexation might be accomplished before recognition was secured. They would not have objected at this time as they did later on (see below, p. 230) to a cession of Texas by Mexico to the United States, previous to recognition.

It must not be supposed that enthusiasm for the Texan cause lay dormant in the United States until the coming of Austin, Archer, and Wharton. The Mexican invasion of Texas created the most intense excitement throughout the country. Spirited meetings were held in New Orleans, Mobile, Montgomery, New York, Boston, and doubtless in many other cities.<sup>1</sup> Volunteers from the United States had already enlisted in the Texas service,<sup>2</sup> and a contribution of \$7,000 had come from New Orleans.<sup>3</sup> September 1, 1835, Henry Meigs of New York wrote to Austin:

A sympathy almost universal, exists for your welfare and that of your colony.

The Govemt of the U. S. cannot disobey the public opinion, which will insist upon your safety and well being so long as you exhibit that temperate and just view and conduct which you have always done.

In a later letter, September 29, 1835, he said:

The U states are looking to your course with deep interest. It is not possible to separate you from them long. Every political, religious and commercial tie exists between them and you.

And again, November 15.

Public sentiment is aroused for your cause. We know that you are Bone of our Bone! and Flesh of our Flesh! that none but a Republican Government can exist over you! . . .

Govemnt can hardly do for you what private opinion and zeal is already active in doing. . . .

The Secretary of State (a few days ago) told me that there was but one result for your affairs—and that was, a natural and inevitable connection with the policy and Interests of *your country the United States*.<sup>4</sup>

John P. Austin, also, writing from New York, November 8, 1835,<sup>5</sup>

<sup>1</sup>John P. Austin to S. F. Austin, November 8, 1835, Austin Papers; *Telegraph and Texas Register*, January 30, 1836.

<sup>2</sup>Minutes of the General Council, November 15, 1835, Austin Papers; Gammel, *Laws of Texas*, I, 554-558.

<sup>3</sup>Barker, "Texas Revolutionary Finances," in *Political Science Quarterly*, XIX, 616.

<sup>4</sup>All three letters in Austin Papers. In the third Meigs speaks of his "intimate connection with the Secretary of State," whose remarks, here quoted, are interesting in view of Forsyth's later attitude toward Texas. Meigs was a brother-in-law of Forsyth.

<sup>5</sup>Letter cited in note 1 above.

to his cousin, Stephen F. Austin, after dwelling upon the "general and increased interest throughout the U. States" in favor of Texas, and the disposition shown to render "prompt and efficient aid," went on to relate a conversation held with an individual "direct from Washington—an old and intimate friend of President Jackson—who said the president had no disposition to interfere with any present aid given by the citizens of the United States, provided they did not openly violate the laws of nations." Moreover, he stated that orders had been sent to Pensacola for men-of-war to cruise in the Gulf of Mexico and that a sloop-of-war was being fitted out with all possible dispatch at Philadelphia to sail in a week or ten days to cruise between Tampico and the mouth of the Mississippi, "which," he added, "will be very much in your favor and a great protection to vessels bound into any of your ports." After such repeated assurances, it was quite natural, in spite of the neutrality proclaimed by the United States,<sup>1</sup> for the Texans to look confidently for material aid from their kinsmen on the north. Stephen F. Austin, in December, 1835, wrote that there would probably be thousands of volunteers from the United States in Texas within a few months.<sup>2</sup>

The commissioners reached New Orleans New Year's Day, 1836.<sup>3</sup> Their work began most auspiciously. Indeed no one was

<sup>1</sup>See below, p. 210.

<sup>2</sup>Austin to Johnson, *et al.*, December 22, 1835, in Brown, *Life of Henry Smith*, 177-180.

<sup>3</sup>Report of Austin, Archer, and Wharton to Burnet, July 21, 1836, Garrison, *Dip. Cor. Tex.*, I, 111-112. There is a conflict of evidence about the date of their arrival in New Orleans. On January 2, Barrett, chairman of the committee on the state and judiciary, in a report recommending that the commissioners remonstrate with the United States concerning a plan to transport the Creek Indians to Texas, says:

"that they cannot but express much surprise that our public agents have so long delayed to proceed to the fulfillment of the objects of their appointment; that, however, the Government may feel inclined to receive and respect the counsel of these gentlemen, and that of all others interested in the fate of Texas, yet duties of a different character having been assigned to our public agents to the United States of the north, it cannot be expected that they will devote their time to instructing the Government at home; when as agents of that Government they have higher and more important duties, which they are pledged to perform abroad. . . .

"Your committee therefore advise that the Governor be requested immediately to communicate instructions to the said commissioners, as to the necessity of proceeding with all possible despatch to such points in



more surprised than the commissioners themselves at the enthusiasm they found to exist. Austin wrote that it was a thousand fold greater than he had dreamed it would be. He was now convinced that Texas could obtain from the United States all the help she needed, and it was upon this assurance that he united for the first time with Archer and Wharton in the demand for an immediate and unanimous declaration of independence.<sup>1</sup> To make his conversion the more complete, news from Mexico stated that the Federal party had joined Santa Anna to invade Texas. If this were true, to adhere to the declaration of November 7 could do no possible good. On the other hand, the indefinite position in which it placed Texas had already done injury and would ruin the cause, except for the confident expectation that the new convention would soon meet and declare absolute independence.<sup>2</sup>

Austin confessed now that his own impulses had long been to see Texas free from the "trammels of religious intolerance, and other anti-republican restrictions." But he had hesitated, he said, on account of the responsibility he felt in colonizing Texas, to precipitate others into the situation which this involved, until convinced that they would be sustained. The information he had ac-

the United States of the north as shall enable them with the greatest certainty to effect the objects of their mission" (Gammel, *Laws of Texas*, I, 723-724).

It seems strange that a committee of the General Council should have been ignorant as to the movements of the commissioners; but Austin, at least, if not his colleagues also, had spent some time in Quintana previous to their departure from Texas, which could not have taken place earlier than December 25 (Austin to Johnson, *et al.* December 22, 1835, in Brown, *Life of Henry Smith*, 177-180; Austin to Royall, December 25, 1835, *ibid.* 249-253). It would have taken several days for the Council at San Felipe to learn that they had gone. The evidence certainly seems to point to the correctness of Austin's statement that they reached New Orleans on January 1.

<sup>1</sup>Austin to Houston, January 7, 1836, in *Telegraph and Texas Register*, February 27, 1836; Austin to Capt. Henry Austin, January 7, 1836, in Gen. Stephen F. Austin's Letter and Memorandum Album, 1836, Austin Papers. In this letter Austin deplores the fact that he went to New Orleans by water instead of overland as it carried him through Quintana where he became involved in party warfare—a thing he had always tried to avoid. It was while in Quintana that he wrote the letters of December 22 and 25 (see Brown, *Life of Henry Smith*, 177-180; 249-253) in which he bitterly denounces the advocates of an immediate declaration of independence—especially Wharton (see above, p. 163).

<sup>2</sup>Austin, Archer, and Wharton to Governor Smith, January 10, 1836. Garrison, *Dip. Cor. Tex.*, I, 55-57.

quired on this subject since leaving Texas had fully satisfied him.<sup>1</sup> Elaborating these views in a letter to his cousin, Henry Austin, he said:

We can get all the aid we need to sustain our independence and I think it will not be difficult to procure the recognition of the U. S. Gov't. Nothing is wanted but union and concert of action and of purpose at home and an unqualified declaration of independence at once. That of 7th Nov'r has been made an absolute declaration of independence, by the acts of the Mexicans by submitting to centralism and of the Gov't. in invading us, and no act of that government for the sale or transfer of Texas to any one, can be or ought to be, in any manner valid, or obligatory on the people of Texas. . . .

I had no idea before I left home, of the deep and general interest that is felt for the cause of Texas, or of the influence which my opinions seem to have in this country—had I known it sooner, I should have been less cautious than I have been about precipitating the people of Texas into a declaration of independence. The responsibility, however, would have been very great on me had I contributed to involve the settlers whom I had been instrumental in drawing to that country, before I was certain they would be sustained. I am now confident they *will* be fully and promptly sustained in their independence, and that the sooner such a declaration is made the better. Besides, the reasons for leaving open any door, however small, for a re-union with Mexico have ceased, for all parties have united against us.<sup>2</sup>

Indeed Austin became so imbued with the American spirit of expansion that he suggested that the declaration of independence prescribe no limits on the southwest or northwest, leaving the field open for expansion beyond the Rio Grande, "and to Chihuahua and New Mexico."<sup>3</sup> Wharton was not so ambitious. From Nashville he wrote Governor Smith that it was his belief that to fight for

<sup>1</sup>Austin to Houston, January 7, 1836, in *Telegraph and Texas Register*, February 27, 1836; also in Wooten, *A Comprehensive History of Texas*, I, 570-571.

<sup>2</sup>S. F. Austin to Henry Austin, February 14, 1836, in extracts of letters October 14, 1830—February 14, 1836, Austin Papers.

<sup>3</sup>Austin to Houston, January 7, 1836, in *Telegraph and Texas Register*, February 27, 1836, also in Wooten, *A Comprehensive History of Texas*, I, 570-571.

anything beyond the Rio Grande would "damn us beneath all depth in hell."<sup>1</sup>

In addition to the friendly interest manifested, another cause for congratulation, the commissioners felt, was that, in spite of the fact that Texas, according to her own declaration, was nothing more than a seceded state of the Mexican confederation, with no credit and no wealth except her lands, there were still found individuals who were willing to advance money with which to finance the revolution. A short time after their arrival in New Orleans two loans were negotiated, the first for \$200,000, the second for \$50,000. To be sure, the terms upon which these loans were secured were not all that could have been desired. The lenders, or holders of the scrip, had the right to take in return lands in Texas at fifty cents an acre. The most objectionable feature was that the lenders were allowed to choose their lands, priority of selection being reserved to subscribers of the first loan; and no further sales of lands by the Texan government were to take place until this choice was made. Moreover, in the case of the first loan, after the first payment, which was to be 10 per cent of the whole, had been made, the lenders had the right to withhold further payment, if they so desired.<sup>2</sup> The second loan was supposed to be a cash payment.<sup>3</sup> In other words, these so-called loans were nothing more

<sup>1</sup>Wharton to Governor Smith, February 7, 1836, Garrison, *Dip. Cor. Tex.*, I, 66.

<sup>2</sup>Printed copies of these terms are among the Austin Papers. The following were the subscribers to the first loan: T. D. Carneal, L. White-man, Paul Anderson, and J. F. Irwin all of Cincinnati; J. N. Morrison of Maysville, Kentucky; Robert Triplett of Yellow Banks, Kentucky; and George Hancock of Louisville, Kentucky; W. F. Gray of Fredericksburg, Virginia; J. S. Brander of Pittsburg, Virginia; and Alfred Penn of New Orleans. In the case of the second loan twelve subscribers were from New Orleans, three were from Virginia, and two were from Kentucky. It would be instructive to attempt to discover how much the interest felt for Texas in some sections of the United States was due to the influence of individuals who had invested heavily in Texas lands. Barker, "Land Speculation as a Cause of the Texas Revolution," in *THE QUARTERLY*, X, 95, says, "In 1836 the Texans contracted several loans on the public land, and there is material to warrant the belief that those who advanced the money were ready, if the revolution had continued long enough, to enlist volunteers for the cause."

<sup>3</sup>Gouge, *Fiscal History of Texas*, 53, says the amount actually received was only \$45,820. Austin estimated that it would yield but \$40,000 cash (Austin to McKinney, January 21, 1836, Austin Papers). This may have been written inadvertently, as undoubtedly was the following

than gigantic land speculations, whereby five hundred thousand acres of the choicest lands in Texas were to be secured at fifty cents an acre.<sup>1</sup> But they meant about sixty thousand dollars in cash for Texas, and were therefore duly gratifying. Moreover, the interest was only eight per cent, though the commissioners were authorized to offer as much as ten.<sup>2</sup>

In communicating the transactions to the government the commissioners reported enthusiastically: "Some of the best informed persons of this place confidently assert that this loan insures the triumph of our cause and the independence of Texas. That in New Orleans, so near us, and so well acquainted with our situation, confidence enough should exist in us to induce a loan, speaks volumes in our favor and will give confidence everywhere else." The "hundreds of capitalists," they continued, "who would soon be in possession of stock in this loan would feel as much interest in Texas as those who had long lived there. As evidence of this fact the subscribers had already offered to send to Texas five hundred men, officered, armed, and equipped, to serve throughout the war under easy terms as regarded reimbursement when the war was over." In conclusion they said: "Disposing of our land at fifty cents pr. acre for the purpose of getting money so particularly indispensable at this moment, appears to us very fortunate. In fact rather than have missed the loan, we had better borrowed the money for five years and given them lands in the bargain."<sup>3</sup>

statement regarding the first loan: "We have effected a loan for \$200,000, but only get 20 pr. cent advance at this time" (Austin to Perry, January 18, 1836, Austin Papers).

<sup>1</sup>Barker, "Texas Revolutionary Finances" in *Political Science Quarterly*, XIX, 629.

<sup>2</sup>Gammel, *Laws of Texas*, I, 948. For the ratification of the first loan the commissioners pledged the faith of the country; for the second they pledged their individual property.

<sup>3</sup>Austin, Archer, and Wharton to Smith, January 10, 1836, Garrison, *Dip. Cor. Tex.*, I, 56-57. Unfortunately the Texan authorities were not of the same opinion. They were glad to get the money at first, but opposition to the terms of the loan was soon manifested, and it grew stronger during the term of the government *ad interim*. A compromise was proposed, but a subsequent act of the Texan government destroyed the monopoly which the stockholders in the original loan had hoped to enjoy, so they declined to buy more land. The matter was not finally closed until the summer of 1838 (Barker, "Texas Revolutionary Finances," in *Political Science Quarterly*, XIX, 631-632). This unfortunate squabble did much to injure the credit of the young republic.



Another piece of enterprise on the part of the commissioners during their stay in New Orleans deserves notice. This was the designing of a flag for Texas, which was intended as an appeal both to England and America for recognition. Austin first planned a flag, a draft of which was sent to Gail Borden, January 18, 1836.<sup>1</sup> This design was submitted to the commissioners and modified. In this form Professor Garrison describes it as follows: "It had—or was meant to have—the thirteen stripes of the United States flag, with the red changed to blue, and in the upper left-hand corner, instead of stars, was the British union with red stripes on a white field. On the flag was a sun encircled by the motto *Lux Libertatis*, and on the face of the sun was the head of Washington, underneath which were the words, 'In his example there is safety.'"<sup>2</sup> The flag was not accepted by the Texas authorities, but this "mute appeal . . . [of the Texans] to their near and still nearer of kin which lay in joining the British Jack to the stripes of the American Union was at once proud and pathetic."<sup>3</sup>

The rest of the work of the commissioners in New Orleans consisted in supervising the purchase of supplies;<sup>4</sup> providing for the equipment of the schooner *Ingham*, late revenue cutter, for the service of Texas; appointing William Bryan general agent of the government at New Orleans, and Edward Hall purchasing agent; authorizing T. D. Owings to raise troops for Texas in Kentucky; and instructing A. J. Yates to go to New York to purchase a steam vessel to defend the Texas coast.<sup>5</sup> Wharton left on the 17th for

<sup>1</sup>Austin to Borden, January 18, 1836, Austin Papers. Professor Garrison identifies as this design a drawing of a flag found some years ago among the Nacogdoches Archives (in the Texas State Library). He also shows that the flag presented to Moseley Baker's company at San Felipe in February, 1836, was in all probability made after this pattern. (Garrison, "Another Texas Flag," in *THE QUARTERLY*, III, 170-176). There is another draft of the flag in the Austin Papers, which, although now separated from the letter to Borden, was doubtless originally filed with it.

<sup>2</sup>Garrison, "First Stage of the Movement for the Annexation of Texas," in *The American Historical Review*, X, 73-74.

<sup>3</sup>Garrison, "Another Texas Flag," in *THE QUARTERLY*, III, 176.

<sup>4</sup>A. Houston, quartermaster-general, to commissioners, January 10, 1836, Austin Papers.

<sup>5</sup>A. J. Yates to Austin, Archer, and Wharton, January 14, 1836; Austin and Archer to Henry Smith, January 26, 1836; Austin and Archer to Yates, January 21, 1836; Austin and Archer to Colonel Owings, January 18, 1836; all in Austin Papers, the last two also in Garrison, *Dip. Cor. Tex.*, I, 59-62.

Nashville. Austin and Archer remained in New Orleans throughout January.

During the next two months the commissioners slowly made their way toward Washington. They were greatly delayed on account of the frozen condition of the roads and rivers and the illness of Austin and Wharton at Nashville.<sup>1</sup> It had been their intention before leaving Texas<sup>2</sup> and while in New Orleans<sup>3</sup> to return home in March, perhaps in time for the March convention. By March 3, Austin and Archer had gone no further than Louisville, Kentucky, and Wharton was still ill in Nashville. Before they could reach Washington the convention undoubtedly would have declared independence and organized a permanent government. The provisional government which they represented would then no longer exist, and in that case their present credentials would be worthless at Washington. A failure on their part to receive recognition as commissioners, they realized, would be disastrous. In order now to enter into negotiations concerning recognition, it was absolutely necessary to have an official copy of the declaration of independence and new instructions from the convention. They were therefore in no haste to proceed until these documents should have been forwarded to Washington.<sup>4</sup> By the latter part of the month

<sup>1</sup>Wharton to Governor Smith, February 7, 1836, Garrison, *Dip. Cor. Tex.* I, 65-66; Austin, Archer, and Wharton to Governor Smith, February 16, 1836, *ibid.*, 66-69; Austin and Archer to the Governor of Texas, March 3, *ibid.*, 72-73.

<sup>2</sup>See Barrett's report, January 2, 1836, given above, p. 172, note 3, in which he says, "Already one-half of the time allotted to the fulfillment of the trust committed to them is expired."

<sup>3</sup>Austin, Archer and Wharton to Governor Smith, January 10, 1836, Garrison, *Dip. Cor. Tex.* I, 57.

<sup>4</sup>Austin and Archer to the Governor of Texas, March 3, 1836, Garrison, *Dip. Cor. Tex.* I, 72-73, a rough draft of which is among the Austin Papers; Austin, Archer and Wharton to the Government of Texas, April 6, 1836 (its date should have been April 5; see Yates to Allen, April 5, Garrison, *Dip. Cor. Tex.*, I, 79, and Wharton to Austin, April 6, *ibid.*, 80-81), Garrison, *Dip. Cor. Tex.*, I, 79-80. In this last letter the commissioners report:

"Knowing that we could not effect anything with the money market, or with the Government, until we received an absolute declaration of Independence by Texas, and special powers and instructions to present it, we purposely delayed getting to Washington until such time as we thought we would certainly meet with the declaration, and also with the appointment of some one of us, or somebody else, to lay the matter before the Government officially."

it was reported that the commissioners had arrived at their destination.<sup>1</sup>

But in the meantime they had not been idle. In all the larger cities<sup>2</sup> they addressed enthusiastic gatherings, with the direct result that hundreds of volunteers, armed and equipped by contribution, flocked to Texas.<sup>3</sup> Even the ladies of Nashville offered the means with which to equip one company.<sup>4</sup> Resolutions, praying the recognition of Texas, were drawn up at these meetings and sent to Congress. Money, too, was offered on such advantageous terms<sup>5</sup> that the commissioners were encouraged to recommend to their government the issue of scrip bearing only five per cent interest and redeemable in tracts of 640, 320, and 160 acres at \$1.00 per acre, to be located after all land claims had been definitely and finally settled.<sup>6</sup> Indeed from the time they reached New Orleans until they arrived in Washington the commissioners wrote always in the same cheerful tone. From Nashville, February 16, they reported to Governor Smith: "It is with the most lively sentiments of gratitude toward the patriotic and generous citizens of this free

<sup>1</sup>G. C. Childress to President Burnet, March 28, 1836, Garrison, *Dip. Cor. Tex.* I, 74; Austin, Wharton, and Archer to William Bryan, March 31, Austin Papers.

<sup>2</sup>Their route lay through Nashville, Louisville, Cincinnati and Pittsburgh.

<sup>3</sup>The great majority of these volunteers, however, did not reach Texas until after the battle of San Jacinto, and their presence in the country then proved to be a great menace.

<sup>4</sup>Austin, Archer, and Wharton to Governor Smith, February 16, 1836, Garrison, *Dip. Cor. Tex.* I, 66-69; Austin to Owings, February 12, 1836, *ibid.*, 69-70.

<sup>5</sup>For some reason, though, nothing came of it; for Burnet, in an article written August 10, 1836, printed in the *Telegraph and Texas Register*, August 26, 1837, says that the commissioners traversed the United States from New Orleans to New York and (excluding the loans secured in New Orleans) were able to raise only \$10,000, which came from New York (see below, p. 186). They were offered \$50,000 in Mobile on the same terms as the New Orleans loan, but they then believed money could be secured to better advantage (Austin, Archer, and Wharton to Governor Smith, February 16, 1836, Garrison, *Dip. Cor. Tex.* I, 67). As another method of raising money the commissioners upon the recommendation of H. R. W. Hill, whom they had appointed as Texan agent in Tennessee, decided to have the Texan government issue treasury notes. Without awaiting the consent of the government they proceeded to take the necessary steps (Austin, Archer, and Wharton to Governor Smith, February 24, 1836, *ibid.*, 71).

