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OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOLUME XII.

JULY, 1908, TO APRIL, 1909.

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VOL. XII.

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The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY.

THE RECORDS OF AN EARLY TEXAS BAPTIST CHURCH.¹

II.

1847-1869.

[Received] Brother Levi Jordin and Sister Cynthy Jordin his wife by letter.

Saturday July the 17th 1847

the church Met and in order proced to business chose Brother Douthet Mod.² Pro tmn

1 Brother J W Parker presented a deed for the meting house land but not signd agreed to lay it over til next meting

¹Continued from THE QUARTERLY for October, 1907. For the description of the original and some facts concerning the origin of this church, see the footnote to the title in that number. The instalment here given contains the matter in the second of the three parts of the original, except that on the first leaf of this part, which is gone. There is, therefore, a little gap in the record. This gap includes the minutes for the May and June meetings in 1847, except the last line for the June meeting, which forms the rather abrupt beginning of the part here printed.

For obvious reasons, in a few instances names have been suppressed and unrelated initials substituted. The spelling of the names in the original can not be corrected with any degree of certainty, and it has, therefore, been left, for the most part, without annotation. Letters and words omitted by obvious inadvertence are supplied and enclosed in brackets.

²Moderator.

2) granted Sister Manda Hays a letter of dismission provided she calls for it.

3) Brother J W Parker says he had bin angry and is sorry that it become nessary for him to persue the course he did and hopes it will never be nessary for him to take the steps he did the church after hereing all she could says she is satisfide

Ajournd in peace

Saturday the 14th of August 1847

the church Met and in order proced to business

1 Opend the door for Reception of Members Cald for Refference took up the case of the Metinghouse laid over untill the Sept Meting and the same committee attend to it as before agreed on.

appointed the Clk¹ to prepare a Blank letter to our next asso-
ciation to be Readly to examine at our next meting

Brother Sam Stewart cald for a letter of dismission Referd until Sept Meting agreed to apoint 3 of our Body to go with Brother Stewart to labor with him for peace with Brother J W Parker

apointed Brethren A Bennett Levi Jordin that committee
agreed that our next meting be at school house near Bro Jordins

John Parker

T. Hanks Mo

Saturday Sept the 18th 1847

the church Met and in order proced to business

1 chose Brother Boin Mod Protmn

2 Took up the refference relative to the Meting House agreed
[upon] the same committee

3 read and receivd the letter to the association and appointed Brothren J W Parker Armsted Bennett John Parker and in case of falier of eithe[r] Levi Jordin to bear the same

4 took up the refference relative to the difficulty between Br J W Parker and Bro Stewart the committee reported general peace and the committee was discharged

5 Bro J W Parker informd the church that he had been in-
formd that a report was in Circulation that the petitionary letter from Musstang Perary Church praying for his Ministerial aid was not made by the said Musstang Prarie church

¹Clerk.

Bro Parker presented the certificate of Brother D Halmark and wife certifying that the said letter was the act of the church which produ[ce]d general satisfaction refer to certificate

we hereby certify that in the Month of September 1847 the Mustang Perare church made an order to send a petitionary letter to our Sister Pilgrim church praying for the ministerial aid of Bro J W Parker Bro Parker was then the Moderator of the church and Brother Isaac Parker clerk Protmn and Brother J W Parker consented to become the bearer of the letter this is facts which is known unto us as we was thare members and present and will testify the same when cald on

David M Hallmark
Ashiby Hallmark

September 17 1847

Agreed that our next meting be at this place Agreed to petition for the next association to be held with us

Ajournd

John Parker

Ch Clk¹

Nov the 20th 1847

the Church Met and after divine Service proced to business

1 Chose Brother Boin Mod Prot

2 took up refference relative to building of the Meting house the committee made a report laid over til next meting

3 Brother Mead produced a certificate from Isaac Parker tha[t] he stated to Bro Mead that if Mustang Prarie Church had cald for the ordination of Bro J W Parker he had no recollection of it but that it might have [been] done and sliped his memory the church is fully satisfied on the subject

Ajournd

the Church Met Saturday before the 3 Lords Day in Dec 1847
Brother Hanks Moderator

took up the Case of the Meting House confirmed the first report of the Committee so fare as the Land is concerned and Receeved the Report of the Committee as Regards the Meting House Laid over the Case of building the Meting House until next Meting

¹Church Clerk.

2. Apointed Brethren Brown and Jordin to Draw up Sub[s]cr[i]ptions for signers to build Meting House and Report at next Meting in course

Ajournd
John Parker
Clk

Thomas Hanks Mo

the Church Met Satu[r]day before the 3 Lords day in January 1848 Brother Boin Mod Pro

invited visating Brethren to a seat with us of the same faith and order

Opend A door for the reseption of Members and receeved By Relation and acknowledge Brother Jasper Staar as a member of our Body.

Cald for the refference the only one laid over until next Meting

Ajournd in Peace
John Parker Ch Clk

Church Met Saturday before 3 Lords day Feb[r]uary 1848 and in order proceed to Business

Brother Hanks Mod

1 Took up refference relativ to the Meting House Movd and Seconded that the order of the church be recended as to the Building the Meting House Cared

Agreed that the Meting house be built at the graveyard whare D Parker is buried and that Brethren Stephen Bennett John Parker Levi Jordin J W Parker and Reuben Brown be appointed to superintend the building of the house as fast as posible

Ajournd in Peace
John Parker Ch Clk

T Hanks Mod

Church Met Saturday before the 3 Lords [day] in March 1848

1 Apointed Bro J W Parker Mod Protmn

2 agreed to hold our next Meting at Brother kennedys

Ajournd in Peace

the Church Met third Lords day in March 1848

1 agreed to lisence Brother Jasper Stare to preach within the bounds of our association directed the moderator and clerk to certify the same to Bro Starr

Ajournd in peace

Ch met Sat before the 3 Lords day in April 1848
after prayr proceeded to business Apointed Br J. W. Parker,
Mod. invited visiting Brethren to a seat with us. Opend a door
for the Reception of Members.

the Male members was cald on by Brother G. H. to Listen to
his excuse Relative to Reports that had gotten out on him and to
his Resolutions—to which the Ch agreed, and after hearing all he
had to say advised him to desist and put away a Certain Woman
he had Liveing at his House and he Refusing so to do the Church
proceeded to apoint Brethren A. Bennett John Parker and L. Jordin
a Committee to Labour with Brother G. H. to convince him of his
error and Reported as Follows Viz We the under Signd a Com-
mittee apointed to endeavour to Reclaim Brother G. H. have
Labourd to Convince him of the Error of his Resolutions in which
he Still Semes Resolved to persist and gives us no satisfaction

A. Bennett
Jon. Parker
L. Jordan

Laid over the Case of Br. G. H. to our next meeting—which is
to be held at the old Residence of Eld. D. Park[er] Dec.

Apointed Brethren Jon. Parker J. W. Parker and L. Jordan a
Committee to Labour with Brother G. H. and Report the same to
our next Meeting Ap. 15th 1848

Jon. Parker Clk

3d Sat in Jun 1848

Ch met

1st Chos Brother J. W. Parker Moderator took up the Case
of Reference Relative to Brother G. H. and a part of the Comittee
not having seen Br G. H. agreed to Lay the same over til the next
meeting Brethren Stephen Bennett and Jasper Starr added to
the Committee next meeting to be held at Eld. D. Parker old
Residence

John Parker, Clk

J. W. Parker Mod.

3d Saturday July A. D. 1848—

Church met 1st apointed Br. Bowen moderator. Reference Rel-
ative to Br G. H. was taken up the Committee Report as folows—
that as to the Woman Referd to the Committee finds no charge but

that Br G. H. is due an acknowledgement, for his Remarks and Refer the matter to the Church for further investigation.

the Rules of decorum Cald for and Read relative to Brother G. H. the Reference laid over till next meeting and a Committee of 3 appointed to further inquier into the matter Viz Brethren John Parker Levi Jordan and Armstead Bennett, aptd Sd Committee and Requested to Report next meeting

John Parker Clk

Ch met Saturday before the 3d Sunday in August 1848

after prayer proceded to business aptd Brothr E. Bowen Moderator; invited Visiting Brethren to a Seat with us. opend door for the Reeption of members Received Br John Milford by Experience, into full felowship with us. Reference cald for. the Case of Br G. H. Was Reported as folows. We the Committee A. Bennett, John Parker and Levi Jordan, apointed to labour with Br G. H., have done So, and are satisfide with his acknowledgement and frankly forgive. unanimously Received by the Ch on motion and second the Clk. Write or prepare a Letter to the next association and have it at our next meting. apointed as delegates to the next association, John Parker, Jasper Starr and Levi Jordan. apointed Br J. Starr to Write to Br. Spurgin and Request him to attend our next meeting for the purpose of administering the ordinance of Baptism

done by order of the Ch

John Parker Clk

Church Met Saturday Before the 3d Lords day in Sept. 1848

1 Apointed Brother C A Boin Mod Protmn

2 read and received the Letter to the Association

3 Receivd a letter from our Sister the Sardis Church requesting our Ordaind Authorities to assist in the ordination of Brother William Wolverton to the work or office of Deacon

Said request was granted

agreed to meet on Wednesday the 27th inst. for the purpose of attending to the Administering of the ordinance of Baptism

John Parker Ch Clk

Wednesday September 27th 1848

Church Met and opend A door for the reseption of Members and Reeived Brother Joel Stow by exsperience

2d Granted Brother John L Wilford A letter of dismission

Saturday Oct 14th 1848

the Church Met and in order proced to Business

1. Chose Brother Boin Mod Protmn

2d Chose Brother Joseph Kennedy Clerk Protmn and their being no business AJournd

Saturday Before the third Lords day in Nov 1848

the Church Met and in order Proseded to Business

1 Chose Brother James W Parker Mod Protmn

2d By request of Brother Isaac Parker of Musstang Peririe Church a Committee of 4 was appointed to visit Said Chureh to assertain and Report the Condition of the said Church

Brethren John Parker Armsted Bennett J W Parker and Jasper Starr and as many of the rest of the Brethrien as can go Be appointed said Committee

3d Agreed to Add the following Item to our Rules of Decorum

If any Member fails to attend for three Metings it shall be their duty to make the Reasons known to the Church at the next Meting

4 Sister Jane Steward¹ applide for a letter of Dismission which was unanimously granted

AJournd in Peace
John Parker Ch Clk

Saturday before the 3d Lords day in December 1848

the Church Met and in order Proseded to Business

1 Chose Brother Jasper Starr Mod Protmn

2d the Committee to whom was referd the delegation to Mustang Perare church report tha have attended as directed and Say that the Members present acting as a church requested them to ask of the Pilgrim Church to send additional helps, to attend the church on Saturday before the 2d Lords day in January for the same for the purpose of assertaining the situation of the Sa[i]d Musstang Pererie

agree to Apoint Brethren A Bennett James W Parker and Reuben Brown to attend with the Brethren of Mustang Peririe Church and report their Progress

3d sister Jane Steward returns the letter which the church granted her last meting reeeived in full fellowship

4 Laid before the Church a question to Say whether public

¹Or Stuart. See THE QUARTERLY, XI., 95.

transgressions should be publically dwelt¹ with or privately agreed the same be laid over until next Meting

5 [A]greed to send a petitionary letter to our sister Fort Houston church for the ordination of Brother Bowin and that he be ordained by the order of the Church agreed to send the same by Brethren Stephen Bennett A Bennett and Levi Jordan and the Clk is directed to write the same

6 agreed to hold our next meting at Brother Kennedys

AJourn'd in Peace
John Parker Ch Clk

Saturday January the 20th 1849

the church Met and in order proced to Business

1 Chose Brother Boin Mod Protmn

2 took up the refference

3 the Committee appointed to visit Musstang Perary Church reports tha had faild to atend owing to high waters report receivd.

4 the same committee continued and requested to report at the March Meting

5 took up the refference relative to dealing movd to indefinitely postponed vote a tie desided by the Moderator in the negative

agreed to discontinue the refference

Brother A Bennett from the committee apointed to visit Fort Houston church reports no meting at fort Houston the same committee be continued and requested to report at next Meting Brother Starr and John Parker aded to the committee

agreed to hold our next Meting at the same place

AJourn'd in Peace
John Parker Ch Clk

The Church Met Saturday before the 3d Lords day Febuar[y] 1849 and in order Proceed to Business

1 Chose Brother J W Parker Mod Protmn

2d Brother Stephen Bennett From the committee Apointed to visit our Sister Fort Houston Church Reported our request was unanimously granted by our sister Fort houston Church

3d Apointed a Committee of 1 to visit Brother Stow and know

¹Dealt.

the reason of his nonattendance to Meting and report at our next Metin Brother A Bennett Said Committee

4 Agreed to apoint Saturday before the 3 Lords day in March a day of Fasting and prar and at night as many of the Brethren as se propper attend to the example of washing Feet

5 agreed to continue our Meting at Brother kennedys until th[e] Church seas propper to Move it

AJourn'd in peace

John Parker

Ch Clk

the Church Met Saturday before the third lords day in March 1849 and in order proced to business

1 Chose Brother J W Parker Mod protmn

2 Took up the refferences

The Committee that was appointed to visit our Sister Musstang Perary Church Reported tha had not visited said church

the Church continues the same committee and tha are to report whenever tha may think propper

3 the committee apointed to visit Brother Stow reported he had sean Brother stow Brother Stow being present informed the Church his not attending Meting was not for want of fellowship to the Brethren But owing to his situation he could not atend which was satisfactory to the Church

4 Took under consideration the propriety of chosing A deacon and the same laid over until next Meting

AJourn'd in Peace.

Saturday April 14th 1849

the church Met and in order Proceed to Business

1 Chose Brother Boin Mod protmn

2 Took up the refference relative to the Choice of A deacon and laid it over until next Meting

AJourn'd in peace

Saturday before the third Lords day in May 1849 the Church Met and in order Proceed to Business

1 Br Hanks our parstor acted as Moderator

2 took up the refference relative to the Choice of A deacon Unanimously Chose Brother Armsted Bennett to the work or office of A deacon

3d Agreed to petition our Sister Churches Sardis and Fort Houston For their ordaind authorities to assist in the work of ordaining Brother Armsted Bennett to the work or office of A deacon

the Saturday before the third Lords day in June 1849 appointed Brothren John Parker and J W Parker to Attend Sardis Church and Brother Jasper Starr and Brother Stephen Bennett Fort Houston

AJourn'd in Peace
John Parker Ch Clk

June Meting 1849

Church Met and in order proced to Business

1st took up the Refference from the last Meting Br J W Parker and John Parker Stated they attended the last meting of Sardis church and they agreed to answer the request Br Starr and Br Stephen Bennett States tha attended Fort Houston church Same report the report received and committee discharged.

2d Receivd Br Hanks from Sardis and Br Scris¹ Parks and Elder Boin from Fort Houston

the church went into the ordination of Brother Bennett as Deacon by Elder T Hanks E Boin J Parks and Stephen Criss as a Presbetry from our Sister Churches Sardis and Fort Houston ordained Bro Armsted Bennett to the work or office of deacon

3d Br I. J. request the male members in committee of the whole to walk with him on Motion agreed to answer the request and invite our visating Brethren to attend the same committee Brethren Hanks Bowin Crist and Parks the committee² reported and made the following report agreed to appoint 3 members to inquire into the matter and report to next meting the report receivd and committee discharged A Bennett S Bennett and John Parker appointed said committee

4 agreed that our next meting be A communion Season and directed the Deacon to prepare the elements and that friday before be Set apart as a day of fasting and prar

¹S. Crist. See THE QUARTERLY, XI, 93.

²I. e., the special committee previously appointed to advise what action should be taken in the case of I. J. and K. N., mentioned further on.

5 Brother Hanks serjest¹ the propriety of chosing a pastor the same laid over til next meting

AJournnd
John Parker
Ch Clk.

Saturday before the third Lords day in July 1849

the Church Met and in order proced to Business

1. Chose Brother J W Parker Mod protmn

2 took up the reference

the Committee that was apointed to examine into the difficilty with Br I. J. and Sister K. N. Made the following report

the committee to whom was referd the matter of Bro I. J. reports as follows we have as far as we could visited Bro I. J. and Sister K. N. Alis³ and we find that Sister K. N. has had a illegitimate child according to her statements and she says that I. J. is the Father of it we the Committee after a full investigation of the matter and a carfull atten³ to gospel order say that we believe that I. J. and K. N. should be excluded from the fellowship of this Church for the violation of the rules of decorum in pointed contradiction as well as the crime of illegitamacy against K. N. Ales — Armsted Bennett Stephen Bennett and John Parker

the Church received report and committee discharge[d]

Movd and seconded that Brother I. J. and Sister K. N. be excluded from the fellowship of the Church for the crime of illegitamacy and pointed contradiction which was unanimously done

2 Agreed to Chose Brother E A Boin pastor of this church as Bro hanks feels he cannot attend us Brother Boin unanimously chose

Agreed to Petition Ft Houston Church for Brother Boin to attend us as pastor if in accordance with Brother Bowins feelings

appointed Brotheren John Parker and Jasper Starr a committee to wait on Brother Bowin and Fort Houston church the clerk to give a certificate to the committee Agreed to write a frendly letter to Bro and sister eaton to know the cause of their not attending or representing themselves with us

¹Suggested.

³Alias.

³Attention.

6 tuck under consideration the Propriety of dividing the association as requested by the last year association

AJourn'd
John Parker
Clk

Saturday before the third Lords day in August 1849 the Church Met and in order Proceed to Business

1 took up the references the committee that was appointed to visit Fort Houston Church and Brother Boin reported tha faild to attend but wrote a letter to them and said request was granted

the Clerk informed the Church he had faild to write to Brother and sister eaton as directed the Church still agrees to write to Brother and sister eaton to know the reason of their failing to attend or represent themselves with us and also to write to Sister Polly thomas and Sister Rachel Culp to know the reason why tha hav faild to attend with us the church after considering the request of the Association says she thinks best to divide the Association

the church agrees to Liberate Brother John Milford to exercise a public gift in the bounds of this Church

appointed the clerk to prepare a letter to the association and present to the Church at next meting for inspection

Apointed Brthren Jasper Starr and John Parker a committee to wait on Brother Levi Jordin and enquire the cause of his failing to Attend Meting and report at next meting

AJourn'd in Peace

The Church Met Saturday before the third Lords day in Sept 1849 and in order proced to Business

1 the Brother Clerk informd the Church he had wrote the letter to Bro and Sister eaton and others as directed and sent it

2 Read and receivd the letter to the Association and Apointed Brethren John Parker Armsted Bennett and Jasper Starr to Bear the Same or any other member in Lue in case of the absence of either agreed to send \$4 for the prenting of our minuets

3 Brother John Parker from the committee appointed to se

Brother Jordin reported he had not seen him the same committee continued and requested to report next meting

AJourn'd in Peace

John Parker

Ch Clk

Oct Meting the Church Met Saturday before the 3d Lords day in oct 1849 and in order proced to Business

1 Took up the reference the committee appointed to se Br Jordin reported and Bro Jordin Being present acknow[1]edge to the Church he had done wrong in failing or neglectin[g] to attend Church Meting and ask the Church to forgive him which the Church Frankly done

2d receivd the request of Bro R F Gipson and agreed to give him a manuscript of a previous letter of Dismission as a Member in full Fellowship with us

3 the petition of our Messengers to the association for the next association be and the same is ratafide

AJourn'd in peace

John Parker Ch Clk

Saturday Nov 18th 1849

the Church Met and in order proced to Business

1 Read a letter from the delinquent Members on Navasot which gave us satisfaction

2 Granted letters of disMission to the following members Brother Benj eaton and Sister Malinda eaton Mary Thomas Rachel Culp and elisabeth welch

3 Receivd a letter from some scattering Members on the Navasot Requesting our ordaind authorities to assist in Constituting them in to a Church Said request was granted the Church further apointed Brethren Jasper Starr and John Parker to attend with our ordaind authorities and as many of the Brethren as Can attend

AJourn'd in peace.

John Parker Ch Clk

the Church Met Saturday before the 3 Lords day in Dee 1849 and in order proced to Business

1 Chose Brother Jasper Starr Mo protem and there being no other Business aJourn'd

John Parker Clk

The Church Met Saturday before the 3d Lords day in Febuary 1850

1 Apointed Elder A Smith Mod protmn and there being no other Business aJourned

The Church Met Saturday before the third Lords day in March 1850 and in order proced to Business

1 Chose Brother J W Parker Mod protem

2 Brother Mead came to the Church and made Some statements relative to a charge against him for attending a ball and stated that if any of the B[r]ethrens felings was hurt he was sorry for it after proper acknowledgements he was forgiven

3d Br Joseph kennedy informd the Church that he had a few days since drank too much liquor on motion the Church receives his acknowledgements and freely forgive him

AJourned in Peace

The Church Met Saturday before the third Lords day in Aprile 1850 and in order proced to Business

1 Chose Brother P O Lumpkin Mod protem

2 whareas a publication appeard from Brother Starr in self defence Charging the Pilgrim Church of not allowing him the said Starr the write of a freman the Church Took up the Matter and Brother Starr came forward and gave satisfaction to the Church

By order of the Church the following was ordered to be Spred on the Church Book as a part of her Minuets at hur Aprile Meting 1850

whareas a statement has appeard in a defence of Jasper Starr tending to implicate the Pilgrim Church in an unwillingness to afford the said Starr as a member of Said Church an opportunity to defend him self from Charges in Circulation against him and as said Church disclaims any such wish or intention but objected alone to the time and occasion not believing the subject properly before her at the time and whareas the said Starr upon a full and far¹ envestigation of the whole subject is satisfide that such alone was the why the Church refused to hear him at the time the said Starr is convinced that the Pilgrim Church had no intention of finally debaring him from a hering when the matter Could be legally brought before the Church according to her vew of order in such

¹Fair.

eases thare[fore] it is orderd by the Church with the consent of said Starr that the above statement be published by him in order that Justice may be done to all consernd

done by order of the Church at her regular meting of Business on Saturday before the 3 Lords day in April 1850

John Parker Ch Clk

P O Lumpkin Mod

The Church Met Saturday before the third Lords day in May 1850 and in order proced to Business

1 Chose Brother J W Parker Mod protmn

2d Brother Levi Jordin acknowledge his fau[lt] for nonattendance to Church Meting and the Church forgave him

3d Appointed Brothren A Bennett C Huffman and L Jordin A Committee to notify Brothren Crawford and Stow to attend our next Meting to answer the Chureh complaint for their neglect to attend the regular Ch meting

AJournd in peace

T Hanks Mod.

John Parker Clk

The Church Met Saturday before the third Lords day in June 1850 and in order proced to Business

1 Chose Brother Hanks Mod protem

2 took up the refference relative to the delinquency of Brethren Crawford and Stow Br[o]ther Stow attend and gave satisfaction Bro Bennett says he saw Brother Crawford and Brother Crawford states bad wether bad roads and the want of Horses is his only reason for non attendance to Church Meting the ehureh acknowledges satisfaction

AJournd

John Parker Ch Clk

T Hanks Mo

July meting the Church Met and in order proced to Business

1 Chose Bro J W Parker Clerk protem and being no Business AJournd

The Church Met Saturday befor the third Lords day in August 1850 and in order proced to Business

1 instructed the Clerk to prepare a letter to the association and present [it] to the next Meting for inspection thare being no other Business AJournd

John Parker Clk

J W Parker Mo

The Church Met Saturday before the third Lords day in Sept 1850 and in order proced to Business

1 Chose Br J W Parker Mod pro

2 Read and receved the letter to the Association

3 Apointed Brethren A Bennett S Bennett and John Parker Mesengers to the Association agreed that the Association and next Meting be held at the Meting house near Elder D Parkers late Residence

Brother Mead informed the church he had got angry on the day of the Election thè 5 of August 1850 for which he was Sorry the Church frely forgive him

AJournd in pea[ce]

John Parker Ch Clk

Saturday before the third Lords day in October 1850 the Church Met and in order proced to Business

1 Application was Made by Mrs. K. N. to be restored to the Church the Matter Taken up and referd to next Meting and a commitee of two apointed to talk with hur Sister Mead and Sister Jordin said committee and tha are to report at next Meting

2 Brother Stephen Bennett added to the Committee to superintend the Bilding of the Meting House

AJournd in peace

John Parker Clk

E A Boin Mod

The Church Met Saturday before third Lords day in Nov 1850

1 Took up the refference relative to Mrs K. N the committee reported and the Church refused to receive hur acknowledgment as the Church was not satisfide with it

AJournd in peace

John Parker Clk

the Church Met Saturday before the third Lords day in December 1850 and in order proced to business

1 Chose Brother Milferd Mod pro and thare being no other Business aJournd

John Parker Clk

the Church Met Saturday before the third Lords day in January 1851 and thare being no business AJournd

John Parker Clk

The Church Met Saturday before the third Lords day in February 1851 and in order proced to Business

1. Chose Brother J. Starr Mod protém.

2. Took up a charge against Brother J W Parker for using intoxicating spirits to too great an excess and Agreed to lay it over until next Meting Apointed Br[e]thren A Bennett and Joseph Kennedy a Committee to labor with Bro Parker and report at next Meting

AJournd in peace

John Parker Clk

The Church Met before the third Lords day in March 1851 and in order proced to Business

1 Chose Brother J Starr Mod protmn

Took up the refference relative to Brother J W Parker the Committee that was Apointed to Labor with Brother Parker reported as follows that tha went to Brother Parker and he denide the Charge to them as tha reported to the Church which report was receved and proced to exclude Brother Parker from amongst us the Church Agreed for Bro J L Milford to go forth and exercise his gift anywhere in the bounds of this Association

AJournd

John Parker Clk

The Church Met Saturday before the third Lords day in Aprile 1851 and in order proced to Business

1 Chose Brother J L Milford Mod protem

2 Receivd the Acknowledgement of Brother Mead Made relative to a difficulty that took place between himself and a near Sett[l]er namd Shipman in January last

3 apointed Brethren a Bennett and J Kennedy to Envite Brother C Huffman to attend our next Meting and give the Church satisfaction for his nonattendance

[A]Journd in peace

The Church Met Saturday before the third Lords day in May 1851 and in order proced to Business

1 Chose Brother Thomas S[t]arr Mod Pro

Cald for refference Brother C B Huffman attended and laid in his excuse for nonattend[ance] to Meting the Church forgave Bro Huffman unanimously

2 Cald on Bro Thomas Starr to Attend us at our Regular Church Metings

AJournd in peace

The Church Met Saturday before the third Lords day in June 1851 and in order proced to Business

- 1 Chose Brother Thomas Hank[s] Mod Pro and there being no other Business AJourned in peace

John Parker Clk

The Church Met Saturday before the Third Lords day in July 1851 and in order proced to Business

- 1 Chose Bro Thomas Starr Mod pro
- 2 Apointed next Meting communion season [A]Journd in peace

John Parker Clk

The Church Met Saturday before the third Lords day in August 1851 and in order proced to Business

- 1 Chose Brother J Starr Mod pro
2. instructed the Clerk to Prepar a letter to the association and present to the Church for inspection at next Meting AJourned in peace

John Parker Clk

The Church Met saturday before the third Lords day in September 1851 and in order proced to Business

- 1 Chose Brother E A Boin Mod pro
- 2 read and receivd the Letter to the association
- 3 Bro J Starr exspresses himself as wishing to be forgiven for nonattendance to Meting and having made acknowledge[ment] the Church is satisfide

- 4 Appointed Brethren A Bennett S Bennett and John Parker and Bro J Star in case of failure to Bear the Letter to the association

AJourned in peace

John Parker Clk

The Church Met Saturday before the third Lords day in October 1851 and in order proced to Business

- 1 Chose Bro Milford Mod protmn and thare being no other Business AJourned

John Parker Clk

The Church Met Saturday before the Third Lords day in Nov 1851 and in order proced to Business

1 Chose Bro E A Boin Mod pro and their being no other
Business AJournd in peace

John Parker Clk

The Church Met Saturday before the Third Lords day in Dec
1851 and in order proced to Business

1 Chose Bro J Starr Mod protmn

2 Took up the case of Bro I. J. and referd until next Meting
AJournd in peace

John Parker Clk

The Church Met Sa[t]urday [before] the third Lords day in
January 1852 and in order proced to Business

1 Chose Bro Boin Mod pro

2 Took up the refference relative to the Restoration of Brother
I. J. Restored him

3 Took under Consideration Bro J Starr[']s Gift and laid it
over until next Meting
AJournd in peace

The Church Met Saturday before the third Sunday in February
1852 and in order proced to Business

1 Chose Brother E A Boin Mod protinn

took up the refference relative to Brother Jasper Starr[']s gift in
the ministry the church thinks his gift not profitable

Apointed Brother R Brown to notify Brother Huffman to attend
our next Meting and show the cause of his long absence

Ajournd in peace

John Parker Clk

Church Met Saturday before the third Lords day in March
1852 and in order proced to Business

Thomas Hanks Mod

1 Took up the refference relative to Brother Huffman and con-
tinued the case of Brother Huffman until next Meting and apointed
Bro Brown of the same¹

2 apointed our next Meting Communion season

3 agreed to petition our Sister Fort Houston Church for their
ordaind authorities Deacons to attend our next Meting to assist

¹I. e., on the committee to consider the same.

in the administering of the Lords Supper and apointed Brethren Levi Jordan and John Parker to Bar the same

John Parker Ch Clk

Church Met Saturday before the third Lords day in Aprile 1852 and in order proced to Business

1 Chose Bro Boin Mod pro

2 took up the refference relative to Brother Hufman and continued the case of Brother Hufman until next Meting and Apointed A Bennett and R Brown to inform Brother Hufman of the Churches dissatisfaction for his noncompliance [with] their Request

3 receivd the title to the Land for meting House and Brother John Parker attend and have the deed recorded and report fees

4 granted the request of our Sister Fort Houston Church our ordaind authorities to attend their next Regular Meting for the purpose of ordaining Brother J Starr to the work of the Ministry

AJournd

John Parker Clk

Church Met Saturday before the third Lords day in May 1852 and in order proced to Business

1. Chose Bro Tho Starr Mod pro

2 took up the refference relative to Brother Hufman Herd the report of the Commitee and they Brought a letter to the Church from Brother Hufman which was rejected preferd Charges against Brother Hufman for his refusing to attend Meting and accusing the church of acting incorrectly

3 apointed Brethren kennedy and Jordin to wait on Brother Hufman and aprise him of the acts of the Church

4 apointed Brethren John Parker and M P Mead to wait on Brother Jasper Starr and apprise him of the information Reach¹ the Church he has Joind another denomination of people and report at next Meting

AJournd in peace

John Parker Clk

Church met Saturday before the third Lords [day] in June 1852 and in order proced to Business

¹Which has reached.

1 Chose Brother Boin Mod protmn

2 Cald for refference Brethren kennedy and Jordin reported that they had not waited on Brother Hufman Moved to Recind the act Relative to our Apointing Brethren kennedy and Jordin to wait on Brother Hufman at our last Meting

proced to exclude B[r]other Char[les] Hufman from among us took up the case of Brother Jasper Starr as neither of the above Brethren apointed to wait on him was not present Brother Starr being present Stated that he had Joind what he Cald the Christian C[h]urch proced to exclude Bro Jasper Starr on account of his Joining as above what he calls the Christian Church

AJournd

Levi Jordin Clerk protem

Church met Saturday before the third Lords day in July 1852 and thare being no Business AJournd

John Parker Clk

Church met Saturday before the third Lords day in August 1852 and in order proced to Business

1 instructed the Clerk to prepare a letter to the Association and present at next Meting for inspection

AJournd in peac[e]

John Parker Clk

The [Church] Met at a Call Meting Saturday before the 1 Sunday in october 1852

1 Chose Bro Henderson Mod protem

2 Read and received the Letter to the Association

3 apointed Brethren A Bennett Stephen Bennett and John Parker Messengers to the association

AJournd

John Parker Clk

The Church Met Saturday before the third Lords day in October 1852 and their being no business aJournd

John Parker Clk

The Church Met Saturday before the third Lords day in Nov 1852 and their being no Business aJournd

John Parker Clk

The Church Met Saturday before the third Lords day in Dec 1852 and in order proced to Business

1 opend a door for the reception of Members and received Brother quarley a Colerd Man belonging to John Davis by recommendation

Br Boin Mod

AJourn
John Parker Clk

The Church Met Saturd[a]y before the third Lords day in January 1853 and their being no Business aJourn in peace

John Parker Clk

E A Boin Mod

The Church Met Saturday before the third Lords day in March and their being no Business AJourn in peace

John Parker Clk

E A Boin Mod

The Church Met Saturday before the third Lords day in Jun 1853 and thare being no Business AJourn in peace

John Parker Clk

E A Boin Mod

The Church [met Saturday] before the third Lords day in July 1853 And in order preceed to business

1 granted Letters of Dismission to Brother Levi Jordin and Sister Cyntha Jordin his wife And being no other Business

AJourn

John Parker Clk

E A Boin Mod

The Church Met Saturday before the third Lords day in August 1853 and in order proceed to Business

1 opend a door for the reception of Members and recevd Brother Robert M Garrett by Letter

2 appointed E A Boin to prepare a leter to the association and present to the Church at next Meting for inspection

AJourn in peace

John Parker Clk

E A Boin Mod

The Church Met Saturday before the third Lords day in September 1853 and in order proceed to Business

1 Opemd a door for the rescption of Members and received Sister Emely Garrett by Letter

2 Cald for Refference Red and receivd the letter to the Association.

3 appointed Brethren A Bennett M P Mead John Parker Messengers to the association and in case of faller Bro S Bennett

AJourn'd in Peace

John Parker Clk

E A Boin Mod

The Church Met Saturday before the third Lords day in October 1853 And in order proced to Business

1 first Chose Brother Majors Mod pro

2 Apointed Brethren Reuben Brown and J kennedy a committee to Se John Davis and enquire of him if he has any objection for the Church to liberate his Slave Brother qualy to exercise in public if she thinks his gift profitable

RULES OF DECORUM

1st Church meeting Shall be opened and Closed by Prayer

2d If there be not a Stated moderator, There Shall be one appointed by the Suffrage of the members Present, and it shall be the duty of the moderator to keep the church in order attend fairly to all questions before her and announce her decisions, Report any member Immediately to the church, who will not Submit to order when Called on. Any member may Call to order. the Moderator Shall decide on Points of order, yet any member may appeal from his Judgment to the Church, who Shall Settle the Point in dispute. The moderator Shall not Vote, Except in case of a tie to give the casting Vote. he has a right to give his Views on any subject by calling on some member to Keep order.

3d Visiting brethren in union with us of our faith and order who are in good order in their Churches, Shall be invited to Seats with us in Council.

4th A door Shall be opened for, the Reception of members when Ever it may be thought nessesary,

5th Refferences Shall be taken up and attendid to.

6th the door Shall be opened for matters of dealing when the gospel order has been attended to, or any thing that is like to marr the Peace of the Church, If there be nothing of that nature, Then any other business necessary to be attended to

7th But one Person Shall Speek at a time, who Shall arise from his Seat, and address the moderator in order and no one

Shall Speak more than three times to one Subject without Leave from the church. No whispering Receding etc, in the time of public Speaking, and each Speaker Shall attend Strictly to the Subject in hand, without any unchristianlike Remarks on a former Speaker. No member Shall leave his Seat in time of business without leave

8th the Church agrees to do all her business by the voice of a majority of her acting members, Except in Receiving in members granting Letters of dismission and setting fourard gifts in the Church, which Shall Require a unanimous Voise

yet the Church has a Right to Call for the cawse of objections Judge of the Propriety of the Same, and the Voise of two thirds of the acting members Shall govern in such cases, so as to over Rule Such objections.

9th Evry motion and Second Shall come under the Consideration of the Church Except withdrawn by the person who made it

10th Any amendments may be made to theas Rules when Ever the Church may think it nessesary

11th It Shall be the duty of the Church wheare any Male member absent himself from the Church three Meatings hand Runing to Enquire the cause for so doing and allso enquire Something of his caracter and report at next meting AJournd

John Parker Clk

Eldor Majors Mod pro

The Church Met Saturday before the third Lords day in Nov 1853 and in order proced to Business

1d took up the refference wharcupon the Brethren that was Apointed to visit Mr John A Davis in order to obtain his Consent to the Liberation of his Servant Qualey to exercise his gift in the Church Made a report favorable to the Same under certin Restriction the repart was received and the Committee discharged

AJournd in peace

John Parker Clk

E A Boin Mod

The Church[met] Saturday before the third Lords [day] in Dec 1853 And thare being no business AJournd in peace

E A Boin Mod

The Church, Met Saturday before the third Lords Day in January 1854 and in order proced to Business

1 Opend a door for the reception of Members and receivd Brother Charles Barrett by letter

2 Granted Brother Charles Barrett the Liberty of exersiseing his gift in the Bounds of the Church AJournd in peace

John Parker Ch Clk

E A Boin Mod

The Church Met Saturday before the third Lords day in February 1854 and in order proced to Business

1 appointed Brother Charles Barrett Mod protem and thare being no other Business AJournd

John Parker Clk

The Church Met Saturday before the third Lords day in March 1854 and in order proced to Business

1 opend A door for the res[e]ption of Members and receivd Brother T. W. Brooks by recommendation

2 Took under Consideration the propriety of selecting a Deacon and laid it over til next Meting

AJournd in peace

John Parker Clk

E A Boin Mod

The Church Met Saturday Before the third Lords day in Aprile 1854 and in order proced to Business

1 Took up the refference relative to the Choise of A deacon and agreed to lay it over til next Meting

2 Grante[d] A Leter of dismission to Sister Elizabeth Litle and instructed the Clerk to prepare the same and thare being no other Business AJournd

John Parker Clk

E A Boin Mod

The Church Met Saturday before the third Lords day in May 1854 and in order proced to Business

Took up the refference relative to the Choice of A Deacon and agreed to recind the same

2 Took under Consideration the propriety of Brother C Barrett exersiseing his gift in public and laid it over til next Meting

AJournd

John Parker Clk

E A Boin Mod

The church opened A door on the third Lords day in May 1854 and receivd Sister Eliza Brooks by Exsperience

The Church Met Saturday before the third Lords day in June 1854 and in order proced to Business

1 Took up the Refference relative [to] C Barrett Exersiseing his gift in Public After dew deliberation on the Matter the Church says his gift is not proffitable and therefore says that she takes from him the liberty of Exersiseing in public

AJournđ in peace

John Parker Clk

E A Boin Mod

The Church Met Saturday before the third Lords day in July 1854 and in order proced to Business

1 Chose Brother Brooks Clerk protem

2 took up the refference from the association relative to laying of the association into districts and laid it over til next Meting

AJournđ in peace

E A Boin Mod

The Church Met Saturday before the third Lords day in August 1854 and in order proced to Business

1 took up the refference relative to laying off the association into districts and after due reflection says she is opposed to laying it off into districts

2 apointed the Clerk to prepare a letter to the association and present it at next Meting for inSpection AJournđ in peace

John Parker Clk

E A Boin Mod

Opend a door on the third Lords day in August 1854 for the reseption of members and receivđ John a Collored man by Exsperience

The Church Met Saturday before the third Lords day in Sept 1854 and in order proced to Business

1 read and receivđ the Letter to the association

2 appointed Brethren Armsted Bennett John Parker M P Mead and in case of falier Br[o]ther Brooks To bear our Letter to the Association

3 agreed to Send \$2 and 50 cents to the association for printing of our Minuits

AJournđ in peace

John Parker Ch Clk

E A Boin Mod

The Church Met Saturday before the third Lords day in Oct. 1854 and in order proced to Business

1 The Church tuck up 2 charges against Brother Charles Barrett 1st for declaring unfellowship with Church and Secondly for Exersiseing his Gift in public Contrary to the order of the Church¹

2d agreed to lay over the case of Brother Barrett until next Meting and Apointed any of the Brethren that Should meat with Brother Barrett a Commitee to request him to come to the Church at next Meting and acknowledge his foults

AJourn'd

Thos. W. Brooks Clk protem

E A Boin Mo

The Church Met Saturdy before the third Lords day in December 1854 and in order proceded to Business

1 Opend a door for Members wharcupon George Shurwood made application for Membership he said he was a Baptist that he had Joind the antioc church in Jasper County Texas and was Baptised by Elder Gipson and had left without a letter and he was in fellowship in the Church when he left wharcupon the Church apointed Br John Parker to write to Elder Gipson to know of him his Standing in Said Church

2 Took up the refference relative to Bro Barrett and laid it over tel next Meting and apointed Brethren Brooks and Garrett a Commity to admonish him to his duty and tha are to report at next Meting

Brother John Parker that was apointed to have the Deed recorded for the Land on which the Pilgrim Church Meting House Stands reported he had got Said deed recorded and the recording fee was \$1.40

AJourn'd

J Parker Clk

The Church Met Saturday before the third Lords day in January 1855 and in order proced to Business

1 Took up the refference relative to Brother Barrett and the Committy that was Apointed to labor with Brother Barrett reported that he faild to give satisfaction tharefore he is excluded from the Church

AJourn'd

John Parker Clk

E A Boen Mo

¹See minutes for meeting in June, 1854.

The Church Met Satterday before third Lords day in Mareh 1855 And in order proceeded to Buisness

1st Opend the door for the Reeception of members and Received Brother George Sherwood by Recommendation

2nd Mōtion and seconted that Brother Charles Barretts ease Relitive to Restoring him in the ehureh again be Laide over untel our next Meeting

AdJournd

E. A. Boen Mod

T. W. Brooks Ch Clk protem

The Chnreh met in Conferance Satterday before the third Lords day in April 1855 and in order preceeded to buisness

1st Refferenee taken up Relitive to Restoring Brother Charles Barrett Motion and seeonted that Brother Charles Barrett be Restored to the ehureh again

Motion and seconted that Brother Barrett have a ehureh Letter of dismission

Motion and seconted that Sister Sally Little have a Letter of dismission

AJournd in peace

T. W. Brooks Ch Clk

E A Boen Mod

May 1855 met and know¹ Meeting

The ehureh met in eonferanee Satterday before the third Lords day in June 1855 and in order preceeded to buisness

Motion and seeonted that the ehureh eommune together at our next meeting in July on Sunday preceding agreed to ~~Recin~~ the aet, and hold our union meeting on the 5th Sunday in July as Brother Elder Britton is expected to attend the ehureh

AJournd in peace

T. W. Brooks, Clk

E. A. Boen Mod

The ehureh met in eonferanee Satterday before the third Lords day in July 1855 and in order preceeded to buisness

Thear being know buisness before the ehureh AdJournd in peace

T. W. Brooks Ch Clk

E. A. Boen Mod

The church met in eonferanee Satterday before the third Lords day in August 1855 and in order preceeded to buisness

Motiond and seconted that the Brother Clark prepare a letter

¹No; a somewhat paradoxical entry.

to the Association to be red at our next meeting adJourn'd in peace

T. W. Brooks Ch Clk

E. A. Boen Mod

The church met in conferance Satterday before the third Lords day in September 1855 and in order preceded to buisness

Opend the door for the Reception of members and Received Sister Cyntha Jordan by letter

the letter to the Association Red and Received

Elected delogats to the association as follows Brethren J. Parker M. P. Mead T. W. Brooks, and in case of failure Brother R. Garrett

The church says she will contribut 2.50 cts for the printing of minuts thcare being know farther buisness adJourn'd in peace

T. W. Brooks ch clk

E. A. Boen Mod

The church met in conferance Satterday before the third Lords day in October 1855 and in order preceded to buisness

Thare being know buisness before the church adjourn'd in peace

T. W. Brooks, Ch. Clk.

E. A. Bow[e]n, Mod.

The church bet in conferance on Satterday before the third Lords day in Nov. 1855 and in order preceded to buisness

1st Opend the door for the Reception of members and Receivd Brother Thomas Graham and wife by letter and the wright hand of fellowship given to Sister Jane E. Graham when she can attend the church at their Letter is a Joint Letter and she could not attend with her Husband at his meeting

Thear being kow¹ other buisness adJourn'd in peace

T. W. Brooks, ch. clk.

E. A. Bow[e]n, Mod.

December kow² Meating

January know Meating

The Church Met in conferance on Satterday before the third Lords day in Febuary 1856 and in order proceeded to buisness

Motion and seconted that the Church hold her Comunion Season

¹No.

²No.

quarterly commencing in March next. there being know other
business before the Church Adjourned in peace

T. W. Brooks, ch. clk

E. A. Boen, Mod.

Know Meeting March 1856

The Church met in conference on Saturday before the third
Lords day in April 1856 and in order proceed to business

Motion and seconded that there be a comite of three appointed to
superintend the fixing of the pilgrim Church meeting House and
said comite Report at nex meeting the church appoint Broths to
wit—Stephen Bennett T. W. Brooks and Brother Garrett

adjourned in peace

T. W. Brooks, ch. clk

E. A. Bowen, Mod

the church met in conferanc[e] on Saturday before the third
Lords day in May 1856 and in order proceed to business

after Reference being cauled for committee Report Read and
Received and committee continued Motion and seconded that the
church comene together at June meeting adjourned in peace

T. W. Brooks ch. clk

E. A. Bowen Mod

The church met in conference in Saturday before the third
Lords day in June 1856 and in order proceed to business

there being know business adjourned in peace

T. W. Brooks ch clk

E. A. Bown Mod

The Church Met in conference on Saturday before the third
Lords day in July 1856 and in order proceed to business

there being know business adjourned in peace

T. W. Brooks ch clk

E. A. Bowen Mod

The Church Met in Conference on Saturday before the third
Lords day in August 1856—and in order proceed to business.

Motion and seconded that the Brother Clark prepare a coris-
ponding Letter To our next Association to be Read at our next Meet-
ing there being know further business adjourned in peace

T. W. Brooks ch. clk.

E. A. Bowen, Mod.

The church met in conference on Saturday before the third
Lords day in Sept 1856, and in order proceed to business

Refrence taken up Corresponding Letter to the Association

Red and Received The church says she sends to bar our Letter Brethren T. W. Brooks R. M. Garrett and R. Brown and in case of failure A Bennett

Motion and seconded that the church Request the next association to be held with her

The church say she sends up ,200, dols,¹ for the printing of our Minute theare being know further busness AdJournd in peace

Thos. W. Brooks, ch. clk.

E. A. Bowen, mod.

The Church met in conference on Satterday before the third Lords day in Oct. 1856 and in order preceed to buisness

theare being know buisness before the church adJournd in peace

T. W. Brooks clk

E. A. Bowen, Mod

The Church met in conferance on Saturday before the third Lords day in November 1856 and in order preceed to buisness

Opemd the door for the Reception of members and Received Sister Jane Graham by Letter. On the Lords day Received Sister Eady Black by Letter, and Sister Laura Bennett and Sister Mary Owens by Experiance. theare being know further buisness adJournd in peace

T. W. Brooks chlk .

E. A. Bowen Mod.

The church met in conferance on Saturday before the second Lords day in December 1856 and opemd the door for the Reception of members and Received Brother Miles Bennett by Experiance and the ordinenc[e] of Baptism administered by Brother Elder Thomas Brittain, by Request of the candidate theare bein[g] know further buisness adJournd in peace

T. W. Brooks ch. cl

E. A. Bowen, Mod.

January 1857

The Church met in conferance on Saturday before the third Lords day in January, 1857, and in order proceed to buisness

The Church by Vote Request Brother E. A. Bowen to continue the pasterly cear of the Pilgrim church ther[e] being know further Business adJournd in peace

T. W. Brooks ch clk

E. A. Bowen Mod.

¹Two dollars.

The church met in Conferance on Saturday before the third Lords day in February 1857—And in order preceed to buisness.

The church agree to meet friday before the third Lords day in march fore the purpose of attending to Her church buisness also to attend to the ordencnce of the comunion season; there being know further buisness adJourned in peace

T. W. Brooks ch. clk.

E. a. Bowen, Mod.

The church met in conference on Saturday before the third Lords day in March 1857. there being know buisness adJournd in Peace

T. W. Brooks, ch. clk.

E. A. Bowen, Mod.

The church Met in conference on Saturday before the third Lords day in April 1857. there being know buisness before the church adJournd in Peac[e]

Miles Bennett, clk. pro tem T. W. Brooks, Mod. Pro tem

The church met in conferance on Saturday before the third Lords day in May, 1857,—and in order preceed to buisness

the church agreo to take in consideration the chois of another Deacon and travel¹ on the same untel hir next meating

adJournd in peace

T. W. Brooks ch. clk.

E. A. Bowen, Mod.

The church met in conferanc[e] on Saturday before the third Lords day in June 1857—and in order preceed to Buisness

appointed Brothr T, W, Brooks, Mod, protem and Brothet Miles Bennett, clerk protem taken up Reffer[e]nc[e] and by Vote The church Elected Brother Miles Bennett Deacon the church says by her Voice that she sends to Fort Houston and Sardis churches for their ordaind athority to Se[t] as a presbatory for the purpos of orda[in]ing and Seting apart the same to the office of a Deacon

thecare being know further Buisness adJournd in peace

Miles Bennett clk. Prottem

T. W. Brooks, Mod. pro tem

the Church met in conferance, on Friday before the third Lords day in July 1857 and in order proceed to buisness

1st Envited Visiting members to a seat with us; 2nd opend the door for the Reception of members and Received Sister Penelope Heynsley by Experiance

¹Travail.