<sup>6</sup>Austin, Archer, and Wharton to Governor Smith, February 16, 1836, Garrison, *Dip. Cor. Tex.*, I, 67-68. Compare these terms with those of the first loan as given above, p. 175.

and happy land, and with renewed confidence in the triumph of our cause, that we inform you, of the universal and enthusiastic interest which pervades all ranks and classes of society in every part of this country in favor of the emancipation of Texas."<sup>1</sup> Upon two things only, they urged, did the success of the cause depend. There must be union and harmony at home, and the March Convention must make a decided and unanimous declaration of independence. If these ends were achieved, the recognition of Texas, they believed, would follow.<sup>2</sup>

From the standpoint of recognition the important results of the work of the commissioners on their way to Washington in the spring of 1836 were: (1) their own personal letters to President Jackson and to friends in Congress; (2) pamphlets containing information concerning Texas, and printed addresses which they themselves had delivered, copies of which were forwarded to Washington; and (3) the resolutions and memorials which, through the instrumentality of the commissioners, as has been noted,<sup>3</sup> were drawn up at public gatherings and sent to Congress.<sup>4</sup> As will be indicated later on,<sup>5</sup> these last documents and similar ones that came from other sections of the United States did far more toward bringing the question of recognition before the authorities in Washington than did any of the commissioners until Wharton was sent back in the fall of 1836.<sup>6</sup>

There are only two of these printed addresses which remain on record to illustrate the kind of appeals the commissioners made to the people. One is that of Wharton's delivered later on in New York, April 26.<sup>7</sup> The other was given at this time by Austin,

<sup>1</sup>Austin, Archer, and Wharton to Governor Smith, February 16, 1836, Garrison, *Dip. Cor. Tex.*, I, 67-68. A letter written May 24, 1836, by A. M'Call, a "sensible writer of Virginia," as Yoakum calls him, says: "Austin is doing wonders among us for his country; he is a Franklin in patience and prudence" (Yoakum, *History of Texas*, II, 175).

<sup>2</sup>Austin to Barrett, February 18, 1836, Garrison, *Dip. Cor. Tex.*, I, 70-71, where the title is given "Austin to [Smith(?)]"

<sup>3</sup>See above, p. 179.

<sup>4</sup>Wharton to Governor Smith, February 7, 1836, Garrison, *Dip. Cor. Tex.* I, 65-66; report to Austin, Archer, and Wharton to President Burnet, July 21, 1836, *ibid.*, 111-112.

<sup>5</sup>See below, p. 213.

<sup>6</sup>See below, p. 222.

<sup>7</sup>See below, p. 186.



March 7, to an unusually large audience at the Second Presbyterian Church of Louisville, Kentucky. Wharton's address is more eloquent, perhaps, but Austin's is more worthy of note, because it deals with definite facts, is more logically written, and is better calculated to appeal to more varied interests.<sup>1</sup>

After outlining briefly the history of the colonization movement and the origin of the revolution, with a view to showing the justice of the Texan cause, Austin went on to speak of the present situation of Texas. The declaration of November 7, 1835, he said, was "*an absolute Declaration of Independence—a total separation from Mexico.*"<sup>2</sup> But it was Mexico and not Texas who had forced this situation; it was she who had trampled under foot the Constitution of 1824 and broken faith. The object which Texas now had was *freedom*, which she might obtain either as an independent republic or as a part of the United States. To the United States, in either case, Texas looked for help. This the citizens of the United States ought to render for the following reasons: Patriotism called for it—the Texan cause was the same holy cause of light and liberty for which their forefathers, the founders of the great American republic, had fought and bled. Philanthropy urged it—the emancipation of Texas would not only give to her the principles of self-government, but would open the way for a 'stream of light and intelligence to flow from the great northern fountain over the benighted regions of Mexico.' Precedent justified it—even the Greeks and Poles had received encouragement from the United States in their struggle for liberty. Finally cold calculating policy approved the wisdom of it—the people of the

<sup>1</sup>Copies of these addresses are among the Austin Papers. Austin's address was reprinted with Wharton's (New York, 1836). There is nothing to show where Austin's was first published, but the date of its first publication must have been before April 26, as Wharton on that date quotes from a printed copy (see Wharton's address, p. 14). Moreover the separate copy among the Austin Papers is apparently the one used by Mrs. Holley in preparing her book, *Texas*, published, 1836. (See address as reprinted in Holley, *Texas*, pp. 253-280; also manuscript note on fly leaf of the pamphlet, Austin Papers).

<sup>2</sup>It is an interesting comment upon the demand public opinion in the United States was making for the independence of Texas to see the commissioners, especially Austin, thus interpreting the declaration of November 7. Simultaneously with this interpretation they were pleading with the home government to declare independence.

south and west must look to their interests. "By filling it [Texas] with a population from this country, who will harmonize in language, in political education, in common origin, in everything, with their neighbors to the east and north. . . . Texas will become a great outwork on the west, to protect the outlet of this western world, the mouths of the Mississippi, as Alabama and Florida are on the east; and to keep far away from the southwestern frontier—the weakest and most vulnerable in the nation—all enemies who might make Texas a door for invasion, or use it as a theatre from which mistaken philanthropists and wild fanatics, might attempt a system of intervention in the domestic concerns of the south, which might lead to a servile war, or at least jeopardize the tranquility of Louisiana and the neighboring states.

"This view of the subject," he concluded, "is a very important one, so much so that a bare allusion to it is sufficient to direct the mind to the various interests and results, immediate and remote, that are involved." In so "directing the mind" Austin little realized that he was helping to kindle passions which were destined to prevent for more than a decade one of the aims he had in view—annexation; and which were to have their influence, at least indirectly, in postponing until the next year the other object of his mission to Washington, namely, recognition.

From the time of their arrival in Washington, late in March, things began to look gloomy for the commissioners. Contrary to their expectations no dispatches were awaiting them from Texas. That independence had been declared they had learned through the newspapers,<sup>1</sup> but it was quite useless for them to present themselves to the authorities, devoid as they were of official information and the necessary credentials. This was all the more harassing as they were led to believe that the congress then in session was inclined to look favorably upon the objects they had in view.<sup>2</sup> April 6, they reported:

We have received the Declaration through the papers, but we have not received it officially, and it is therefore useless to us. The Gov-

<sup>1</sup>Austin, Archer, and Wharton to the Government of Texas, April 6, 1836, Garrison, *Dip. Cor. Tex.*, I, 79-80.

<sup>2</sup>Wharton to the Governor of Texas, April 9, 1836, Garrison, *Dip. Cor. Tex.*, I, 81-82.

ernment will not act upon it, until it is presented to them by some one with ministerial powers from the same Convention that made the declaration. When presented in this form, with evidence of our Capacity to maintain our Independence, we believe this Government is prepared to recognize us, and if we wish, to admit us into this Union, on liberal principles, if the people of Texas wish it. But they require a Minister with full powers to treat on the subject. If we had had these powers, Texas would have been, by this time, recognized, if not admitted into the Union.<sup>1</sup>

Three days later Wharton wrote:

Since the meeting of the new convention we have had no correspondence with the Texas Government. We have seen the declaration in the papers but this government will take no notice of it until it is presented by an agent with *credentials* from the present government. Let me urge the vesting of some one with plenipotentiary powers without *One Moments delay*. He must be here before this congress adjourns. They I think are favourable. The next may have a preponderance of Northern and Eastern jealousy and Abolition. Let our Minister be instructed and empowered to negotiate a treaty for the admission of Texas into this union if such which God Grant is the wish of Texas. . . . Do attend if you have not done it already to sending on a Minister immediately with ple[n]ary powers to treat for the admission of Texas into this Union. Probably 2 or 3 agents would be better.<sup>2</sup>

A. J. Yates, writing from Baltimore after Austin had joined him, also attested the friendly spirit at Washington. He said:

Everything at Washington appears very prosperous and the Congress and Government are all ready to recognize us and if desired by us to receive us on favorable terms into the Union. The Commissioners can not present themselves officially however untill they receive despatches subsequent to the adoption of the Declaration of Independence. They have received the most marked attention in Washington and both parties are warmly in our favor. I have had several conversations with the President and several of the Cabinet and members and find all unanimously ready to do all they can for us.

If the Government had done their duty on the declaration of Independence and forwarded the necessary powers and instructions to

<sup>1</sup>Austin, Archer, and Wharton to the Government of Texas, April 6, 1836, Garrison, *Dip. Cor. Tex.* I, 80.

<sup>2</sup>Wharton to the Governor of Texas, April 9, 1836, Garrison, *Dip. Cor. Tex.*, I, 81-82.

the Commissioners Congress would have decided the matter before this time.<sup>1</sup>

Wharton complains to Burnet, April 23, that though he had "written to the government a dozen times . . . [he had] not received one line since the 20th of February last,"<sup>2</sup> and on the next day Austin writes Bryan, the New Orleans agent, "you and you *alone* have written to us, from the Government of Texas, we have not received one word, not even one."<sup>3</sup>

To make matters worse unofficial reports from Texas were far from encouraging. News had come that the Mexicans were again invading the country,<sup>4</sup> and rumors were afloat of the unseemly quarrel between the governor and his Council.<sup>5</sup> Realizing that nothing could be done in Washington under their present instructions, and knowing that the situation in Texas demanded the immediate aid of money and men, the commissioners decided to separate and devote their attention for the present to securing these material necessities.<sup>6</sup> On April 5 Austin set out to visit Baltimore, Philadelphia, and New York, while Archer on the next day left for Vir-

<sup>1</sup>A. J. Yates to A. C. Allen, New Orleans, April 5, 1836, Garrison, *Dip. Cor. Tex.*, I, 79.

<sup>2</sup>Wharton to Burnet, April 23, 1836, Garrison, *Dip. Cor. Tex.*, I, 87.

<sup>3</sup>Records of the Department of State, Book 34, p. 422.

<sup>4</sup>Wharton to Austin, April 7, 1836, Austin Papers; Austin to Bryan, April 24, 1836, Records of the Department of State, Book 34, p. 422.

<sup>5</sup>Report of Austin, Archer, and Wharton, July 21, 1836, Garrison, *Dip. Cor. Tex.*, I, 112; Wharton to the Governor of Texas, April 9, 1836, *ibid.*, 81-82. In this letter Wharton makes the following appeal: "If our invaders prevail or if *anarchy* and confusion and violence among the inhabitants should arise then *Texas will not be recognized*. On this you may rely. For Gods sake for our wives and childrens sake and our bleeding countrys sake let harmony and union prevail as among a band of *brothers*."

<sup>6</sup>For this purpose J. M. Wolfe had already been dispatched, March 31, to Charleston, S. C., with instruction to travel through the Southern States (Austin, Archer, and Wharton to Wolfe, March 31, 1836, Austin Papers and *Dip. Cor. Tex.* with U. S., MSS). He visited Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Virginia, Pennsylvania, New York, New Jersey, South Carolina, Georgia. His chief success lay in getting memorials sent to Congress. The money raised was used in sending volunteers to Texas (Wolfe to Congress of Texas undated, *ibid.*) In attempting to raise money the commissioners were as much hampered by the failure of the Texan government to send them official information as they had been in their diplomatic capacity. "Capitalists would not lend under the November declaration," Wharton reported (Wharton to the Governor of Texas, April 9, 1836, Garrison, *Dip. Cor. Tex.*, I, 82).



ginia. Wharton alone remained in Washington to keep in touch with the government.<sup>1</sup>

From New York Austin made one other attempt to secure the active support of the United States as a nation. In sheer desperation at the repeated disasters which had befallen his country, he threw aside all ceremony, and on April 15 addressed an almost frantic appeal to "Andrew Jackson, Martin Van Buren, Richard M. Johnson, John Forsyth, Lewis Cass, T. H. Benton and to any member of the cabinet, or Congress of all parties and all factions of the United States." He asked first that some of the \$37,000,000 surplus in the United States treasury be devoted to the Texan cause; and second that Jackson and Congress come out openly and make the war what it already was *sub rosa*—namely, a national war.<sup>2</sup> Of course nothing came of it. Richard M. Johnson, to whom it seems to have been sent, although apparently an ardent sympathizer with Texas, in his reply expressed his opinion that it would be "useless, at this time, to get our Government to go into the contest as a nation."<sup>3</sup> Jackson, who also inspected the document, indorsed on the back of it the following: "The writer does not reflect that we have a treaty with Mexico, and our national faith is pledged to support it. The Texians before they took the step to declare themselves Independent, which has aroused and united all Mexico against them ought to have pondered well—it was a rash and premature act, our neutrality must be faithfully maintained."<sup>4</sup>

Austin spent nearly two months on his journey through Baltimore, Philadelphia, and New York.<sup>5</sup> By the middle of May he was

<sup>1</sup>Yates to Allen, April 5, 1836, Garrison, *Dip. Cor. Tex.*, I, 79. Austin, Archer, and Wharton to the Government of Texas, April 6, 1836, *ibid.*, 80; Wharton to Austin, April 6, 1836, *ibid.*; Austin to Burnet, June 10, 1836, *ibid.* 98.

<sup>2</sup>Austin to Andrew Jackson *et al.*, April 15, 1836, Jackson MSS., also Austin Papers.

<sup>3</sup>Johnson to Austin, April 18, 1836, Austin Papers.

<sup>4</sup>Jackson MSS.

<sup>5</sup>Austin, from Baltimore, to a cousin, April 7, 1836, manuscript letter in a pamphlet containing Austin's address at Louisville, March 7, 1836, Austin Papers; Austin from Philadelphia, to Biddle, April 9, 1836, Austin Papers; Austin from New York to Jackson *et al.*, April 15, 1836, *ibid.*; commission of Yates given by Austin and Wharton, New York, May 9, 1836, *ibid.*

back in Washington,<sup>1</sup> which city he left May 24 for Texas.<sup>2</sup> If Archer went to Richmond as he planned,<sup>3</sup> he returned immediately, for, on April 26, all three of the commissioners attended a very enthusiastic meeting at Masonic Hall in New York City. Samuel Swartwout, who was an ardent friend of Texas, presided. Wharton was the orator of the day, and "in a strain of sublime and touching pathos" he appealed for sympathy and aid. Austin and Archer also spoke, and the result was a series of resolutions expressing deep interest in the cause and declaring it to be to the "honour of a free and powerful nation like the United States, to be the first to take her [Texas] by the hand, and acknowledge her independence." Committees were also appointed to receive donations and to confer with the commissioners as to the best way of lending efficient aid.<sup>4</sup>

It was about this time, and no doubt due to the joint efforts of the commissioners in New York, that negotiations were made for a loan of \$100,000 on terms similar to the New Orleans loan, except that the present subscribers had the privilege of taking Texas lands at twenty-five instead of fifty cents an acre. The commissioners were not particularly enthusiastic over this arrangement, but as has been pointed out,<sup>5</sup> its terms were perhaps as good as those made in New Orleans, since, in the latter case, the expense of issuing stock certificates and of surveying the land was to be borne by the Texan government; in the former, by the lenders themselves. Only ten per cent of this New York loan was ever paid.<sup>6</sup> The commissioners admitted that this was all they counted upon getting, since they did

<sup>1</sup>Austin and Wharton from Washington to James Treat, May 16, 1836, Austin Papers.

<sup>2</sup>Austin to Houston, June 16, 1836, cited by Yoakum, *History of Texas*, II, 177.

<sup>3</sup>See above, p. 184.

<sup>4</sup>*Texas, Address of the Honorable Wm. H. Wharton*, New York, April 26, 1836, Austin Papers. An account of the meeting is also published in this pamphlet, 54-56.

<sup>5</sup>Barker, "Texas Revolutionary Finances," in *Political Science Quarterly*, XIX, 634.

<sup>6</sup>Treat to Austin, July 30, 1836, Austin Papers; article by President Burnet, August 10, 1836, in *Telegraph and Texas Register*, August 26, 1837, cited above, p. 179, note 5. Barker, "Texas Revolutionary Finances," in *Political Science Quarterly*, XIX, 634, says only \$7000 of this ten per cent can be accounted for.

not expect the loan to be ratified "unless the prospects of Texas were gloomy even to desperation."<sup>1</sup>

Wharton and Archer remained in the United States for some time after Austin's departure, but practically nothing is known of their work during this period. Finally they embarked together on the *Independence*,<sup>2</sup> and reached Texas about the middle of July.<sup>3</sup>

In the meantime Austin, on his way home, had stopped for a few days in New Orleans. The tone of his correspondence now, contrasted with the enthusiasm with which he had written from here at the beginning of the year, tells the story of his disappointment at the outcome of the mission. The fault he charges to the Texan government alone. Conditions in Washington he had considered most favorable, and the commissioners had not been wanting in zeal. But they were rendered helpless by the negligence of the authorities at home. In a letter to President Burnet from New Orleans, June 10, Austin said:

I fully believe that nothing is wanting at Washington, to procure an acknowledgment of our independence but *official information*, of the true state of things at home. That is, evidence that a govt *de facto* is regularly organized and in operation and able to sustain the independence of Texas—that the Mexicans have been defeated, and driven out of Texas, (if the latter be the fact) or if not driven out, how far they have retreated. What is the force of the Texas army, what that of the enemy, their relative position, and the situation of the country generally. All this should be sent *immediately* in an *official* form to the representatives of Texas in Washington (Childress and Hamilton,<sup>4</sup> including Wharton should he still be there, or either of them who may be there) with instructions to lay it before the Govt of the U. S., without delay and apply for a recognition of our independence.

<sup>1</sup>Report of Austin, Archer, and Wharton to President Burnet, July 21, 1836, Garrison, *Dip. Cor. Tex.*, I, 112.

<sup>2</sup>Treat to Austin, July 30, 1836, Austin Papers.

<sup>3</sup>Austin's Letter and Memorandum Album (1836), p. 25, *ibid*.

<sup>4</sup>Childress and Hamilton were the first representatives of the government *ad interim* (see below, pp. 194-195). While in New Orleans, Austin met Collinsworth and Grayson (Austin to Ficklin, October 30, 1836, Austin Papers), the commissioners of the government *ad interim*, who had been appointed, May 26, to supersede all others. It may have been here that Austin learned for the first time of their appointment, as the letter recalling him and his colleagues was written May 27, three days after his departure from New York (see below, p. 202).

If such documents as the above had been received by the representatives of Texas before I left Washington, I believe that I could have brought on our recognition. The feeling there is decided and ardent in our favor and no time should be lost in making a proper use [of it].<sup>1</sup>

Six days later he wrote to Houston:

I shall do all I can to procure the annexation of Texas to the United States, on just and fair principles. . . . The first step is, a recognition of our independence; that done, the way is clear and open. If *official* reports in manuscript of all the principal facts in regard to the political and military state of things in Texas had been sent by the executive government of Texas to our agents at Washington, I could now have had the recognition of our independence to take home. Nothing but the want of such *official documents* was wanted when I left Washington. I believe that a report from you, signed by yourself, would have been fully sufficient. There were no accounts of the battle of San Jacinto, except those in newspapers. . . . I am of opinion that our independence will be acknowledged, and that Texas will be admitted into these United States, if they are regularly asked for.<sup>2</sup>

So thoroughly convinced was Austin of the correctness of his opinions concerning the attitude of the United States authorities toward recognition,<sup>3</sup> that one of his first acts upon reaching Texas was to lay before President Burnet the absolute necessity of keeping in close touch with the commissioners who now had charge of the work. An entry in his private memorandum says:

The day I arrived at Velasco (late in the evening of 27th June) I represented to president Burnet the great importance of writing officially once a week if possible to the representatives of Texas at Washington City in the U. S. and stated it as my opinion that the omission of this govt in not furnishing to their representatives, whoever they might be, official reports of the battle of San Jacinto and of the organization of the Texas govt. and general situation of the country etc had been fatal to the interest of Texas, as I believed that our independence would have been acknowledged by the U. S. Govt. and Congress if those official documents had been sent

<sup>1</sup>Austin to Burnet, June 10, 1836, Garrison, *Dip. Cor. Tex.*, I, 98.

<sup>2</sup>Austin to Houston, June 16, 1836, cited by Yoakum, *History of Texas*, II, 177.

<sup>3</sup>What grounds Austin had for his convictions will be indicated below, pp. 212-218.



on in time. Nothing of the kind was ever sent on—those of us, (Austin, Wharton, Archer, Childress and Hamilton) who were in Washington received nothing, not even one word from their Govt. and had nothing to operate with, in their exertions to procure a recognition of our independence, but newspaper accounts and private letters from individuals in Texas and N. Orleans etc I was assured that Grayson and Collinsworth (the present representatives of Texas at Washington City) should be regularly written to, and on the 9th July president Burnet wrote to them (by the schooner Comanche bound to Orleans) and enclosed certified copies of Gen. Santa Anna's letters to Gen. Jackson and Gen. Urrea, and of the treaties of 14th May etc.<sup>1</sup> I wrote to them at the same time. . . . I gave it as my opinion [concerning] the importance of official reports from the head of each department of the Govt. relative to the state of the public affairs of the respective branches and that such reports should be published and sent officially to the reps. of Texas in Washington to be used there in support of our application for independence, etc.<sup>2</sup>

On the next page of this memorandum book is this entry: "July 20—Went to Velasco to meet B. T. Archer and W. H. Wharton (who had returned a few days before from the U. S.) for the purpose of making a return of our mission to the U. S. as commissioners We made our report and rendered an account of all the monies we had recd. and disbursed for Texas, and accompanied the [account] with all the original vouchers, which were passed to the Auditor for examination."<sup>3</sup> The following is the report as it was rendered, July 21:

Being appointed by the Convention of November last Commissioners for raising funds and other purposes in the United States in prosecution of our duties we arrived in New Orleans on the 1st of January 1836. On reaching the city we found that the government of Texas was without funds or credit, and that the quarter

<sup>1</sup>On July 25 the following documents were copied by Ramón Martínez, Columbia, Texas, and sent to Jackson, reaching him September 28: Santa Anna to Filisola, April 22, 1836; Filisola to Santa Anna, April 28, 1836; Santa Anna to Filisola, April 30, 1836; Santa Anna to Filisola, May 14, 1836; Filisola to Santa Anna, May 25, 1836; Treaty of Velasco, May 14, 1836; all in Jackson MSS.

<sup>2</sup>Austin's Letter and Memorandum Album (1836) p. 24, Austin Papers. The incoherence of the language here is due to Austin's failure to read through his rough memorandum after certain erasures and insertions had been made.

<sup>3</sup>*Ibid.*, p. 25.

Master of the army and other agents were wholly unable to procure the requisite supplies of arms ammunition provisions etc. Under these circumstances we promptly exerted ourselves to make a flat loan at a fixed rate of Interest. This, however was wholly impracticable. Capitalists would not lend at any interest without obtaining lands in payment. Impelled by the urgency of our situation we effected a loan with Robert Triplett and others which has been submitted to and modified by your Excellency and Cabinet.

We are free to admit that the terms of this loan were not such as we would have dictated—but we are bold in asserting that a loan could not at that time have been effected on better terms and we saw that the immediate procurement of funds was indispensable. This being accomplished we started for Washington City through the Western States, making it our business to hold [meetings] at prominent points, for the purpose of explaining the justice of our cause, of obtaining Volunteers and procuring memorials and petitions to the Congress of the United States for the recognition of the Independence of Texas. In addition to this we furnished the Members of congress with our printed addresses and essays in which we endeavored to develope and defend the origin principles and objects of the contest in which Texas and Mexico are engaged.

On reaching the Eastern Cities new obstacles presented themselves. The unhappy and violent differences between the late Governor [Smith] and his council were known and magnified. It was also believed that the convention of March would not declare for Independence and added to all this, we as commissioners had no power to sell the public lands. In a short time the fall of the Alamo, the Massacre of Col Fanins command, the retreat of our army, the supposed rising of the Northern Indians, the nonratification of the first loan and the neglect of the present Government to correspond with us and ratify our powers and appointment, presented insuperable difficulties. We were consequently only enabled to obtain a loan in New York on very disadvantageous terms, which has been submitted. Our main object in effecting this loan was to obtain the 10 per cent. We did not bind ourselves to recommend its ratification and did not expect that it would be ratified unless the prospects of Texas were gloomy even to desperation. Subjoined is an account of our receipts and disbursements.<sup>1</sup>

The net results of their six months' labor in the United States were (1) three loans, which had yielded to the Texan government something like \$75,000, and donations to a very much smaller

<sup>1</sup>Garrison, *Dip. Cor. Tex.*, I, 111-112.

amount; (2) recruits of volunteers for Texas;<sup>1</sup> and (3) widespread enthusiasm in the cause, which manifested itself in memorials and petitions to Congress praying the recognition of Texas.

It will be seen that in their report the commissioners confine themselves to the material side of their work. They do not even suggest that they had gone out in any diplomatic capacity, and the note of disappointment that is clearly discernible throughout the report is obviously due to their failure to accomplish anything in this direction. They no doubt had correctly interpreted the interest aroused in Congress by means largely of resolutions sent in from various sections throughout the country; and they give it as their conviction that, had they received the coöperation of the home government, recognition at this time would have been secured. If the possibility of the immediate recognition of Texas existed at all, it lay in this first session of the twenty-fourth Congress. It must be borne in mind, however, that not until March 2, when independence was declared,—indeed not until April 21, when it was won at San Jacinto,—was the situation in Texas such as would at all have justified this measure. However favorably, therefore, the whole of Congress in the spring of 1836 might have been disposed to look upon recognition, conservatism alone might have prevented any immediate action in the matter. By the time Congress assembled for its second session, December 5, 1836, other forces were at work upon whose existence the earlier commissioners had never reckoned.

## 2. *The work of the second commission.*

During the six months' absence of the commissioners in the United States important events had occurred in Texas. The long quarrel between Governor Smith and his Council had sapped all the energy of the provisional government, so that during the last seven weeks of its unworthy history it existed in name only. From January 18 to March 11, when it adjourned *sine die*, the minutes of the Council almost invariably read: "The Council met pursuant to adjournment. A quorum not being present, adjourned. . . ."<sup>2</sup> When the Convention assembled at Washington, March 1,<sup>3</sup> all at-

<sup>1</sup>See above, p. 179.

<sup>2</sup>Gammel, *Laws of Texas*, I, 254-265.

<sup>3</sup>See above, p. 167.

tention was concentrated there, and the General Council soon ceased to be.

The first work of the Convention was to declare independence. Its next was to draw up a constitution and organize a permanent government. Pending the adoption of the constitution and the election of officers for the new government, a government *ad interim* was necessary. By an ordinance passed March 16, the day before the Convention adjourned, this was created,<sup>1</sup> and David G. Burnet was placed at its head.

But it was not only in civil affairs that changes had taken place. When the commissioners left Texas in the previous December, there were no hostile forces north of the Rio Grande. In the spring of the year, however, Texas had been again invaded, and the series of disasters that had followed—the fall of the Alamo, the capture of Goliad, and the six weeks' retreat of Houston's army—were no more than might have been expected from the disorganized state of the army and the government. But the tide had turned, April 21, at San Jacinto, and not only had the whole Mexican force practically been annihilated, but Santa Anna himself was the prisoner of the Texans. Moreover, on May 14, two treaties had been made between him and the Texan authorities. According to the first or open treaty, Santa Anna had agreed that all hostilities should cease, and that the Mexicans should withdraw beyond the Rio Grande; by the second treaty, which was secret, he agreed to have the independence of Texas acknowledged by Mexico, to accomplish which he was to be liberated immediately and allowed to embark for Vera Cruz.<sup>2</sup> In accordance with this second treaty an attempt had been made to release Santa Anna. This, however, had raised such a storm of opposition that he had been again placed in confine-

<sup>1</sup>Executive Ordinance, March 16, 1836, Gammel, *Laws of Texas*, I, 1053-1054; Kennedy, *Texas*, II, 502-504. This is the only official document that I have been able to find relating to the establishment of the government *ad interim*. Yoakum, *History of Texas*, II, 73, refers to manuscript journal of the convention for the election of officers.

<sup>2</sup>Austin's Letter and Memorandum Album (1836), pp. 18-23; copies are also found in Yoakum, *History of Texas*, II, 526-528; Brown, *History of Texas*, II, 62-65. Article 4 of this treaty, which became of great interest later on, says, "A treaty of commerce, amity, and limits, will be established between Mexico and Texas, the territory of the latter not to extend beyond the Rio Bravo del Norte."



ment, and when Austin reached Texas, late in June, the Santa Anna excitement, as it was called,<sup>1</sup> was at its height. Some went so far even as to plan to take Santa Anna to the army and have him court-martialed, but against such a step wiser counsels prevailed.

It is not surprising that the makeshift government, which during the winter and spring of 1835-6 had shown itself so incapable of managing home affairs, should have proved itself also remiss in regard to its foreign agents. Indeed any statement which the provisional government could have made to its agents at Washington would have tended rather to disprove than to establish the fact that Texas was a *de facto* government. Besides, it was not to be expected that the United States would take any step toward recognition, seeing that Texas herself had made no definite claims to independence.

But, after the March Convention had declared independence and organized the government, it was natural to suppose that the question of recognition would be pushed forward with energy. Austin, Archer, and Wharton, although commissioned merely to feel the pulse of the government concerning recognition and annexation, confidently expected, as we have seen, to be intrusted by the Convention with the work of carrying through these measures. And such it seemed at first would be the case, at least so far as recognition was concerned; for, on March 7, only five days after independence was declared, it was resolved by the Convention:

That a committee of three members of this body be appointed to inform our commissioners now in the United States that we have declared independence, and to urge upon them the necessity of using their utmost exertions to bring about as soon as possible the recognition of the independence of Texas, by the Congress of the United States of the north, now in session.<sup>2</sup>

If this had been done—if the government *ad interim*, after independence was declared, had drawn up the proper credentials for the Texan agents and followed these up with evidences that Texas had organized her government—the commissioners, at least, believed it possible that the unrestrained enthusiasm of the country

<sup>1</sup>Austin to Ficklin, October 30, 1836, Austin Papers.

<sup>2</sup>Gammel, *Laws of Texas*, I, 848.

at large for Texas might have prevailed, and that Congress, before adjourning for the summer, might have felt disposed to recommend unqualified recognition, and perhaps annexation as well.

But no further step was taken by the Convention, and the policy pursued by the government *ad interim* in its attempt to establish diplomatic relations with the United States is accountable only when one takes into consideration the great inexperience of the youthful republic. Instead of confirming the commission of Austin, Archer, and Wharton and sending them official information, first, of the declaration of independence, March 2, and, second, of the defeat of the Mexicans, April 21, a new set of commissioners was chosen after each of these events, and in neither case were the credentials issued adequate. This may be better understood by realizing that the Texans selected in each instance their most prominent and capable public men, who, they apparently thought, should thereafter be left to their own discretion, rather than hampered by unintelligent instructions from home. Only through experience in Washington did these agents gradually come to a realization of the equipment expected of them by the United States authorities. The situation, therefore, throughout the term of the government *ad interim* was this: The first set of commissioners, Austin, Archer, and Wharton, finding that the first thing necessary was official information that independence had been declared, spent their time, while awaiting this, in the effort to secure material aid for Texas; the second set, Childress—chairman of the committee that had reported the declaration—and Hamilton, and later on Carson, the secretary of state, were all witnesses of independence, but were embarrassed chiefly by want of official accounts of the battle of San Jacinto; and finally, Collinsworth—Carson's successor as secretary of state—and Grayson, the attorney-general, superseding all other commissioners, were equipped with copies of the declaration and treaties with Santa Anna, but arrived in Washington after the adjournment of Congress, and bore credentials that were objected to because of their informality.<sup>1</sup>

In accordance with the authority conferred upon Burnet as president of the newly established government *ad interim* "to appoint

<sup>1</sup>See below, p. 204.

Commissioners to any foreign power,"<sup>1</sup> one of his first acts after the adjournment of the Convention was, March 19, to name George C. Childress as special agent, in conjunction with Robert Hamilton, "with plenary powers to open a negotiation with the cabinet at Washington, touching the political rights of the Republic; inviting on the part of that Cabinet a recognition of the Sovereignty and Independence of Texas, and the establishment of such relations between the two governments, as may comport with the mutual interest, the common origin, and kindred ties of their constituents."<sup>2</sup>

The wording of this commission is such as to imply that Childress and Hamilton were not looked upon as agents with coördinate powers. Moreover, in a rough draft of the commission<sup>3</sup> the words, "in conjunction with Robert Hamilton," are inserted between the lines, while the rest of the document remains in the form in which it was first written for Childress alone—indicating clearly that Hamilton's name was included as an after-thought. The official letters written to them after their departure, also, go to show that Childress was regarded as the superior diplomatic agent; and one, at least, though addressed to Childress and Hamilton jointly, speaks to Childress directly and only refers to Hamilton in the third person.<sup>4</sup>

Several reasons for this discrimination suggest themselves. In the first place, if the work of securing recognition was to be entrusted to some new person, Childress was perhaps the logical man. He had been a member of the Convention of 1836 and chairman of the committee appointed to draft a declaration of independence, and the composition of that document has been ascribed to him. Moreover, for Childress's success in Washington, much reliance was based upon his former intimate acquaintance with Jackson.<sup>5</sup> It may have been, too, that the government, even at that time, had it in mind to entrust Hamilton primarily with the duty of securing

<sup>1</sup>Article 14 of Executive Ordinance, March 16, 1836, Gammel, *Laws of Texas*, I, 1054.

<sup>2</sup>Dip. Cor. Tex. with U. S. (MSS.); also see Garrison, *Dip. Cor. Tex.*, I, 73-74.

<sup>3</sup>Dip. Cor. Tex. with U. S. (MSS.).

<sup>4</sup>Garrison, *Dip. Cor. Tex.*, I, 76-78.

<sup>5</sup>Carson to Childress and Hamilton, Garrison, *Dip. Cor. Tex.*, I, 77. Childress was a native of Tennessee, and it was here, no doubt, that he had known Jackson.

financial aid. At any rate he could have done very little diplomatic work, for shortly after he reached Washington Samuel Carson<sup>1</sup> arrived, bringing with him a commission for Hamilton issued by the government, April 2, instructing him to negotiate a loan for the purpose of supplying the army.<sup>2</sup>

It was not the intention of the Texan government that these commissioners should supersede Austin, Archer, and Wharton, whose appointment had been practically confirmed, so far as the government *ad interim* was concerned, shortly after independence was declared.<sup>3</sup> But the question as to the relation of the two sets of agents was not raised until after Childress and Hamilton had left Texas. They had gone as far as Nachitoches, Louisiana, when Childress wrote back to Burnet, March 28:

I see from the newspapers, here, that Messrs. Austin, Wharton and Archer are supposed to be now at the City of Washington acting as Commissioners under the authority conferred upon them by *the late* provisional Government. If when Mr. Hamilton and I shall have arrived there we should find these gentlemen acting in the same capacity it would place both us and them in a very awkward situation. Will you please, in conjunction with the Cabinet, take this matter into consideration and take such steps with regard to it as you and they may think proper.<sup>4</sup>

April 1, before this letter could have reached him at Harrisburg, the secretary of state, Samuel P. Carson, wrote:

It is desirable by the President and Cabinet that the Commissioners, Messrs. Austin, Archer, and Wharton, appointed by the provisional government should be associated with yourself and Mr. Hamilton and their aid and exertions requested in obtaining a recognition of our Independence.<sup>5</sup>

There was really little necessity to have settled the matter. Childress and Hamilton did not reach Washington until some time

<sup>1</sup>See below, pp. 198-199.

<sup>2</sup>Carson to Houston, November 28, 1836, Garrison, *Dip. Cor. Tex.*, I, 146-147. This commission was issued in accordance with article 9 of the Executive Ordinance of March 16 (see above p. 49) which gives the government power to create a loan of not more than one million dollars.

<sup>3</sup>See above, p. 193.

<sup>4</sup>Childress to Burnet, March 28, 1836, Garrison, *Dip. Cor. Tex.*, I, 74.

<sup>5</sup>Carson to Childress and Hamilton, Garrison, *Dip. Cor. Tex.*, I, 76-77.



between May 28 and June 10,<sup>1</sup> while Austin, who had become discouraged, had started for Texas, May 24.<sup>2</sup> Wharton probably co-operated with them for a while,<sup>3</sup> but he and Archer also soon left Washington.

Childress and Hamilton seem to have expected that after their departure more specific instructions regarding their efforts to secure recognition, as well as financial aid, would be drawn up and forwarded to them. In his letter from Nachitoches, March 28, Childress said: "Please have us furnished with instructions with regard to our political and pecuniary missions."<sup>4</sup> In his communication to the commissioners, April 1, however, Carson had written: "The objects of your mission were so fully explained to you before your departure by the government that nothing further on that subject need be said. I hope to join you in a short time after this reaches you when full explanations will be given."

Nevertheless, on the same day a document called "Private Instructions" was drawn up, but the additional light that it threw upon their course of action was of doubtful value. According to its direction the commissioners were to "hold the freest and fullest conversation with the President and Cabinet officers . . . but should there be any reluctance on the part of the Sec of State to hear . . . a dignified elevation due to this Republic must mark . . . [their] course." These so-called instructions go on to explain: "Your own minds will suggest the course most proper to pursue as the govt cannot anticipate occurrences which might make it necessary to deviate from strict instructions and therefore leave to you the management of the subject with full confidence that the dignity and honor of your country will be fully maintained and advanced."<sup>5</sup>

On the same day an informal note was addressed by Carson to

<sup>1</sup>Wharton to Austin, May 28, 1836, Austin Papers; Childress and Hamilton to Burnet, June 10, 1836, Garrison, *Dip. Cor. Tex.*, I, 99-100.

<sup>2</sup>See above, p. 186.

<sup>3</sup>Austin to Burnet, June 10, 1836, Garrison, *Dip. Cor. Tex.*, I, 98-99; Wharton to Austin, May 28, 1836, Austin Papers.

<sup>4</sup>See above, p. 196.

<sup>5</sup>This letter, it will be noted, answered in a way both requests made by Childress on March 28, but it was impossible at that time for a letter from Nachitoches to have reached Harrisburg in four days.

<sup>6</sup>Carson to Childress and Hamilton, April 1, 1836, Garrison, *Dip. Cor. Tex.*, I, 77.

Secretary of State Forsyth, introducing the commissioners and asking that they be presented also to Jackson and the Cabinet "in such a manner as may be suited to the station they occupy."<sup>1</sup> This attempt at a letter of credence and the "private instructions"—both of which were forwarded after the departure of the commissioners—together with their original commission, which they had carried with them, apparently constituted their only credentials.

In regard to at least one other matter they were given explicit directions, which they received in the form of a confidential letter from Carson. The rumor had come that Gorostiza, the Mexican minister plenipotentiary at Washington, had been authorized to sell Texas to the United States. Against any such assumption of authority over Texas on the part of Mexico the commissioners were to enter their solemn protest, in justification of which they were to set forth the Texas declaration of Independence.<sup>2</sup>

Carson had promised that he would shortly join Childress and Hamilton. Having found it necessary on account of ill health temporarily to give up his duties as secretary of state, he had been directed by President Burnet, April 1, to spend his vacation in Washington where he was to cooperate with the commissioners there "in procuring a *recognition* from the government of our *Mother Country* . . . [taking] in charge a general Supervision of all the interests and concerns of Texas in that country."<sup>3</sup>

Childress and Hamilton went together as far as Nachitoches, where they separated planning to meet again in Washington the

<sup>1</sup>Carson to Forsyth, April 1, 1836, Records of the Department of State, Book 34, p. 22; also in Garrison, *Dip. Cor. Tex.*, I, 78.

<sup>2</sup>Carson to Childress and Hamilton, April 1, 1836, Garrison, *Dip. Cor. Tex.*, I, 76-77. Wharton also says that the sale of Texas by Mexico was at first supposed to be Gorostiza's business. Wharton was consistent throughout in protesting vigorously against any purchase by the United States of a quitclaim to Texas previous to the recognition of Texas by the United States (Wharton to Austin, December 2, 1836, *ibid.*, 149).

<sup>3</sup>Burnet to Carson, April 1, 1836, *ibid.*, 75. This appointment of the secretary of state to go on such a mission was unwise. Wharton wrote Austin that Jackson had said it in some measure justified Gorostiza's designation of the Texas government as a fugitive government (Wharton to Austin, June 2, 1836, Austin Papers). June 6, a few days after Carson passed through Nashville, Tennessee, J. N. Bryan of that place wrote a personal letter to Van Buren setting forth the intense interest felt throughout the Western States in the welfare of Texas and recommending his friend Carson as a man well informed on the Texas situation (Bryan to Van Buren, June 6, 1836, Van Buren MSS.).

first of May.<sup>1</sup> Carson followed them soon after their departure, but was so delayed by illness that he did not reach that city until June 22. Their work on the way up was similar to that of the first set of commissioners and productive of like results. April 18, Childress reported:

We have been endeavouring (with some success) to create as much interest as we can at these points in the South and West which we have touched at, and shall continue (through the press and otherwise) to *agitate* the United States as much as possible. You will have received before this reaches you accounts of the public meetings and proceedings at Natches and other places. So far as I can see the South and West is kindling into a *blaze* upon the subject. So great is the interest felt upon the subject, and so numerous are the applications by letters from individuals, editors etc for information . . . that . . . we have : . . . been under the necessity of employing upon our own responsibility a *Secretary* to the *Mission*.<sup>2</sup>

June 1, Carson wrote to Burnet from Nashville:

The enthusiastic bursts of feeling every where in this country exceeds anything I have ever witnessed.

The spirit in Congress is fine I send all the papers I can to let you see what is passing there. Public Meetings are getting up in all directions petitioning Congress to recognize our Independence. A bold move has been made in my native county (Burke No Ca) in our favor. . . .

. . . I am induced to believe that we should send on from this country every Volunteere we can. I am acting on that principle and shall not relax my efforts unless advised to do so by the Govt.

He then goes into detail concerning companies that are to go to Texas under General Dunlap and Captain Grundy.<sup>3</sup>

But in regard to recognition Childress says:

We are not sanguine of getting an *immediate* recognition of the Independence of Texas from the Government of the United States, but will open a negotiation and continue it untill crowned with success, unless otherwise instructed by your Excellency and the Cabinet. It is of great importance, I conceive, to obtain it as soon

<sup>1</sup>Childress to Burnet, April 18, 1836, Garrison, *Dip. Cor. Tex.*, I, 85.

<sup>2</sup>Childress to Burnet, April 18, 1836, *ibid.*, 85.

<sup>3</sup>Carson to Burnet, June 1, 1836, *ibid.*, 93. See also below, pp. 210-211.

as possible as the moral effect in our favour would be great in the United States. Many persons who now feel scruples in volunteering to take a part in the internal conflicts of a *foreign* country would freely do so if the independence of the party with which they sympathize was recognized by the Government of their own country.<sup>1</sup>

This apparent subordinating of the question of recognition to serve material ends is readily understood when one recalls the fact that at this time the military situation was at its worst. Unless the tide were turned not only the claims for recognition but independence itself would be a thing of the past.