3d taken up Refference from last Meating and the church say she Cawls on Brethren C. T. Ecols, T. F. Dossy and L. Clark, ordained ministers to set as a presbattry for the purpos of ordaining and seting apart Brother Miles Bennett to the work of a Deacon as Such the presbattry preceeded and went into the ordination. adJournd untel 10 o elock tomorow Saturday 10,o clock the church met and opend the door for the Reception of members and Reeeived Brother Littleton, and Mary, Helm by Letters their being know further buisness adJournd in peace

Thos. W. Brooks ch. Clk.

E. A. Bowen, Mod.

Sept, 1857

the Church met in eonferance on Saturday before the third Lords day in Sept, 1857 and in order preceed to buisness, . Opend the door for the Reception of members and Received Sister Sally Little by Letter. the church agree that the Clerk prepare a eorispoding Letter to be Red at our next meeting theare being know other buisness adJourned in peace

Thos. W. Brooks ch. clk.

E. A. Bowen, Mod.

The Church Met in Conferance on Saturday before the third Lords day in Oct 1857 and in order preceed to buisness

The Church say by her Voice she will attend to the Example of washing Eaeh others feet to morrow night at Brothers Miles Bennetts House their being know other Business adJournd in peae

T, W, Brooks ch. Clk

E. A. Bowen, Mod.

November 1857 Know church Meeting

The Church Met in Conferanee on Saturday before the third Lords day in December, 1857 and in order preceed to buisness

by the Voice of the Chureh taken up the case of Brother Sherwood for his Non attendance to the church and Laid over untel nex Meating being know further buisness adJournd in peace

Miles Bennett Clk pro. tem

Thos. W Brooks Mod Pr tem

January 1858.

The Chureh Met in Conferance on Saturday before the third Lords day in January, 1858 and in order preceed to buisness.

Taken up Refrence from last meating Relitive to Brother Sherwoods Case, and laid over untel nex meating adJournd in peace

Thos. W. Brooks Clk

E. A. Bowen, Mod.

The Church Met in Conferance on Saturday before the third Lords day in February 1858—and in order preceed to buisness

taken up Refrence from last Meating Relitive to Brother Sherwoods Case Envestigated, and the Church say by her voice she Recins the act there being know Charge found. the Church agree to attend to Her Comunion season and Washing feet, at Her March Meating adJourned in peace

Thos. W. Brooks clk

E. A. Bowen, Mod.

The Church Met in Conferance on Friday before the third Lords day in March, 1858—and in order preceed to buisness. there being being know buisness adJournd in peace.

Thos. W. Brooks, Chlk.

E. A. Bowen, Mod.

The Church Met in Conferance on Saturday before the third Lords day in April, 1858—and in order preceed to buisness. There being know buisness adJournd in peace.

Thos. W. Brooks, Ch. Clk.

E. A. Mowen, Mod.

The Church met in Conferance on Saturday before the third Lords day in May 1858—and in order preceed to buisness. the church Say by Her Voice that the Brother Clark anex the Itim to the Rules of Decorum, Relitiv to the non attendance to the church or Missing three Conferance Meatings there being know further buisness adJournd in peace

Thos. W. Brooks chlk.

E. A. Bowen, Mod.

The church met in conferance on Friday before the third Lords day in June 1858—and in order preceed to buisness.

Opend the door for the Reception of Members and Received Brother William Lago by Experiance. there being know other buisness, adJournd

Thos. W. Brooks, chlk.

E. A. Bowen, Mod.

The Church met in Confer[ence], on Saturday before the third Lords day in July 1858 there being know buisness adJourned in peace

R. Ragg Clk. Pro.

E. A. Bowen, Mod.

The Church met in Conferance on Saturday before the third Lords day in August 1858 and in order preceed to business. The Church appoint the Clark [to] prepare a Letter to be Read at our

next meeting to Represent us at our next association. The Church take up the Request of The association Relitive to Dividing our association into Districts and lay the same over untel our next meeting adJournd in peace

T. W. B. clk

E. A. Bowen Mod.

September, 1858.

The church met in conferance on Saturday before the third Lords day in September 1858, and in order preceed to buisness opend the door for the Reception of members and Received Brother John D. Mathuse by Letter.

Took up the Refrence of Last meeting and the Letter to Represent us in our nex Association Red and Received, And to Bare the same the church Apointed Brothren, To wit, as folows, M. P. Mead, Miles Bennett, Thos. W. Brooks.

Took up the Refrence Relitive to Districting of the Association into Districts and the Church say by Her Voice She is opposed to the same the Church petition the next Association. The Church sends up two Dollars Contribution for the printing of Minuts AdJournd

Thos. W. Brooks, chlk.

E. A. Bowen, Mod.

Oct 1858.

The Church met in Conference on Saturday before the third Lords day in Oct, 1858—and in order preceed to Buisness the Church agree to furnish means, for the purpus, of suppliing boles or panes,¹ to purform the Example of washing Each others feet Also Towels for the purpose of a girdle AdJournd in peace

Thos. W. Brooks, chlk.

E. A. Bowen, Mod.

Nov. 1858.

The Church met in Conferance on Saturday before the third Lords day in Nov. 1858 and in order preceed to business. theare being Know buisness adJournd in peace—

Thos. W. Brooks, chlk.

E A Mowen Mod.

¹Pans.

December, 1858

The Church met in conferance on Saturday before the third Lords day in Dec., 1858 The Church appoint Brother B. Asply Mod protem theare being know Buisness before the church AdJourn in peace

Thos. W. Brooks C. C.

B. Asply Mod. protem

January 1859

The Church Met in Conferance on Saturday before the third Lords day in January 1858 their being no buisness came before the Church AdJourn in peace

Thos. W. Brooks, C. C.

E. A. Bowen Mod.

The church met in Conferance on Saturday before the third Lords day in Feburary 1859. The church agree to Meat at Her next quaterly meeting on Friday before the 3d Lords day in March next and to attend to Her Comunion Season know other Buisness AdJourned in peace

Thos. W. Brooks, C. C.

E. A. Bowen Mod.

The Chureh Meating in March Saturday before the third Lords day 1859

the Church appoint Brother B. Asply Mod protem the Chureh Received a Note from Brother E. A. Bowen Stating that theare had some things presented themselves and that he could not attend the church at this time nor for the future untel a Reconciliation took place thear beaing no more buisness AdJourned in peace

Thos. W. Brooks, C. C.

B. Aspley Mod protem

Apr, 1859

The church met in conferance on Saturday before the third Lords day in March¹ 1859 theare Being Know business AJourn in peace

Thos. W. Brooks, C. C.

B. Aspley, Mod. Prottem

May, 1859

The church met in conferance on Saturday before the third Lords day in May 1859 And Procced to buisness. Received an

¹Should be April.

Enoledge ment by way of Letter from Sister Rebecca Davidson, now, Rebecca Reed. She also Request a Letter of Dismission from Pilgrim Church, and the church agree to grant Her a Letter of Dismission

The Church aGree to Extend an arm of the church to be Holden on the Ioni at or near Brother M. P. Meads Residence

the Church appoint a Comitee of Three Members to wit Brothers, M. P. Meed Wm. Lago and M. Bennett to Visit Brother J. Stoe, and Know the cause of his none attendance in conferance Theare being Know further buisness adJournd in Peace

Thos. W. Brooks, Clk

B. Aspley, Mod. Protem

The Church met in Conferance on Saturday before the third Lords day in June 1859 and in order preceed to buisness

Refrence Cauld for and taken up. the cometee Report that Brother Stoe Had nothing against the Church that His non attendance was oing to His Dome[s]tic afairs the Church Received Brother Stoe[']s] Excuse and the Cometee discharged the Church prefer a charge against Brother Sherwood for Living in disorder Brother Sherwood taken up and tride by fellowship and Excluded from us,

Brother Bowen Came before the church and Ecnolodge that He did wrong in writing to the church instid of coming him Self and the Church Received the Ecknowledgement

Brother Miles Bennett Came before the church and ecknowledg his wrong in Living in Violation of gospel Rule, and the church Received the Ecknowledgment.

The Church agree to Set Brother Mathews at Liberty to Exercise a public gift in anny way he may think pr[o]fitable to the Cause of zion in the Bonds of the Association.

Thos. W. Brooks Clk.

B. Aspley Mod protem

The Church met in Con. on Saturday the third Lords day in July 1859 and preceed to buisness the church agree to Receive the Minuts and Letter from the Arm on Ioni which is as follows opend a door for the Reception of members and Received Brother Richard Moor and wife Mary Moor by Letter and Sister Mary B. McKiney by Recomendation M P Mead, chlk L. G. Asply Moderator AdJournd in peace

Thos. W. Brooks Chk

B. Aspley Mo. Pro.

The Church Met in Conferanee on Saturday before the third Lords day in August 1859 and in order preeeed to Buisness

Appointed Brother Mathews Mod Protem. the Church apoint the Clark to prepare a Letter to the Assoeiation to Be Red at our next meeting adJournd in peace

Thos. W. Brooks, Clk.

J. Mathews Mod. Pro.

September 1859.

The ehurch met in conferanee on Saturday before the third Lords day in Sept, 1859 and in order preceeded to buisness.

1st the Church appointed Brother L. G. Aspley Moderator Protem

2d the ehurch took up the Refrence, and the Letter to the Assoeiation Red and Received By the Blanks being filled up

3d the [Church] Elected Brethren Thos. W. Brooks, Miles Bennett, John Mathews; and R. M. Garrett in ease of failure; to bare our Letter to the Assoeiation

4d the ehurch says by Her Voice she sends up Two dollars and fifty ets. Contribution for the Printing of minuts.

5th the Church agree to go into the choice of a Pasture of the Church, and Elected Brother L. G. Aspley to go in and out before Her for the next Twelve months their being know further buisness AdJournd in peace

Thos. W. Brooks, ehk

L. G. Aspley Mod

October 1859

The ehurch met in eonferanee on Saturday before the third Lords day in Oct. 1859—and in order preeeed to buisness

1st Invited Visiting members in good order to take seats with us

2d opend the door for the Reception of Members. 3d. The Church agree to grant Brother Thomas Graham and Sister Jane Graham a Letter of Dismission

Brother L. G. Aspley Exeepted the Pasterel Ceare of The Church for the next twelve Months. AdJournd in Peace

Thos. W. Brooks, ehk.

L. G. Aspley, Mod.

November 1859

The Church met in conferanee on Saturday before the third Lords day in November 1859—and in order preeeed to buisness

1st invited Visiting members to seats with us

2d. Opend the door for the Reception of members

Called for Refrence None.

Called for Miscellaneous matters

3d The Church agree to appoint a cometee of two To Visit
Brother qualy and Enquire into His disorderly conduct

The church appoint Brother M. Bennett and Brother T. W.
Brooks as the cometee

theare being Know other buisness adjournd in Peace

T. W. Brooks chlk.

L. G. Aspley, Mod.

The Church met in Conferance on Saturday before the third
Lords day in December 1859 and in order Preceed to buisness

1st opend the door for the Reception of members and Received
Brethren Joseph W. Stalcup Jasper M. Stalcup by Experiance

Refrence Cald for taken up Cometee Report and Comete dis-
charged

The Church say by Her Voice she postponed the refference, in-
definitely.

Theare being know further business adJournd in peace

T. W. Brooks Clk.

L. G. Aspley Mod.

Saturday January 14 A. D. 1860

The Church met in conference and preceeded to bussiness

1st invited visiting breatheren and sisters to seats with us

2 open the door of the church for the reception of members

call for reference non[c]

call for miscellanious matters. none

by motion of the church dismiss the reference in regard to brother
Quallys case brought up in Nov 1859

T. W. Brooks, Clk

L. G. Aspley Mod

The Church met in conferance on Saturday before the third
Lords day in March 1860 and in order preceed to buisness

the church agree to Receive Sister Edy Blacks Letter and Her
Received in full fellowship there [being] know other business
Adjournd in peace

T. W. Brooks Clk

L. G. Aspley Mod.

met On [the third] Sunday mor[n]ing [in March] 1860.

openned the Door for the Reception of members and Received

Brother William Heaton an ordained Deacon from Lake County, Mississippi, Pilgrim Rest, Church, by Letter

Thos W Brooks clk

L. G. Aspley Mod.

The Church met in Conferance on Saturday before the Third Lords day in Apr. 1860—and in order preceeded to buisness

first Red the Articles of faith, and Rules of Decorum. know further buisness adJournd in peace

T. W. Brooks Clk

L. G. Aspley Mod

June 1860

The church met in conference on Saturday before the third Sunday in May 1860—and in order preceeded to buisness.

1st, Envited Visiting members to seats with us

2d, opend the Door for the Reception of members

3d, Called for Refrence none.

4th there being Know buisness before the Church adJournd in peace

T. W. Brooks Clk.

L. G. Aspley, Mod.

Saturday June 16th 1860.

the Church appointed Brother Brooks Mod, protem

2d, opend the door for the Reception of members.

3d, Called for Refrence non[e]

4th, Called for pcece. all in peace.

there being know buisness before the church AdJournd in peace

R. M. Garrett Clk. pr.

T. W. Brooks Mod. pr.

July 1860.

The church met in conference on Saturday before the third Sunday in July 1860, and in order preceed to business

1st, opend the door for the Reception of members

2d Call for Refrence non[e]

there Being know further buisness adJour[n]d in peace

T. W. Brooks, clk

L. G. Aspley Mod.

August 1860

The Church met in conferance on Saturday before the Third Lords day in August 1860 and in order preceeded to buisness

1st appointed Brother J. Mathews Mod. protem

2d, the Church appoint the Cleark to write a Letter to the next association to be Red at the next meeting there adJourned in peace

Thos W. Brooks Ch. clk.

John Mathews Mod.

September 1860.

The church met in conferance on Saturday before the third Sunday in Sept. 1860, and in order preceded to buisness.

1st, opend the Door for the Reception of members and Received¹

2d, caled for Refrence. Refrence taken up Red and Received when the Blanks [were] fild out. the church agree to send up two dollars and fifty cents for the printing of minuts

the church Elected Brethren T. W. Brooks Miles Bennett William Heaton and Brother William Lago and Brother Littleton Helm in case of failure as delogats to the next Asociation ad-Journd in peace

T. W. Brooks, Clk

L. G. Aspley, Mod.

The Church met in conferance on Saturday before the third Sunday in May 1861 and in order proceeded to buisness

1st opened the Door for the reception of members and Recd none

2st call for Referance none

3rd bro Richard Moore and wife call for a letter which was granted by a unanimous voice of the church

T. W. Brooks, M. D.² prot. and R. M. Garrett Clk prt.

The church met in conference on Saturday before the third Sunday in September 1861 and in order proceeded to business and the clerk presented a letter to the church for the Association which was read and received with the blanks being filled

2st appointed Delagates to the Association

3rd the church contribute two Dollars for associational perposes and appointed brethercn Stephen Bennett John Matthews R. M. Garrett Delligates to the association and brothers Miles Bennett and William Lago in case of failure

T. W. Brooks M. D. prot and R. M. Garrett Clk protm

Pilgrim Church met in Conferance on the first Sunday in April A D 1863. Apointed Brother Aspley Modorator.

¹No name given.

²Moderator.

1st open the door for the Reception of members and Received Brother S. M. Mathews an ordaind Deacon and his wife Levisa Mathews by Letter. theare being no other buisness adJournd in peace

T. W. Brooks Clk.

L. G. Aspley Mod.

The Church met in Conferance on Saturday before the first Sunday in May 1863 and in order preceeded to business

1st, apointed Brother S. M. Mathews Mod. protom

2d chose Brother L. G. Aspley paster of the church for the present year

Theare being no other buisness AdJournd in peace

T. W. Brooks, clk.

S. M. Mathews Mod protom

The Church met in Conferance on the first Sunday in June 1863, and in order preceeded to buisness

Theare being no buisness presented AdJournd in peace

T. W. Brooks, Clk.

L. G. Aspley Mod

The Church met on Saturday before the first Sunday in July 1863 and in order preceed to business. theare being no buisness AdJournd in peace

T. W. Brooks Clk

L. G. Aspley Mod.

August A. D. 1863

The Church met in Conferance on Saturday before the first Sunday in August 1863 And in order preceed to buisness Open the door for the Reception of members and Received Brother B. O. Hendrix by Recomendation. Apointed the Cleark to write a letter of Representation to the next Association to be Red at our next church meating theare being no other business AdJournd in peace

T. W. Brooks Clk.

L, G, Aspley Mod,

The Church met in Conference on Saturday before the third Sunday in Sept 1863 and in order preceeded to buisness

1st Open the Door for the Reception of members Received Brother J. A. Smith and Sister Lucy Smith his wife by Letter, and Received Brother John Denson and Sister Sarah A Mathews by Experiance and Sister Marth Cross by Experiance Called for Reading of Letter to the Association Red and Received the Church appoint Brethren to Beare our Letter to the Association

T. W. Brooks M. Bennett J. A. Smith and Brother John Denson
in case of failure. the Church Send up nine Dollars for Printing
Minuts and Associational purposes AdJourn'd in peace

T W Brooks Clk.

L. G. Aspley Mod.

The Church met in conferance on Saturday before the third
Sunday in Oct 1863 and in order preceed to Buisness

opend the Door for the Reception of members and Received
Sister Mary E. Stalcup Eliza J. Cuningham Louisa Hendrix and
Lavinia E Parker by Experiance

Theare being no further Buisness adJourn'd in peace

T. W. Brooks Clk.

L. G. Aspley, Mod.

The Church met in Conferance on Saturday Before the 3d Sun-
day in Nov 1863 and in order preceded to buisness

1st opend the door for the Reception of members and Received
F. M. Cuningham and Mary Garner by Experiance

2d, Whereas this Church has learnd with Regret that our Sister
Mt. Gilead church has gone into disorder by Receiving a membor
Contrary to the order of the Gospel we thearefore appoint Brethren
T. W. Brooks S. M. Mathews M. Bennett as Deligates to act for
us, to Labor with said church, in order to Reclaim her from her
disorder, or to effect a reconciliation in any way eonsistent with
the order of the Gospel, and that the clerk be Requested to give
a certificate to the delegats certifying there authority from this
church to act for her there being no other business AdJourn'd in
peace

T. W. Brooks Clk.

L. G. Aspley Mod.

The Church met in conferance on Saturday befor the 3d. Sun-
day in Dec. 1863 and in order preceed to Buisness the church
Apoint Brother M Bennett Mod pro tem opend the door for the
Reception of members and Received Brother L G Aspley an or-
dained Minister of the Gospel and Sister Emeline Aspley his wife
by letter and Sister Irene Parker and Brother BenJiman Parker
by Experiance Apon a petition from Fort Houston church the
church appoint her ordained authority to Visit our sister Ft. Hous-
ton church for the Purpos if Expediant to Dissolve the same

Brother H. H Burnes and wife presented themSelvs for admi-
tion into the church by Recomendation and the ehureh agreed to

lay it over untel next meeting of Conferance there Being no other Buisness adJourn'd in peace

T. W. Brooks Clk.

M Bennett Mo.

The Church met in conferance on Saturday before the 3d Sunday in January 1864 and in order preceed to buisness

1st opend the Door for the Reception of member[s].

2d took up the Refrence Relitive to Brother Burns and wife application for Membership and after hearing a certificate and Letter Read from Brother James MaJors they wer Received Brother H. H. Burness and Sister Elender Burness [were received] by Recomendation

3d the church agrees that Brethren T. W. Brooks and B. Parker be Liberated to Exercise What ever gift they may have, in the bounds of this church theare being no other buisness adJourn'd in peace

T. W. Brooks chlck

L. G. Aspley Mod.

The church met in conferance on Saturday before the third Sunday in Febuary 1864

1st, opened the door for the Reception of Members and Received Sister Louisa Williams by Experiance theare being no other buisness adJourn'd in peace

T. W. Brooks chlck.

L. G. Aspley Mod.

The church met in conferance on Saturday before the third Sunday in Mar, 1864 and in order preceed to buisness

1st appointed Brother M. H. Denman Mod protom.

2d opend the Door for the Reception of Members and Received sister Ann Mathews and sister Susan Parker by Experiance

3d the church appoint a cometee of two Brethren S. M Mathews and T. W, Brooks to wait on Brother J Stow and enquire of his nonattendance or absenting himself from the church and Report at our next meting of buisness adJourn'd in peace

T. W. Brooks chlck

M. H. Denman Mod. protom

The church met in conferance on Saturday before the third Sunday in April 1864 And in order preceed to buisness

first Apointed Brother Brooks Mod. protom

2d, open the door of the ch. and Received Brother Staff a colored man by Exp.

3d Cald for Refrence Refrence laid over untel nex conferance

4th The Church Extend the Privileges of the Gospel to Brethren B. Parker and T. W. Brooks within the Bounds of the Association. AdJourn

John Mathews Clk. protem

T W Brooks Mod protem

The ch. met in conferance on Saturday before the 3d Sunday in May 1864 and in order preceed to buisness

1st open the Door for the Reception of members Received none. tuck up Reference in Regard to Brother Stow absenting himself from the church Brother Stow being present Stated that it was not from any ill feelings towards the church or any of the members, that sickness had previnted the Ecnolegement was Received and the comete discharged adJourn in peace

T. W. Brooks Chlk

L. G. Aspley Mod.

The Church met in Conferance on Saturday before the 3d, Sunday in June 1864, and in order preceed to buisness opened the door for the Reception of Members and Recvd none

the church agree to Extend an arme to be holden on San pedrew Creek at Densons School house clothed with the power to act in Receiving of members

On Motion Brethren L. G. Aspley and Ben Parker were added [to] the comitec that were appointed on the Saturday before the 3d Sunday in November 1863, to Visite Mount Gilead church there being no other buisness adJourn in peace

T. W. Brooks chlk.

L. G. Aspley, Mod.

The church met in conferance on Saturday before the 3d Sunday in July 1864 and in order preceed to buisness

The Church met at Densons School house on San pedrew and met in conferance on 2d Sunday in July 1864 and Reccived Sister Mary Ann Denson by Experiance the Minute Receivd by the church on Saturday before the 3d Sunday in July 1864 adJourn in peace

T. W. Brooks chlk.

L. G. Aspley Mod.

The church met in conferance on Saturday before the 3d Sunday in Aug. 1864, and in order preceed to buisness Open the

Door for the Reception of and Received Sister Rebecca Burnes by Experiance The church apointed the clerk to prepare a church Letter to Be considered at our next meeting of Buisness adJourn'd in peace

T. W. Brooks Clk

Ben. Parker, Mod. prottem

The church met in conferance on Saturday before the 3d. Sunday in Sept 1864 and in order preceed to buisness 1st Took up the Refrence in Regard [to] the letter to the Association the letter was Red and Reccived and the church apointed Breathren L. G. Aspley T. W. Brooks and Ben Parker and in case of failure S. M. Mathews 2d the cometee appointed to Enquire into the mount Gilead church, in Regard to her holding a disorderly member in her boddy after a full inve[s]tigation of the matter between the parties Consernd,¹ so we ReJoice to day the whole matter is sit-tled. The presbetry appointed to Enquire into Condision of our Sister Fort Houston church Report that [that] presbetry Visited said church and find she still wishes to keep House so they took no action in the premises. The church petitions the Association or Request her to appoint a presbetry to Examine into Brother Ben Parkers Gift and if found sound in the faith and othedox to ordain him to the Minestry of the Gospel adJourn'd in peace

T. W. Brooks clk.

L. G. Aspley Mod

The church met in conferance on Saturday before the 3d Sunday in Oct 1864 and in order preceed to buisness according to the request of our last conferance the association appointed a presbetry and on the 9th of this month brother Ben Parker was ordained The church Agree that the credentials. be spread on the Church Book adJourn'd in peace

T. W. Brooks Chlk.

Ben Parker Mod. prottem

The church met in conferance on Saturday before the 3d Sunday in Nov. 1864 and in order preceed to buisness. the church agree to go into the choice of a pasture and maid choice of Brother L. G. Aspley and Brother Ben Parker as an assistant pasture in the absents or with him Brother Aspley AdJourn'd in peace

T. W. Brooks ch.lk

L. G. Aspley, Mod

¹Report omitted by the clerk.