As soon as the commissioners reached Washington they laid their credentials before Secretary of State Forsyth. Then came accounts through the newspapers of the battle of San Jacinto and the capture of Santa Anna. For some days they eagerly awaited official reports of these events, expecting apparently that the question of recognition would thereupon be settled forthwith.<sup>2</sup> But no communications from the government came, and finally, June 10, upon the basis of the unofficial accounts, they presented to Forsyth the claims of Texas to recognition as a *de facto* government. These communications were never answered.<sup>3</sup> At the same time they wrote begging Burnet to forward official reports and stating the absolute impossibility of acting without them.<sup>4</sup> Carson also, upon his arrival, urged the same thing. He said:

In the total want of communications, from the Government, with regard to the reasons which actuate them, and indeed as to their whole policy and action except as I gather it from Newspapers and letters from individuals of Texas written to their friends in this country, I am at fault how to act and indeed frequently subjected to mortification, because of my inability to answer questions put by our best friends here, and who wish to shape their course in conformity to the wishes and measures of Texas.<sup>5</sup>

<sup>1</sup>Childress to Burnet, April 18, 1836. Garrison, *Dip. Cor. Tex.*, I, 85.

<sup>2</sup>*Niles' Register*, L, 336; Childress and Hamilton to Burnet, June 10, 1836, Garrison, *Dip. Cor. Tex.*, I, 99-100.

<sup>3</sup>*Debates in Cong.* 24 Cong., 1 Sess., 1891.

<sup>4</sup>Childress and Hamilton to Burnet, June 10, 1836, Garrison, *Dip. Cor. Tex.*, I, 99-100. The commissioners suggest that these communications may have been interrupted on account of the risings of the Creek Indians of Alabama. But it is likely that none were sent.

<sup>5</sup>Carson to Burnet, July 3, 1836, *ibid.*, 102.



Nothing more is heard of the efforts of Childress and Hamilton to establish diplomatic relations with the United States. About the time of their arrival in Washington new commissioners, Collinsworth and Grayson, had been chosen by Burnet, and Childress and Hamilton soon learned that their services were no longer required.<sup>1</sup> In a report from Washington Carson says: "I must conclude this communication with the expression of my entire approbation of the course and conduct of our agents Messrs. Hamilton and Childress, and also of the various efforts of the agents of the Provisional Government, whose reputation, as Gentlemen and Patriots, stand very high in this country."<sup>2</sup> But the commissioners themselves doubtless felt, as had their predecessors, that they had labored in vain, whereas, except for the neglect of their own government, their efforts might have been productive of good results.

### *3. The work of the third commission.*

On May 26, 1836, only two months after the appointment of Childress and Hamilton, all previous commissioners were recalled and James Collinsworth and Peter W. Grayson were sent by the government *ad interim* to Washington to solicit: (1) the intervention of the United States to stop the war upon the basis of a recognition of the independence of Texas by Mexico; (2) the recognition of the independence of Texas by the United States; and (3) the annexation of Texas to the United States upon certain specified terms.<sup>3</sup>

<sup>1</sup>See below, p. 202; also Carson to Houston, November 28, 1836, Garrison, *Dip. Cor. Tex.*, I, 145.

<sup>2</sup>Carson to Burnet, July 4, 1836, Garrison, *Dip. Cor. Tex.*, I, 103. The efforts of Hamilton and Carson to secure financial aid were also unavailing. Carson (*ibid.*) says: "Mr. Hamilton is in Philadelphia, feeling the pulse of the Capitalists, and will proceed to New York. It appears, from his correspondence, that a recognition by this Government of our Independence is made a *sine qua non* by Capitalists." Finally in the midst of their efforts they received notice through the New Orleans papers of Burnet's proclamation of June 10 (see *Niles' Register*, I, 395), revoking the authority of all Texan financial agents except Toby Bros. of New Orleans, whereupon they immediately ceased work (report of Carson to Houston, November 28, 1836, Garrison, *Dip. Cor. Tex.*, I, 147). This proclamation was necessary, because the number of agents and sub-agents had grown so numerous that many frauds were being perpetrated. But it tended for the time being to discredit the Texan government.

<sup>3</sup>For the complete commission see Garrison, *Dip. Cor. Tex.*, I, 89-91.

The reason for appointing these commissioners to supersede all other diplomatic agents seems not to have been due to dissatisfaction with the work of the latter. In recalling Austin and his colleagues, May 27, the secretary of state, William Jack, explained the motives which actuated the government. He said:

I am instructed by the President and Cabinet to inform you that inasmuch as important changes have recently occurred it has been deemed necessary to dispatch to Washington two commissioners for the purpose of representing this Government there. It was conceived most advisable to select gentlemen who are now in this country, because they could be more fully informed of the views of this Govt. and the wishes and interests of the people. These Gentlemen are Peter W. Grayson and James Collinsworth, Esqrs. to whom you will be pleased to communicate any valuable information which you may possess, affording them at the same time ever possible facility in consummating the objects of their mission.

In recalling you the President and Cabinet are not unmindful of your disinterested efforts in the service of your country, but have acted on the conviction that at this crisis of affairs commissioners fresh from Texas, would from their more intimate knowledge of her present wants and policy be able to represent her more efficiently at Washington.

The confidence which your country reposes in you is entirely unimpaired, and you will be received with heartfelt greetings of gratitude upon your return.<sup>1</sup>

The important changes here referred to are the defeat of the Mexicans at San Jacinto, the capture of Santa Anna, and the treaties of May 14; and, as in the case of Childress, the government now chose men best fitted to give official testimony of these events. Throughout the term of the provisional government Collinsworth had served as chairman of the Military Committee. Later on, he, as secretary of state of the government *ad interim*, and Grayson, as attorney-general, had both signed the treaties with

<sup>1</sup>Secretary of State Wm. H. Jack, to Austin and others, May 27, 1836, Garrison, *Dip. Cor. Tex.*, I, 91-92. Another copy of this letter is among the Austin Papers. It is addressed to Austin only and is dated May 29. Austin had left Washington before this letter was written (see above, p. 186). To just what "others" the letter of recall was actually sent it would be difficult to say. Archer, Wharton, Childress, Hamilton, and Carson were all in the neighborhood of Washington at the time when it should have arrived.

Santa Anna. However unwise a change of agents in Washington may have been, the Texan authorities undoubtedly felt that the men who had left Texas at the period of her greatest despondency were incapable of representing correctly, as eye-witnesses could do, the complete victory of the Texans and the utter defeat of the enemy.

The question naturally arises why these men were not instructed to coöperate with the others, as in the case of Childress and Hamilton. So far as the records show there had been no conflict of authority between the Washington agents. But the government had been led to see the inexpediency of the wholesale appointment of agents, which until this time had gone on unchecked. It had been the policy of the commissioners sent out by the government to appoint agents in all places visited. These in turn had appointed sub-agents, and so on. In the case of financial agents, this had resulted in numerous frauds, since almost any one might claim an appointment and accept donations tendered for the cause. Accordingly, Burnet, on June 10, 1836, issued a decree revoking all agencies of this kind except that of Toby Brothers in New Orleans.<sup>1</sup> The recall of all diplomatic agents then in the United States, just two weeks previous to this decree, may have been in line with the same general policy.

On July 8, four days after the adjournment of Congress, Collinsworth and Grayson arrived in Washington. They found Jackson on the point of leaving for the Hermitage, his home at Nashville, Tennessee. In an informal interview the president gave them to understand that a secret agent had been sent to Texas to secure information,<sup>2</sup> and that nothing could be done until his return. Forsyth was non-committal. Annexation, he admitted, was a favorite measure with Jackson when it could be brought about with propriety, and at his request the commissioners drew up a careful statement of the terms upon which Texas desired admission, which was at once forwarded to the president.<sup>3</sup> This, however, was all the satisfaction that could be obtained from him; and, feeling that little could be done in Washington during the summer, Col-

<sup>1</sup>*Niles' Register*, L, 395.

<sup>2</sup>See below, p. 220.

<sup>3</sup>Collinsworth and Grayson to Forsyth, July 14, 1836; Forsyth to Jackson, July 15, 1836, both in Jackson MSS.

linsworth decided to go to Nashville to converse more at length with Jackson. Grayson planned at first to go to Louisville, but concluded to remain in Washington, hoping to open official communication with the authorities there.<sup>1</sup>

Before anything could be done in Washington, however, it was necessary to have new credentials, since those the commissioners carried were not drawn up in proper form. July 15, Collinsworth and Grayson had written :

Should it be desired that we should longer represent our government here, it will be necessary to make out new commissions and forward them to the last named places, as those we have, have been deemed inadmissible in consequence of having no seal. It will be seen by reference to our constitution that in the absence of a seal of state the President may use his own private seal.

There is a further Omission on the part of the address to the President and secretary of State in omitting to state even the country they are from.<sup>2</sup>

August 2, Grayson, who was then alone in Washington, repeated this request for new credentials:

We feel a good deal embarrassed for the want of the proper letter of credence, that is to say, one made out with all the requisite formalities of a *Seal*, etc. Mr. Forsyth politely gave us to understand, that he would be happy to see us at any time we might desire to converse with him; but left us to infer pretty plainly that we were not in strictness, *accredited Agents*, on account of the informality of the papers conferring our authority.<sup>3</sup> He intimated moreover, that some advice from our Government addressed to this, was at least of formal necessity, in regard to the persons

<sup>1</sup>Collinsworth and Grayson to Burnet, July 15, 1836, Garrison, *Dip. Cor. Tex.*, I, 110-111; Grayson to Burnet, August 2, 1836, *ibid.*, 117-118; Grayson to Secretary of State Jack, August 11, 1836, *ibid.*, 121-122.

<sup>2</sup>Collinsworth and Grayson to Burnet, July 15, 1836, *ibid.*, 111.

<sup>3</sup>Forsyth, in reporting this interview to Jackson, said: "My call for their authority was answered by the production of papers similar to those given to Childress and Hamilton issued by Mr. Burnett but without seals, pointing to this radical defect, I told them that their powers must be put into proper order before anything could be done with them officially. . . . From a long and free conversation with them I learned that they had no instructions or authority to do more than talk about the terms upon which Texas ought to be admitted into the Union—these terms to be hereafter considered and discussed and confirmed or rejected by the Texan Gov't. or such modifications made as should be deemed expedient" (Forsyth to Jackson, July 15, 1836, Jackson MSS.).



previously here in our character, whose functions have ceased by our appointment.

If we are to continue here, of the necessity of which you and your associates in the Government will of course judge from circumstances presenting themselves, I have to request that all these formal particulars I have mentioned will receive their proper attention. Besides this I would suggest that it will be proper to have made out and sent on to us a regularly authenticated Copy under the Seal of the State, of that portion of the Ordinances of the Convention, which established the present Government *ad interim*.<sup>1</sup> This is necessary to show its regularity, since in the Constitution proper as printed, nothing appears, that has any reference to the present Organization.<sup>2</sup>

For nearly three months after the first letter was written Grayson waited in Washington, but no new credentials from Texas came.<sup>3</sup> Finally, becoming exasperated, he withdrew to Louisville. From there, November 3, he addressed letters to Burnet and to Austin expressing his indignation. "I came here," he said to Austin, "a few days ago, from a sort of necessity, to await further communications from Texas if any are intended."<sup>4</sup> To Burnet he said: "Some ten days ago I arrived at this place from Washington, where I had remained until the 11th ulto., expecting to receive the credentials of our commission, in the form which had been pointed out by Maj. Collinsworth and myself, as necessary to give us official intercourse with this government. Not receiving them as I had been expecting and being not a little weary of my *unrecognized character* at Washington, I concluded to come to this place

<sup>1</sup>See above, p. 192.

<sup>2</sup>Grayson to Burnet, August 2, 1836, Garrison, *Dip. Cor. Tex.*, I, 117-118.

<sup>3</sup>This, however, was due, in large measure at least, to the poor means of communication and not altogether to remissness on the part of the Texan government *ad interim*. August 10, Burnet wrote Collinsworth and Grayson that he had not yet heard of their arrival in Washington (*ibid.* 120). Four official letters at least had preceded this communication: Burnet to Collinsworth and Grayson, June 20, 1836 (missing; see Burnet to Collinsworth and Grayson, July 8, 1836, *ibid.*, 104; and Grayson to Burnet, August 2, 1836, *ibid.*, 117); Burnet to Collinsworth and Grayson, July 8, 1836 (*ibid.*, 104-108); Jack to same, July 23, 1836 (*ibid.*, 112-114); Burnet to same, August 9, 1836 (*ibid.*, 118). By the time the commissioners' letter of July 15 reached Texas, the September elections were imminent, the result of which Burnet's next official communications announce (Burnet to Grayson, September 12, 1836, *ibid.* 122-123; Burnet to Collinsworth, September 12, 1836, *ibid.*, 123).

<sup>4</sup>Grayson to Austin, November 3, 1836, Austin Papers.

and await the determination of my Government on the subject of its further intercourse with this. A few days more I take it for granted, will bring us information whether our services will be longer required in this Country.”<sup>1</sup>

In these letters he also stated what in his opinion was the status of the recognition question. The reason he assigns for the delay in recognition was not quite the same as that previously given by the other commissioners. They had thought it necessary only to establish the fact that Texas was independent. Grayson believed that the United States was more conservative than that, and would wait until assured that independence could be maintained. Moreover, he had come to realize that the question of annexation complicated the matter. In his letter to Austin he said:

On the subject of recognition I think Gen Jackson will still wait a little to observe the *course and character* of *civil affairs in Texas*; this being the only matter at present upon which any real doubt or solicitude remains; our Independence of Mexico being pretty generally looked upon as *established*.

The great misfortune of the delay to recognize consists in its bringing too near together, for the action on them by this Government of the two questions—*recognition* and *annexation*. A *decent* time you know ought to transpire after the disposition of the one before the taking up of the other, for reasons which will readily occur to you.

In his letter to Burnet Grayson said recognition would take place “*at the earliest moment that circumstances would at all justify it in the eyes of the world.*” But while he believed that the two questions should be separated he felt that Jackson was favorable to both. August 11, he had written: “There is in my mind no doubt that the present Administration, *can carry the measure of Annexation*. Genl. Jackson feels the utmost solicitude for it and we know how much that will count.”<sup>2</sup> He now repeated that from undoubted authority he knew the president was warmly inclined “to adopt such a course . . . as would the soonest bring about *all the objects*” with which he and Collinsworth had been charged—namely, recognition and annexation.

<sup>1</sup>Grayson to Burnet, November 3, 1836, Garrison, *Dip. Cor. Tex.*, I, 123-124.

<sup>2</sup>Grayson to Jack, August 11, 1836, *ibid.*, 122.

Collinsworth, who had spent nearly two months in Nashville in negotiation with Jackson, felt equally sure of Jackson's position, but he also foresaw complications. In a report of his work made from Brazoria, November 13, 1836, after his return to Texas, he says:

Without pretending to have received any official information upon the subject, . . . I think [I] may safely hazard the opinion that the present ex[ec]utive of the United States *is in favor* of all the measures contained in our instructions. Should the present government [that is, the permanent government under Houston]<sup>1</sup> believe in the same policy, I cannot too forcibly impress upon them the necessity of dispatching some one forthwith vested with plenary powers to the court of Washington, as in my opinion much may be endangered by delay to bring these matters before the approaching session of the Congress of the United States at an early period of its session.<sup>2</sup>

Five days previous to this in a hastily written note to Austin he had even gone so far as to sketch the terms upon which he believed annexation might be secured. He said:

I am satisfied that an union of Texas with the U States may take place this winter upon the following basis. The Gov. of the U States to assume our debts to endow liberally academies colleges etc.

The object of the U. States is the jurisdiction over the soil, its value is of no object to them.

But no legislation on private claims will under any circumstances be admitted. All claims must be settled according to the laws under which they were acquired.<sup>3</sup>

The mission of Collinsworth and Grayson ended rather abruptly. While the former was in Nashville attempting to negotiate with Jackson<sup>4</sup> and probably while the latter was still in Louisville awaiting some answer to his communications from that

<sup>1</sup>See below, p. 221.

<sup>2</sup>Collinsworth to the President of Texas, November 13, 1836, *ibid.*, 126.

<sup>3</sup>Collinsworth to Austin, November 8, 1836, Austin Papers.

<sup>4</sup>November 13, Collinsworth in his report of his work, from Brazoria, says: "On the 21st of Oct last I recd the enclosed letter marked A [evidently referring to Burnet's communication of September 12, see below, p. 208, note 1] which I considered as finally ending any pretence of authority on my part to act as an agent of this government, and I accordingly set out for this place the next day" (Garrison, *Dip. Cor. Tex.*, I, 126).

place, letters from Burnet arrived announcing the fact that the September elections had been held, and informing the commissioners that the new Congress would doubtless at an early date take up the question of the appointment of an agent to Washington.<sup>1</sup> Thus the term of this commission expired with the government *ad interim*, and the status of the question of recognition was as yet practically undisturbed, so far as any efforts on the part of the Texan agents were concerned.

#### 4. *The work of the friends of Texas in the United States Congress.*

From the foregoing sketch of the work of the first three sets of commissioners it will be seen that it was the opinion of those who had labored in Washington during the first session of the twenty-fourth Congress that only the lack of official information to show that Texas was *de facto* an independent government had prevented recognition. Collinsworth and Grayson had carried with them all the evidence of this kind that was believed to be necessary, but they had arrived in Washington during the recess of Congress—a time when it was impossible to effect anything. They also felt, however, that as nearly as they could determine the spirit generally was favorable; and Jackson, they believed, was anxious for both measures—recognition and annexation.

Questions like these, therefore, naturally arise. To what extent were the commissioners right in their interpretation of the situation at Washington? Were they so misled by the enthusiasm for Texas expressed by private individuals throughout the country, especially throughout the Southern States which they had traversed, that they naively assumed that the government of the United States would feel equally disposed to champion their cause? Did they see only their own limitations as commissioners, and fail to detect other less obvious but perhaps equally formidable obstacles in the way of immediate recognition? To a certain extent this may have been the case. But, on the other hand, was there not some justification for their belief that the questions of recognition and even annexation were seriously discussed by the United States

<sup>1</sup>Burnet to Collinsworth, September 12, 1836, Garrison, *Dip. Cor. Tex.*, I, 123; Burnet to Grayson, September 12, 1836, *ibid.*, 122-123.



authorities in the spring and summer of 1836? There are at least three circumstances that seem to indicate that this was true. These are (1) the well known desire of the United States to secure Texas; (2) the evidence furnished by the congressional debates that the complication in regard to the slavery question, while clearly discernible, was as yet comparatively unimportant; (3) the actual corroboration in the debates of the opinions expressed by the commissioners.

Almost from the time that the United States definitely surrendered Texas by the treaty of 1819, it was the open policy of the government to regain in some way the lost territory. The undertaking was first entrusted to Poinsett, who spent two years, 1825-7, attempting to extend the boundary so as to include the whole, or at least a portion, of Texas in the United States. This failed, and in 1827 he was instructed to treat for a cession of the desired section for the amount of one million dollars, which later on was increased to five millions. Thus two more years were consumed, and at the end of this time Poinsett was recalled. During the greater part of Jackson's administration, that is, from 1829 to 1836, Anthony Butler was the representative of the United States in Mexico. "It was a seven years' period of cheap trickery in which, on the one hand, Mexico was led to believe that the United States government would descend to any level to accomplish the cession of Texas, and on the other, Jackson was encouraged by hopes of a cession which came to nothing."<sup>1</sup> There can be no doubt that the relations between the United States and Mexico during this period hastened the Texan revolution.

Upon Butler's recall, Powhatan Ellis was sent as *chargé*, instructed to press certain claims of American citizens against Mexico. The time was most inopportune—Mexico was torn by revolution—and the result was that, in November, 1836, Ellis demanded his passports. Just previous to this, in October, Gorostiza, the Mexican minister to United States, having become exasperated by what he regarded as a refusal of the United States government to enforce neutrality, had withdrawn from Washington.<sup>2</sup> Thus, for

<sup>1</sup>Reeves, *American Diplomacy under Tyler and Polk*, 68-69.

<sup>2</sup>The immediate cause of his withdrawal was the occupation of Nacogdoches by a detachment of troops sent out by the United States general, Gaines (see below, pp. 211-212).

the present, all diplomatic relations between the United States and Mexico were suspended.