October the 15th 1864

The State of Texas

County of Anderson

To all Whom it may concern This is to certify, That our beloved Brother Benjamin Parker, was at the call of the Primitive Baptist church of Christ at Pilgrim Solemnly set apart this day by the imposition of hands and ordained by us the ministry of the gospel, and he is fully authorised to minister at large in the Lords Vineyard wherever Divine providence may Direct his course, and to administer the Special as well as more common ordnances of the gospel on every common or proper occasion and we do hereby Recommend him to the affectionate Regard Confidence and Respect of the Regular Pri[mi]tive Baptist[s]—as a Pious orderly minister of the Gospel

done at the Union Association of Baptist convened with the Bethel Church and county and State aforesaid, this October the 9th 1864

T. W. Brooks, Clerk

L. G. Aspley, Mod

James Majors

Alfred Hefner

Thos Brittain

R. T. Gibson

Samuel Clark

John W. Owen

Moses H Denmon

L. G. Aspley

The Church met in conferance on Saturday before the third Sunday in Decr the 15th 1864 1st appointed Brother R. G. Gibson mod. pro tem then preceeded to business

2d the church agre to Extend to Brother T. W. Brooks the right to Exercise his gift as a minister of the gospel wherever god in [h]is providence may cast [his] lot

3d agreed to instruct the Clerk to give to Brethren L. G. Aspley and Ben Parker certificates Certifying their standing in the church and their ordination to the work of the ministry and clothing them with authority to ordain ministers Deacons and in the Constitutions of churches to act Either jointly or Separately

4th Agreed to Release Brother T. W. Brooks from the Clerkship by his Request.

5th Appointed Brother R. M. Garrett adjourned in Peace
T. W. Brooks Clerk L. G. Aspley mod

The church met Saturday before the 3d Sunday in Jan. 1865 and in order proceeded to business. There being no business Adjourned in Peace

Saturday before the 3rd Sunday in Feb. 1865

The church met and in order proceeded to business there being no business adjourned in Peace and on Sunday the 19th Received Brother Willis Jones by experience

R. M. Garrett, ch Clerk Ben. Parker, mod

Saturday before the 3rd Sunday in March 1865 the church met in conference and in order proceeded to business the church appointed Brethern L. G. Aspley and T. W. Brooks together with as many of the members as may see proper to go and sit in council in Trinity County East Prairie and to Recieve members, and grant letters of dismission the clerk gives them a certificate to wit Bretheren Aspley and Brooks. adjourned in peace and on Sunday the 19 Recieved Charlotte a colored woman also Henny a colored woman both by experience

R. M. Garrett ch. Clk. Ben. Parker, Mod

Saturday before the 3rd Sunday in April 1865 the church met and in order proceeded to business there being no business adjourned in Peace

R. M. Garrett ch Clk. L. G. Aspley Mo.

Saturday before the 3rd Sunday in may 1865 [the church met] and in order proceeded to business and received Zibby Burns by Experience

2nd Received the Report of brother Brooks and brother L. G. Aspley Relative to proceedings had in Trinity County as follows

3rd To Pilgrim Church, we the undersigned beg leave to Submit the following report.

In accordance with the authority granted us by the Church we proceeded to open the door of the Church at Brother Wards East Prairie Trinity County Texas, on Saturday before the 1st Sunday

in May 1865 and Recieved by Experience Sisters Elizabeth Sylvester Mahalia Sylvester and Elizabeth ward and granted letters of dismission to the Same and on Sunday Recieved Cyrena Chambls by Experience all of which is most respectfully Submitted

Signed L. G. Aspley
 T. W. Brooks

R M Garrett Ch Clk

Benjamin Parker mod

Saturday before the third Sunday in June 1865 the church met and in order proceeded to business 1st called for the peace of the church and brother S. M. Mathews Prefers charges against brother P. Q. for writing letters and corresponding with a lady on an improper Subject and leaving his family in a suffering condition and the church refers the same untill our next meeting

2 sister Martha P. Crainshaw, formerly Martha P. Cross, calls for letter of dismission which the church grants

Benjamin Parker, Mod.

R. M. Garrett ch clk

July the 18th, 1865

Saturday before the third Sunday in July 1865 the church met and in order proceeded to business

1st took up the Refference in the case of brother P. Q., and Breatheren Ben Parker and S. M. Mathews informed the church that they had visited Brother P. Q. and Laboured with him on the subject in order to reclaim him and he acknowledged to them that he had corresponded with a lady on an improper Subject or on the subject of love and they farther found that he had left his family and was not following any occupation for the support of his family and he failing to give satisfaction the church therefore declairs by her act that brother P. Q. is no longer a member of This body and on Sunday the 11th Recieved Aaron a colored man by experience

L. G. Aspley, Mod.

R. M. Garrett Ch clk

Saturday before the 3rd third sunday in August 1865 the church met and in order proceeded to business first the church authorises the clerk to prepare a letter by our next meeting to our next association

L. G. Aspley, Mod.

R. M. Garrett Ch clk

Saturday before the 3rd third sunday in Sept 1865 the church met and in order proceeded to business 1 call for the letter to the association which was read and recieved with the Blanks to be filled 2nd second appointed delegates to the association to wit Breatheren S. M. Mathews Ben Parker Miles Bennett and bro Smith in case of failure to bear our letter to the association there being no other business adjourned in Peace

S. M. Mathews Mod pro tem R. M. Garrett Ch Clk

Saturday before the third sunday in october 1865 the church met and in order Proceeded to business 1st sister Zibby Burns call for a letter which the church granted there being no other business adjourned in Peace

R. M. Garrett Benjamin Parker Mod

Saturday before the third Sunday in November 1865 the church met and in order proceeded to business there being no business adjourned in peace

R. M. Garrett, C. C. Br Logan M D, P. T.¹

Saturday before the third sunday in Decr 1865 the Church met and in order proceeded to business. Brother Garrett came forward and acknowledged to the guilt of killing a man being his own accuser and posponed it untill our next meeting amendment to the above minute Brother Garrett acknowledges that he is sorry that he had to do such a thing and sorry that such a thing ever took place and asked the church to forgive him 2nd wint into the choice of a pastor which Resulted in the choice of Brother Aspley and Paiker there being no other business adjourned in Peace

Br. Ben Parker, M. D. R. M. Garrett, C. C.

Saturday before the 3rd Sunday in January 1866 the Church met and in order proceeded to business 1st took up the case of Brother Garrett and posponed untill our next meeting

2nd Brother B Parker prefers charges against Sister Henny and cholle¹ for fighting and contradicting of each other appointed a committee of three to wait on our two sisters consisting of Breath-

¹Moderator pro tem.

²Short for Charlotte.

eren B Parker John Parker and M Bennett and Report at our next meeting

4th Brother J. M. Stalcup and Sister Mary E Stalcup petition the church for letters of dismission but the church Refuses to grant them letters uppon the said petition as the petition set forth that if the church did not grant letters upon said petition that they wished to be banished from the Church

Ben Parker, Mod.

R. M. Garrett C. C.

Saturday before the third 3rd sunday in February 1866 the church met and in order proceeded to business 1st took up the case of Brother Garrett and posponed it untill our next meeting 2nd took up the case of our two colored sisters for fighting and contradicting of each other and recieved the report and the committee discharged the case of sister Charlotte is taken up for trial and [she] is hereby Declared no more a member with us 2 took up the case of sister Henny and withdrew the charge and the church agrees to amend the minutes of her Decr meeting which the Church¹ Recieved the Report of Ben Parker which read as follows to Pilgrim Church the undersigned begs leave to Report that he proceeded to assist in the constitution of a church at Bradleys mills near the head of cat-fish Bayou in Anderson County on the Articles of faith of the union Association on Saturday before the 4th Sunday in January 1866

all of which is most Respectfully Submitted

Ben Parker

Ben. Parker, Mod

R. M. Garrett, C. C.

Saturday before the 3rd Lords day in March 1866 the church Proceeded to business first apointed M Bennett Clerk Protem

2nd took up the Reference of Brother Garrett Brother Garrett request the Church to throw him overboard as was Jonah so the Church by her vote excluded Brother Garrett

3rd the Church agrees to Grant Brother Mathis and wife letters of Dismission also Bro Lagow Brother Smith [and] wife Brother Cunningham and wife sister Garrett sister Mary Denson on Sun-

¹Something that should follow was omitted by the clerk.

day following the Church opened the Door and Recieved Sister Nancy Parker by letter

Ben Parker Moderator

Miles Bennett Clerk Protem

Saturday before the 3rd Lords day in May 1866 the Church Met and proceeded to Buisness

1st appointed M Bennett Church Clerk

2nd Receeved Martin and Mary Burns By experience

3rd the Church Grants sister Eliza Brooks a letter of dismission there being no other Business the Church adjourned in Peace

Ben Parker Modera

Miles Bennett Church Clerk

Saturday before the 3rd Lords day in June 1866 the Church met and Proceeds to bu[siness]

1st the Church Grant John M Mathes and Sarah Mathes his wife and also sister Hannah Stow letters of Dismission there being no other business adjourned in Peace

Ben Parker Modera

M Bennett Church Clerk

the Church Met Saturday before the 3rd Lords day in August 1866

1st Called for Reference none

2nd the Church appointed the Clerk to prepare a letter to the association by the next Meeting Done in Conference and signed

Miles Bennett Church Clerk

Ben Parker Moderator

Saturday before the 3rd Lords day in September 1866 the Church Met and in order Proceeded to Business

1st Called for Reference letter to the Association

2nd Letter Called for Read and Receeved

3 Appointed Brethren Delegates B Parker John Parker B¹ Aspley in Case of failure M Bennett as Delegates to the association

there being no other business the Church adjourned in Peace

B Parker Moderator

Miles Bennett C Clerk

¹Aspley's initials were L. G. They are given as L. B. where his name is signed to the minutes for the October meeting in 1867 and those held subsequently, but the signature in these cases is not an autograph.

Saturday before the 3rd Sunday in October 1866 the Church met and in order Proceeded to businss

1st Called for Reference none

2nd the Church Grants sister Rebecca Burns and Brother Joel Stow letters of Dismission there being no other business adjourned in peace

B Parker Moderator

M Bennett Church Cler

the Church met Saturday before the third Sunday in November 1866 and in order Proceeded to buisness

1st Called for Reference none

2nd the Church Grants Brother Martin Burns and sister Mary Burns and sister Elander Burns and sister Louisa Williams letters of Dismission there being no other buisness the Church adjourned in Peace

Benjamin Parker Moderator Miles Bennett Curch Clerk

Saturday before the 3 Sunday in January 1867 the Church Met and in order proceeded to business

1st Called for Reference none

2nd Mount Olive Church Request the ordaned authorities of Pilgrim Church for the ordination of a Deacon which is granted by the Church to be held Saturday before the 2 Sunday in February 1867

3rd Brother Ben Parker Reports that he assisted in the ordination of Brother J H Martin Coolsprings Church to the work of a Deacon on the Saturday before the 4th Sunday in November 1866

Miles Bennett Church Clk

Ben Parker Moderator

the Church [met] Saturday before the 3rd Sunday in February 1867 and in order Proceeded to Business

1st Called for Reference none

2nd Brother Aaron a Freedman Come forward and Acknowledged to Drinking to Much Spirituous liquors for which the Church forgives him

there being [no other business] the Church adjourned in peace

Miles Bennett Church Clerk Benjamin Parker Moderator

The Church Met Saturday Before the 3rd Sunday in March 1867 there being no business adjourned in Peace

Ben Parker Moderator

Miles Bennett Curch Clerk

The Church Met Saturday before the 3rd Sunday in April 1867
and in order Proceed to business

1st Called for Reference none

there being no business adjourned in Peace

Ben Parker Moderator Miles Bennett Church Clerk

Saturday before the 3rd Sunday in May 1867 there being but
two Male Members present held no Church Meeting

Miles Bennett Clerk

The Church Met Saturday before the 3rd Sunday in June 1867
and in order Proceeded to business

1st Called for Reference none

2nd on Motion and second the Church agrees to appoint a
Comity of three to inquire into the Difficulty betwixt sisters V. W.
and X. Y. and Report at next Meeting

3rd appointed M Bennett and B Barker J Parker as Com
Miles Bennett Church Clerk B Parker Moderator

The Church Met Saturday before the 3 Sunday in July 1867 and
in order Proceeded to Business

1st Called for Reference

2nd the Church take up the Reference and the Comitty Reports
and the Comitty Discharged the Comitty Reports a Pointed
Contradiction Between them in two cases first that sis V. W. says
that sister X. Y. told her that she had a Conversation with
Brother Ben Parker Relative to some Reports in Circulation and
he Ben Parker said she ought to have Contradicted said Reports
and sister X. Y. Denies Making any such Statements and in the
2nd place sister V. W. says she told sister X. Y. about said Reports
being [in] Circulation about her some time in the Spring of 1866
which sister X. Y. Denies

3rd the Church takes up a Charge against the two sisters on
Motion the Case was laid over til the next Meeting

4th the Church appoints a Comitty of three Brother John
Parker B O Hendrix and M Bennett to inform Sister X. Y. of
the Charge against her and Report at the next Metting

5th Brother B Parker Reports to Pilgrim Church he assisted
in the ordination of Brother Hays a Deacon Belonging to Mount

Olive Church which the Church Receives there being no other business adjourned in Peace

Miles Bennett Clerk

B Parker Moderator

The Church Met Saturday before the 3 Sunday in August 1867 .

1st being so few Members Present Past the Reference over

2nd the Church Appoints the Clerk to write a letter for the association by the next Meeting Adjourned in Peace

Miles Bennett Clerk

B. Parker Moderator

The Church Met Saturday before the 3rd Sunday in September 1867 and in order proceeded to business

1st took up the Charge against sister X. Y. and sister V. W.

2nd the Committy Reported they informed sister X. Y. of the Charge against her for which the Committy was Discharged

3rd on Motion Continued tel next Meeting

4th the letter to the Association was read and Received

5th the Church appoints L. B Aspley and Brot John Parker and B Parker as Delegates to the Association

6th the Church Rejects the first Proposed amendment Made by the Association and excepts the second Amendment there being no other business the Church adjourned in Peace

Miles Bennett Church Clerk

Ben Parker Moderator

The Church Met Saturday before the 3 Sunday in October 1867 and in order Proceed to business

1st Called for Reference

2nd took up the Reference in the first case Between the two sisters and by the Request of Brother B O Hendrix the Case was Divided and sister V. W. was Put on trial and [the vote] stood three to exclude and five to Retain and the Manority Contended they was Right whereupon a motion was made to Reconsider the vote and the vote was then Reconsidered and Brother Hendrix withdrew his Request for a Division of the Case and the vote was then taken jointly and the Church says by her vote that sister[s] X. Y. and V. W. is no longer Members of her Body there being no other business adjourned in Peace

Miles Bennett Church Clerk

L B Aspley Moderator

The Church Met Saturday before the 3rd Sunday in December 1867 and in order proceeded to business

1st Called for Reference none

there being no other business adjourned in Peace

Miles Bennett Clerk

Ben Parker Moderator

The Church Met Sat before the 3rd Sunday in January 1868
and in order Proceeded to business

1st Called for Reference none

2nd the Church agrees to appoint a Committy of three Members to wit Brother Ben Parker B O Hendrix and M Bennett to inquire into some Reports against Brother qualy and sister Permelia Freedman and Report at the next Meeting there being no other Business adjourned in Peace

Miles Bennett Church Clerk

Ben Parker Moderator

The Church Met Saturday before the third Sunday in February 1868 and in order proceeded to business

2nd The Reference in Regard to the Report against Brother qualy Higber and sister Permelia Hammer¹ was taken up and Brother M Bennett and Ben Parker Report that they have made inquiry and find no Cause of Charge against the Brother and sister and therefore ask to be Discharged which Report was Received by the Church

3rd Brother Aspley Reports that he had Constituted a C[h]urch Down on Cedar Bayou near the line of Houston and Trinity Counties on Saturday before the 4th Sunday in Oct last upon the Articles of Faith of the union Association and Constitution and Rules of Decorum of the Pilgrim Church and also assisted in the ordination of Brother Barton to the work of a Deacon at the same time and Place there being no other business adjourned [in] peace

M Bennett Clerk

Ben Parker Moderator

The Church Met Sat before the third Sunday of March 1868 and in order Proceed to business

1st Called for Reference none

There being no other business Ajourned in Peace

B. Bennett Church Clerk

Ben Parker Moderator

¹Called in the minutes of the previous meeting "Permelia Fredman." She had been but recently enfranchised, and her full name was yet uncertain.

The Church Met Saturday before the Third Sunday April 1868
and in order proceed to business

1st Called for Reference none

there being no other business adjourned [in] Peace

Miles Bennett Clrk

Benjamin Parker Moderator

The Church Met Sat before the 3rd Sunday in June 1868 and
in order Proceeded to business

1st Called for Reference none

the Church says by her act she appoint a Committy of three to
wit M Bennett B O Hendrix and Brother B Parker to visit Jasper
Stallcup and ascertain the Reason he dont attend the Church and
Report at the next Meeting

Miles Bennett Church Clerk

L B Aspley Moderator

The Church Met Sat before the 3rd Sunday in July 1868 and
in order Proceeded to business

1st Called for Reference from last Meeting

2nd the Committy Reports that Brother J Stallcup is not hurt
with the Church and will attend Meetting when he Can

3rd the Committy was discharged

4th on Motion and second the Church takes up a Charge against
Brother AAroon and Henny quarles for fighting and qurling¹ with
each other and for Miss Statements

5th and the Church says by her voice that they AAroon and
Henny quarls are no longer Members of her Body

6th the Church grants the Request of sister Fort Houston
Church for their ordained authorities to attend at her July Meet-
ing to assist in the ordination of a Deacon

there being no other business adjournd in Peace

Miles Bennett Church Clerk

Ben Parker Moderator

The Church Met Sat. before the 3rd Sunday in August and in
order proceeded to business

1st Appointed Bro B O Hendrix clerk protem Brother Ben
Parker reported that he attended the Fort Houston Church at her
meeting in July and at her request by the assistance of Brother
James Majors Set apart brother J A Parker as a Deacon in said
church he being prued orthodox

¹Quarreling.

3rd appointed the Clerk to prepare a letter for the Association subject to her approval at her next meeting Adjourned in Peace

The Church Met Sat before the 3rd Sunday in September 1868 and order proceeded to business

1st Called for the Reference letter to Associ[ation]

2 the letter was read and Received

3 appointed Delegates to the association to wit Brother Aspley B Parker and B O Hendrix and [in case] of failure M Bennett

Signed by order of the Church

Miles Bennett Clerk

L B Aspley Moderator

The Church Met Sat before the 3rd Oct Sunday 1868 and in order Proceed to business

1st Called for Reference none

there being no other business adjourned [in] Peace

Miles Bennett Clerk

Benjamin Parker Moder[a]tor

The Church Met Sat before the 3rd Sun in November 1868 and in order Proceed to business

1st Called for Reference none

there being [no] other business adjourned in Peace

M Bennett Church Clerk

Ben Parker Modertor

The Church Met Sat before the 3rd Sun in January 1869 and in order Proceed to business

1st Received sister Martha Crenshaw by letter

2nd Called for Reference none

there being no other business adjourned in Peace

Miles Bennett Church Clerk

Benjamin Parker Moderator

The Church Met Sat before the 3 Sun in February 1869 and in order Proceed to business

1st Called for Reference none

There being no other business adjourned in Peace

Miles Bennett Clerk

B Parker Moderator

The Church Met Sat before the 3rd Sun in March 1869 and in order Proceeded to business first appointed Brother George Houge Moderator protem

2nd Called for Reference none

There [being] no other business adjourned in Peace

Miles Bennett Church Clerk

George Houge Mod Protem

The Church Met Sat before the 3 Sun in April 1869 and in order Proceed to business

1st Called for [referencee] none there being no other business adjourned in Peace

Miles [Bennett.] Clerk

B Parker Moderator

- 1 The Names of the members
- 2 of Pilgrim Church¹
- 3 John Parker
- 4 Parmelia Bennett
- 5 Sarah Little
- 6 Joseph Craford
- 7 Hannah Stow [^ADis by letter]
- 8 Joel Stow
- 9 Elizabeth mead [^ADead]
- 10 Qually a colored man by recom [^ADead]
- 11 R. M. Garrett by letter [^ADead]
- 12 T. W. Brooks² recom
- 13 Eliza Brooks by exp.
- 14 Edy Black reecom
- 15 Laurah Bennett exp
- 16 Miles Bennett exp [^ADead]
- 17 Mary Kennedy ex [^ADead]
- 18 penelope Hensley ex
- 19 Littleton Helm by letter
- 20 William Lago ex
- 21 John D Matthews let
- 22 Sarah A Mattheims ex
- 23 Mary B McKinney
- 24 J, M, Stallcup ex
- 25 Wm Heaton letter
- 26 S M Matthew, letter
- 27 Levisa Matthews, let.
- 28 B O Hendrix by reecom [^ADead]
- 29 J. A. Smith by Let
- 30 Luey Smith bl Let

¹For the explanation of the bracketed annotations in this list, see The Quarterly, XI., 91.

²In the original, the word "Excluded" is written over this name.

- 31 Mary Stallcup
- 32 Eliza G Cunningham
- 33 Louisa Hendrix
- 34 Lavina, E, Parker
- 35 F. M. Cunningham
- 36 Mary Garner
- 37 L. G. Aspley by let
- 38 Emeline Aspley “
- 39 J Rena Parker
- 40 Benjamin Parker [^ADead]
- 41 H. H. Burnes [^ADead]
- 42 Elender Burns
- 43 Ann Matthews
- 44 Susan Parker
- 45 Staff a colored exp.]^Adead[
- 46 Rebecca Burnes
- 47 Prudence Jordan [^Adismiss by letter]
- 48 Mary Brooks [^Adism by letter]
- 49 Mat a black man
- 50 Louisa Williams
- 51 Mary Ann Denson
 - Martha Cross [^ADismissed by letter]
 - John a Black man
 - Pamelia, a Black woman
 - Cintha Jordan
 - Willis Jones
 - Charlotte a colored woman
 - Henny a colored woman
 - Zibby Burns
 - Aaron a colored man [^ADead]
 - Mahalia Sylvester
 - Elizabeth Sylvester
 - Elizabeth Ward
 - Cyrena Chambles,

RECOLLECTIONS OF S. F. SPARKS.

My great-grandfather was a native of Ireland. He came to the United States very early, was in the Revolutionary War between the United States and Great Britain, and was killed at Minnes Fort, Georgia; the date I do not remember. My grandfather was a native of Georgia, married there, and moved to Mississippi in 1809. As far back as I remember he served as a deacon in the Baptist Church, being a member of the First Baptist Church that was constituted in Texas. He died at the age of eighty-seven years.

My father was then about nineteen or twenty years of age. He married in 1810. He served in the war of 1812, and was in hearing of the battle of New Orleans, but did not arrive in time to participate in the fight. He was sheriff of Yazoo County for several years, represented the County until it was divided, and Holmes County made. He then represented the new County, until we moved to Texas in 1834. I was then sixteen or seventeen years old. We first rented land in San Augustine County, but in the fall of 1834 we moved and settled five miles north of the town of Nacogdoches, on a league of land that my father had bought. In the fall of 1835 I started to school, some twenty miles north of us, in what was then known as the Williams Settlement. The school was taught by T. D. Brooks. The school-house was fourteen by fourteen feet, built of pine logs and with no floor. I think eight of us attended school there. I did not stay more than a month before General Cos invaded Texas with an army of 1000 or 1500 men, and there being a call for volunteers to meet them, I left school and joined the army. My captain was H. T. Edwards of Nacogdoches County.

We arrived at General Ed. Burleson's camp about one o'clock one morning, and went to what they called the brush fence, where all who wanted to fight could get arms. We drove the squad of Mexicans that came to meet us across the river, and went into camp. The next day, Col. Ben Milam and Frank Johnson walked out, and made a mark on the ground, and said, "Who will follow old Ben Milam into San Antonio? Those who will, cross to my

side." My captain and his company were the first to cross the line, and history tells the result.

It would be hard to give the heroic deeds of all of our men, for they were all heroes, but one deserves special mention. When we had taken the north row of houses and were firing on the outside of the doors and windows, Sylvester ran across the Plaza, right through the Mexicans, and spiked their cannon, then turned and ran back; just as he jumped in a door, he turned to look, and as he did so, he had one of his eyes shot out.

After the surrender of Cos to Burleson and Johnson, I returned with my captain to Nacogdoches, and the same teacher was teaching a little school in my father's field, so I started to school again; but in less than two months my teacher and I volunteered to go and meet General Santa Anna with his host. By this time a man by the name of Henderson, his brother, and a cousin named Jones had come from Tennessee. They came to my father, and said that if I would raise a company, they would join it, and go with us to the army. I told them if they would go, we would elect the elder Henderson captain, his cousin lieutenant, and his brother second lieutenant. They agreed to this, and I raised the company; we elected them, and made my school-teacher orderly sergeant. In March we left for Washington on the Brazos, where about three hours after our arrival a courier came with the intelligence that the Alamo had fallen, and every man had been killed. I was standing in the door of the hall, where our statesmen were in council, when the dispatch was read. The news spread like fire in high grass. In less than two hours news was circulated that Ugartechea was within ten miles of Washington with 2000 cavalry, and intended to cross the river at that point.

Then what is known as the "Run away Scrape" commenced. Men, women and children began to cross the river in the ferry-boat. My captain came to me and said, "What shall we do? We can't keep a thousand cavalry from crossing." I said I did not believe the report. I told him there were one hundred bales of cotton on the west bank, and for him to press the ferry-boat, and we would go over, and bring the cotton over to the east bank, and make breast-works of it, so that if the Mexicans came we could by that means prevent their crossing the river. He agreed to it, and we soon had a fine breast-work.

It was a complete panic. One man, living a few miles from Washington, together with his wife and three or four little children started. They had ten or twelve head of cattle, and a pony; they were driving the cattle, and his wife was riding the pony, with the youngest child on behind her. Before they got to Washington some people passed them, and told them to go as fast as they could, for the Mexicans were close behind. This was more than the heroic man could stand. He told his wife that it would be better for one of them to escape, than for all to be killed; then he took her and the child off the horse, left them in the road, and came on and crossed the river. But his wife and children drove the cows, and in an hour or so they crossed the river, too, and found him sitting by a tree. She went to him and said, "Now you get behind this breast-work of cotton bales and fight." But he said it was not worth while, for they would kill everybody that stayed and fought them. She said, "Well, I will. If I can get a gun, I'll be durned if I don't go behind that breast-work and fight with those men." We had an old musket with us, and my mess-mate, Howard Bailey, said, "Madam, here is a gun." She took the gun and remained over half the night behind the breast-works.

The next morning my captain said to me that the country was gone, and that he, his brother and his cousin were going home, and said, "Your father told me to advise you just as I would my brother, and I advise you now to go home; this is the advice I gave my brother." I thanked him, and told him to tell my father, he need not look for me; that if the country had to go I would go with it; that I would fight Santa Anna at every creek, river, and thicket to the Sabine River. They left us then with the orderly sergeant. The same day, I, with four others of our company, T. D. Brooks, Sam McGlothin, Howard Bailey and Henry Chapman, were ordered by the president to Harrisburg to press horses and guns for the army. We served two weeks in that capacity, and had some very exciting times. The whole country was fleeing from Santa Anna's army.

The first horses we pressed were at Lynchburg. We went there late in the evening, and just after dark Lynch told McGlothin that two young men had ridden into town on two good horses, and that the men ought to be in the army. McGlothin told me to take

one of the horses, and Bailey the other. As soon as he thought we had had time to get the horses, he said, "Young men, your horses are pressed for service, and I am now ready to give you a receipt for them." One of them swore that he would press the man that had his horse. It was moonlight, and I saw him coming towards me with a glistening bowie knife. I had an "Arkansas tooth-pick" with me, and when he got close enough to strike, he said, "Turn that horse loose." I told him I would not do it. He made a lick at the bridle reins, but I managed to make him miss. He said, "Turn him loose, or I'll cut your head off." He was on one side of the horse, and I was on the other. He raised his knife, and at that moment I stooped under the horse's neck. I had my knife gauged in my hand, and I punched it in him about an inch. I told him if he moved I would run it through him. He said, "You have cut me." I said, "You stand back now, or I'll cut you worse." He cried and said, "If I thought my brother would get the horse, I would not mind it." That ended the strife. When we reported these two horses, and I gave the circumstances of the pressing I asked "If I am pressing horses, and am forced to kill a man to save my own life, will I find protection, and where?" The cabinet answered, "You will find protection here."

Our orders from the cabinet were to press every horse and gun that was not necessary for the protection of the people who were fleeing before Santa Anna's army; to press every horse that we found on the prairie that was suitable for the army, to receipt for him if we could find the owner, and in any case to send him to the army.

Our next trouble when when we pressed the president's horse. The cabinet was then at Harrisburg. Mrs. Burnet was at Lynchburg, and the president's horse was on the prairie. We were on our way to Harrisburg to make a report of our horses, when we learned that we had the president's horse. Mrs. Burnet had sent a negro to notify the president, so they made me spokesman for the occasion. We reported all the horses, before we said anything about the president's, then I said, "We found one horse on the prairie, but could not find the owner, and therefore could not give a receipt for him." At this juncture General Rusk got up and said that we had done our duty, but that we had the president's horse,

and asked us to release him, as that was the only means Mrs. Burnet had of fleeing from the invading Mexicans. I told him that I had no power to release, my power was to press horses. He said the president would release our horses under the circumstances, and we ought to release his. I told him that we would first hold a little private consultation, so we withdrew for a few minutes, and when we returned we told him we would release his horse if he would send out and get a bottle of whiskey. The negro had been standing by the president all this time, and the president sent him out to get the whiskey; of course he very soon brought it.

During the two weeks that we served in this capacity we sent three hundred horses, and four or five hundred guns to the army. Nearly every horse that we pressed was taken at the muzzle of a gun.

About the middle of the second week we were sent to the Brazos River, to what was known as Stafford's Crossing, to see if we could learn of Santa Anna's position. The next day, while we were at dinner, we saw a man come out of the timber about a mile above us. Bailey and I got on our horses, and made a charge on him. We thought he was a Mexican, but when he saw us, he stopped, looked at us, and then came towards us, so we rode on to meet him. It was one of Fannin's men, who had made his escape from the Mexicans at Goliad. He was nearly starved, having had nothing to eat for six days, with the exception of a terrapin, which he had roasted. The next day we took him to Harrisburg, and from there he was sent to Galveston, and from there to his home. I think he was a Georgian, but I have forgotten his name.

Bailey and I were ordered out on the road leading from Harrisburg to the Brazos River, and here we pressed our last horses. We met a man and his family, who were fleeing before Santa Anna's army. They had good teams, and the old gentleman and some of the family were riding horseback; the old man had a rifle thrown across his lap. The two ponies that they were driving seemed very gentle. The teams stopped, and Bailey engaged the old man in conversation, while I got down off my horse, and tied a rope around the necks of the two ponies. I was doing up my rope and ready to mount my horse, when Bailey said, "Old gentleman, your horses are pressed, and I am now ready to receipt for

them." He threw his hands on his gun, and said, "Young man, I don't want to hurt you, but if you lead those horses off, I'll kill you." Just at that moment Bailey jabbed his pistol against him and said, "If you move your hand to raise that gun, you are a dead man." By this time I was in my saddle, riding off. I rode about a hundred yards, stopped and turned my horses' heads towards them, then I drew my gun, and told the old man not to move, if he did I would kill him. I told Bailey to come on, and I held my gun on the old man until Bailey got to me, then the old man and his family moved on, and Bailey and I rode on together. When we reported these two horses, and the circumstances of pressing, the cabinet gave us a bill of sale to them during our stay in the army.

I think it was the next day that Captain Wiley came from Galveston with two pieces of cannon, called the "twin sisters." We asked the authorities to let us go with Captain Wiley, and join Houston's army. They agreed to let us go, and the next day we took up the line of march, arriving at Houston's army the following afternoon. They were then at what was known as Groce's Retreat. It was about two o'clock in the afternoon when we arrived, and nearly all the army had crossed to the east side of the river.

We looked around for the Naeogdoehes company, and after finding them, we joined them. While we were telling our adventures, a man came up, who seemed very much excited; he carried an old flint lock rifle, and inquired if there was a blacksmith in the army. He said he had just got into camp, and his gun would not stand cocked. A mischievous looking fellow said, "Yes, sir, you see that tent down yonder; the blacksmith is there." It was General Houston's tent, the only one in camp. The man went, and there sat General Houston. The man said to him, "I want you to fix my gun; the lock is out of order, it won't stand cocked." "Very well," said Houston, "set her down here, and call in one hour and she will be ready." Houston knew at once that some one had sent this fellow to him just to have a little fun. So as soon as the man left, he took the lock off, cleaned it and put it back. The news spread all over the army, and after a while a man told the owner of the gun that he had taken his gun to General Houston, and that he heard that Houston intended having him shot for

insulting him. The poor fellow was nearly out of his wits, and said, "What shall I do? They told me he was a blacksmith, and I did not know that he was General Houston." Finally some one told him the best plan was to go to Houston and ask forgiveness. So he went, and with hat off, he tremblingly told his story. General Houston said, "My friend, they told you right, I am a very good blacksmith," and taking up the gun, he snapped it two or three times, and said, "She is in good order now, and I hope you are going to do some good fighting."

That night the guard received orders to arrest any one who should attempt to go in or out of the lines. After all the officers had retired for the night, General Houston attempted to pass. He was hailed by one of the guard, "Who comes there?" "I am General Houston, let me pass on." "I don't know you to be General Houston, and don't you move or I'll shoot. General Houston said, "Call the sergeant of the guard." The guard called him and his number, and then said, "Mark time now, or I'll kill you." And the General marked time. When the sergeant came, he did not know the General, and carried him to the guard fire. After he had been there a while, he sent and had General Rusk waked up, and he came and released General Houston.

The next day we took up the line of march for Harrisburg. The road was new and boggy, and the prairies covered with water. We had but few wagons, and our teams were insufficient to travel very fast, so we soon began to bog down. General Houston would dismount from his horse, and go into the mud and water, and say, "Come on men, let's roll her out." If the men did not respond as he thought they ought to, he would be the first to take hold of the wheels.

Houston then detailed ten men, and gave them to G. B. Crann, and gave ten others to me, and said to Crann, "Here are your wagons," and to me, "Here are yours." Dividing the number equally between us, then he said, "When you see either of your wagons begin to do down in the mud, order your men to take hold and roll them out, and if they refuse to do it, report them to me." There were no more bogged wagons that night. We got through the mud, and into a road that had been traveled so that the teams were enabled to manage the wagons without the aid of the men.

The next day I was detailed with five or six other men to gather

some beeves, and drive them ahead of the army, to a man by the name of Burnett, who was to have them butchered by the time the army arrived there. It was strictly against orders to kill a hog or chickens or anything except beef. We arrived at Burnett's at about two or three o'clock in the afternoon. We found that the family had all left the place, and that there was a yard full of chickens, plenty of corn meal, and bacon in the smoke-house, besides pots and ovens. I said to the men that were with me, "If you will butcher the beeves, I will get us a good dinner; we'll have some chicken, bacon and cornbread." They said it was against the orders and Houston would punish us for it. I told them that I would take all the blame, and clear them. They soon agreed to this, for none of us had tasted any bread for some time. We had nothing but beef, and that cooked only one way—roasted by the fire—(we had no vessels to cook in) and without any salt, too.

I went to work and killed twelve grown chickens, dressed them, and put them in a large wash pot; I also put in some sliced bacon. I then made an oven and a large skillet of cornbread. I took six of the chickens, and put them in a dinner pot, with at least half a gallon of rich gravy, and set it away, together with the oven of bread. By this time the beeves had been butchered and hung up, and I called the men to come to dinner. The yard was covered with feathers, and the men said to me, "Ain't you afraid Houston will punish you if you don't take those feathers away?" I said, "No." Well, we all did justice to that dinner.

It was getting late in the evening. I got up on the rail fence, and pretty soon I saw the army coming. Houston, Rusk, Burleson, Sherman and some of the other officers came up and dismounted. I opened the gate, and said, "Gentlemen officers, I wish to see you in the house." I led the way, and they all followed me in. I saw Houston knit his brows when he saw the feathers in the yard. When they were all in, I closed the door, and addressed General Houston in the following way, "General, I have disobeyed orders; when we arrived here, I found everything deserted and we were hungry, for we have had nothing to eat, except beef; so I killed some chickens and baked some bread, and we had a good dinner!" He looked at me as if he were looking through me, and said, "Sparks, I will have to punish you. You knew it was against orders; I will have to punish you." I said "General, I saved you

some," and I took the lids off the vessels that contained the chicken and the bread, and told them to help themselves. Rusk drew his knife first, and all the others followed suit, except Houston, who had not taken his eyes off me all this time. Finally he said, "Sparks, I hate to punish you; you have been a good soldier, never shirking your duty, but I will have to punish you." I said, "General, I will submit to whatever you put upon me." Rusk said, "General, if you don't come on we'll eat all the dinner. We have not had such a dinner since we left home. Sparks is a good cook."

Then the General drew his knife, and attacked the dinner. After he had eaten a short time, General Rusk said, "General Houston, it is a maxim in law that 'he who partakes of stolen property, knowing it to be such, is guilty with the thief.'" General Houston replied, "No one wants any of your law phrases." After the meal General Houston said, "Sparks, I'll not punish you for this offense, but if you are guilty of it the second time I will double the punishment."

The next morning we took up the line of march for Harrisburg, arriving there about four o'clock in the afternoon, tired and hungry, so we all scattered to look for something to eat. Deaf Smith, our trusty spy, came up on his horse at about half speed, and reported a large body of Mexicans just around a point of timber, and that they were marching on us. Then we heard Houston's voice, "To arms! To arms! The enemy is upon us!" And our men were in line in less time than it takes to tell it.

Harrisburg was fired the day before, and was still burning. Houston had arranged this false alarm to see if he could depend on the volunteers; he had all the time been afraid of them in a close place. But when he saw Sherman's regiment of volunteers in line of battle, as quick as Burleson's regiment of regulars, he said to General Rusk that he would take Santa Anna's trail the next day, and give him battle as soon as he could overtake him.

That night we heard that Santa Anna was three miles below us, camped in a lane. Houston called for three hundred volunteers to swim Buffalo Bayou, and go down to attack Santa Anna. I was one of the volunteers, and we began to try to swim our horses, but whenever we got to where the light shone on the water (all along the opposite bank the buildings were still burning) our horses

would turn back, and we could not force them across. At midnight the order was countermanded.¹

In the morning we began to prepare to cross the river. Houston asked for three hundred men to volunteer to remain and guard the baggage; after so long a time he succeeded in getting that number to remain.

The only means we had of crossing the river was in a little boat, something on the order of a ferry-boat. It was so small that only twelve could cross at a time. By the time we were ready to march it was dark. We took Santa Anna's trail, and marched all night until about an hour before daylight, when we were ordered to rest on our arms.

At daylight we resumed the march, and got to our camp on Buffalo Bayou. General Houston ordered Colonel Sherman to take the cavalry and find Santa Anna's whereabouts. As he was going down San Jacinto Bay, Sherman came on him and decoyed him. When he saw that we were there he fired his cannon on us (he had no idea that Houston's army was there) until we returned the fire with the "twin sisters." We turned and camped within three-fourths of a mile below the battleground.

The next day the two armies skirmished all the afternoon, and up into the day after, when we attacked them about ten o'clock in the morning.²

General Cos reinforced Santa Anna with six hundred troops.³ We sent Deaf Smith to cut and burn Vince's Bridge. When he reported the bridge destroyed, Houston made preparation to attack Santa Anna. Burleson's regiment attacked Santa Anna's breastworks with the "twin sisters," while Colonel Sherman and Colonel Bennett attacked Almonte (who was in the timber, and in a ravine made by the water). Both our regiments were volunteers, and knew nothing whatever about drilling. My captain's company was the front of the regiment, and we marched in double file. We were ordered not to fire until we could see the whites of the enemies' eyes. When we got within three hundred yards of the ditch we were ordered to charge, and we charged in double file. There was

¹This incident is not mentioned by any of the contemporary narratives. See *THE QUARTERLY*, IV., No. 4.

²For more accurate accounts of these operations, see *THE QUARTERLY*, IV., No. 4.

³The number is usually given as five hundred.

only one man in front of me who fired before I did, and so I got the credit of firing the second gun on our side. We had out-traveled the first regiment, and had driven Almonte about two hundred yards before the first regiment got near Santa Anna's breastworks. We charged with such fury that the Mexicans fled in a very short time.

The rout was general and a great slaughter of Mexicans took place within four hundred yards of their breastworks. Where our two regiments got together, and the Mexicans rallied, about ten acres of ground was literally covered with their dead bodies.

It was here that a Mexican cavalry horse jumped into a boggy slough, and had gone under, all except his head and the horn of the saddle. We found that we could jump from one bank to the saddle, and from the saddle to the other bank; about fifty of us crossed on that horse. I was the second to go over, and when I jumped from the saddle to the bank, I struck my knee against the bayonet of the dead rider, which had lodged in the bulrushes growing along the edge of the water. It gave me a painful wound, and I was compelled to stop for a few minutes. Just as soon as the deadness left my leg I went on, and had gone about two hundred paces when a Mexican woman jumped up out of the bulrushes in front of me. One of the regiment shouted, "I will kill you." "No," I said, "she is a woman, and is not armed." He said he did not care, he would kill her anyway. By this time she had come close to us. I told him he should not kill her, but he said he would, and made a pick at her with his bayonet, which I knocked off with my gun. He said, "You can't knock off a bullet," and cocked his gun. I threw my gun on him and told him that if he killed her I would kill him. He asked me if I was in earnest, and I replied that I was. Then three other women, who were hiding in the rushes, came running to us, crying and begging that I would protect them, too.

Just at this moment Captain Seguin, who had a company of Mexicans in our army, came up, and I said, "Captain, I'll turn these women over to you; take care of them, and the man," and I went on in the fight. It was a running fight. It was three miles from where the fight began to where Almonte surrendered with about six hundred men.

My knee gave me trouble, and I was laid up for two days; the

third day it was stiff and sore, but Bailey assisted me to walk over to where the prisoners were, which was not very far from where we were camped. While I was walking along the south side of the line of prisoners, a woman on the north line of the enclosure came running through the prisoners; she was talking excitedly in her own language. The guard ordered her to stop, but she paid no attention to him. A man was standing near who understood her language, and he said to me, "She is talking to you." I told him to tell her to stop or the guard would shoot her, and to ask her what she wanted. She told the man that I had saved her life, and the lives of three other women, while one of our men was going to kill her, and she wanted to get near me to tell me that she would know me when, or wherever she saw me, and that if I was ever made a prisoner by her people, and she could get to me that she would release me or die. By this time the other three women came to where she was, and they all said the same thing; then they all threw kisses, and made the sign of the cross on their breasts. I thanked them, but told them that I would never be their people's prisoner.

While I was standing there leaning on Bailey, there was a stir among the prisoners. They were jumping to their feet, and clapping their hands, and saying, "Santa Anna." I looked and saw two of our men on horseback and a Mexican in front pointing with his finger, and saying "Houston."

He was carried to where Houston lay under a tree, suffering from his wound. I told Bailey that that was Santa Anna, and to carry me to where Houston was. He did so. When we got there, Zavala was there, and Santa Anna was introduced to Houston. About the first question he asked was, whether General Houston rode in front of his men on a dapple gray horse, with drawn sword. Houston answered that he rode such a horse, and was in front with the other officers. Santa Anna asked if it was customary for commanders of the forces of the American army to ride in such exposed positions. Houston said, "The American generals say 'come on,' not 'go on.'" He said the general was no more than the private, and that they were all generals. Santa Anna said he believed him, and that if he had five thousand such men to fight with him he could take the City of Mexico. He said that he had fought many battles, and had read of many, but never saw nor

read of rifles charging soldiers in a ditch with muskets and bayonets, as the rifle volunteers charged his best troops under Almonte, and routed them. Almonte was a prisoner at the time, and he said he believed that they were fools enough to crawl into the mouth of a cannon, and be shot out, if they thought by so doing they would kill three Mexicans.

Some time after the battle we were all taken with chills and fever, and General Rusk discharged me and a man by the name of Clemmons, who was a volunteer from Georgia. We started home on our ponies. It had been raining for about forty days, all the streams were swollen, and we had to swim every stream that had no boat on it. I had a chill every day. I would have to lie down until the chill went off, and the fever rose, then I would get on my horse and ride until I had the next chill.

The first day's travel brought us to Mr. Burnett's house. The family had now returned to their home, and we asked to stay all night. They said we might, and we staked our horse, and talked of the battle.

The next morning we got our horses, and lingered awhile. Mr. Burnett went out to the cow lot, and I went in where Mrs. Burnett was and asked her what we owed her; she said that we did not owe her anything.

We traveled all the next day, and camped that night; the next day we saw some smoke rising just in front of us. There was no settlement for some distance about there, and we noticed the smoke, for we were likely to find Indians most anywhere, either hostile or friendly. We soon discovered that the smoke was a little to the left of the trail that we were traveling, so I said to Clemmans that I thought we were near Indians, and we had better examine our guns, and see if they were all right, for if they were hostile Indians we would have to fight them, that flight would be useless, and that we had better go right to the camp. So after seeing that our guns were all right, we rode side by side towards the camp. We had got to within about two hundred yards of them, when a lad seemingly about sixteen years of age got up and looked at us, then a tall Indian man got up and looked at us, and he, too, sat down, then a squaw did the same. I then said to Clemmans that they were friendly, and we were in no danger. We rode up to the camp, and the Indian man got up and spoke

to us in broken English, "Howdy do, my friends," he said, "You from Houston's camp?" We told him that we were. Then he said, "Get down, me tell you." We got off our horses and let them graze, and the Indian said, "I am a Tonkaway; I live on the Trinity; I took my wife and children and went to the Brazos to hunt, and the Mexicans took me and my wife and one boy and tied us, but did not tie him (pointing to a smaller boy). They kept me there, and by and by a Mexican came and said that Santa Anna and all of the Mexicans were killed except him." He said that Houston had two thousand Americans and twenty-five hundred Indians. That they were all drunk, and came up out of the ground, and out of the clouds right into the camp, shooting, yelling, and killing all but him. Then the Indian said, "The Mexicans commenced putting all the big guns in the river, and left me, my wife and little boy tied down. I told my other little boy to cut me loose, and then I cut my wife loose and my boy, and we ran across the river, and started home. I stopped here to hunt, and soon I shall go home." They gave us something to eat and tied some dried venison to our saddles, and we then bade them good-bye.

After this nothing of interest happened until we got to where my father lived, five miles north of Nacogdoches. We found no one at home, for my father had taken my mother and the children to Sabine County, and had rented land there and planted crops. There were a few families that had come back to their homes from what was known as the "Run away Scrape."

It is impossible to tell of the courage and fortitude of our women at that time. The streams were all overflowed, and the bottom lands were from a foot to waist deep in water. The younger and stouter women would take the feeble ones on their backs and shoulders and wade through the water to dry land, set them down, and then go back for another load, and continued until all were over. There is no one who can do justice to the women at that time. God bless the women of Texas!

I stayed with my uncle two nights and a day, then I went to get my mother and father, and moved them back home. About the first of July we commenced to plant corn, and made enough to do us the next year. On the 6th of October I married Miss Emily B. Whitaker. Her father died while I was in the army.

Soon after this the Indians became very troublesome. During the moonlit nights they would make raids, and in one night they would steal all the horses in a whole settlement. We would leave our wives and go in pursuit of them, taking with us our guns, bayonets, stake ropes and a pone of corn bread, and dried beef if we had it. The Cherokee and Shawnee Indians lived about thirty miles north of the settlement. They pretended to be at peace with the whites, but they were probably interested in the stealing; for as soon as they found they were being pursued they would divide in small numbers, so as to make it difficult to follow the trails.

I bought a piece of land on the outside of the settlement, and my wife, mother-in-law and I moved out there. We had three or four negroes with us. We never knew at what moment we would be attacked, and I slept with my gun at the head of my bed, where I could lay my hands on it. I hired a young man by the name of B. F. Sells to live with me, as much to help protect my family as to work for me. We would take our guns with us to the field to plough, and we would leave one gun at one end of the rows and one at the other; then we ploughed so that he would be at one end and I at the other, so they could not cut us off from both our guns at the same time.

They shot my nearest neighbor while he was ploughing in this field. They fired and shot him through the left arm just as he drove to the fence, and turned his horse back into the row, and another ball cut the side of his neck. The same party killed one of my beeves, and barbecued it within six hundred yards of my house. The night before they shot my neighbor, we got together and built a kind of fort, so in case they made a general move on the settlement we could take our wives to the fort, and protect them better there than at our homes. We were none too soon in getting ready. We had been notified that the Cherokee Indians and the Mexicans living in that section would attempt to murder men, women and children, and then leave for Mexico. All the settlers had come to the fort, and we had a heavy guard day and night.

We learned that some Mexicans were herding some stolen horses at a point ten miles above us. So an uncle of mine, and a cousin, and two or three other men went to see if there was any truth in the report. The Mexican settlement, commanded by Córdova, and

known as the Córdova settlement, was only a mile and a half above my father's. The men went through this settlement and found the horses; a Mexican was herding them. They arrested the Mexican, and started home with him and the horses, but they had not gone more than two miles when about thirty shots were fired at them. One of their men, Frank Hamilton, was killed; the other three or four men retreated, and brought the news to the fort. A party was sent from the fort to bring Hamilton's dead body home. They saw no Mexicans at the settlement, except a few women. We notified General Rusk and Colonel Douglas at Nacogdoches of the affair, and the next morning there was not a man, woman or child to be found. General Rusk soon had two or three men on their trail. They went right into the Cherokee Nation. Bowl, their chief, was ready for them, so just as soon as Rusk could overtake them the battle known as the Cherokee battle took place. Bowl was killed in this fight by Colonel Robert Smith, who knew him well. The Mexicans and Indians retreated, and General Rusk sent word to the people west of there, but the McCullochs intercepted them with their commands, and gave them a terrible thrashing, and those who were left made their escape in small bodies.