The events of this decade, thus briefly sketched, would seem to warrant the assurance of the Texans generally that the United States authorities would welcome the opportunity of pronouncing Mexican dominion in Texas at an end, and would gratefully accept so valuable an acquisition in case Texas chose to relinquish her independence and join the Union. Nor did the sympathy and the illegal but open assistance of the people of the United States at large tend to destroy this confidence. Naturally when war broke out the United States had at once assumed a neutral attitude. In his seventh annual message at the opening of Congress, December 7, 1835, Jackson had said:

Aware of the strong temptations existing and powerful inducements held out to the citizens of the United States to mingle in the dissensions of our immediate neighbors, instructions have been given to the district attorneys of the United States where indications warranted it to prosecute without respect to persons all who might attempt to violate the obligations of our neutrality, while at the same time it has been thought necessary to apprise the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties.<sup>1</sup>

But laws in support of neutrality could not easily be enforced, and a rather striking illustration will show how on at least one occasion these instructions were observed. While Carson was in Nashville on his way to Washington in June, 1836, he wrote to President Burnet concerning certain volunteers who had enlisted in the Texan cause:

Seventy men are now ready to leave under Capt'n Grundy who is the *prosecuting atty.* for the United States for this District, and has *formal orders* to arrest and prosecute every man who may take up arms in the cause of Texas or in any way *Violate* the neutrality of the U. S. He says he will prosecute any man under his command who will take up arms *here* and he will accompany them to the boundary line of the U. S. to see that they shall *not violate her neutrality* and when there, if the boys think proper to step over the line as *peaceable emigrants* his authority in this Govt will

<sup>1</sup>Richardson, *Messages and Papers*, III, 151; *Debates in Cong.*, 24 Cong., 1 Sess., 1424.

cease and he thinks it highly probable that he will take a peep at Texas himself. Thus you see how the neutrality of this Govt. is preserved by her civil officers.<sup>1</sup>

Against such violations of national faith Mexico repeatedly protested, and the United States government as often reasserted its neutrality and disclaimed any responsibility for the conduct of private individuals. But, however sincere the intentions of the authorities at Washington, there seems to have been little disposition in some sections of the country to take such proclamations seriously,<sup>2</sup> as is witnessed by the large number of volunteers that flocked to Texas. To discourage such immigration Gorostiza, on April 1, 1836, served notice that Mexico would hold herself responsible for no engagements or debts made by the revolted Texans, nor would she consent to any alienation of her national lands in Texas.<sup>3</sup> Such declaration was, of course, of absolutely no effect.

But the climax came, as Gorostiza thought, when the executive authorities at Washington refused to punish the actual invasion of Texas by United States troops. General Gaines had been stationed by the United States authorities at Fort Jessup near Natchitoches, Louisiana, with orders to preserve peace along the frontier, especially to hold the Indians in check.<sup>4</sup> He was also given permission to go as far as Nacogdoches if the hostilities of the Indians should make such a step necessary. In April, in response to a message that a force of Indians and Mexicans had united and were approaching Nacogdoches, he advanced his troops as far as the Sabine.<sup>5</sup> July 4, Austin wrote asking Gaines to guarantee the treaties with Santa Anna of May 14, and suggesting that his occupation of Nacogdoches would end the war.<sup>6</sup> August 4, Gaines on

<sup>1</sup>Carson to Burnet, June 1, 1836, Garrison, *Dip. Cor. Tex.*, I, 93.

<sup>2</sup>For one report in regard to Jackson's attitude, illustrating this, see above, p. 172. Also for an interesting account, from the Mexican standpoint, of the conduct of the United States throughout this period, see Tornel, *Tejas y los Estados-Unidos de América en sus Relaciones con la República Mexicana* (1837).

<sup>3</sup>Declaration of Gorostiza, April 1, 1836 (Garrison, *Dip. Cor. Tex.*, I, 74-75).

<sup>4</sup>By the treaty of 1831 between the United States and Mexico each had agreed to restrain incursions of its border Indians into the territory of the other. Texas was claiming the benefit of this treaty.

<sup>5</sup>Carson to Burnet, April 14, 1836, Garrison, *Dip. Cor. Tex.*, I, 83-84.

<sup>6</sup>Austin's Letter and Memorandum Album (1836) pp. 9-13, Austin Papers.

the basis of insufficient instructions refused to guarantee the fulfillment of the treaties,<sup>1</sup> but hearing of an Indian uprising, he had in the meantime sent a detachment to Nacogdoches. Ever since May, Gorostiza had been protesting against the authority given Gaines to cross into Texas, and now, after futile remonstrances with the authorities at Washington, who seem to have had no official notice, before September, of Gaines's movements,<sup>2</sup> he summarily demanded his passports, October 15. These events, naturally, were followed with keen interest by the Texan commissioners; and, in view of the assurances they personally had received in regard to the friendliness of the government, it is not surprising that they were confident of immediate recognition and of annexation, as well, provided they desired it. They sincerely believed that their entrance into the Union depended mainly upon the vote of the Texans themselves. And in the light of the occurrences the next ten years, one smiles at Wharton's eagerness in the spring of 1836 to return home in order to *persuade* the leading Texans to consent to annexation. He had just heard that Houston was opposed to such a step, and fearing the influence of the hero of San Jacinto he was anxious to see Houston before the latter's opinions were generally known. He therefore wrote Austin, May 28, that he would leave the work in Washington to Childress and Hamilton and return to Texas to exert such influence as he had with Houston. "I feel it more important than all other things in the world," he said, "[that] the present Senate should act upon the question of annexation. . . . If we first get the leading men in favour of it in Texas will all go right. . . ."<sup>3</sup>

But if this was the psychological moment to urge recognition and annexation it was allowed to pass. One can not read the debates in Congress from April 26, when the question of recognition was first

<sup>1</sup>Gaines to Austin, August 4, 1836, Austin Papers.

<sup>2</sup>September 4, Jackson wrote two letters to Gaines acknowledging communications from him dated August 11 and July 21 concerning (1) Austin's request in regard to the treaties with Santa Anna, and (2) rumors relative to the Indians. Jackson replied to the first, that the Mexican authorities had long since served notice that no act of Santa Anna's since his capture would be held binding on the Mexican government; to the second, that he should march his whole force to Nacogdoches if convinced that circumstances demanded such a step (both letters in Jackson MSS.).

<sup>3</sup>Wharton to Austin, May 28, 1836, Austin Papers.



discussed in the Senate,<sup>1</sup> until Congress adjourned, July 4, without being impressed, as the commissioners were, by the apparent failure on the part of Texas to take any initiative whatever in the matter. Memorials and petitions from various sections of the United States were continually arriving, but the commissioners from Texas were rendered impotent by want of the proper equipment. Indeed, it is worthy of note that, without exception, the discussions on the question throughout the first session of Congress were provoked, not by the efforts of the commissioners, but by these memorials and petitions from interested citizens of the United States.<sup>2</sup> The presence of the commissioners in Washington seems to have attracted very little attention in Congress. May 23, two months after Austin, Archer, and Wharton first arrived in Washington, Senator Morris, of Ohio, asked where were the authorized agents of Texas. Those gentlemen who were there as agents, he believed, had shown no credentials from the authorities of Texas. When he acted in the capacity of a representative he desired something official upon which to act. In reply Walker of Mississippi, an ardent friend of Texas, asserted that the Texan commissioners were public and accredited agents, not the less respectable because they were once American citizens.<sup>3</sup> On the same day Webster of Massachusetts, urging the Senate to avoid premature recognition, declared that as soon as Texas felt that she had a government she would naturally present her claims to her neighbors.<sup>4</sup> One other reference is made to the commissioners. In the course of this same debate, Senator Walker speaks of them as the young Franklins from Texas, who

<sup>1</sup>On May 16 Walker of Mississippi refers to a discussion on the subject which he says took place April 22, but evidently he has in mind the debate of April 26.

<sup>2</sup>Named in the order in which these documents were presented to Congress, they were as follows: To the Senate, April 26, proceedings from a meeting in Cincinnati; May 9, memorials from citizens of Philadelphia; May 16, resolutions of a meeting in Burke County, North Carolina; May 23, proceedings of a meeting at the court house of Warren County, Mississippi; June 13, a memorial from Shelby County, Kentucky, and resolutions of the legislature of the State of Connecticut; June 24, a memorial from a portion of the citizens of Louisiana; June 27, proceedings of meeting at Nashville, Tennessee; to the House, May 30, a memorial from a congressional district in Ohio; June 6, a memorial from the District of Columbia; June 27, a memorial from a meeting at Nashville, Tennessee.

<sup>3</sup>*Debates in Cong.*, 24 Cong., 1 Sess., 1529.

<sup>4</sup>*Ibid.*, 1527-1528.

perhaps had already presented their credentials.<sup>1</sup> It is true the commissioners considered that their business was not so much with Congress as with the executive, but, if they had been in a position to push the work, Congress would no doubt have acted more vigorously.

To be sure, opposition to Texas as a slave holding country was already in evidence, and it grew stronger as the session progressed. As early as May 7 a debate on the subject arose in the House. John Quincy Adams, aroused by the operation of Gaines on the Texan frontier, referred to it as an attempt to conquer Texas and re-establish slavery, which had been abolished by Mexico. He was opposed to any such addition to the United States. Thompson of South Carolina in reply deplored the inopportune introduction of slavery into the debate, especially by the gentlemen who had negotiated away Texas. It had been said, he claimed, by the enemies of Adams, at the time when the treaty of 1819 was drawn up, that a leading motive for ceding to Spain this valuable territory was to prevent the addition it would make to the slaveholding interests of the United States. Thompson regretted that Adams by his present attitude should have confirmed such a statement. Adams thereupon explained his great reluctance to enter into the treaty, claiming that he was the last man in the cabinet to agree to it; upon which the discussion as regards slavery was dropped.<sup>2</sup>

Two days later in the Senate Moore of Alabama regretted the disposition of some of the senators to disregard petitions for the recognition of the independence of Texas—a treatment they were not wont to accord to abolition petitions.<sup>3</sup> On the same day Shepley of Maine opposed the printing of the memorials. The sympathies that had been expressed for the Texan cause may have been raised, he said, “entirely by the perusal of the cruelties perpetrated in Texas. He hoped it was so. But it was possible there were other matters and motives which had their influence in operating on the feelings of a great number; and if so, any sympathies arising from such a source were unworthy of respect and consideration.”<sup>4</sup>

<sup>1</sup>*Debates in Cong.*, 24 Cong., 1 Sess., 1534.

<sup>2</sup>*Ibid.*, 3519-3522.

<sup>3</sup>*Ibid.*, 1421.

<sup>4</sup>*Ibid.*, 1425.

May 16, Senator Walker of Mississippi referred to the treaty of 1819 by which five or six prospective states were torn from the Union, thus destroying the balance of power between the North and the South.<sup>1</sup> May 23, Morris of Ohio, who, on April 26, had presented the first memorial asking for the recognition of Texas, now said that he was not ready to take up the matter—that it involved a question which did not ‘meet the eye, which was beyond the mere recognition of independence, a question that would convulse the Union from one end to the other.’<sup>2</sup> Calhoun of South Carolina spoke of the advantage of annexing Texas, thus preventing the possibility of annoyance to the slaveholding states from that section of the country. Rives of Virginia said Calhoun had given opinions as a southern man.<sup>3</sup>

On the same day Niles of Connecticut, on presenting resolutions from the legislature of his state, praying the recognition of Texas, called attention to the fact that the first state<sup>4</sup> to take such a step was in a remote part of the Union where no interested motives would be supposed to operate, and from whence there had been no emigrants to that country.<sup>5</sup> This, he went on to say, should prove that there was really little foundation for all that was being said concerning local jealousy in different sections of the Union. He was aware that there were ulterior questions of a most momentous character connected with the independence of Texas. Some of these were very delicate, involving the balance of political power in regard to a particular interest, to which he would not at that time allude. If these questions had been considered by his state they had not influenced her actions which had sprung from a sense of justice and a love of liberty.<sup>6</sup>

The extreme caution with which it was necessary to approach such a question would naturally have prevented any free expres-

<sup>1</sup>*Debates in Cong.*, 24 Cong., 1 Sess., 1456-7.

<sup>2</sup>*Ibid.*, 1525.

<sup>3</sup>*Ibid.*, 1531.

<sup>4</sup>Connecticut seems to have been the only state that sent in such a petition.

<sup>5</sup>In this statement Niles was perhaps substantially correct. A part of the interest taken by Connecticut in Texas, however, may have been due to the fact that Moses Austin, the father of Stephen F. Austin, and the first to conceive the idea of introducing into Texas Anglo-American colonists, was a native of Durham, in that state.

<sup>6</sup>*Debates in Cong.*, 24 Cong., 1 Sess., 1531.

sion of opinion; at the same time, there is sufficient evidence to show that as yet the significance of the slavery question in regard to Texas was not fully appreciated. One circumstance will help illustrate this. It will be remembered that Morris of Ohio, on April 26, presented to Congress the first petition—that from Cincinnati—asking for recognition of the independence of Texas. It was he, also, who nearly four months earlier had presented the two first abolition petitions that had reached the present Congress—and these, too, had come from Ohio. In each instance one of his most bitter opponents was Porter of Louisiana. Porter's attitude toward the abolition petitions was natural; toward the petition for recognition it was determined largely by the trade interests Louisiana had with Mexico. During the last twenty months, Porter claimed, the trade between New Orleans and the Mexican ports had amounted to nearly fifteen million dollars. Was this to be thrown away, asked the senator from Louisiana, simply because the country adjoining them had no free institutions? Another consideration, he said, which it behooved Louisiana to take into account was the fact that in case of war between the United States and Mexico the western portions of Louisiana would be exposed perhaps for years to inroads of the Mexicans and their Indian allies. Her property, especially her slaves, would thus be endangered. 'It was all very well,' he said, 'for gentlemen who came from states where peace and security could not be disturbed by hostilities to indulge in aspirations after the happiness of the human race. But he protested against their doing so at Louisiana's expense.'<sup>1</sup>

It would be necessary to examine into the local politics of Louisiana to understand fully her attitude in regard to Texas. As has been noted,<sup>2</sup> a memorial from Opelousas, Louisiana, praying the government to recognize Texas at the earliest period possible was presented by Senator Preston of South Carolina, June 24. But the fact that a Louisiana senator opposed recognition so vigorously at least tends to show that the importance of Texas to the slaveholding states was not generally realized.<sup>3</sup>

<sup>1</sup>*Debates in Cong.*, 24 Cong., 1 Sess., 73-78, 1286, 1418-9.

<sup>2</sup>See above, p. 213, note 2.

<sup>3</sup>It must be admitted that the attitude of Louisiana as expressed in the Senate was consistent throughout. When, on March 1, 1837, the



One other incident in this connection deserves mention. On his retirement from office in 1836, Governor McDuffie of South Carolina, after speaking in harshest terms of the Texans and their struggle for independence, said: "You are doubtless aware that the people of Texas, by an almost unanimous vote, have expressed their desire to be admitted into our confederacy, and application will probably be made to congress for that purpose. In my opinion, congress ought not even to entertain such a proposition, in the present state of the controversy."<sup>1</sup>

These expressions from the governor of a slaveholding state, together with the preceding evidence from the congressional debates, show that the issue as regards the Texas question and slavery was by no means clearly drawn. Other interests called forth some opposition to congressional action concerning recognition. Louisiana's attitude has already been noted. Many undoubtedly were sincerely opposed to any violation of the neutrality which had been proclaimed. Some urged the preservation of the recent treaty with Mexico. Others were reluctant to provoke war with Mexico. Others still claimed to be restrained by the principles laid down in the Monroe Doctrine. Some hesitated to urge immediate recognition, because of the suspicion that would be cast on the motives of the United States should annexation follow. A few still clung to the hope of a cession of Texas by Mexico.

But the one insurmountable barrier to immediate action was the lack of authentic information upon which to base such a step. The expressions of sympathy for Texas were almost unanimous, especially in the Senate. All alike deplored the absence of any save newspaper accounts. The debates, as reported, are full of expressions such as these: "If the accounts . . . received from Texas were official, . . . he [Walker of Mississippi] would have moved a resolution for the immediate recognition of the independence of Texas";<sup>2</sup> "If the people of Texas had established a

question of recognition was before the Senate, Nicolas, then Senator from Louisiana voted in the negative. Morris, be it noted, also voted against the motion, but he voted at the same time in favor of recognition whenever information was received that Texas was capable of fulfilling the obligations of an independent power (*Debates in Cong.*, 24 Cong., 2 Sess., 1012-3).

<sup>1</sup>*Niles' Register*, LI, 229-230.

<sup>2</sup>*Debates in Cong.*, 24 Cong., 1 Sess., 1527; cf. 1526, 1529.

Government *de facto*, it was undoubtedly the duty of this Government to acknowledge their independence";<sup>1</sup> "The sole question is, has a revolution been effected in Texas? Has the Mexican Government been overthrown there? . . . [If so] then we shall violate the fundamental principle of the law of nations, if we continue to recognize the existence of the Mexican authority in a country from which it has been expelled."<sup>2</sup> Calhoun was ready to vote for annexation as well as recognition as soon as it became evident that Texas had established a government.<sup>3</sup>

Finally, in order to get all the light possible on the subject as well as for the moment to dispose of a question that was uselessly consuming time, it was decided both in the House<sup>4</sup> and the Senate to refer all memorials and petitions to committees of foreign affairs. June 18, five days after the reference, the Senate committee, of which Clay was chairman, was ready with its report. This report begins by discussing the former policy of the United States toward the recognition of a new or modified form of government, and concludes thus:

The committee has no information respecting the recent movements in Texas, except such as is derived from the public prints. . . . No means of ascertaining accurately the exact amount of the population of Texas are at the command of the committee. . . . Nor are the precise limits of the country which passes under the denomination of Texas known. . . . [Therefore]

*Resolved*, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information has been received that it has in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent Power."<sup>5</sup>

<sup>1</sup>Webster in *Debates in Cong.*, 24 Cong., 1 Sess., 1527.

<sup>2</sup>Walker in *ibid.*, 1534.

<sup>3</sup>*Ibid.*, 1531.

<sup>4</sup>The only record given in the *Globe* of a reference of memorials to the House committee on foreign affairs was on June 6 when memorials from the District of Columbia were referred (*Cong. Globe*, 24 Cong., 1 Sess., 533). But the opening words of the report of July 4 (*Reports of Committees*, 24 Cong., 1 Sess., III, No. 854) are as follows: "The Committee on Foreign Affairs, to which were referred certain resolutions of the Legislature of the State of Connecticut, and the petitions of many citizens of the United States, asking the recognition of the independence of Texas," etc.

<sup>5</sup>*Reports of Committees*, 24 Cong., 1 Sess., 1847.

This resolution, however, while gratifying as evidence of the friendly interest felt by Congress, left the question of recognition practically untouched. But even the most ardent friends of Texas realized that, under the circumstances, it was all that could have been expected. In order, therefore, to help meet the condition named in the resolution, a motion was at once passed that the president be requested

to communicate to the Senate any information in his possession, not inconsistent with the public interest, touching the political condition of Texas—the organization of its Government, and its capacity to maintain its independence; and, also, any correspondence which may have taken place between the Executive of the United States and the Government of Texas or its agents.<sup>1</sup>

In compliance with this motion Secretary of State Forsyth, on June 23, wrote to the president:

The Secretary of State to whom was referred a resolution of the Senate of the 18th instant . . . has the honor to lay before the President the accompanying copies of papers addressed to and left at, the Department of State, by persons claiming to be agents of the republic of Texas; being all the information and correspondence called for by the resolution. No answers having been returned to any of these communications, they remain for further consideration, and such direction as the President shall hereafter give.<sup>2</sup>

Thus, unconsciously, Forsyth gives a terse and accurate summary of all that had been accomplished with the executive authorities by the combined efforts of the six commissioners who up to this time had labored in Washington.

In communicating these documents to the Senate on the same day Jackson said:

Not having accurate and detailed information of the civil, military, and political condition of Texas, I have deemed it inexpedient to take the necessary measures, now in progress, to procure it, before deciding upon the course to be pursued in relation to the newly declared Government.<sup>3</sup>

<sup>1</sup>*Debates in Cong.*, 24 Cong., 1 Sess., 1871.

<sup>2</sup>*Ibid.* None of this correspondence has been found.

<sup>3</sup>*Debates in Cong.*, 24 Cong., 1 Sess., 1871.

The "necessary measures" to which the president undoubtedly referred were those taken in dispatching to Texas a secret agent to learn the true state of affairs. Two days after Jackson's communication to the Senate, Forsyth addressed to Burnet the following letter:

I have the honor to introduce to you Henry M. Morfit, Esquire, of this city, who has been chosen to endeavor to procure more accurate and detailed information than that now in possession of the United States, relative to the civil, military and political condition of Texas. I will thank you to facilitate Mr. Morfit's inquiries in any way you can.<sup>1</sup>

Upon the strength of this measure another article, expressing satisfaction at the president's course, was added to the resolution reported by the Senate committee, June 18, and in this form the resolution was unanimously adopted, July 1.<sup>2</sup> The House resolution, which was identical with the amended resolution of the Senate, was reported and adopted July 4<sup>3</sup>— the day Congress adjourned.

The status of affairs, therefore, when Congress adjourned for the summer was this. Two sets of commissioners had worn themselves out waiting in Washington for something definite upon which to work. At the same time, independently of any effort on their part, Congress had expressed itself almost unanimously in favor of recognition whenever circumstances would at all justify that step. Jackson, too, as the commissioners believed, was not unfriendly to the objects they had in view. A secret agent had been sent out to Texas, and, if his report were at all favorable, everything apparently pointed to the speedy consummation of both objects sought

<sup>1</sup>Forsyth to Burnet, June 25, 1836, Garrison, *Dip. Cor. Tex.*, I, 100.

<sup>2</sup>*Debates in Cong.*, 24 Cong., 1 Sess., 1915, 1928; see above, p. 218.

<sup>3</sup>*Ibid.*, 4621; *Reports of Committees*, 295, 24 Cong., 1 Sess., III, No. 854. In the former reference the vote on the resolution is given as yeas 128, nays 20, on the first article; yeas 113, nays 22, on the second. In the latter reference the vote on these articles respectively is yeas 126, nays 20; and yeas 113, nays 22.