Soon after this, my father went to look after some land certificates, in what is now Navarro County, while resting one day at noon, on Pin Oak Creek, he was ambushed and killed by the Indians.

Previous to this, a Baptist preacher, whose name was J. T. Bryant, had come to Texas, and was teaching a little school where the old Union Church now stands. Occasionally he preached at private houses.

This Union Church was the first Baptist church constituted in the State. By this time we had courts organized as an independent nation. Court was in session at the time, and my wife's oldest brother was on the jury. He came home one Tuesday night very much depressed, and had nothing to say. His wife said to him, "Mr. Whitaker, what is the matter with you?" He said, "Nothing." Then she said to him, "Has anybody been killed today?" He answered that there had been no fuss in town.

By this time supper was ready, and we all sat down to eat. Whitaker was still so silent that his wife again asked him if any-

thing was the matter, and he assured her that there was not. We finished the meal and all left the table except him. The negro woman came and cleared the things away, and still he remained with his head resting on the table. His wife and children retired for the night, and soon he called her and said, "Saletha, get up and light a candle, and sing a hymn, and let me pray in my family before I die." He had never made a profession of faith in Christ. His wife got up and sang the hymn, and he knelt in prayer.

The next morning he went back to court, and his wife came to my house and told his mother what had happened. I was in the field ploughing, and they sent for me to take my horse out of the plough and come to the house. I thought, "Well, have the Indians made another raid on us?" I went home, and they told me to go to the schoolhouse and tell Mr. Bryant to dismiss school early, and to send word to the people to come to her house to preaching. She wanted them to come without fail to preach at her house that night. So I went, and called Mr. Bryant out, and delivered the message. He asked if anything special had happened that they had sent for him. I told him that I did not know of anything, for they had told me nothing of what had happened, and I did not care to be questioned so closely by the preacher, although I was really glad of it, for I was under conviction for sin myself, but I did not want anybody to know it.

My mother-in-law was a member of the church, but my wife and I were not, nor had we ever said anything about religion to each other. I made up my mind that I would get close to where the preacher was that night, and see if there was any hope for me. Well, the preacher came, and all that got word were there, and when Whitaker got in sight of his house, and saw so many people there, he was afraid the Indians had killed his family. The preacher had not got more than half through his sermon, when my wife walked up and asked for prayers. I knelt by her. He said he had preached long enough, and if there were any others in the house that desired prayer to come forward. There were some six or eight who came.

Preaching was announced for the next Sabbath, and all who could come were there. A glorious revival was carried on for two or three months, resulting in the immersion of twenty people. We all went into the water at the same time, and Brother Bryant bap-

tized us in twenty-two minutes. There were men there thirty years old who had never seen any one baptized. Some came twenty-five miles to witness it.

From that time churches began to be organized, and revivals were held. We would take our wives and children on Spanish ponies to preaching six or eight miles from our homes. We did not know but that we should be attacked by the Indians on the way, or at the house where the services were held, so we always took our guns with us.. We would stack our guns in one corner of the house, and put a guard on the outside, to prevent a rush on the house before we were aware of it. We went to church in our shirtsleeves, and wore our moccasins when the weather was warm, and no one ever fainted or became insulted in those days. They did not have an instrument to grind the music out, but everybody sang. As soon as two or three got to the meeting place they commenced to sing. There was not so much formality then as now, but there was a great deal more spirit. I sometimes think that if an old-timer were to go to one of our churches now and commence singing one of those old-time hymns that our mothers and grandmothers used to sing that there would be some fainting from fear that there was a crazy man in the house.

We used to pay our preacher then, too, but we did it by dividing our meat and bread with him. and the sisters would spin and weave him a nice suit of jeans to wear to his appointments. The men would take their deer skins to town and barter them for a hat and shoes for the preacher to wear, while we wore our homespun pants and shirts and moccasins to church. Our women would spin and weave their own dresses.

The habits and customs of the people at that time were few and simple. The hospitality of the people could scarcely be equaled. At every house there was always a pot of coffee, and no matter at what hour of the day you happened to call you would be handed a cup. You could travel all over the country, and it would cost you nothing. You could stay a month with a family, and it would cost you no board.

Well, let us come back to the revivals. They had union camp grounds, and held union prayer-meetings, in which Baptists, Methodists, and Presbyterians would all take part. The terms by which

these meetings were held were that no opportunity would be given for membership until after the meeting.

And now **in** conclusion, let me say that I have helped to build churches and schoolhouses ever since the year 1838. I did what I could for the cause of Christianity until the year 1854, when I moved to McLennan county, and for the rest of my Christian life I refer you to B. H. Carroll, R. C. Burleson and R. E. Buckner and yourself.¹

¹These reminiscences were written by Mr. Sparks in the form of a letter to Reverend J. L. Walker, of Bruceville, Texas, and dated March 16, 1895.

NOTES AND FRAGMENTS.

A BRIEF HISTORY OF CASTRO'S COLONY.—When Henri Castro, in February, 1843, brought his first colonists to the village of San Antonio, no white settlement existed west of the San Pedro Creek in San Antonio, to the Rio Grande, and the various Indian tribes nomadically occupied the country, the Comanches, Apaches, Tonkawas, Lipans, Kickapoos, and others. The grant known as Castro's Colony, included portions of Medina, Uvalde, Zavalla, La Salle, McMullen, Frio, Atascosa, and Bexar counties. Through his agents and his own efforts, in France and Germany, in the Rhenish provinces, four hundred and eighty-five families, and four hundred and fifty-seven single men, amounting to five thousand two hundred people, were brought in twenty-seven ships to Texas. Quite a number of them never went to the colony, only five hundred and fifty-eight certificates for land being issued. On the 1st of September, 1844, Henri Castro left San Antonio, at the head of his colonists and established his first settlement on the Medina River, twenty-five miles west of San Antonio, the town being named Castroville after the founder, by a unanimous vote of the colonists. It was the county seat of Medina county until 1892, and a prettier location for a town can hardly be found in Texas. In 1845 he founded the town of Quihi, on the banks of Quihi Lake, distant nine miles west of Castroville; in 1846 he founded the town of Vandenburg, five miles northwest from Quihi. Vandenburg, however, was abandoned; the water in Verde Creek, upon which the town was situated, having dried up, on account of a protracted drought, the inhabitants moved two and one-half miles below to New Fountain. In 1847 he founded the town of D'Hanis, twenty-five miles west from Castroville. These settlements prospered, and immigrants continued to arrive, and had Mr. Castro not been prevented by many obstacles, Mexican War, drought, debts and litigation and marauding Indians and Mexicans, his intentions were to surround his colony grant with villages. Two more were to be located, one on the lower Seco, below D'Hanis, to be called Osy, and one on the Laguna San Miguel, to be named St. Louis.

The cost of transporting the immigrants from the coast of Europe

to that of the Gulf of Mexico then averaged thirty dollars for each person, exclusive of provisions; some of the colonists paid their own way, but Mr. Castro advanced the money, for a great many, and as early as 1844 in a letter to the President of Texas he said that he had spent over forty thousand dollars, in expense, for his colony, and he later claimed that for his services to the Republic of Texas. For colonizing the country west of San Antonio he received from the State of Texas in all thirty-eight thousand four hundred acres of land, but no other indemnity nor relief, and the land, through mortgage, debts, and litigation, was largely wrested from him, so that he died a poor man. A few of the original colonists are still living; their descendants, however, are found in every county in West Texas. The writer is gathering material for a detailed history of Castro's Colony, and would like to get possession of the original "Colony Register," and also a book, "Henry Castro's Memoirs on Texas," 1845, in French and German, with maps, 12mo. Any reader, knowing of either, will confer a favor by corresponding with

H. E. HAASS.

Hondo, Medina Co., Texas.

A CORRECTION.—In my article, *Presidential Reconstruction in Texas*, printed in the last (April) issue of the QUARTERLY, the statement on page 313 of the total amount of State warrants issued during the war should be "about eight and one-half millions of dollars," instead of "nearly fifteen million." Moreover, these figures are for the total State debt contracted during the war, not merely issues of Treasury warrants. They are taken from the report of E. M. Pease and Swante Palm to Governor Hamilton.

CHARLES W. RAMSDELL.

Gifts and Exchanges for the Year Ending March 2, 1908.

- ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY, Montgomery, Ala.—Alabama Official and Statistical Register, as issued.
- AMERICAN ANTIQUARIAN SOCIETY, Worcester, Mass.—Proceedings of the Society, as issued.
- AMERICAN CATHOLIC HISTORICAL SOCIETY OF PHILADELPHIA, Philadelphia, Pa.—Records of the Society, as issued.
- AMERICAN HISTORICAL ASSOCIATION, Washington, D. C.—The American Historical Review, as issued; Annual Report for 1905, Vol. II.
- AUSTIN PRESBYTERIAN THEOLOGICAL SEMINARY, Austin, Texas.—Catalogue of the Seminary, 1906-1907.
- AUSTIN PUBLIC SCHOOL TRUSTEES, Austin, Texas.—Twenty-sixth Annual Report of the Austin Public Schools.
- BOHEMIAN, Fort Worth, Texas.—Bohemian, as issued.
- BOSTON PUBLIC LIBRARY, Boston, Mass.—Monthly Bulletin, as issued.
- BUFFALO HISTORICAL SOCIETY, Buffalo, N. Y.—Publications, Vols. IV-XI; Obsequies of Red Jacket.
- BUNKER HILL MONUMENT ASSOCIATION, Boston, Mass.—Proceedings at the Annual Meeting, June 18, 1906.
- COLUMBIA UNIVERSITY, New York, N. Y.—Columbia University Quarterly, as issued.
- CONNECTICUT HISTORICAL SOCIETY, Hartford, Conn.—Annual Report, May, 1907.
- CONELLEY, WM. E., Topeka, Kansas.—Fifty Years in Kansas.
- CRANE, R. C., Sweetwater, Texas.—Mehl's Numismatic Monthly, Vol. I, No. 3.
- DANIEL, J. C., Waco, Texas.—History of the Baptists of Hill County, Texas. Waco, 1907.
- DILL, MINNIE G., Austin, Texas.—Footprints of Texas History. Ed. 4, Austin, 1908.
- ESSEX INSTITUTE, Salem, Mass.—Historical Collections, as issued.
- FILSON CLUB, Louisville, Ky.—Publications of the Club, as issued.
- GALLOWAY, IRENE DABNEY, Waxahachie, Texas.—Matthew Galloway and his Descendants.

- GARCIA, DR. GENARO, Mexico, D. F.—His “Documentos para la Historia de México,” Nos. 14-18; Los Calendarios Mexicanos por Mariano Fernández de Echeverría y Veytia.
- HART, HON. W. O., New Orleans, La.—Fragments of Louisiana Jurisprudence, Lectures to the Law Class of Louisiana State University at 1907 term.
- HARVARD UNIVERSITY, Cambridge, Mass.—“Memoirs of Peabody Museum of American Archeology and Ethnology,” Vol. IV, No. 1.
- HISTORICAL AND PHILOSOPHICAL SOCIETY OF OHIO, Cincinnati, Ohio.—Quarterly Publication, as issued.
- HISTORICAL DEPARTMENT OF IOWA, Des Moines, Iowa.—Annals of Iowa, as issued.
- HISTORICAL SOCIETY OF NEW MEXICO, Santa Fé, N. M.—Journal of New Mexico Convention of Delegates to Recommend a Plan of Civil Government, September, 1849.
- HISTORICAL SOCIETY OF PENNSYLVANIA, Philadelphia, Pa.—Pennsylvania Magazine of History and Biography, as issued.
- HISTORICAL SOCIETY OF SOUTHERN CALIFORNIA, Los Angeles, Cal.—Annual Publication, 1906.
- ILLINOIS STATE HISTORICAL LIBRARY, Springfield, Ill.—Illinois Historical Collections, Vol. II.
- INTERSTATE COMMERCE COMMISSION, Washington, D. C.—Nineteenth Annual Report.
- JOHNS HOPKINS UNIVERSITY LIBRARY, Baltimore, Md.—“University Studies in Historical and Political Science,” as issued.
- JOURNAL OF AMERICAN HISTORY, New Haven, Conn., as issued.
- KENTUCKY STATE HISTORICAL SOCIETY, Frankfort, Ky.—Register of the Society, as issued.
- LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION.—Report of Fourteenth Annual Meeting.
- LIBRARY OF CONGRESS, Washington, D. C.—List of Works Relating to the French Alliance in the American Revolution; three pamphlets.
- LOUISIANA DELEGATES TO NATIONAL DIVORCE CONGRESS, 1907.—Report.
- MARYLAND HISTORICAL SOCIETY, Baltimore, Md.—Maryland Historical Magazine, as issued.

- MISSOURI HISTORICAL SOCIETY, St. Louis, Mo.—Collections of the Society, as issued.
- MONTANA HISTORICAL SOCIETY, Helena, Mont.—“Contributions,” Vol. VI.
- MUSEO NACIONAL DE MEXICO.—Antigüedades Mexicanas publicadas por la Junta Colombina de México en el Cuarto Centenario del Descubrimiento de América.
- NEBRASKA STATE HISTORICAL SOCIETY, Lincoln, Neb.—Nebraska Constitutional Conventions, Vol. II; Proceedings and Collections, Vol. XV.
- NEW ENGLAND HISTORIC GENEALOGICAL SOCIETY, Boston, Mass.—New England Historical and Genealogical Register, as issued.
- NEW HAMPSHIRE HISTORICAL SOCIETY, Concord, N. H.—Proceedings of the New Hampshire Historical Society, Vol. V, Part 1.
- NEW JERSEY HISTORICAL SOCIETY, Newark, N. J.—Proceedings of the Society, as issued.
- NEW YORK HISTORICAL SOCIETY, New York, N. Y.—“The New York Historical Society—1804-1904.”
- NEW YORK PUBLIC LIBRARY, New York City.—Bulletin, as issued.
- OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY, Columbus, Ohio.—The Quarterly of the Society, as issued.
- ONTARIO HISTORICAL SOCIETY, Toronto, Canada.—Papers and Records, Vol. VIII.
- OREGON HISTORICAL SOCIETY, Eugene, Oregon.—The Quarterly of the Society, as issued.
- OUT WEST, Los Angeles, Cal.—This magazine, as issued.
- PENNSYLVANIA SOCIETY OF NEW YORK, New York City.—Year-book, 1901-1907. 7v.
- POLITICAL SCIENCE QUARTERLY, New York City.—The Quarterly, as issued.
- REV. S. M. TENNEY, Troupe, Texas.—Synod of Texas, Fiftieth Session, Houston, Texas, November, 1905.
- QUARTERLY JOURNAL OF ECONOMICS, Cambridge, Mass.—The Journal, as issued.
- REAL ACADEMIA DE LA HISTORIA, Madrid.—Boletín of the Academy, as issued.

- SEWANEE REVIEW, Sewanee, Tenn.—The Review, as issued.
- SHEPARD, HON. SETH, Washington, D. C.—Texas Almanac for 1859-60, 1869; Magazine of American History, January, 1878, and May, 1879.
- SMITHSONIAN INSTITUTION, BUREAU OF ETHNOLOGY, Washington, D. C.—Twenty-fifth Annual Report; Thirty-fifth Bulletin of the Bureau.
- SOUTH ATLANTIC QUARTERLY, Durham, N. C.—The Quarterly, as issued.
- SOUTH CAROLINA HISTORICAL SOCIETY, Charleston, S. C.—South Carolina Historical and Genealogical Magazine, as issued.
- SOUTHERN EDUCATIONAL REVIEW, Chattanooga, Tenn.—The Review, as issued.
- SOUTHERN HISTORY ASSOCIATION, Washington, D. C.—Publications, as issued.
- SOUTHWEST SOCIETY OF THE ARCHAEOLOGICAL INSTITUTE OF AMERICA, Los Angeles, Cal.—Third Bulletin.
- STATE HISTORICAL SOCIETY OF IOWA, Iowa City, Ia.—Proceedings of the Fiftieth Anniversary of The Constitution of Iowa; Iowa Journal of History and Politics, as issued; Samuel Freeman Miller in Iowa Biographical Series.
- STATSOEKONOMISKE FORENING, Kristiana, Norway.—Statsoekonomiske Tidskrift, as issued.
- STATE HISTORICAL SOCIETY OF MISSOURI, Columbia, Mo.—Missouri Historical Review, as issued.
- TEXAS PEACE CONFERENCE, Waco, Texas, November 19-21, 1907.—Proceedings.
- TEXAS SCHOOL JOURNAL, Dallas, Texas.—The Journal, as issued.
- U. S. DEPARTMENT OF AGRICULTURE, Washington, D. C.—Forest Service. Circular 140.
- UNIVERSITY OF CALIFORNIA, Berkeley, Cal.—Publications of the University in American Archaeology and Ethnology; Bulletin, Third Series, Vol. I, No. 2; Library Bulletin, No. 16, as issued.
- UNIVERSITY OF CINCINNATI, Cincinnati, Ohio.—University Studies, Series 2, Vol. III, No. 1.
- UNIVERSITY OF COLORADO, Boulder, Colo.—University of Colorado Studies, as issued.

- UNIVERSITY OF NEBRASKA LIBRARY, Lincoln, Neb.—University Studies, as issued; Calendar, 1906-1907.
- UNIVERSITY OF PENNSYLVANIA, Philadelphia, Pa.—The George Leib Harrison Foundation, 1896-1906.
- UNIVERSITY OF TEXAS, Austin, Texas.—Bulletin of the University, as issued.
- UNIVERSITY OF TORONTO, Toronto, Canada.—University of Toronto Studies in History and Economics, Vol. II, No. 4; Extra Vol.: Roman Economic Conditions; Review of Publications Relating to Canada, Vol. XI, and Index, Vols. I-X.
- UNIVERSITY OF VERMONT AND STATE AGRICULTURAL COLLEGE, Burlington, Vt.—The Vermont Bulletin, 1907-08, Catalogue Number.
- UNIVERSITY OF WISCONSIN, Madison, Wis.—Bulletin of the University, Nos. 182, 193, 198.
- VIRGINIA HISTORICAL SOCIETY, Richmond, Va.—Virginia Magazine of History and Biography, as issued.
- WAR DEPARTMENT, Washington, D. C.—Annual Reports, 1906. 10 Vols.
- WASHINGTON UNIVERSITY STATE HISTORICAL SOCIETY, Seattle, Wash.—The Washington Historical Quarterly, as issued.
- WIDEN, LUTHER E., Austin, Texas.—Juvenile Court Law enacted by the Thirtieth Legislature.
- WILLIAM AND MARY COLLEGE, Williamsburg, Va.—William and Mary College Quarterly, as issued, and back numbers.
- WISCONSIN LIBRARY COMMISSION, Madison, Wis.—Comparative Legislation Bulletins, Nos. 4, 11, 12.
- WISCONSIN STATE HISTORICAL SOCIETY, Madison, Wis.—Proceedings of Fifty-fifth Annual Meeting: Collections, Vol. V.

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THE EXPERIENCES OF AN UNRECOGNIZED SENATOR.¹

O. M. ROBERTS.

A Journal of Travel Incidents and Public Events, With Delineation of Character and Such Other Matters as May Be Deemed Worthy of Being Written.

On the 24th day of August, A. D. 1866, I was elected Senator for the State of Texas in the United States Congress by the Legislature of the State then in session, by a vote of 61 in my favor to 49 in favor of Mr. Epperson, of Red River County. I was fifty-one years of age in the month of July preceeding my election.

Before the meeting of the Legislature (on the first Monday of August, 1866) efforts had been made to bring forward prominently for this position several gentlemen in the east and north—Mr. Epperson, of Red River, and Mr. Stedman, of Rusk County,

¹This is the story of Mr. Roberts's vain journey to Washington, in the winter of 1866-1867, to take his seat as United States Senator from Texas which was denied him. His own title for the narrative is that in italics. The original is written in a small blank book which is now among the Roberts papers in possession of the University of Texas. The quotations therein from newspapers are represented by clippings, which for obvious reasons are here reprinted entire. Mr. Roberts was Chairman of the Secession Convention of Texas, 1861; Chief Justice of the State, 1864-1866, and again, 1874-1878; Governor, 1878-1882; Professor of Law in the University of Texas, 1883-1893.

Judge Evans, of Marshall, was also spoken of frequently as one likely to be elected. The two former were originally Union men, but had participated in the Civil War in favor of the South; while the latter had remained out of the limits of the Southern Confederacy during the war and was in favor of the North without having actively engaged in the war on either side. He had made speeches in favor of McClellan in the last Presidential election, and after the cessation of hostilities returned to Texas and made conciliatory speeches, advocating strongly the policy of President Johnson, and objecting to the course of Governor Hamilton in delaying the organization of the State government in Texas. I heard one of his speeches in the fall of 1865 at Gilmer, in Upshur County, and expressed to him my gratification at the liberal tone and conciliatory spirit by which it was characterized.

It had also come to my knowledge from many sources that my name was spoken of in connection with the Senate. I invariably disclaimed any intention of being a candidate when spoken to upon the subject. Lest my position should be misapprehended I approached the Senator, Hon. T. B. Selman, and Representatives, Messrs. Gaston and Leuter, of Smith County, and told them that I did not wish to be considered a candidate for the senatorship; that I had always regarded that as a "position neither to be sought nor declined;" that many of the members might think it inopportune for my name to be brought forward at that time on account of my prominence in the secession movement, and participation in the war, and that I did not wish it to stand in the way of complete harmony in the action of the Legislature; that my principal concern personally was that my name should not be brought forward under unfavorable circumstances and I be defeated on account of my supposed unfitness to satisfy the public opinion of the North, after having been repeatedly elevated to the highest offices in the State. I wrote the same, in effect, to Captain D. M. Short, Representative from Shelby County, and Colonel George Shelley, Senator of Travis County.

I did nothing, and said nothing, with a view of securing a nomination or an election. Indeed, up to the very day and hour that the news of my election reached me, I really did not expect it. The newspapers were advocating the claims of other persons and not mine. The wish that I should be elected was expressed by

one paper alone (published at my first home in Texas, San Augustine) and that I did not see or hear of until I had heard of my election. I do not profess to be a stoic, and do not, therefore, deny that I was highly gratified at the honor of being elected to so exalted a position at such a time and under such circumstances without my own solicitation. I was elected because I was believed to be a representative man.

Some time afterwards I received a certificate of election, of which the following is a copy, with the accompanying letter from the Governor:

“Executive Office,
Austin, October 3rd, 1866.

To the President of the Senate of the United States:

I, James W. Throckmorton, Governor of the State of Texas, hereby certify that O. M. Roberts was chosen by the Legislature of this State on the 24th day of August, A. D. 1866, it being on the Friday next succeeding the second Tuesday after the organization of the said Legislature at its 11th session, Senator to the Congress of the United States, in accordance with the act of Congress in such case made and provided to fill the vacancy from Texas in the term expiring on the 30th day of March, 1869.

In testimony whereof I have caused the great seal
[SEAL] of the State to be affixed at the city of Austin, the
date herein first above written.

By the Governor.

J. W. Throckmorton.”

Jno. A. Green, Secretary of State.

“Executive of Texas,
October 3rd, 1866.

Hon. O. M. Roberts:

Dear Sir: Accompanying you will find your credentials as Senator to the Congress of the United States. With the hope that yourself and venerable colleague may be recognized by the authorities as Senators and that perfect restoration of unity and tranquility of the American States may speedily succeed the long winter of our national troubles—that the government of our fathers may be fully restored and started anew on the career of glory and usefulness intended by them, and that you may have strength and

health to serve your State and the nation, I have the honor to be most respectfully,

Your Obedient Servant,

J. W. Throckmorton."

Soon after hearing of my election to the United States Senate I wrote to ex-Governor Sharkey, Senator-elect from Mississippi, requesting to know whether or not the Southern members, who had already been elected to Congress by the Southern States, had agreed upon any other time than on the first Monday of December for assembling at Washington. He wrote me an answer, dated the 5th of October, at Washington, stating that he knew of no agreement on the subject, but that he had urged upon all those with whom he had corresponded to be in Washington punctually at the meeting of Congress, if not a few days previous; and requested me to notify my colleague and the representatives of Texas, suggesting that "important matters may require our presence and concert of action."

Upon getting this letter I wrote to Governor Throckmorton requesting him to aid me in giving this information, as I would probably leave by the 15th of November for Washington and would not likely then know who were elected in the west. I also wrote to Colonel Forshey, of Galveston, to let Judge David G. Burnet know of it, supposing at that time that my colleague was still in the North, where he had gone some time before to represent Texas in the Philadelphia Conservative Convention. I also showed Senator Sharkey's letter to Major George W. Chilton, who was elected to the Thirty-ninth Congress.

This letter determined me to hasten my arrangements and start to Washington on the 15th of November so as to be certain to reach there a few days before the meeting of Congress.

On Thursday morning, two hours before daylight, the 15th day of November, 1866, I left my home, where were all my children, my wife and my father-in-law, Peter Edwards. I traveled in the stage to Marshall, thence to Shreveport in a hired carriage, the cars not having come up the day before, thence to New Orleans by Steamboat Homeyer, thence on the cars by way of Jackson, Canton, Grand Junction, Decatur, Huntsville, Chattanooga, Knoxville, Lynchburg, Charlotte, Manassas, to Washington City, Dis-

trict of Columbia, where I arrived just before dark on Sunday evening, the 25th day of November, having made the trip in eleven days. Having stopped at Willard's Hotel, I started out next morning in search of Mr. C. C. Clay, Jr., of Alabama, a Senator formerly of both United States and Confederate States government from Alabama. I had gone to school with him at the University of Tuscaloosa, but had not seen him for thirty years. Getting out of the carriage at a Mrs. Parker's, where I had been directed, a gentleman came to the door whom I recognized at once as Mr. Clay, and so addressed him. He could not make out my name, though, as he said, my face looked familiar to him. Upon my telling him my name he shook me by the hand a long time, and was glad to see me, and invited me into the parlor, where he introduced me to his wife, who is a most accomplished and beautiful woman. (They have no children.) After conversing perhaps an hour about our old school fellows and other matters in the past, I accompanied him around to the General Land Office and other places where he had business. We met with Mr. Rose, with whom I had been acquainted in Texas, who told me that my colleague, Judge David G. Burnet, either was or would be at Mr. Buckingham's, north side of E Street, No. 388, between Ninth and Tenth Streets. At Willard's Hotel Mr. Clay introduced me to ex-Governor Parsons, now Senator-elect from Alabama, who had spent most of his time here since February last. Mr. Clay told him that I was a stranger here, and asked him to introduce me, etc., which Governor Parsons seemed willing cheerfully to undertake. The next day I was invited into his room, and he stated to me that he had heard of me so often in Alabama that he felt almost like he had been acquainted with me, and again tendered his services to give me any aid in his power. Mr. Clay left for home the next day. On Tuesday night, November 27th, Judge Burnet, with Mr. Rose, called to see me at Willard's, I having that day left a card for him at Mr. Buckingham's. I was glad to meet with him, and to see that he looked so well and stout. He is now seventy-eight years of age. I invited him to my room, and after conversing an hour or two, went to his house with him. The next day I took a room in the same house, that we might be near each other while we stayed at Washington. We on the same day visited President Johnson, merely to pay our respects, as he seemed to be very busy.

On Thursday, Mr. A. H. Evans, who once lived in San Augustine, Texas, a practicing lawyer, while I was judge of the district court there, called to see me, and taking me in his buggy showed me the various celebrities of the city in the way of buildings and statuary on the open squares.

Then for the first time I saw Mill's statue of General Washington and Jackson on horseback, the horse of the former in the attitude of refusing to go further forward, as if from affright, that of the latter rearing upon his hind feet, as if impatient to rush forward. Both riders, with drawn swords, were made to sit their steeds most naturally and gracefully. The city of Washington would be incomplete as the capital of the United States without these two statues, designed and executed exactly as they are. While on this subject I may here say that I spent most of Tuesday, 27th Novr., in examining the capitol, its surrounding grounds, its halls, its dome, its statuary and paintings. It occurred to me that I had better take a good survey of all these things before the meeting of Congress, and while I could do so as a stranger, and without exciting the curiosity of those who might choose to stare at a Texan "rebel" in the "loyal" capitol,— more particularly as it is highly probable, from the present aspect of affairs, that I shall never be admitted into the hall of the Senate, to which my State has sent me. I was delighted with all that I saw, but most of all with the portrait of Washington by Trumbull, which, unlike anything in the nature of a likeness that I had ever seen, in expression, in finish of features and form, enabled me fully to appreciate how it was that Washington was the great man of his age. It was well worth the travel to Washington from remote Texas to see these portraits, and thereby verify the correctness of my previous conceptions of the nobleness and grandeur of this exalted character, who was truly "first in peace, first in war, and first in the hearts of his countrymen"; and whom Lord Brougham justly styles "the model man of all ages." Friday morning Judge L. D. Evans called at my room to see Judge Burnet and myself, and had an agreeable conversation upon public affairs for two hours. Saturday morning Judge Evans called again and went out with me to introduce me to some of the members of Congress. At Willard's Hotel we met with, and he introduced me to, Reverdy Johnson, Senator from Maryland, who,

when told that I was Senator-elect from Texas, observed in a pleasant way very quickly, "well, you haven't got your seat yet?" I requested to have an interview with him for advice and assistance, and he promptly appointed next morning at 10 o'clock at his house,—pointing out to his right, and saying that any one could tell me where it was.

On our way back Judge Evans introduced me to the Hon. L. M. Morrel, Senator from Maine (Radical), observing that we were from the two extreme States. He invited me to call at the "National" to see him. While going around we called into a law office to see Mr. Waterson, an attorney, formerly member of Congress from Tennessee, and was there introduced to several persons, and amongst the rest to Mr. Emerson Ethridge, of Tennessee, who, I then heard talk generally, graphically, peculiarly, and particularly against negro suffrage and negro equality.

He had left Tennessee as a Union man, had been elected to some office by Congress, clerk of the House, I believe, and having gone back to Tennessee and become a candidate for Congress, was for some cause arrested and put in jail by Governor Brownlow, where he was kept until his opponent was elected. Indeed, he has much to talk about, and among the rest that he will be a candidate for Governor of Tennessee.

In the evening I visited Senator Parsons, and he came with me to my room to see Judge Burnet, and spent an hour with us. We three are the only members-elect from the excluded Southern States that have arrived in the city that I have heard of up to Saturday night the 1st day of December, 1866. By previous arrangement made by Judge Burnet and myself we send to many of the newspapers of Texas, commencing December 1st, eighteen copies of the Daily National Intelligencer, and nine copies of the Daily Chronicle, so that through them our constituents may be informed of passing events on both sides in Congress and at the capitol.

I do not regret having gotten here a week in advance of the meeting of Congress, for I have been busily employed in getting settled in my room and in arranging everything so as to be ready for business when it shall commence. I should not omit to mention as one of the events of Saturday that when I went to Senator Parson's room he introduced me to General Humphrey Marshall,

of Kentucky, who is a large, corpulent man, who, among other things, said that it was fortunate for Jeff Davis that he had been incarcerated, that it had shielded the weakness of his administration from criticism and exposure, prefacing this by the remark that we all (meaning the three present) were Southern men. Further, he said that he had been "seduced" into the Southern struggle by John Breckenridge and Jeff Davis at Richmond in September, 1861, where he had gone (with Breckenridge) to get guns from Fletcher (Governor of Virginia) to defend Kentucky (in her position of neutrality, as I suppose). He said that it was right that Davis should stand forth as the frontispiece of the affair, being the head of it as he was, etc., etc. Upon leaving he invited us to call on him at his rooms.

On Sunday, December 2d, I wrote home and visited Judge L. D. Evans.

On Monday, December 3d, Judge David G. Burnet and I, by previous appointment, called upon Mr. Reverdy Johnson, Senator from Maryland, at 10 o'clock a. m., and gave him our certificates of election as Senators-elect from Texas. He very kindly undertook to present them to the Senate. About 12 o'clock I went up to the capitol, and while in the gallery of the Senate chamber saw Mr. Revedry Johnson present our credentials. He announced very distinctly what they were and each of our names, with the terms of service for which we had each, respectively, been elected (reading it from each paper as he separately presented it). They were carried to the secretary's desk and there delivered, and nothing further was done with them.

After some time, during which the Senate seemed to be waiting for something, the private secretary of the President (who is his son, a young man who favors his father very much), announced the President's message in writing. It was delivered to the secretary of the Senate, who read it from his desk, and it was listened to with great attention by most of the Senators.

It simply set forth and maintained the plan of restoration that he had inaugurated and carried out, and insisted that it was complete, except as to what devolved on Congress in the admission of loyal representatives. He goes one step further than he has heretofore gone and admits that Congress has a right to reject a member whom they do not deem loyal,—thereby in effect sanctioning

the test oath. Or most certainly he concedes that want of allegiance to the government of a member-elect is ground of rejection, and Congress can inquire into that subject, upon the presentation of his credentials, and reject him, and thereby his constituents "are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation." If by this it is meant that Congress can exclude a member for acts of aid to or sympathy for the South during the late Civil War, all of which must have transpired before his election, then the whole question at issue of State rights might as well be given up—for that power alone is sufficient to centralize the government and perpetuate power in the hands of the minority that are in office. Although the President had often used the term *loyal* in this connection, I had supposed that he meant by that term to designate those who had returned to their allegiance by taking and observing the amnesty oath which he had himself prescribed as the test of loyalty.

After hearing the President's message Judge Evans and I, being together, walked down to the passage near the Senate chamber, where he introduced me to Senator Doolittle, of Wisconsin. Thence we went down to the east front of the capitol to witness the "welcome" given by the loyal citizens to the reconvening of Congress. Such a sight!! The two houses of Congress on the steps, reaching half way down, with the President of the Senate and Speaker of the Representatives at their head, confronted by a Judge Carter, delivering his address of "welcome," backed by thousands upon thousands of negroes, men, women and children, with white people intermixed at the ratio of about one to nine, covering the steps and front yard and every place near the capitol from which anything transpiring could be seen,—numerous flags waving, borne aloft by blacks and whites, ensigns of the various societies and companies enlisted in radical republicanism, with a brass band playing "Yankee Doodle" and other airs suited to Northern tastes.

Judge Carter's address was but indistinctly heard, except that Congress had been sustained by the votes of the people in the recent elections.

Mr. Colfax, Speaker of the House, read in a plainly audible voice the reply on the part of the House of Representatives, and

amongst other things said that the voice of the people in the recent Northern elections have settled four things definitely.

First. The work of reconstruction must be in the hands of those who have been the friends and not the enemies of the nation.

Second. The freedom of the negro maintained and secured against the possibility of abuse.

Third. No representation shall be allowed for those of any color who are not allowed to vote.

Fourth. The national debt shall be held sacred, and Confederate debt void.

He closed his speech with the quotation:

“No black laws in our borders,
No pirates on our strand;
No traitors in our Congress,
No slave upon our land.”¹

Very frequently during the delivery or rather reading of the speech those on the steps, at proper pauses for the purpose, manifested great applause by cheers and waving of hats, which was caught up and re-echoed lustily by the negroes in the yard, which at the close was quite a long time protracted. Upon which a negro woman near me in her innocence declared that “that would do to get happy over.”

Mr. Wilson, Senator from Massachusetts, was called for, but did not respond.

Mr. Yates, Senator from Illinois, made an animated speech, which largely increased the wild enthusiasm that moved the vast multitude.

Mr. Kelly, of Pennsylvania, then said a few words to the effect that an enabling act should be passed by Congress for reorganizing the rebellious States, in which all the people should be allowed to vote, etc.

While all this was transpiring, my mind contemplating the scene before me,—the motley mass heaving with fanatical excitement, my eyes rested upon a statue at the head of the steps on the right side (coming out). It represented a powerful man in an exultant

¹The reader will, of course, recognize the adaptation from Whittier's “Massachusetts to Virginia.”—ED. QUARTERLY.

attitude, with his right arm elevated and extended, holding in his right hand a globe representing the earth, and a female figure near by was looking up at him in the posture of shrinking from affright.

I said to Judge Evans, "I do not know what that statue is designed to represent, but I will interpret it under the inspiration of passing events—that is—*when America holds the world in its grasp, liberty will shrink in alarm from the sight.*" Which embraces the idea that where the United States, confident of its great power, and arrogant and domineering in spreading its principles and influence, assumes to grasp and control the great moral and political world, the liberty of the people will shrink in dismay from neglect, disregard and abuse.

On Tuesday, the 4th day of December, Judge Burnet and I went to the ante-chamber of the Senate, sent in our card to Mr. Reverdy Johnson, who came and invited us to a seat in the lobby of the Senate chamber, where we remained for about half an hour, when the Senate adjourned.

I spoke to Senator Doolittle, of Wisconsin, and introduced Judge Burnet to him, and made an appointment to see him the next day.

On Wednesday I went to the capitol and saw Senator Doolittle.

On Thursday I met with and was introduced to ex-Governor Sharkey, Senator-elect from Mississippi, and Judge Burnet and I visited the President and laid before him papers received from Governor Throckmorton relating to outrages committed by the officers and soldiers of the United States Army, and by his directions submitted them also to Mr. Stanton, Secretary of War. By the President's permission we retained them, and I prepared a letter signed by Judge Burnet and myself addressed to the President, containing a synopsis of the cases, and requesting a decision of the question, whether or not the military authorities should be allowed any longer to assert and exercise their supremacy over the civil authorities of Texas.

On the next day, Friday, December 7, 1866, it being Cabinet day, I sent in the papers with our letter to the President by his permission given the day before. He had then told us that the subject of preventing a conflict between the military and civil authorities was under consideration by the Cabinet.

On the evening of Friday at 7 o'clock Judge Burnet, Mr. B. H. Epperson (he having arrived here the day before) and myself

called upon Mr. Wm. H. Seward, Secretary of State, at his own residence, opposite Lafayette Square, that course having a few days before been suggested to me by his son as the best mode of having some conversation with him, when he would not be pressed with business.

Mr. Epperson and I both intimated that we would like to hear his views. He talked for an hour with a great deal of apparent freedom.

He said that he had never allowed himself to get in a passion or to be without hope for the country, either before the war or during the war, or since the end of the war. That we had got mad and fought, and others had got mad and fought with us, and after the fighting was over others had got mad and wanted to punish us. And now they must go on until they got in a good humor. What they would be able to do or would do he could not say. They now refuse to let you into Congress because they believe you are disloyal. No explanation you can make will satisfy them. I told the people at St. Louis that the South was now more loyal to the government than those of the North. If they will not believe me, who have always been with them, how can they believe you, that have been against them. They don't want to believe it, and won't believe it, while their temper lasts. But that can't last always; and if you do not irritate it, it will subside the sooner. You will have to bear whatever comes and be patient. If they won't let you come into Congress, stay out. Come here; I will recognize you, and sooner or later they will recognize you on some terms or other. You will get your pay whether you stay in or out. Send in your credentials and let them see that you are here. Talk with them, but exhibit no great anxiety about it. I want you to be anxious, he said, for that is evidence of loyalty, but they would not so construe it now.

This, in substance, and much more in the same strain, is what he said. When we left he invited us very cordially to call at the office and see him.

We had called the day before on the Attorney General, Stanbery, who conversed freely and courteously with us on business. His manner is a happy admixture of familiarity and dignity, making him the most approachable and winning man I have met with among the public functionaries at the capitol.

Thursday night, December 21, 1866.

Up to this time I have visited the Commissioner of Indian Affairs, Br. Boge, Mr. Taylor, Comptroller of the Treasury, the Attorney General, and the President, all on business for the State.

The President, Judge Burnet and I visited today to present the memorial of the Legislature of Texas at its late session at Austin, asking for the release of President Davis.

I took occasion at the same time to urge upon him to have something done to protect our frontier against the depredations of the Indians.

Tonight I went to Willard's Hotel and called on Judge Sharkey, where I met with Governor Parsons, of Alabama. I developed to them what I had been finding out as to the doings of the "Southern Loyalists" here,—their resolves and memorials, urging on Congress negro suffrage and the exclusion of the "rebels" in the South,—and submitted to them whether or not we should make any answer. It was concluded that there were not enough of us here to do anything of the kind. Governor Parsons was inclined to make some effort to get a full attendance at Washington of the Southern members about the 20th of January, 1867. This was at a consultation of Southern members, Judge Sharkey, Governor Marvin, Governor Parsons, Judge Burnet, Mr. B. H. Epperson, Mr. Fowler (from Alabama) and myself being present. Judge Sharkey thought they would not come if called upon, that the effort had been made last year and had failed.

Judge Burnet and I having previously discussed the matter, he mentioned to them the propriety of those present presenting an address on behalf of our States and the South generally, but his suggestion met with little favor, and was not pressed. Governor Parsons was evidently desirous that we should get up some sort of measure that the Southern States would adopt in addition to the President's plan of reconstruction that would satisfy and draw off enough of the Radicals to make the President's plan succeed in the main at least. Judge Sharkey thought that it was too late and that nothing could be effected by the effort,—to use his own emphatic expression, "the government has gone to hell." He had in October previously written a letter to the Governor of Mississippi advocating the position that Congress was an unconstitutional body and should be repudiated as such while the Southern

representatives were excluded. Reverdy Johnson had made a speech to the same effect. It was strongly anticipated that these views of his (the President's) known friends promulgated at and near Washington City indicated in advance the course to be adopted by the President at the opening of the second session of the Thirty-ninth Congress in December, 1866. But the Radicals had anticipated this, and immediately after the first intimation of this doctrine (in his speech to the committee of the Conservative Philadelphia Convention that waited on him with the address and resolutions, headed by Reverdy Johnson, Senator from Maryland), they commenced organizing "The Grand Army of the Republic" pledged to the support of Congress, and by the time of the meeting of Congress in December, 1866, it had, as I learned from both parties at Washington, been fully organized with officers numbering, rank and file, 1,200,000, as alleged by the Radicals, and half a million as admitted by the Conservatives. This organization extended all over the North, into the regular army, into Washington City and even into the department employes of the capitol. This Grand Army of the Republic simply by its known existence settled the question of the repudiation of Congress by the President. They were in condition to turn him out of doors, instead of being turned out of doors by him, as the British Parliament was turned out by Cromwell.

A week or two after getting to Washington I met with Governor A. J. Hamilton and we had a two hours' conversation in the ante-room of the Senate at the capitol, much of which was not very agreeable, though nothing disrespectful occurred on either side. He, at my request, was telling me his designs and those of his Southern coadjutors in reference to the south, the substance of which was that the Southern States in some shape or other *should* and would be placed in the hands and under the control of loyal Southern men, without respect to color. In this conversation I derived the impression that this Grand Army was relied on to neutralize the President and his friends at the capitol, or at least to render them powerless. I will only say in reference to this interview further that he seemed to entertain a most bitter personal and political hostility towards President Johnson; so much so that I remarked that he seemed to dislike President Johnson more than President Davis, whereupon he said with great em-

phasis: "I do,—I think he is the worse man of the two,—you can rely on what Davis says," and much more of the like. A Mr. Lorenzo Sherwood, now of New York, formerly of Texas, and yet claiming to be a Texan, often came to my room to develop and talk with me about his "Creap freight, anti-monopoly, double-track railroad scheme." In his conversations on this subject he often ran into politics, which, indeed, was connected with and part of his railroad schemes. From him I learned that this "Grand Army of the Republic" was fully organized and (as he estimated it) numbered 1,200,000.

Governor Parsons, with whom I conversed on the subject, and who had spent most of his time in Washington since the preceding February, thought Sherwood's estimate excessive, but had no doubt himself that there was a complete organization of one-half a million of men, ready to take arms in support of the behests of Congress.

I sought to find out, but could not ascertain, that the President and his party had any counter-organization to support him in his efforts to sustain his view of the Constitution. From all that I could see and hear I was pretty well satisfied that there was none, but that the President relied solely upon a reaction of sentiment amongst the people of the North for his support.

For two or three weeks after my arrival in Washington I was engaged almost continually in visiting the different departments of the government on business sent to us by the Governor for the State or for individual citizens of Texas, so that I had little other opportunity than this afforded to make acquaintances in the city. In this I was generally accompanied by Judge Burnet or Mr. B. H. Epperson,—and sometimes by L. D. Evans, who exhibited the greatest kindness to us personally and a constant solicitude for the interests of our State and its people.

Knowing the people at home were anxious to hear something direct from us, I wrote a letter, of which the following is a copy, to be published in the Tyler Reporter and Galveston News:

"Washington, D. C., December 14th, 1866.

Captain Jas. Douglas.

Dear Sir: I am now for the first time since my arrival here satisfied to write to you something definite. Our Senators and

Representatives from Texas will not be admitted to seats during this session of Congress. A strong effort will be made to reorganize our State government upon a basis, having in view two main objects, to wit, negro suffrage, qualified or general, and the disfranchisement, temporarily or permanently, of those who participated in the late Civil War on the side of the South. The exact shape of this measure I can not yet give, but it will appear in a few days, and will be strongly pressed by the radical Republicans and strongly opposed by all those sustaining the administration. There is some hope, as the difficulties in the way are so great, and the dangers of the experiment so appalling that it may not be carried through over the veto of the President.

From the debates in Congress and from all that I can learn otherwise I am satisfied that there is now no intention to adopt or attempt to carry out and confiscation scheme, unsettling the property of the country.

Under these trying circumstances our people are called upon to exercise their highest virtues,—to sustain law and order, and by constant perseverance in maintaining the right, to show themselves worthy of a better destiny than that which is sought to be prepared for them,—to be hopeful, and to go right on with their industrial pursuits in all the departments of life. The farming interest, being now reasonably secure, should be vigorously prosecuted, not only in the production of the staple articles for market, but also in making provisions, in anticipation of a large immigration to Texas next fall. Respectfully,

Your Obedient Servant,

O. M. Roberts.”

This letter was written, sent and published in the Texas papers for the purpose of encouraging the people to increase their efforts, in the ensuing year in developing the crippled resources of the country, and in amending their own fortunes while still they could, as well as to give them the most certain conclusions to which I could at that time arrive as to the true condition of political affairs.

I met several times with ex-Governor Pease of Texas, who had been in the North ever since his defeat for Governor in August, 1866. He conversed with me very agreeably. It was soon dis-

coverable that he had enlarged his views very much by his visit to the North, at least in the expressions of them. For I found him fully as radical in sentiment as Hamilton. Judge James H. Bell was also in the city, but I did not meet him.

The "Southern Loyalists" from all the Southern States were in full organization, with Mr. Durant, of Louisiana, as chairman or president of the association, having their regular meetings upon reconstruction and keeping constant communication with, and furnishing facts (and pretended facts) and views to their friends in both houses of Congress. They were representing that the President's plan had reinstated secessionists in all the Southern States and that a rebellious spirit was still rife in the whole country, and demanding that the Southern States should be put under the control of loyal citizens without respect to color, and for that purpose as a necessity as well as in gratification of their ill-feelings, they demanded that the rebels should be disfranchised and disqualified from holding office. This outside machinery, under the management of the extreme radicals of Congress, was having a powerful influence in both houses, as well as in preparing the country for any extreme measures that might be adopted.

Appreciating this, I called alone on Mr. Doolittle, Senator from Wisconsin, at his room and had an interview of about an hour's length. I called on him because he had been the president of the Conservative Convention at Philadelphia in August, 1866. I told him that I had called upon him for the special purpose of submitting to him as a representative man a proposition, which was, should my reasons for it be satisfactory to his judgment, that he should get together in his room or at such place as he might designate, any number, say ten or twelve of the conservative friends, in order to furnish the members from the South, a few of whom were in the city, an opportunity of consulting with them, and of enabling us to communicate facts of importance to them and to the country.

I said to him that we wanted to shape our course so as to aid those who are seeking to preserve constitutional government, that it might be also true that we could inform them of a number of facts and present to them general views particularly as to the condition of things in our respective States that would much better enable them to defend the Southern people from the as-

persions and misrepresentations to which we had been subject from the radicals in Congress; that I thought I could readily get the co-operation of the Southern members present in the city in this matter, and that if this proposition should meet his approbation so that [he] might choose to act upon it he could let me know, otherwise I should drop the subject. He talked at length upon the designs, plans, and acts of the radicals, freely and familiarly enough, and particularly advised that we should directly contradict, over [our] own signatures every false report circulated by Congressmen in their speeches, and when I, before leaving, brought my proposition to his attention again, he said that he would consult some of the friends about it. I left well-nigh satisfied that I should never hear from my proposition again, in which I was not disappointed. I met him several times afterwards and he stopped merely long enough to speak to me.

About the third time I called on the President with business, I remarked to him that I would be pleased for us to have an interview with him when he was more at leisure than in the regular business hours, that we might have a more full conversation in relation to the state of affairs, and especially relating to matters to Texas. He said in a very reserved businesslike style, as I thought, that he had no more leisure at one time than another, that we could call here at any time and see him. That ended that conversation, and as I supposed, would end my visits to the White House except when made strictly on business of an urgent character. What prevented it from being the last visit will afterwards appear.