The second article as given in the House report was as follows:

"Resolved, That the House of Representatives perceive with satisfaction that the President of the United States has adopted measures to ascertain the political, military, and civil condition of Texas" (*Reports of Committees*, 295, 24 Cong., 1 Sess., III, No. 854).



by Texas.<sup>1</sup> Collinsworth and Grayson, though naturally unable to effect anything themselves during the summer, believed that this was the situation. It was with confidence of success that the permanent government in the fall of 1836 took up the work which in the hands of the provisional government and the government *ad interim* had been carried on in so lax a fashion. And the prospects seemed not less bright from the fact that the permanent government was in a position to correct the mistakes of its predecessors, and to push forward with energy the two measures so much desired.

5. *The work of Wharton and Hunt.*

In September, 1836, a general election was held in Texas to ratify the constitution and to select the officials for the new government. The constitution was unanimously adopted. The officers chosen were Sam Houston for president and M. B. Lamar for vice-president; Stephen F. Austin was appointed secretary of state, and Henry Smith secretary of the treasury. At the same time the question of annexation was submitted to the people, and decided in the affirmative by an overwhelming majority.

October 22, Houston was duly installed as president. November 16, he approved the following joint resolution of Congress:

Whereas, the good people of Texas, in accordance with a proclamation of his Excellency David G. Burnet, president *ad interim* of the republic, did, on the first Monday of September last past, at an election held for president, vice-president, senators, and representatives of congress, vote to be annexed to the United States of America, with an unanimity unparalleled in the annals of the elective franchise, only ninety-three of the whole population voting against it:

<sup>1</sup>It is true that during the summer of 1836 the credit of Texas fell rather low. Burnet was extremely unpopular. Moreover the failure of the government to ratify the New Orleans loans, and the sudden change of the Texan agency in New Orleans had done much to destroy confidence throughout the United States in the Texan government. Texas was no longer in immediate danger from Mexico, so all voluntary contributions had ceased. Until the establishment of the new government the treasury department was not placed upon a permanent basis. The sale of scrip, especially in New York, by different companies had reduced Texan lands to a nominal value. Equitable titles could be had at auction at less than one cent an acre, and legal titles at about ten cents (Samuel Ellis to Austin, August 23, 1836, Austin Papers).

Be it therefore resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized and requested to despatch forthwith to the government of the United States of America, a minister, vested with ample and plenary powers to enter into negotiations and treaties with the United States government for the recognition of the independence of Texas, and for an immediate annexation to the United States; a measure required by the almost unanimous voice of the people of Texas and fully concurred in by the present Congress.<sup>1</sup>

The choice for this important mission fell first upon Austin; but, owing to ill health and the necessity of closing out other business at home, he declined.<sup>2</sup> Houston then selected Wharton. Under ordinary circumstances Austin was much the better man to send upon an errand of diplomacy. He was cautious, discerning, conciliatory. Wharton, on the other hand, was impetuous and outspoken. But he possessed the energy, enthusiasm, and persistence, which in the present case were perhaps of greater value than the more characteristic qualities of a diplomat. Moreover of all the Texan agents with the exception of Grayson, whose work had counted for little, he had spent most time in Washington in a purely diplomatic capacity.<sup>3</sup> When Austin and Archer had left Washington to visit other cities for the purpose of raising money and volunteers for Texas, Wharton had remained to keep in touch with the government. He was there when Childress and Hamilton arrived, and, in spite of his haste to return to Texas,<sup>4</sup> he no doubt coöperated with them for a while.

A comparison of Wharton's credentials and instructions issued on this occasion and those with which he and his colleagues, Austin and Archer, had been furnished just a year earlier will show that during the interval the young republic had garnered much useful information in the realm of diplomacy.<sup>5</sup> To Austin, as secretary

<sup>1</sup>Gammel, *Laws of Texas*, I, 1089, 1090.

<sup>2</sup>Austin to Perry, July [undoubtedly intended for September] 25, 1836, Austin Papers.

<sup>3</sup>Wharton was in Washington more than two months; Grayson was there about three.

<sup>4</sup>See above, p. 212.

<sup>5</sup>Upon their receipt Wharton writes Austin, November 22 that he had not had time to read them, but "so far as their exterior appearance is concerned, they do credit to those who have prepared them and to our

of state, fell the important duty of drawing up the necessary papers, and for such a task no one was more capable. Several rough drafts of instruction in his own handwriting are still in existence<sup>1</sup> testifying to the effort expended in making these documents conform to required rules. When complete, Wharton's equipment as minister plenipotentiary consisted of: (1) his commission as minister; (2) general instructions; (3) private and special instructions; (4) copies of the declaration of independence, of the constitution, and of such acts and proceedings of the newly established authorities as would go to show that Texas had in operation a *de facto* government; and (5) a file of the *Telegraph and Texas Register*, the most important newspaper then published in Texas.<sup>2</sup> Finally, lest the authorities at Washington should refuse to receive Wharton as minister previous to recognition, it was decided to furnish him also with a commission as agent.<sup>3</sup> Through inadvertence, however, this document was omitted, and was not forwarded to him until a month later.<sup>4</sup>

The general instructions began by saying that, although the only fact to be established in order to base thereon a claim for recognition was that Texas was independent *de facto*, still it would add moral force to her plea to show that she was also independent *de jure*. This was evident when it was considered that Santa Anna

infant government" (Garrison, *Dip. Cor. Tex.*, I, 142). When Wharton presented his general instructions to Jackson and Forsyth he said that they "appeared well satisfied with them. I asked the President if there was anything unreasonable or objectionable in my instructions. He answered No" (*Ibid.*, 175).

<sup>1</sup>Austin Papers.

<sup>2</sup>Austin to Wharton, November 18, 1836, Garrison, *Dip. Cor. Tex.*, I, 127; Austin to Wharton, November 22, 1836, *ibid.*, 141-142. Austin drafted a letter of credence November 18, the same day on which the other papers were issued. For some reason, however, it apparently was not sent until April of the next year, after recognition was secured. The letter which was then sent is an exact copy of the letter first drawn up by Austin, except that it is signed by Henderson, then secretary of state, and sealed with the official seal. Both letters are in *Dip. Cor. Tex.* with U. S. (MSS.). See also Garrison, *Dip. Cor. Tex.*, I, 135, 203.

<sup>3</sup>Austin to Wharton, November 18, 1836, *ibid.*, 127.

<sup>4</sup>In a letter to Austin, December 2, 1836, written on board the *General Gaines* when near Natchez on his way to Washington, Wharton said his commission as agent was not among his papers, and urged that it be forwarded forthwith (Garrison, *Dip. Cor. Tex.*, I, 149). In reply, this commission was made out and carried to Wharton by Hunt. (Henderson to Wharton, December 31, Garrison, *Dip. Cor. Tex.*, I, 160; see also below p. 225.)

himself had destroyed the federal compact, by which alone Texas was bound to the other states of the Mexican union. It was by no act of her own, therefore, that Texas was released from all allegiance to this union. But aside from this, the law of self-preservation had given Texas the right to provide a government for herself—that to which she had formerly been united was torn by revolution and wholly inadequate to furnish protection. So much for the right to declare independence. As for the fact that Texas was actually independent, the documents accompanying the instructions would amply testify. In regard to the physical capacity of Texas, the defeat of the Mexicans at San Jacinto should afford sufficient proof. Mexico at that time had been united under a popular leader, who had under his command eight thousand well disciplined men. Texas was disorganized and without an army. The situation was now reversed. Mexico was in revolution, her army scattered, and Santa Anna, the president and commander-in-chief of the army, a prisoner. Texas was now in possession of an army, a navy, and a government in good working order. Under these circumstances, the precedents of the United States in dealing with newly established governments demanded the recognition of Texas. Furthermore policy dictated the interposition of the United States to restore tranquillity on her southwestern frontier.<sup>1</sup>

The private instructions seemed intended primarily to prevent Wharton's making too great sacrifices in order to secure annexation. A treaty with Mexico and friendly manifestations on the part of England and France, he was told, might make independence more desirable than annexation. Should recognition and annexation both be denied, Wharton was to cultivate, with all due caution, the support and good will of the foreign ministers at Washington. Should recognition alone be secured, he was empowered to form with the United States a treaty of amity, limits, and commerce on the basis of a just reciprocity, and to make, also, if possible, a treaty of alliance.<sup>2</sup>

Before the end of the year two other persons were dispatched to Washington in a diplomatic capacity. One of these was Fairfax

<sup>1</sup>The remainder of the instructions relates to annexation. For the entire document see Garrison, *Dip. Cor. Tex.*, I, 127-135.

<sup>2</sup>*Ibid.*, 135-140.



Catlett, appointed, December 13, as secretary of legation, with authority to act as *chargé d'affaires* for Texas in case of the death or removal of Wharton.<sup>1</sup> The other was Memucan Hunt, commissioned, December 31, as minister extraordinary, with instructions to act in conjunction with Wharton in the effort to secure recognition and annexation. In addition to the evidence with which Wharton had already been furnished to prove that Texas was a *de facto* government, Hunt was to testify to the fact that, since Wharton's departure, the judiciary had been regularly organized. He was also given additional instructions concerning annexation.<sup>2</sup> Furthermore, he carried another commission for himself and Wharton, empowering them, in case they were not received as ministers, to act as agents,<sup>3</sup> "with full powers as such to negotiate for the recognition of the Independence of this Republic with the authorities of that Government and to do all necessary acts and things for the purpose of effecting the object of their agency."<sup>4</sup>

Besides these diplomatic agents there was one other individual who went on a similar errand from Texas to Washington in the winter of 1836-7. This was Santa Anna. Confessedly his object was to urge the mediation of the United States in bringing about a settlement of the Texan question. His chief desire no doubt was to get out of Texas.

The plan of using Santa Anna in the negotiations with the Washington authorities had originated shortly after Austin's return to Texas in the summer of 1836. It was intended at first that this should be done simply by correspondence. July 2, Austin went to Columbia to interview Santa Anna, who was imprisoned there. During his stay at this place, both he and Santa Anna wrote to Jackson, July 4, giving him a full account of the state of affairs, and enclosing copies of the public and private treaties of May 14.<sup>5</sup>

<sup>1</sup>For Catlett's commission, which is dated December 13, 1836, see *Dip. Cor. Tex. with U. S. (MSS.)*; Austin to Catlett, December 14, 1836, Garrison, *Dip. Cor. Tex.*, I, 154-155.

<sup>2</sup>*Ibid.*, 161-165.

<sup>3</sup>See above, p. 223.

<sup>4</sup>*Dip. Cor. Tex. with U. S. (MSS.)*; also see Garrison, *Dip. Cor. Tex.*, I, 166.

<sup>5</sup>It is difficult to say whether this was the plan of Santa Anna or of Austin. A letter from Burnet to Collinsworth and Grayson, July 8, 1836 (Garrison, *Dip. Cor. Tex.*, I, 104), says:

"Genl Austin arrived here a few days ago. He visited the President

Santa Anna, Jackson was told, was fully convinced that the interest of Mexico demanded the immediate termination of the war on the basis of a recognition by Mexico of the independence of Texas. The only means of accomplishing this end was through Santa Anna's immediate release and return to Mexico. The intimate knowledge of Texas which he had acquired during the past four months had convinced him of the futility of attempting to re-conquer Texas. Mexico as a whole was ignorant of the situation. Furthermore, it was important for Santa Anna to return to Mexico before the September elections, in order to prevent, if possible, the election to the presidency of his political opponent, Bravo—a contingency which would naturally result in the continuation of the war. The former attempt to release Santa Anna was touched upon, and its failure ascribed to the want of confidence on the part of the people of Texas in Santa Anna's sincerity relative to the treaties of May 14. Nothing but the guarantee of the United States, Austin said, would

Santa Anna at Columbia and another effort towards the adjustment of our difficulties with Mexico, was suggested by the distinguished Prisoner. He proposes to procure the friendly mediation of the government of the United States between Texas and Mexico and has addressed a letter to President Jackson, a certified copy of which I enclose to you, in furtherance of this object."

The following is Austin's account: "If the principle was adopted at all of using Santa Anna for the public good of Texas, on the basis of saving his life, the only use that could or ought to have been made of him in my opinion was with the U. S. Govt. and not by an armistice or a treaty. . . . I expressed this opinion to Mr. Barnett and other members of the Govt. and asked whether Santa Anna had written to the U. S. Govt. The answer was that he had not. I was at Columbia a few days afterwards and saw Santa Anna—he said much about his desire to procure the mediation of the U. S. I told him that no mediation would be accepted by Texas, except on the basis of a recognition of our independence . . . he said that was the basis on which he acted and proposed to write to Gen. Jackson. I replied that he ought to do so, and to state in his letter his firm and full conviction that Mexico could not continue the war with Texas etc." (Austin's Letter and Memorandum Album, 1836, p. 36, Austin Papers).

The plan of having the United States guarantee the treaty with Santa Anna had probably originated with Houston. It was he who first drafted a rough sketch of the proposed treaty, which he sent in a letter to Rusk, dated, Headquarters of the Army, Camp San Jacinto, May 3, 1836. Among various stipulations suggested are the following:

"The guarantee to be obtained from the United States for the fulfillment of the stipulation on the part of the contracting parties. . . .

"Agents to be sent to the United States, to obtain the mediation of that government in the affairs of Mexico and Texas—*New Orleans Bulletin*, July 12, 1836" (Yoakum, *History of Texas*, II, 154, note).

satisfy public opinion in Texas on that point. "Your guarantee to the people of Texas," he wrote to Jackson, "for the fulfillment of the offers made by Gen'l Santa Anna would produce his *immediate release*, and he says this would end the war."<sup>1</sup> "The duration of the war and its disasters," wrote Santa Anna, "are . . . inevitable, unless a powerful hand interpose to cause the voice of reason to be opportunely listened to. It appears to me, then, that it is you who can render so great a service to humanity, by using your high influence to have the aforesaid Agreements carried into effect; which, on my part, shall be punctually fulfilled.

" . . . Let us establish mutual relations to the end that your Nation and the Mexican may strengthen their friendly ties and both engage amicably in giving existence and stability to a people that wish to figure in the political world; in which they will succeed within a few years, with the protection of the two Nations."<sup>2</sup>

September 4, Jackson who was still at the Hermitage replied to Santa Anna as follows:

The Government of the United States is ever anxious to cultivate peace and friendship with all nations; but it proceeds on the principle that all nations have the right to alter, amend, or change their own government as the sovereign power—the people—may direct. In this respect it never interferes with the policy of other powers, nor can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations . . . is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden by the character of the communications made to us through the Mexican minister from considering it. That government has notified us that as long as you are a prisoner no act of yours will be regarded as binding by the Mexican authorities.

<sup>1</sup>Austin to Jackson, July 4, 1836, in Austin's Letter and Memorandum Album (1836), pp. 1-9, Austin Papers. Austin also wrote to Gaines on this day asking him to guarantee the treaty (see above, p. 211).

<sup>2</sup>Santa Anna to Jackson, July 4, 1836, copy of the original in *ibid.*, pp. 13-16; translation in Garrison, *Dip. Cor. Tex.*, I, 106-107. A freer translation is to be found in Richardson, *Messages and Papers*, III, 274-275.

Under these circumstances good faith to Mexico, as well as the general principle to which I have adverted as forming the basis of our intercourse with all foreign powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. . . .

Your letter, and that of General Houston, commander in chief of the Texan army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October.<sup>1</sup>

To Houston, who had also written to Jackson on the subject, August 9, the president replied at the same time and substantially to the same effect.<sup>2</sup>

Thus nothing was accomplished by this method, and, when the permanent government was installed, Santa Anna was still a prisoner. Finally he decided that he would attempt to secure permission to go to Washington and in person present the case to Jackson. November 2, he had a conversation with President Houston on the subject. Three days later he wrote to Houston urging him to grant this request. The treaty of May 14, he said, had contemplated the establishment of Texas as an independent nation, which should acquire its legal existence through a recognition by Mexico. This basis had been changed by the recent vote of the people of Texas for annexation to the United States. The situation, according to Santa Anna, was now much simplified. Indeed it reduced itself to the single question of fixing the boundary between the United States and Mexico—a question which had been pending many years. By his conversations with the cabinet at Washington, he hoped, without loss of time, to determine the extent of the United States, which, he said, “may be fixed at the Nueces, at the Bravo del Norte<sup>3</sup> or any other boundary as may be decided on at Washington—thus avoiding disagreeable discussions, which might delay the definite termination of this question, or cause a difficulty between two friendly nations. This in substance,” he went

<sup>1</sup>Richardson, *Messages and Papers*, III, 276.

<sup>2</sup>Jackson to Houston, September 4, 1836, Jackson MSS.

<sup>3</sup>The Rio Grande.



on to say, "is a plain safe and speedy mode of terminating this important matter and as all are interested it becomes necessary that you facilitate my journey to Washington with the least possible delay."<sup>1</sup>

It is probable that neither Houston nor Austin had any great confidence in the disinterestedness of Santa Anna's motives, but they both, no doubt, felt that such admissions from the arch enemy of Texas would carry due moral weight. whether Santa Anna were sincere or not. Besides there was nothing to gain by retaining him in Texas as prisoner; while, on the other hand, his influence in Mexico would naturally decrease the longer he remained away.<sup>2</sup>

Accordingly, it was decided to allow him to make this journey. November 26 was the day set for his departure.<sup>3</sup> He was accompanied, at his own request, by Colonels Hockley and Bee and Captain Patton;<sup>4</sup> Colonel Almonte, his aide-de-camp and fellow prisoner, was also of the party.<sup>5</sup> He carried a letter of introduction from Houston to Jackson,<sup>6</sup> and for their guidance upon reaching Washington, Austin gave Hockley and Bee an informal "memorandum," as follows:

On your arrival in Washington City, Gen Santa Anna will, of course, request an interview with President Jackson—I recommend that this request should be made in writing, and that the outlines of his object in wishing the interview be stated—for example, after stating that he wishes to pay his respects etc to the President of the U. S. etc, etc, to go on and say that, "being fully convinced by personal observation that the true interests of Mexico, of the U. S. and of Texas, require a termination of the war between the latter and Mexico, on the basis of the separation of Texas from Mexico either as an independent nation or its annexation [that is, as annexed] to the U. S. he desires to have a conversation with Gen Jackson on that subject, with the view of endeavoring to promote the general good of all concerned" . . . or something to that amount, that will be confirmatory of what he said to Jackson in

<sup>1</sup>Santa Anna to [Houston] November 5 [5 written in pencil and in an other hand over 6 (?)], Austin Papers.

<sup>2</sup>Austin to Henry Meigs, November 7, 1836, Austin Papers.

<sup>3</sup>Austin to Wharton, November 25, 1835, Garrison, *Dip. Cor. Tex.*, I, 143.

<sup>4</sup>Santa Anna to Houston, November 5 (see above, note 1), 1836, Austin Papers.

<sup>5</sup>Wharton to Austin, January 15, 1836, Garrison, *Dip. Cor. Tex.*, I, 176-177.

<sup>6</sup>Houston to Jackson, November 20, 1836, Jackson MSS.

his letter of 4th July last—I think that this course would open the way for a cordial reception, as it will be repeating at Washington where he is free, what he said to Jackson from this place on the 4 July last when he was a prisoner—and thus afford the strongest evidence of his good faith.<sup>1</sup>

Practically nothing came of it all. Santa Anna reached Washington, after much delay,<sup>2</sup> about the middle of January, 1837;<sup>3</sup> but he found nobody else in quite so accommodating a frame of mind as he apparently had been when he proposed the scheme to Houston. He discussed with Jackson and Wharton, who was then in Washington, the possibility of a treaty with Mexico, by which the United States was to have Texas, and, in return, as part payment, was to relinquish all claims held against Mexico by citizens of the United States. But against any treaty of cession between the United States and Mexico before recognition was extended to Texas by the former, Wharton made formal and vigorous protest.<sup>4</sup> Moreover, the Mexican *chargé d'affaires* at Philadelphia refused to coöperate with Santa Anna,<sup>5</sup> and thus made it impossible for the latter to fulfil any of his fair promises, even had he been so disposed. He had obtained, for himself, however, what he most desired, namely, freedom from his hated imprisonment; and after a stay of about a week in Washington he set sail from Norfolk for Vera Cruz in a government vessel provided for him by President Jackson.<sup>6</sup>

In the meantime Wharton had started upon his mission with characteristic energy. November 22, he acknowledged the receipt of his credentials and instructions. "You may rely," he wrote Austin, "upon my not delaying a moment in getting to Washington." On the 28th he reached New Orleans "in bad plight," as

<sup>1</sup>Memorandum for Colonels Hockley and Bee, November 25, 1836, Austin Papers.

<sup>2</sup>Bee to Austin, January 1, 1837, Austin Papers.

<sup>3</sup>Wharton to Austin, January 15, 1837, Garrison, *Dip. Cor. Tex.*, I, 176-177. Wooten (*A Comprehensive History of Texas*, I, 312) says he arrived on the 17th.

<sup>4</sup>Wharton to Rusk, February 16, 1837, Garrison, *Dip. Cor. Tex.* I, 187-192.

<sup>5</sup>*Ibid.*, 193.

<sup>6</sup>Santa Anna to Jackson, January 24, 1837, Jackson MSS. In this letter Santa Anna asks for a war vessel on which to sail from Norfolk on the 27th. See also Wooten, *A Comprehensive History of Texas*, I, 312, which says Santa Anna remained in Washington until the 26th and then sailed from Norfolk on the *Pioneer*.

he says, owing to the necessity of having no sleep on the deck all the way, unprotected from the weather—but still enthusiastic. “I feel every moment,” he writes Austin, “more and more the vital importance of my being at Washington and nothing that human energy can surmount shall retard my progress.”<sup>1</sup> He remained in New Orleans two days—just long enough to raise the necessary amount of money to defray his expenses and to interview some of the parties to the original loan secured in New Orleans the winter previous.<sup>2</sup> December 1, he again set forth upon his journey, and on the 19th, in less than a month after he left Velasco, he arrived in Washington City.<sup>3</sup>

One incident connected with Wharton’s stay in New Orleans deserves notice, because the light it throws upon the growing significance of slavery in connection with the Texas question. It seems that attempts were being made to land African slaves on the coast east of the Sabine River within the territory of the United States for the purpose of transporting them into Texas, thus eluding that article of the Texas constitution which forbade the introduction of slaves except from the United States.<sup>4</sup> In a letter to Austin, November 30, on the eve of his departure from New Orleans, Wharton calls attention to this in his own vigorous style, as follows: “Crush for Gods sake and for our countrys sake crush these new projects for introducing Africans and put to death all concerned. Instruct me to complain formally to this govment that the Traffic is attempted by U. S. Citizens under the United States flag.”<sup>5</sup>

Evidently in response to this request, but as if upon his own initiative, Austin sent to Wharton an official letter, dated December 16, as follows:

It has come to the knowledge of this Govt. through the channel of common rumor sustained by the statements of several persons of known veracity, that extensive projects are in contemplation to introduce African negro slaves into this country by citizens of the U. S. in a manner that will equally violate the laws of the U. S.

<sup>1</sup>Wharton to Austin, November 28, 1836, Garrison, *Dip. Cor. Tex.*, I, 144.

<sup>2</sup>See above, p. 175.

<sup>3</sup>Wharton to Austin, December 22, 1836, Garrison, *Dip. Cor. Tex.*, I, 157.

<sup>4</sup>Austin to Wharton, December 16, 1836, *ibid.*, 155.

<sup>5</sup>Wharton to Austin, November 30, 1836, *ibid.*, 148.

and the constitutional provision of this Republic on the subject. . . .

This attempt to evade the prohibition of the African slave trade, contained in our constitution certainly will not be sustained by the tribunals of this Republic, but it is also desirable that the Govt. of the U. S. should be apprised of such attempts to carry on a piratical commerce by her own citizens through her territory and in American vessels. I am therefore directed by the president to instruct you, to lay this subject before the Govt. of the U. S. and to request its co-operation on the Sabine frontier and in the gulf of Mexico to enforce the laws for the suppression of the African slave trade.<sup>1</sup>

January 6, 1837, Wharton reported: "The complaint it is said we are about making to this Government in regard to the African Slave trade, has already silenced our traducers and rendered us great service."<sup>2</sup> What persons were involved in this illegal traffic there is no record to show. It was important, however, that the Texan government should disclaim all responsibility in the matter, because of the conciliatory effect it might have upon the non-slaveholding sections of the country. Apparently the scheme was effective.

In his report from Maysville, Kentucky, December 11, Wharton gave still further evidence of the fact that by this time the issue between the free and slave states in regard to Texas was beginning to be fairly well drawn. In striking contrast to the glowing accounts that the former commissioners had given of the universal enthusiasm for the Texan cause, Wharton now spoke definitely of the friends and the foes of Texas. He said:

Our foes namely the leading prints of the North and East and the abolitionists everywhere oppose . . . [annexation] on the old grounds of an opposition to the extension of slavery and of a fear of southern preponderance in councils of the nation. Our friends by which term I now mean those of Louisiana Mississippi Kentucky etc (for I have seen and conversed with no others as yet) oppose our annexation, on the grounds that a brighter destiny awaits Texas. That she would be more happy and prosperous and glorious as an independent nation than as a portion or tributary of

<sup>1</sup>Austin to Wharton, December 16, 1836, Garrison, *Dip. Cor. Tex.*, I, 155-156.

<sup>2</sup>Wharton to Austin, January 6, 1836, *ibid.*, 172.



this. That in such situation she would soon complain of and be oppressed by high Tariffs and other Northern measures. That we would be driven to nullification, secession, etc and be involved in a worse revolution than we are now engaged in. That we should go on as we have commenced conquering and to conquer and never pause until we had annexed all or the best portion of Mexico to Texas, thereby establishing an independent government that would rival this in extent, resources, and population.<sup>1</sup>

Thus through the "leading prints" Wharton had correctly divined the sentiments of the "foes of Texas." But the expressions of the "friends" with whom he had conversed were too altruistic and impracticable to have been representative. They are interesting, however, as showing that even yet many of the slaveholders did not understand the importance to the South of the annexation of Texas.

As for Wharton himself, he was keenly alive to the situation. "To be plain and candid," he said, "I believe the recognition of our independence will certainly take place,"—both friends and foes alike, he reported, agreed that simple justice demanded this much. "But," he continued, "I have not at present much hope of our being annexed. That question when proposed will agitate this union more than did the attempt to restrict Missouri, nullification, and abolitionism, all combined. Already has the war commenced violently commenced even on the prospect of our annexation. The Southern papers those in favor of the measure are acting most independently. . . . Language such as the following is uttered by the most respectable journals such as the Richmond Whig Charleston Mercury etc. The North must choose between the Union with Texas added—or no Union. Texas will be added and then forever farewell abolitionism and northern influence. Threats and denunciations like these will goad the North into a determined opposition and if Texas is annexed at all it will not be until after the question has convulsed this nation for several sessions of Congress."<sup>2</sup>

In the meantime, on December 5, two weeks before Wharton's arrival in Washington, Congress had re-assembled for its second session. The president's opening message touched upon the Texan questions, but was wholly non-committal. He referred to the

<sup>1</sup>Wharton to Austin, December 11, 1836, *ibid.*, 152.

<sup>2</sup>*Ibid.* 152-153.

natural sympathy felt by the citizens of the United States for the Texan cause, but urged all the more caution for that reason

lest it lead . . . into the great error of suffering public policy to be regulated by partiality or prejudice. There are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States that our character requires that we should neither anticipate events nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification depends upon the reconciliation of various and conflicting interests, necessarily a work of time and uncertain in itself, is calculated to expose our conduct to misconception in the eyes of the world. There are already those who, indifferent to principle themselves and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy.

In this connection Jackson referred to the departure of Gorostiza from Washington, adding, "It is hoped and believed that his Government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability in execution of the stipulations of our treaty to act upon the frontier, into an encroachment upon its rights or a stain upon its honor." In dismissing the Texas question, Jackson promised that the "result of the confidential inquiries made into the condition and prospects of the newly declared Texan Government" would be communicated in the course of the session.<sup>1</sup>

Immediately upon Wharton's arrival in Washington, a fortnight later, he addressed Secretary of State Forsyth, asking for an interview.<sup>2</sup> The request was granted,<sup>3</sup> but the only information Forsyth would vouchsafe was that the president in a few days would transmit to Congress a special message concerning Texas.<sup>4</sup> Wharton seems to have felt at once conscious of a changed attitude toward the Texan question. In his first dispatch home he said he was convinced that Morfit's report was very favorable.<sup>5</sup>

<sup>1</sup>Richardson, *Messages and Papers*, III, 237-238.

<sup>2</sup>Wharton to Forsyth, December 19, 1836, Garrison, *Dip. Cor. Tex.*, I, 157. Wharton reached Washington on the 19th.

<sup>3</sup>Dayton to Wolfe, December 20, *Ibid.*

<sup>4</sup>Wharton to Austin, December 22, *ibid.*

<sup>5</sup>*Ibid.*, 158.

Three days after Wharton reached Washington, Jackson's message, dated December 21, together with the promised extracts from Morfit's report, was presented to Congress. The message astonished everybody. Wharton reported that it had pleased no party *en masse*, except perhaps the abolitionists.<sup>1</sup> Catlett on his way to Washington, wrote, from Mobile, "I cannot express the regret, with which I gradually awoke to the unwelcome truth, that he [Jackson] is opposed to the immediate recognition of Texan Independence. I did not anticipate so cold blooded a policy from him"<sup>2</sup>

The substance of the message was that, in submitting to Congress Morfit's report, Jackson advised delay in the recognition of Texas. He said that he would have considered no comment from himself on this occasion necessary, except for the resolutions concerning recognition passed during the last session of Congress by both houses acting separately. Such interest, he felt, called for a rather detailed presentation of the considerations which had led him to continue his original policy of neutrality. The policy of the United States, he said, had always been to treat such questions

as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. . . . Public opinion here is so firmly established and well understood in favor of this policy that no serious disagreement has ever arisen among ourselves in relation to it, although brought under review in a variety of forms and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new State—a power the exercise of which is equivalent under some circumstances to a declara-

<sup>1</sup>Wharton to Austin, December 25, *ibid.* This letter is dated "Sunday December 28"; the postscript is dated "Monday December 26." The first date should be the 25th. Austin died December 27, two days after the letter was written.

<sup>2</sup>Catlett to Austin, January 11, 1837 [written 1836 through inadvertence], *ibid.*, 173. An interesting comment upon the message is found in a letter from Andrew Stevenson, the United States minister to England, to Van Buren, January 30, 1837. He says, "The President's message about Texas has just been received. It has produced quite a sensation here. . . . I sent it in a private note to Ld Palmer[ston] . . . and he spoke of it as a most able and statesmanlike paper. . . . I presume the course of Gen Jackson met your approbation!" (Van Buren MSS.).

tion of war; a power nowhere expressly delegated, and only granted in the Constitution as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur, and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the senate, over the subject. . . .

In making these suggestions it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every trying occasion, safety is to be found in a rigid adherence to principle.

Jackson then went on to call attention to the conservatism of the United States in recognizing Mexico and the South American republics.<sup>1</sup> In contrast with their condition when recognition was tendered, he refers to the fact that Texas was at this moment threatened by another invasion. He continued:

Upon the issue of this threatened invasion the independence of Texas may be considered as suspended, and were there nothing peculiar in the relative situation of the United States and Texas our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act on this occasion with even more than our wonted caution. Texas was once claimed as a part of our property . . . A large proportion of its civilized inhabitants are emigrants from the United States . . . ; and, more than all, . . . [they] have instituted the same form of government

<sup>1</sup>It is doubtful whether all will agree with Jackson in characterizing as conservative the policy of the United States in regard to the revolted Spanish provinces.



with our own, and have since the close of your last session openly resolved, on the acknowledgment by us of their independence to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new Government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the Government constituted by them. . . .

. . . I have only to add the expression of my confidence that if Congress shall differ with me . . . their judgment will be the result of dispassionate, prudent, and wise deliberation, with the assurance that during the short time I shall continue connected with the Government I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.<sup>1</sup>

When the message was communicated to the Senate, it was referred to the committee on foreign relations, and, without discussion, fifteen hundred extra copies were ordered printed.<sup>2</sup> The House also referred the message to its committee on foreign affairs. In the debate that followed the representatives of the slave and the free states seem to have been fairly well arrayed on opposite sides. Briggs of Massachusetts wanted ten thousand extra copies of the president's message printed for distribution. Pierce of Rhode Island increased the number to twenty thousand, which was finally agreed upon. Thompson of South Carolina was not sur-

<sup>1</sup>Richardson, *Messages and Papers*, III, 265-269. A rough draft of this message is among the Jackson MSS. The larger portion of it is in the handwriting of Amos Kendall, postmaster general and friend and advisor of Jackson. Another part, a partial copy of the first, is in Jackson's handwriting; while a third is apparently copied by a scribe.

<sup>2</sup>*Debates in Cong.*, 24 Cong., 2 Sess., 104.

prised, he said, at the number proposed. "He should not have been surprised at a proposal to print one hundred thousand . . . nor was he surprised at the hosannahs with which this message had been received, the joy and exultation which he had seen manifested, by gentlemen from a certain section, the rapturous plaudits, the enthusiastic exclamations, 'Oh! righteous judge, a second Daniel come to judgment', . . . . It was to be expected, sir, from that strange, unnatural, and disastrous (at least to the South and West) conjunction upon this occasion of hitherto most antagonistic elements . . . . He had only risen today to say, that with the united power of sectional feelings, and the influence of the name and popularity of the President upon their side, that it seemed to him nothing more than fair to ask of gentlemen not to seek occasion on a proposition to print, which no one opposed, further to forestall public opinion on this subject."<sup>1</sup>

Pierce of Rhode Island summed up the situation when he spoke of it as a subject "in relation to which, whatever might have been the notions of the members of that House at the last session of Congress, whatever might have been the feelings of gentlemen representing certain portions of the Union, there had been a change of opinion, an alteration of sentiment. And whatever might have been the surmises and conjectures as to what would be the course of the distinguished individual who now filled the executive chair, he (Mr. P.) presumed that those surmises and conjectures would now be found to have been without foundation."<sup>2</sup>

An examination of Morfit's report will show that the president's message was substantially in accord with the course recommended there. In the form in which it was communicated the report consisted of ten letters, ranging in date from August 13 to September 14.<sup>3</sup> The information contained therein was explicit, fairly accurate, and on the whole favorable to Texas. Details were given concerning the organization of the government, the military situation, the history of events leading up to the revolution, and the attempt to enter into negotiations with Mexico through Santa Anna.

<sup>1</sup>*Debates in Cong.*, 24 Cong., 2 Sess., 1143.

<sup>2</sup>*Ibid.*, 1141-1142.

<sup>3</sup>Five of these letters were written from Velasco; the other five from places in the immediate neighborhood. The whole report is given in *Senate Docs.*, 24 Cong., 2 Sess., I, No. 20, pp. 5-36.

Texas herself was described, and details given as to her population—including the Indian tribes, the extent of her territory, her debts, and her resources. Finally, after enumerating certain requisites of an independent nation—all of which, according to the report, Texas possessed—Morfit said:

The reasons I should urge against the present declaration of this opinion [that is, that Texas was capable of becoming an independent power] are these:

First. The Mexicans, it is said, are preparing to invade Texas during the winter, and already there are 4,000 at Matamoras.

Secondly. The increase of emigrants from the United States is contingent, and may be prevented by various causes—some of which have already operated.

Thirdly. The ordinance of the 16th of March diminishes the quantity of bounty lands to soldiers who shall enter between that time and the 1st of July, and leaves the quantity for those after that period undefined and to be determined by Congress. This has lessened the zeal of many already in the service, and has taken away a strong motive for the services of others.

Fourthly. Enlistments are expiring every week, and there may not be one thousand in the main army in one month.

Fifthly. The troops expected in a body from the South are to be furnished by contract, so that, without any imputation against the motives or chivalry of the individuals, the obligations may fail when the hope of profit is destroyed.

Sixthly. The great majority of the emigrants, no matter by what good feelings actuated in the commencement of service, always manifest a reversionary desire for home, and return to the United States as soon as their duty is over, so that the population of the country is never actually augmented.

Seventhly. The old colonists would not by themselves be able to sustain an invasion, and, at the same time, supply the means for the war.

And, finally, independent of any other objections, the ardor of the volunteers and the interest which the fate of the brave in the late battles produced, have greatly abated by the suggestions and arguments that this whole enterprise of independence is a mere speculative scheme, concocted and encouraged for the aggrandizement of a few.<sup>1</sup>

<sup>1</sup>*Ibid.*, 23-25. Another piece of evidence to the same effect may have reached Jackson in time to help determine the decision he gave in his message that Texas was not yet a *de facto* government. This was a letter from Houston, November 20, as follows: "My great desire is that our country Texas shall be annexed to the U. States and on a footing of Jus-

Thus, according to Morfit's report, the whole situation resolved itself into this,—that without foreign aid the success of Texas depended more upon the "weakness and imbecility of her enemy than upon her own strength."<sup>1</sup> Nevertheless if the future of Texas under Mexican dominion were compared with her future as a part of the United States, Morfit believed that "humanity would speedily dictate her redemption, and the philanthropy of nations give a sanction to the act."<sup>2</sup>

The report concludes thus:

The rigid course of duty, which requires a candid statement from facts, prevails over partialities that prompt a different picture; and though a regard for truth, a sense of national integrity, and a desire to manifest their strict exercise by the United States, may justly delay the period for enrolling Texas in the list of nations, her citizens, and those who participate in the principles of her cause, may be consoled by the certainty that, without the aid of any government, the career of political freedom which is extending throughout the world will of its own speed accomplish what caution now withholds.

Foreign policy, the conventional faith of nations, or the efforts of Mexico, may detain Texas lingering in her embryo state for many years, but the fertility of her soil, the remoteness of her situation, which affords an asylum from the angry subjects that often agitate the Northern and Southern parts of our country, and, above all, the current of emigration, which through the whole West looks like the advent of the oppressed of all nations seeking to build up free altars in a new hemisphere, must disenthral her by a moral force which no power nor potentates can resist.<sup>3</sup>

But in spite of the fact that the president's message of December 21 had recommended the only course that would have been justified by this report—which, presumably, was the most unbiased and reliable information at the disposal of the government—there were

tice and reciprocity to the parties. It is policy to hold out the idea (and few there are who know the contrary) that we are very able to sustain ourselves against any power, who are not impotent [omnipotent?] yet I am free to say *to you* that we cannot do it. . . . I look to you, as the friend and patron of my youth and the benefactor of mankind to interpose in our behalf and save us" (Houston to Jackson, November 20, 1836, in Austin's Letter and Memorandum Album, 1836, pp. 51-52, Austin Papers).

<sup>1</sup>*Senate Docs.*, 24 Cong., 2 Sess., I, No. 20, p. 26.

<sup>2</sup>*Ibid.*, 28-9.

<sup>3</sup>*Ibid.*, 35-36.



many people at the time who felt that it had been called forth also by other ulterior motives. The sensation it created warrants the assumption that, when it had become known that Jackson would send a special Texas message to Congress, a recommendation of recognition was anticipated, with varying emotions, by all parties. In the message Jackson assigns three reasons why this recommendation had not been made: (1) doubt as to the ability of Texas to maintain her independence, especially in view of the threatened invasion; (2) unwillingness to extend premature recognition, which, if not a justifiable cause for a declaration of war by Mexico, was at least a proof of partiality toward one of the contending parties; (3) desire to avoid suspicion on the part of other nations, which the delicacy of the situation—involving a combination of the two questions, recognition and annexation—might easily arouse.

These difficulties, however, had been known from the first to exist. There was, to be sure, no reason to doubt that, at any stage of the negotiations, they would have influenced the president as they now did, had he been forced to assume the responsibility of a decision. And yet the impression had been rather general that recognition would not long be delayed. Many, therefore, went further in seeking an explanation. At least two other motives—more private in their nature than those proclaimed in the December message—were suggested as accounting for Jackson's present attitude. These were, first, the hope of acquiring Texas, even yet, by treaty with Mexico, through Santa Anna's agency: second. the Van Buren politics.<sup>1</sup>

Wharton, who was on the alert for all such expression of public opinion seemed also inclined to look below the surface for the real explanation. So far as the threatened invasion of Texas by Mexico was concerned, he felt fully convinced that it was used merely as an excuse for delaying recognition—the only “earthly pretext,” he says, “. . . that can be given to the World for the step.”<sup>2</sup> Indeed, not later than two weeks after the message, Jackson asserted,

<sup>1</sup>Wharton to Austin, December 28, 1836, Garrison, *Dip. Cor. Tex.*, I, 158-159.

<sup>2</sup>*Ibid.*; Wharton to Austin, December 31, 1836, *ibid.*, 167.

according to Wharton, that he no longer doubted the ability of Texas to maintain her independence.<sup>1</sup> Moreover, Ellis, the late *chargé* to Mexico,<sup>2</sup> returned about the end of January and pictured Mexico in a most deplorable state of "anarchy, revolution and bankruptcy."<sup>3</sup> Since the delay recommended by Jackson was "predicated upon the impending invasion . . . we would naturally suppose," Wharton commented, "that cessante causa, cessat effectus, and that there was nothing to prevent an immediate recognition at this moment."<sup>4</sup>

As for the fear of exciting the suspicion of other nations, Wharton soon reassured himself, if no one else, on that point. On January 6, he reported to his government a conversation with Forsyth, in which the latter volunteered the information that both Fox, the English minister to the United States, and Lord Palmerston had pronounced themselves satisfied with the neutral course pursued by the United States. Wharton added that it was generally believed that England expected the United States to annex Texas. Moreover, he also asserted that the French minister, the summer past, had said "that his Government had no more right to interfere in regard to Texas than had the government of the United States to interfere in the affairs of Belgium or any other country bordering on France." "So it seems," Wharton concluded, "that the fear of offending foreign powers need no longer prevent this government from recognizing or indeed annexing Texas."<sup>5</sup>

In regard to the proposed treaty with Santa Anna, Wharton correctly divined that it did have some influence with Jackson. "As yet I am fully aware," he wrote to his government, "that a strong but secret reason for delay is the expected arrival of Santa Anna and the prospect of a treaty with him which will satisfy Texas and Mexico and at the same time save the United States Government in the eyes of the world from all imputation of having aided in our revolution or of having recognized us too promptly. This reason of course will soon be productive of the desired result,

<sup>1</sup>Wharton to Austin, January 6, 1837, Garrison, *Dip. Cor. Tex.*, I, 170.

<sup>2</sup>See above, p. 209.

<sup>3</sup>Wharton to Houston, February 2, 1837, Garrison, *Dip. Cor. Tex.*, I, 179.

<sup>4</sup>*Ibid.*

<sup>5</sup>Wharton to Austin, January 6, 1837, *ibid.*, 168-169.

namely recognition or will cease to exist.”<sup>1</sup> As has already been pointed out, Santa Anna’s visit to Washington was altogether fruitless.<sup>2</sup>

The only other consideration that had been suggested as having influenced Jackson in delaying recognition was the political situation’s message Wharton had said, “Some say it was the work of Mr. Van Buren for the purpose of transferring the responsibility of the time. In his first report home concerning the president from the Administration to Congress and that the President will recognize immediately if Congress recommends it by a majority of even one.”<sup>3</sup> With a view to having Jackson consent to such a recommendation by Congress, Wharton used his influence to have some of the president’s friends, who were also friendly to Texas, approach Jackson on the subject. Finally Wharton himself called, at Jackson’s request. The interview that followed was strictly confidential. In reporting it to the Texan government Wharton said, “I repeat it again and again, that Genl. Jackson impressed upon me the importance of the most sacred confidence in regard to our interview which I hereby wish to reimpress upon you.” Jackson then confessed, Wharton said, “that the object of his message was to obtain the concurrent action of Congress on the subject. I answered,” he continued, “[that] a majority of Congress were in favor of immediate recognition, but that many of the administration party forbore acting for fear of its being considered (*after his message*) as an attack on the administration. He said that was all foolishness, he doubted the power of the President to recognize of himself he wished the sense of Congress on the subject and would immediately concur if a majority recommended it.”

Accordingly Wharton bent all his energies toward having Congress take up the matter. He met with the House committee on foreign affairs, before whom he discoursed at length in answer to the “thousand interrogatories” which he said they propounded to him. Moreover, for the edification of the other members of Congress and also to counteract the influence of “pamphlets written

<sup>1</sup>Wharton to Austin, December 31, 1836, *ibid.*, 167.

<sup>2</sup>See above, p. 230.

<sup>3</sup>Wharton to Austin, December 18, 1836, Garrison, *Dip. Cor. Tex.*, I, 158.

by the abolitionists for the purpose of injuring and calumniating Texas," he published, besides many "small essays," a pamphlet signed "Jefferson," which, he says, "puts the matter in a proper light and which has done great good."<sup>1</sup>

Partly, no doubt, as a result of Wharton's activity, Walker of Mississippi submitted, January 11, the following joint resolution:

Resolved, that the state of Texas having established and maintained an independent Government, 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 perfect conformity with the laws of nations, and the practice of this Government in like cases, that the independent political existence of said state be acknowledged by the Government of the United States.<sup>2</sup>

There, however, the matter stopped, and Wharton feared that Congress, too, as well as the president, would refuse to take the initiative. Jackson, to be sure, seemed thoroughly convinced that Texas was able to maintain her independence, and, in order to further matters, he suggested that Ellis, the late *chargé*, be interviewed by the committee on foreign relations, declaring that he "would convince them in five minutes of the utter impossibility of a new invasion."<sup>3</sup> But Congress refused to act without another message from the president, and this, according to Wharton, Jackson was not disposed to give, 1st. because he deems it unnecessary, 2dly. he says that the call for it by Congress is with a view to screen themselves from proper responsibility, and he is unwilling to gratify them." "Although the question has been frequently and warmly urged by our friends," Wharton wrote "the committee on foreign affairs have refused to report, and Congress of course has not acted up to this period, for they will not act without a report from the committee."<sup>4</sup> There was a stumbling-block somewhere—some influence in Congress that was successfully preventing all discussion of the Texas question.

<sup>1</sup>Wharton to Austin, January 15, 1837, Garrison, *Dip. Cor. Tex.*, I, 176.

<sup>2</sup>*Debates in Cong.*, 24 Cong., 2 Sess., 360; Wharton to Austin, January 15, 1837, Garrison, *Dip. Cor. Tex.*, I, 176.

<sup>3</sup>Wharton to Houston, February 2, 1837, *ibid.*, 179.

<sup>4</sup>*Ibid.*



At last, on February 2, Wharton wrote home:

I will now tell you the whole secret of the reluctance of Congress to act on this matter. I have made it my business to unravel the mystery, and I know that I have succeeded. Some of the members have openly avowed to me their reasons for wishing to postpone our recognition until the next Congress. It all proceeds from the Van Buren party. They are afraid that the subject of annexation will be pressed immediately after recognition; that annexation or no annexation will be made the test of the elections for Congress during the ensuing summer; that the North will be opposed to the South in favor of annexation, and that Mr. Van Buren will of course have the support of either the South or North in mass accordingly as he favors or opposes annexation. The fear then of throwing Mr. Van Buren into a minority in the next Congress induces his friends to desire a postponement of recognition at present, thereby keeping down the exciting question of annexation at the next elections and giving Mr. Van Buren more time to manage his cards and consolidate his strength. All of Mr. Van Buren's friends are not operated upon in this way, but a sufficient number are to prevent the favourable action of Congress at this session, without a new message or other impulse is given by the President. Be it understood also that many of those same individuals are in favor both of annexation and recognition, but they wish Mr. Van Buren to have his own time and select his own mode of bringing them about, and in their devotion to him they prefer that Texas should in the mean time suffer by the delay of her recognition, rather than jeopardise his popularity. There can be no mistake in regard to the correctness of the above news. All that remains for me is to operate with the President, and to get him to quicken the action of Congress by another message. This I shall night and day endeavor to effect by using every argument that can operate upon his pride and his sense of justice. At an interview last evening, he told me to feel easy on the subject, that all would go right. He told me moreover that he was preparing a message to Congress, in which he intended to recommend the granting of letters of marque against Mexico and that his government would not longer submit to her injustice and outrages.<sup>1</sup>

<sup>1</sup>Wharton, to Houston, February 2, 1837, Garrison, *Dip. Cor. Tex.*, I, 179-180. February 6, Jackson sent this message to Congress, recommending the passing of an act authorizing reprisals, "and the use of the naval force of the United States by the Executive against Mexico to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us upon another demand thereof made from on board one of our vessels of war on the coast of Mexico" (Richardson, *Messages and Papers*, III, 278.)

Three days later Wharton wrote:

The reasons, assigned in my last, as inducing Mr. Van Buren's friends to desire postponement, cannot be urged in debate, and I am of the opinion, that, when the subject is agitated, they will not oppose our recognition, for that would be to proclaim their leader the enemy of Texas, in which light he is not willing to be viewed, especially as the friends of our much mistreated country are so numerous and respectable and zealous in all parts of the United States. . . . Moreover, there is one consolation which I fondly clasp to my bosom as the pillar of my hope and support amid all the coldness, illiberality and injustice, with which we have been treated, which is that if Genl. Jackson finds that Congress will not act without another message from him, I am more deceived in him than I ever was in mortal man, if he does not under these circumstances send another message to Congress and have us formally recognized before he quits the Presidential Chair.<sup>1</sup>

Such, then, was Wharton's solution of the Texas situation in the winter of 1836-7, and certainly no one was in a better position than he to learn the facts.

So far as one may judge from the evidence at hand, Jackson's own personal attitude toward Texas was consistent throughout. He had never attempted to disguise his desire to obtain Texas—his negotiations to that end before the Texan revolution were widely and generally known, and, from the first effort on the part of the revolutionists to establish relations with the United States, the commissioners invariably report the president a friend, both to recognition and annexation. Further than this we have no direct evidence as to his attitude previous to the December message. But, as he tells us there, a question more difficult to deal with could scarcely arise, owing to the peculiar relations between Texas and the United States—the well-known desire of the latter to regain the territory she had once possessed; the active sympathy of the citizens of the United States toward the revolutionists, who were their own kinsmen; and the recent vote of Texas for admission into the Union as one of the Federal states. Since the revolution offered strong temptations both to the government and to the people of the United States to interfere in behalf of Texas, there was all the more reason for

<sup>1</sup>Wharton to Houston, February 5, 1837, Garrison, *Dip. Cor. Tex.*, I, 182.

greater caution. This he continually urged in attempting to enforce neutrality, and this we may well believe would have governed his own position had he been called upon earlier to take a positive stand. Whatever other considerations may have been influencing him when he sent his message to Congress, on these grounds alone Jackson undoubtedly adopted the wisest course. Tardiness in extending recognition to the republics that have arisen on American soil is certainly not an accusation that can be urged against the United States government.

Granting, however, that it was best for the present to withhold recognition by his own government, Jackson still saw three possibilities by which the same end might be reached: (1) Recognition might first be extended by some other power—Forsyth even approached Wharton on the subject, asking him if he were not authorized to treat also with England, explaining that the president would like to see Texas recognized elsewhere first, as the Texan "vote for annexation embarrassed the matter";<sup>1</sup> (2) A treaty might be arranged between Texas and Mexico by Wharton and Santa Anna, acting through the Mexican *chargé d'affaires* at Philadelphia, which Jackson assured Wharton would be valid;<sup>2</sup> (3) It was still hoped that, through the agency of Santa Anna, a treaty of cession might take place between the United States and Mexico, and the subject was discussed in detail by Jackson with both Santa Anna and Wharton.<sup>3</sup> From some personal notes of his we learn that he then contemplated offering Mexico three and a half million dollars for territory, the southern boundary of which was to be the Rio Grande up to thirty-eight degrees north latitude, thence west to the Pacific—including all north California. "But it must be understood," he wrote, "that this proposition is made to meet the views of the Genl [Santa Anna], and not by the U. States to acquire Territory or take advantage of the disturbed state of Mexico."<sup>4</sup> Nothing, however, came of any of these plans.

<sup>1</sup>Wharton to Austin, December 22, 1836, *ibid.*, 157-158.

<sup>2</sup>Wharton to Austin, January 6, 1837, *ibid.*, 171-172.

<sup>3</sup>Wharton to Rusk, February 16, 1837, *ibid.*, 190.

<sup>4</sup>Memorandum, undated, Jackson MSS. Jackson seems to have wanted California partly for political reasons. In one of his reports home Wharton wrote: "Genl. Jackson says that Texas must claim the Californias on the Pacific in order to paralyze the opposition of the North and East to Annexation. That the fishing interests of the North and East wish

In the meantime Jackson had been trying earnestly to decide whether the situation in Texas would really justify a recognition of independence by the United States. The careful attention that he gave to this question alone, unhampered by further considerations of a more selfish or diplomatic nature, is in part revealed by the following fragmentary note in his handwriting, preserved in the Van Buren Papers:

The great and delicate question of, shall we acknowledge the Independence of Texas,—is the evidence contained in the report of our confidential agent, Mr. Moffet, sufficient to show that Texas has a *de facto* Govt. and the means to support it. See the Resolutions of Congress and compare the facts contained in the report with it—see report on which the Independence of So. America was acknowledged.<sup>1</sup>

The solution of the situation, however, did not depend upon the answer to this question alone. For, along with the agitation of the Texas problem, political complications within the United States had arisen, which, regardless of considerations as to foreign policy, made it expedient for the president to refrain from committing the administration too definitely on the subject of recognition. However friendly Jackson's personal attitude toward that measure may have been, that of a certain element in Congress and throughout the country generally had undergone, during the year, considerable change. The states were beginning to divide on the subject of slavery—party ties were giving way. Recognition of Texas would precipitate the question of annexation, and annexation meant the addition to the United States of a vast slave-holding territory. The Van Buren party felt that in order to insure the success of their leader the question must be kept out of the party platform. The chief concern of Jackson, also, during the latter part of his administration, was the political triumph of Van Buren; there-

a harbour on the Pacific; that this claim of the Californias will give it to them and will diminish their opposition to annexation. He is very earnest and anxious on this point of claiming the Californias and says we must not consent to less. This in strict confidence" (Wharton to Rusk, [February 18, 1837] Garrison, *Dip. Cor. Tex.*, I, 193-194).

<sup>1</sup>Memorandum dated in pencil and in another hand, "December, 1836, or January, 1837," Van Buren MSS.



fore, had there been no other reasons, he no doubt would have hesitated to extend recognition too promptly as an executive act, lest, by arraying the abolition faction in the opposition, he should embarrass the incoming administration of Van Buren, who was committed to a continuance of the Jackson policy.

If, however, the friends of recognition were strong enough to carry the measure in Congress all objection on this score would be removed. And it was doubtless partly with this idea in mind that he had suggested in his message that Congress was at liberty to take up the matter. "If Congress shall differ with me," he had said "I shall promptly and cordially unite . . . in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country."<sup>1</sup> The objections he had openly urged in his message against immediate recognition would naturally disappear in the course of time, but meanwhile, on their account, as well as for political reasons, if recognition was to be granted, it would be better to have the representatives of the people shoulder the responsibility.

But the Van Buren party in Congress was strong, and for weeks the question was successfully kept out of the discussions. Finally, on February 8, believing that another message from the president was necessary, Wharton and Hunt, the latter of whom had just reached Washington,<sup>2</sup> addressed to Jackson the following earnest appeal:

The impossibility of holding any intercourse with the Department of State, in consequence of the refusal of the honorable Secretary to receive our communications, and the fear of interrupting you by a visit when you might be engaged, has induced us to address you this communication, which you can read at your leisure. Our zeal for the honour and the welfare of our adopted country is our only apology. . . . By this delay [of Congress to extend recognition] Texas is suffering at every pore. Public confidence in our government is to a great extent destroyed. Immigration is partially suspended. Our financial resources cannot be properly developed, and our credit is immensely injured. Had our independence been recognized at the first of this session, fifty families would have gone

<sup>1</sup>See above, p. 237.

<sup>2</sup>Wharton to Rusk, February 12, 1837, Garrison, *Dip. Cor. Tex.*, I, 185.

into Texas this winter, where one has gone. Instead of begging off our lands with difficulty at 50 cents the acre, they would readily command one dollar, and our Govt would have been in possession of means to discharge all its pecuniary obligations and to establish its credit for the future on a firm foundation. We feel that in asking a recognition of the Independence of Texas, we are not supplicating a favour, but are respectfully imploring the extension to us of that act of justice which this Government has properly and nobly extended to other rising Republics under far worse circumstances. We know that the claims of Texas to an immediate recognition are a hundred fold stronger than were those of Mexico or of the South American States at the period of their recognition. We present a perfectly organized government in all its departments, in undisturbed possession of all the country we claim or contend for, and with ample physical ability to repel any invasion of our imbecile and bankrupt enemies. Indeed, what mortifies and astonishes us most is, that those, who refuse to recognize our Independence, at the same time, admit the truth of the only facts necessary to be enquired into before recognition;—that we are a *de facto* government, with ability to maintain our national existence. From sad experience we perceive that Congress will not act without you give another impulse to the matter. To you then we appeal most confidently, not to your sympathies but to your stern sense of justice. The eyes, the hearts and the hopes of our whole country are directed to you more than to all the people of the United States, put together. We have sincerely thought that we could not be treated with coolness, illiberality and injustice, while you were at the head of the Government. . . . It is not difficult to perceive that Texas, once independent by the recognition of England or France, with the superaddition of a favourable commercial treaty, is forever lost to the United States, so far as annexation is concerned. Considering the shortness of the present session, there is certainly not a moment for delay. For in such case, the Senate will not have time to act upon a treaty of amity, commerce etc. at this session. . . . We do not wish the question of Independence to be connected with or embarrassed with annexation, nor with Mexico or anything else. We write this letter for your own eye alone.<sup>1</sup>

But Jackson still preferred to remain in the background, submitting from time to time to the committee on foreign relations such additional evidence as might prove useful to them. They had been

<sup>1</sup>Wharton and Hunt to Jackson, February 8, 1837, Garrison, *Dip. Cor. Tex.*, I, 196-197.

recommended to consult Ellis as to the situation in Mexico.<sup>1</sup> About the same time a long and detailed account of conditions in Texas written by Austin, just two weeks before his death, to Donelson, Jackson's former private secretary, was sent to the chairman of the House committee, with the following comment from Jackson: "The Col [that is, Howard, the chairman] will find the idea held forth by Mr. Austin in his letter 'that if the U. S. *does not now accept the proposition, it may be forever lost to her*'—this the P. has heard from other sources, and there is no doubt, if the Independence of Texas be not acknowledged by the U. States, an effort will be made by Texas to great Britain to have the Independence of Texas acknowledged by her, giving and securing to great Britain as a consideration, enclosure commercial benefits."<sup>2</sup>

On February 12, Wharton wrote: "There are three chances of reaching the consideration of our Independence at present [that is, before Congress adjourns]—1st. A report from the Committee on Foreign Affairs, which is very slow in coming and rather doubtful if it ever will come. 2dly. Resolutions to recognize, which have been introduced by our friends in both Houses, and the mass of business has heretofore kept off these resolutions:—3d. Our friends will endeavor to discuss the merits of our question, when the appropriation bill comes up, by inserting an appropriation to defray the expenses of a diplomatic intercourse with Texas. In addition to these," he said, "I am now endeavoring to add another string to our bow, by getting up a memorial to Congress from the inhabitants of this District. . . . In this way our case may be reached, and I am satisfied that it will pass, if ever discussed."<sup>3</sup> This memorial was presented the next day.<sup>1</sup>

At last, on February 18, the House committee on foreign affairs reported resolutions as follows:

*Resolved by the House of Representatives of the United States,*  
That the independence of the Government of Texas ought to be recognized.

*Resolved,* That the Committee on Ways and Means be directed

<sup>1</sup>See above, p. 244.

<sup>2</sup>Jackson to Howard, February 2, 1837, Jackson MSS.

<sup>3</sup>Wharton to Rusk, February 12, 1837, Garrison, *Dip. Cor. Tex.*, I, 185.

<sup>4</sup>*Ibid.* For resolutions see *Senate Docs.*, 25 Cong., 2 Sess., II, No. 172.

to provide, in the bill for the civil and diplomatic expenses of the Government, a salary and outfit for such public agent as the President may determine to send to Texas.<sup>1</sup>

These resolutions were adopted February 28.<sup>2</sup> On March 1, the Senate, by a vote of twenty-three to nineteen, passed the resolution presented by Walker, January 11, recommending recognition.<sup>3</sup> Two days later Wharton and Hunt appealed to the president thus:

Believing that the late votes in Congress have sufficiently indicated that, in the opinion of that body, the time has now arrived, when the Independence of Texas should be formally recognized, we again take the liberty of appearing before you, to implore you, in the name of our country and by the friendship of our President and our whole population for you, to close your brilliant career by admitting Texas, at once, by some executive act, into the family of nations. The people of Texas feel that they have claims of the strongest nature upon you, individually. Many of them are from your own State and were induced to emigrate to Texas by the confidence they entertained, that they would be again received under the flag of their native land by the acquisition of Texas during your administration. Moreover, a large number of those, who won the battle of [San] Jacinto, sprang from the same noble State, and were taught the way to victory and to fame by your own practice and precepts. In addition to this, we feel assured, that in making the recognition which we here so ardently implore you will only be fulfilling what has been long expected from you by the whole people of the United States, and that you will also embalm your name forever in the gratitude of a rising Republic, which has proved herself so worthy to be free, alike by her wisdom and moderation in the Cabinet and by her valour and success on the field.<sup>4</sup>

To this request Jackson responded, as one of his last executive acts. Wharton, in his dispatch to the Texas government, relates the circumstance thus:

I have at length the happiness to inform you that President Jackson has closed his political career by admitting our country into the great family of nations. On Friday night last, [March 3],

<sup>1</sup>*Debates in Cong.*, 24 Cong., 2 Sess., 1880.

<sup>2</sup>*Ibid.*, 2066.

<sup>3</sup>*Ibid.*, 1013, 1019; Walker to Jackson, March 1, 1837, Jackson MSS. For contents of this resolution see above p. 244.

<sup>4</sup>Wharton and Hunt to Jackson, March 3, 1837, Garrison, *Dip. Cor. Tex.*, I, 201-202.



at near 12 o'clock, he consummated the recognition of the Senate and the diplomatic appropriation bill of the lower House, by nominating a Mr. Labranche of Louisiana, charge d'affaires near the Republic of Texas. He also sent for Gen. Hunt and myself and requested the pleasure of a glass of wine, and stated that Mr. Forsyth would see us officially on Monday.<sup>1</sup>

' Thus the long negotiations closed. To the Texans it had seemed a weary struggle; but the United States had exercised no more than the proper precaution before assuming the responsibility of extending to Texas her first recognition. France did not take the same step until September, 1839, and recognition from England was not secured until November, 1840.<sup>2</sup> But if, after independence was declared, Texas had been in a position properly to urge her claims, it seems probable, unless conservatism alone had prevented, that the first session of the twenty-fourth Congress would have been inclined to recommend not only recognition, but perhaps annexation as well. The opportunity was allowed to pass; and before Texas finally learned the necessary lessons in diplomacy there had grown up, along with the question of the abolition of slavery and the right of petition, a sentiment of opposition to annexation, which hitherto had not existed. It is, of course, only by a study of the annexation movement that one comes to realize the great significance of this circumstance—the decade of political strife contingent thereon, the Mexican war, and the acquisition by the United States of the whole Southwest, from the Rio Grande to the Pacific. But its importance in connection with the subject under discussion lay in the fact that in order to control the political situation the Van Buren party conceived it to be essential to assume, as far as possible, a neutral attitude concerning the whole question of annexation. Jackson's method in dealing with recognition was, to a certain extent, at least, a part of this general policy. By this means, he did succeed in preventing, in some degree, the agitation of the question of annexation during his administration, and in deferring recognition in a cautious and conservative way until it was more fully justified. But by so doing he undoubtedly delayed annexation far longer than he had anticipated or desired.

<sup>1</sup>Wharton to Henderson, March 5, 1837, Garrison, *Dip. Cor. Tex.*, I, 201.

<sup>2</sup>Worley, "The Diplomatic Relations of England and the Republic of Texas," in *THE QUARTERLY*, IX, 11.

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