Under all these discouraging circumstances as the Christmas holidays approached (Mr. Epperson having gone to New York and Governor Parsons to Alabama) Judge Burnet and I concluded that we could do no good by staying longer at Washington. He went to Newark, in New Jersey, to spend some time with his relations there and I commenced packing up, buying some books and generally making my arrangements to leave for home. The nearer I got ready the less I felt like going unless something more was done. I could not but feel that my mission was incomplete; that the great State of Texas—a far-off country—would expect of me and her other representatives to make her, her people, and their sentiments to be publicly known to Congress and to the whole

country. This idea possessed me until, though then there alone, I determined to write and publish an address. I mentioned it to Judge Evans and to Mr. Waskom, of Texas (president of the Southern Pacific Railroad), and they both encouraged the idea. The members-elect from the other Southern States had published no address, either individually or collectively.

In less than three days and nights I had it ready, and read it to Judge Sharkey. He was delighted with it, and said that Texas having been a republic before her admission such an address came appropriately from her excluded members of Congress, and asked me not to write it over lest I should weaken its force. That very night I started to New York, getting there next morning,—found Mr. Epperson and read it to him, who approved it.

I stopped at the National Hotel and remained there five or six days, Mr. Epperson having left the next day after I arrived there to go back to Washington for some papers which he had left relating to his Memphis & El Paso Railroad, of which he was president, and the sale of which he was then completing to Fremont and others in the North. While there I rearranged and rewrote the address, and as I will not stop here to note what interested me in New York (which I may as well do hereafter) I went to Newark and soon found Judge Burnet at his grandnephew's, a Mr. ———, editor of a newspaper. The old man was housed up snugly in that land of snow and ice, and had been out of the house but two or three times since he had gotten there. He was very glad, though a little surprised, to see me come there. I read him the address, and he cheerfully joined with me in signing it, and was evidently pleased that I had written it, and especially that I had called on him to sign it with Mr. Epperson and me. Having spent a most agreeable evening with the Judge and his relatives I went to the hotel, and next morning took the cars for Washington and arrived there the same evening, which was the last day of December, A. D. 1866. The next day Mr. Epperson and I called on George W. Chilton and A. M. Branch, Representatives-elect from Texas, who had arrived and were stopping at Willard's Hotel. During the night of my arrival I had read the address as rewritten to Mr. Epperson, and he suggested that "writing was my forte," and was pleased with it, but preferred to leave out the concluding part, which spoke pointedly upon the

government being centralized, etc. I told him to write a conclusion to the address, which he did, and I adopted it.

Messrs. Chilton and Branch, coming to my room, read and approved the address (preferring my conclusion to that of Mr. Epperson's), whereupon it was signed by all of us and carried to the *National Intelligencer* to be published. [The address appeared in the issue of that paper for January 10, 1867.]

ADDRESS OF THE TEXAS DELEGATION.

To the Congress and People of the United States:

We, having been chosen to represent the State of Texas in the Congress of the United States, and not having been admitted to seats, take this mode of presenting the following facts and views relating to her history, present condition, and Federal relations:

Anterior to the revolution of thirty-five and six, Texas was a part of the State of Coahuila and Texas, in the Republic of Mexico. By the intelligence and valor of its citizens, prompted by an ardent love of freedom, it established a separate nationality, which was recognized by the United States and by the leading nations of Europe, and which it maintained against the power of Mexico and the ravages of savage tribes for ten years, exercising the powers, externally and internally of a perfect sovereignty, being a nation among nations. Resting on the Gulf of Mexico for its outlet to the commerce and intercourse of the world, spreading out over vast and fertile territory, yielding rich harvests of all the varied and valuable productions of the temperate zone, she was an empire within herself, self-sustaining, and capable of the highest material and intellectual development, with all her interests and institutions combined and harmonized under a representative republic.

By annexation, in 1845-6, she surrendered her separate nationality to become a State in the United States of America. It was done by the almost unanimous voice of her people, without compulsion from any quarter, without any necessity, impending or prospective, the alternative being then presented to her of "annexation to the United States" or "independence, acknowledged by Mexico and guaranteed by Great Britain and France." In that act was presented an unselfishness, a devotion to American unity, which challenges comparison with the memorable example of Virginia and other Southern colonies in the Revolution of '76.

Her entrance into the Federal Union, while it caused a great influx of population, and hastened prosperous development, entailed upon her the political agitations common to her sister States. Her remoteness from the center of political power sub-

jected her to many disadvantages, among the most prominent of which was the want of adequate protection against the continuous depredations of savage tribes of Indians on her frontier, by whom thousands of her people—men, women and children—have been murdered and taken into captivity, and vast amounts of their property stolen from time to time. These shocking barbarities are now being perpetrated, and within the last eighteen months have caused the frontier to recede from thirty to fifty miles along the whole border.

This has often made it necessary for the State to place a military force of its own on its frontier at great expense, for which it has never yet been entirely reimbursed.

In 1861 Texas, in convention, passed the ordinance of secession, and participated with other sister States in the foundation of the Southern Confederacy. It was regarded as certain that six or seven of the Southern States would secede. Texas had either to follow or stand still. To stand still was to be rent in twain by civil war at home. The State was sectionally divided upon the question, and nothing but a vote of the people, promptly taken, and the acquiescence of the minority, could then save her from the horrors of a civil war, and make her people a unit on one side or the other. Having thus made her decision, the mass of the people sustained the cause of the South during the whole time of the war. Whatever wrongs and outrages may have occurred, as among themselves, the unity, thus produced, saved the State from a hundredfold more that would have occurred without it. Probably, too, it saved the country from the desolation of fire and sword, that swept over other States. It also left it possible, at the close, to harmonize society, and adapt it to the changed condition of public affairs, without the distraction of irreconcilable feuds engendered between neighbors and families during the struggle.

The causes which led to this great Civil War between the two sections had taken deep root long before Texas entered the Union. One class of thinkers believe that they saw in the language and spirit of the Constitution of the United States a plain indication of intention on the part of its framers that the government should be shaped to the discouragement rather than encouragement and extension of the institution of slavery, while another class believed it was intended to protect and permit the spread of that institution. One class of thinkers believed that in the adoption of the Constitution of the United States the people of each State, previously distinct, became merged and amassed into one people, for certain purposes embraced within the scope and objects of that Constitution, and to that extent lost a portion of their State sovereignty; whereas, another class thought that the people of each State retained their exclusive identity as a sovereign State, and

could, therefore, withdraw the powers delegated to the general government by the State. For it was hardly ever questioned but that a sovereign power, the people, could "reform, alter, or abolish" their form of government; but the question was, who, for that purpose, in reference to the general government, constituted *the people*? The Constitution, as it was thought, did not, in express terms, settle either of these questions of slavery and secession. Construction, analogy, and facts of history were resorted to for their solution. The greatest intellects of the country, for more than fifty years, had exhausted the arguments on both sides, and had continually diverged the more the longer they debated them. These different constructions necessarily led to radically different results in the scope and action of the government, and in the modelling of society under it. One was adapted to the progressive ideas of the North; the other to the stationary views of the South. The weaker party sought to escape the consequences of the construction of the stronger by withdrawing from the Union—not to prevent the Northern States from retaining the government over themselves with their own construction, but to insure its preservation as to the Southern States as they understood it.

This statement of these questions that have been settled is here made for the purpose, and for the purpose only, of disrobing them of numerous irritating adjuncts and incidents of passion and prejudice; of inviting a liberal and charitable consideration for the motives of the mass of those in Texas who participated in secession, and to facilitate a more ready comprehension of the reasons why the minority, who did not want to secede, so promptly acquiesced in the decision of the majority, by which the unity of the people was secured and preserved.

The war was brought on by these questions and their surroundings. The South was overwhelmed by superior force. Measures of conciliation, pacification, and readjustment were set on foot by the President, which were responded to and acted upon by the people of Texas by taking the amnesty oath, by amending their Constitution which was in force previous to 1861, acknowledging the supremacy of the Constitution and laws of the United States, declaring the ordinance of secession to be null and void, and renouncing the claim of the right of a State to secede, declaring the slaves to have been freed, and preventing involuntary servitude, except for crime, within the limits of the State, ordaining the full protection of the equal civil rights and immunities of all persons, irrespective of color, and forbidding the Legislature forever thereafter from making any provision for the payment of any debts of the State or of the Confederate States, contracted during the war. Under this amended Constitution the officers of the State have been elected, supplanting those of the provisional government, and are in the performance of their duties, the organization of the State

government being as complete as it ever was before the war, in full harmony with the Constitution and laws of the United States, and commanding the respect, confidence, and obedience of the great body of the people. The laws of the United States are being executed within its limits without hindrance or resistance from the people or State authorities. The Federal army is on our frontier for protection; the Federal judiciary are performing their functions; the United States mails are being carried all over the State; the navy is protecting our commerce; the officers of customs and internal revenue are doing their duty; and the people are paying duties and taxes as in other States. What more could be said of the States of New York and Ohio, except that they have their Senators and Representatives in Congress to speak for and represent the rights, interests, and necessities of their States, and to defend their people from unjust aspersions and misrepresentations, when necessary?

Texas was annexed or admitted into the Union by an act of Congress which has never been repealed, and she is now performing the duties and resting under the obligations of a State in the Union, except that one of the departments of the government—the Congress—has not admitted its Senators and Representatives-elect to seats within their respective bodies. They are left to learn the reasons of their non-admission from the debates and measures proposed in Congress, and from public discussions upon the subject, rather than from any specific legislative action.

The adoption by a State of the amendment to the Constitution proposed at the last session was not expressly declared to be sufficient to entitle it to representation, and that it was ever so intended is now denied by leading members of great ability and influence. Texas is charged with disloyalty in not adopting it, while it is claimed that she is not in a situation to have done so, being out of the Union. Texas did not adopt it, because she believed its provisions prejudicial to her best interests and dangerous to the public good. But then she had no reliable and sufficient inducement to aid in engrafting principles upon the government which she did not approve, and to make a sweeping disqualification of so many of her useful citizens as to make it almost amount to self-imposed degradation. She may yield to such a fate if imposed by others, or possibly under some species of duress, and it is to be hoped that her people will do it, if they must, with that uncomplaining fortitude and unshrinking manhood that have characterized them in every emergency. But is it not, indeed, asking too much of such a people to do it themselves?

It is alleged to the prejudice of Texas that she has elected Senators and Representatives who can not take the test oath. It is taken as an evidence that her people are seeking to reward those who were formerly prominent in opposing the government. That,

it is believed, is a misconception of the subject, for with the very slight prospect of getting seats, it could not have been regarded a very valuable reward. In time of great trial, dread and gloom in the political horizon, the people are not likely to select men as mere objects of reward, but far more likely because they are for the time representatives in fact. The test oath, at most, was regarded as a war measure, and was supposed to be founded on the feeling (rather than the principle) that "the preservation of the life of the nation is a public duty, rising above the Constitution and laws of the United States." Such a proposition is not to be reasoned upon, not being susceptible of argumentation. The feeling which prompted it has been kept alive far beyond any conceivable occasion for its exercise. If, however, it is assumed to be founded on any part of the written Constitution, it is presumed to be on that clause which makes each house the judge of the "qualifications" of its own members. If the term here quoted can be construed to mean anything other than those prescribed for members in the Constitution, then the judgment, as to general fitness, of the majority of each house of Congress becomes the standard of qualification, which could be used to perpetuate their principles after a majority of their electors should become opposed to them, and thereby make the agent superior to the principal, which is destructive of representative republican government. It is thought, however, that it was commonly believed that if the State was allowed to be represented at all, the two houses would not retain this rule of exclusion.

It is said that the people of Texas are disloyal and rebellious in disposition still. If that were all it would hardly in other times be held a good ground for excluding its representatives; for that would establish the precedent that a majority in Congress could exclude the delegation from a State whose people, in their judgment, were manifesting a rebellious and disloyal spirit—which might often be the case in times of high party rancor and strife. But, admitting that under the present pressure of disfavor we have to be judged by that rule, we beg it to be considered, that Texas has no voice of her own in Congress to explain or contradict statements made about the conduct and temper of her people. Further, it must occur to any reflective mind how readily the general tone of sentiment in the States of Massachusetts and Illinois, as well as in Texas, might be wholly misunderstood, by considering only the representations of bad actions and idle expressions here and there, scattered over a large country, and perhaps reported ex parte, with the exaggerations and coloring of prejudiced informers. Where do members of Congress get their information? Not from the messages of the President; not from the reports of the general of the army; not from any published reports of the officers of the judiciary or revenue in Texas; not from our patriotic and vigi-

lant Governor, or other State officers. It is but fair dealing to recollect that there may be disappointed men and violent partisans, and even good men, as well as those not falling under that class, who are continually seeing things around them in a distorted light. Besides, it is not to be disguised that there is a class of men in and out of Texas, small though they may be, who seem to be endeavoring to bring her people in as bad odor as possible before the public mind. In grave questions, involving the future welfare and destiny of a great State, ordinary prudence would dictate a careful examination into the facts upon which national action is to be based. We respectfully solicit the most searching and extensive inquiry as to the real facts on this subject.

As part of the representatives chosen by the State, we assert, is as our sincere belief that the great body of the people of Texas are loyal to the government of the United States, and have now the most intense desire to obliterate all cause of animosity between the sections, and to enter upon a social and material development that shall redound to the power and stability of the whole Union. What motive have they otherwise? During the late struggle they looked to foreign powers for help. It came not. Disgust and bitter estrangement followed disappointed hopes.

An asylum was searched for by many in Mexico, Brazil, and other countries. There they found and reported the evils in reality they were seeking to escape from in anticipation at home. They are looking to no other land as their abode and that of their children. They are entirely satisfied with the experiment of division, and are resigned to their losses and sacrifices. They aspire to arise from the new standpoint, and to be part and parcel in the great progress of their race on this continent. Texas will stand by the flag of the United States against any nation on earth, and the descendants of the heroes of San Jacinto will contest the palm on any field where the country's foe may be met with the descendants of the heroes of Bunker Hill.

It is said that Northern men, "Southern Loyalists," and negroes are badly treated in Texas, and that the laws are so administered as to furnish them no adequate protection. This, ordinarily, would hardly be considered good ground for the non-admission of members of Congress, being purely a matter of local State jurisdiction. But so far from this assertion being true, we are prepared, from personal experience and recent observation, to assert that there are thousands of Northern men and "Southern Loyalists" now in Texas, who are no more the objects of insult and injury than any one else; and for any offenses committed against them they would, as it is believed, find in the courts an impartial redress of them. The judiciary, from the Supreme Bench down, so far as known to us, are men of high character for intelligence, integrity, independence, and impartiality, and would scorn to shrink from the

discharge of a duty from considerations of party or political opinion as readily as they would in any other State or country.

As to the negroes, it is not to be expected that the prejudices against an inferior class should be banished in a day or a year. Still, in the main, they are treated humanely and justly by the whites; and when such has not been the case, they have appealed, and are now constantly appealing, to our own courts for redress, and not in vain. If society is allowed to adjust itself, as it certainly is doing, and will do, a public opinion will be formed for the full protection of the negro in every respect. When reports of personal injuries, either to whites or blacks, are heard, it should be borne in mind that in the Southwest the people are more prone to personal rencounters than in the North; that the country is sparsely settled over a vast extent, and that from these and other such causes the laws punishing offenses of personal violence have never been as rigidly and certainly executed as in the older States. This is not peculiar to Texas. Nor is there any reason to believe that the laws are not as well executed there as they were before the war, or that there are any more crimes of that character now being committed than were usual before the war. The people of Texas, pursuing their ordinary peaceful avocations, would doubtless be amazed at the exaggerated impressions produced in the North of their alleged enormities against the weaker portions of their own community. It is the part of cowardice, and not of bravery, to concert or encourage a systematic oppression of the weak. How can such a thing be believed of such a people—a people whose courage has added lustre to the name of Texas in every field where its flag has floated, from the time of its birth as a nation to the present?

Isolated instances of wrong from impulse and passion will occur, and bad men will here and there continue to do wrong, no doubt. These are the exceptions, not the rule.

During several months after the close of the war a few negroes were killed in different parts of the State, and other wrongs were committed by bad men. But to those who understand the facts it is a matter of surprise that there were not ten times as many crimes committed as there were. Upon the surrender of the forces east of the Mississippi River, those west of it regarding a further effort to maintain a separate independence futile, with one accord broke up their camps and departed for their homes, traversing the country in all directions with arms in hand, and without the restraint of commanders. Several months afterwards a nearly similar scene occurred by the soldiers going to places appointed to be paroled. In the meantime the negroes were declared to be free by military order, many of whom left their homes and wandered about over the country. There were only a few military posts established, hundreds of miles apart. For three months there was

no civil officer who knew that his interference to preserve order would be tolerated by the Federal authorities. During this whole period of confusion and disorganization there was a moral restraint pervading the masses which so reduced the amount of crime below what might have been expected as to present the civilization of our people in a light of elevated grandeur never before contemplated of it. The truth is now that all classes of persons have gone to work in some avocation, with a spirit and energy redoubled by their losses, to improve their fortunes, and develop the resources of the country, directing their attention more than ever before to factories, railroads, and whatever else will tend to advance their industrial and social interests. In the race of competition in these pursuits, previous differences will be forgotten, passions and prejudices will subside, all classes will find their proper level, and general protection of each and all will be commensurate with the common interest.

It is now proposed, as the means of protecting "Southern Loyalists," Northern men, and negroes, and of reforming State governments generally in the South, to set aside the State governments now existing, and, either directly or through Territorial governments, to erect new State governments, based upon the suffrage of the Southern Loyalists and negroes, and upon the disfranchisement and disqualification from office of all those who adhered to and aided in the rebellion, excepting those only who may be relieved from such disability by Congress. This plan is understood to be proposed by some of the Southern Loyalists themselves, and advocated by prominent members of Congress.

It presents an entirely new feature of our affairs, that rises above the mere exclusion of our representatives from Congress. It takes for granted that the whole question of war and peace is still open. That depends upon stubborn facts in the past, and no construction can now alter them or warp the legitimate deductions from them. What are they? The government of the United States took measures to prevent the withdrawal of the Southern States, and by the proclamations of the President, and by the resolutions of both houses of Congress, and by diplomatic correspondence with other powers, defined and announced its object in carrying on the war to be for the preservation of the Union, "with all the dignity, equality, and rights of the States unimpaired," and not in "any spirit of oppression, nor for any purpose of conquest or subjugation." Such an object, so declared, raised up hosts to fight the battles of the Union, and stayed the hand of foreign powers. To carry it out Congress afterwards authorized the President to extend an amnesty and pardon.

All of the authoritative acts of the general government during the whole war, it is believed, spoke the same language; and under and by that policy the war was brought to a successful close. It

was on that ground, and that only, that the right was claimed to prosecute the war at all.

It was on that ground that the Confederate government would never be recognized, and, therefore, no treaty was made with it at the surrender.

The manifest intention with which an act is done, in law and reason, forms a part of the act itself, and gives character to it.

Considering the objects of the war as here shown, and as made known to the world, and acted upon throughout, the surrender of the Southern armies, and the subsequent acts of the people and States of the South in response to the proclamations and orders of the President constitute in effect a *pacification upon terms* as binding upon the good faith of the government of the United States, and upon the Southern people, as though they had been stipulated in a treaty.

This proposition rests upon the basis that the President had the power to use the means which he did, and that the people of the Southern States have, in good faith, complied with what was required or expected of them.

The soldiers of the Southern army surrendered under the obligation to repair to their homes and obey the laws of the country. Under a law of Congress, giving the President the power, under such terms and conditions as might meet his approbation, he issued his proclamation tendering to the mass of the people amnesty and pardon, upon their taking an oath in effect surrendering the issues of the war—secession and slavery. Afterwards, through his proclamations, the President instituted provisional governments, for the purpose of enabling the people of the States who had taken the oath to reform their State governments and resume their Federal relations as States of the Union.

Through this instrumentality, and for such purpose, that being the consideration in part inducing them, the people of Texas responded to the call for a convention, and did in convention by delegates assembled make a political surrender of the questions at issue in the war, and their incidents, as previously stated herein, thereby binding not only those who had been bound by the amnesty oath, but every one in the State, with their posterity after them. Is it to be held as nothing that a people who had espoused cherished principles of government, and had attested their sincerity during a struggle in camp and field for four years, should, by affirmative action, surrender them under the solemnity of oaths and constitutions, and thereby deprive themselves of the privilege, in conscience and right, to revive them should an opportunity in future present itself? They did it in good faith, and did it not for the mere love of the thing itself, but upon an obvious consideration—to be enabled thereby to readjust their State government and to restore their Federal relations in the Union.

The President had a right, we believe, to effect a complete pacification upon such terms. Had it been regarded doubtful, we were in no situation to call it in question without great disadvantage to us. It would have been denounced as evidence of an incorrigibly rebellious spirit if we had refused to take the amnesty oath or assemble in convention. But the President had the power, we think, not that he is the government, any more than that Congress or the Federal judiciary is the government. For, while all these departments constitute the government, each one of them represents and binds the government when acting within the scope of its authority—the Congress to prescribe the rules of action, the President to execute them, and the judiciary to construe and enforce them when brought within the scope of its jurisdiction.

It is not to be denied that the war was prosecuted on the theory of the government, that a State had no right to secede, and that the ordinances of secession were utterly void and of no effect. Under no other view could force have been rightfully used to prevent secession. Under this view the President needed no new rule in view of the declared objects of the war. He simply held the Southern States in subjection to his military authority until they voluntarily embraced the amnesty and pardon which Congress had authorized him to tender them, and conformed their State governments to the results of the war, and orderly acquiesced in the extension over the country of Federal authority in every department, military, financial, postal, and judicial. Had the people of the Southern States been obstinate and refused to reorganize their State governments and resume their Federal relations, some legislation might have been necessary. Or had the Congress been in session, it might or might not have prescribed some additional or different rule for consummating the pacification and restoring the Federal relations of the State. But the fact that the President accomplished it without the necessity of any additional law to aid or guide him, makes it equally binding upon all the departments of the government, as though each had participated in it. Texas having in good faith performed everything required of her in the pacification and resumption of Federal relations, awaits the result with patient solicitude. If the war was really not waged in the 'spirit of oppression and for the purpose of conquest and subjugation,' she may well hope that she has done enough to entitle her to the 'dignity, equality, and rights' of a State within the Union.

This new project ignores or disregards all these considerations, and seeks to make the government now, nearly two years after the cessation of hostilities, and after the pacification has been long completed, and the Federal relations all resumed, except representation in Congress, adopt a new policy by treating us as a *subjugated people*, without laws, without government, without

State boundaries, without public property of any kind, without social organization, with our lives and property at the will of the conqueror. It is believed and respectfully submitted that such a thing is impossible, without a perversion of facts as notorious as the war itself; without a breach of faith to the brave soldiers who conquered us to preserve the Union of the States; without a breach of faith to the nations of Europe, who were assured that the object of the war was only to preserve the Union, and who, under such assurances saw us overwhelmed; and should it be regarded as a matter of any importance, without a breach of faith to the Southern people, who surrendered their arms, and the principles at issue in the war, and complied with what was necessary to secure peace and restore their political relations, with a full knowledge of, and in reference to, the avowed and notorious object of the war on the part of the United States. Should the government of the United States change its whole policy on that subject, regarding the war as still progressing, as it must do, and demand, either in express terms or in effect, of the people of Texas, such a surrender—the most abject known to war—‘a capitulation at will,’ Texas may, and doubtless will have to, submit to it. But it should be known and declared to the world to be a new surrender that will cancel, in conscience, all of the obligations assumed in the one she has hitherto made.

Before breaking asunder such ties, and plunging the whole country into such confusion, distrust, and disaffection as, we fear, must ensue, let us most respectfully beg a patient and dispassionate examination of the whole subject in all its bearings and consequences. The Constitution should be again unrolled, and clear and definite ideas fully grasped upon the momentous questions now pending. The proposition presupposes that Texas is dead, politically defunct! Texas was carved out of the domain of Mexico by the swords of the patriots of 1836, who gave it shape and form, and breathed into it the breath of life, and it became an organized body, an independent political society. Annexation did not destroy its corporate existence. It only modified its powers and relations. The late war did not destroy its corporate existence an hour or a day. A temporary suspension of her officers, and a substitution of others by the provisional government, with the same powers and duties as those displaced, and whose acts were afterwards recognized by the convention, could not destroy its corporate existence. Under the strongest theory of the Federal government as expounded by such jurists and statesmen as Story and Webster, it has always been admitted that a State on entering the Union retained a portion of its sovereignty for the regulation of its own local and domestic concerns, upon which its State government is founded. Those powers of the State of Texas, thus reserved, were not in any wise affected by loss or gain during or

at the end of the war, because the controversy was not about them, but about the powers that had been delegated to the United States on annexation, and as to whether they could or should be withdrawn and vested into another confederacy for their exercise. So equally on the doctrine that a State could secede, rightfully or wrongfully, the State government still existed at the close of the war, though a different mode of readjustment of Federal relations might have been necessary. Again, the use of the State government in hostility to the general government does not of itself destroy the State government any more when it fails than when it succeeds. The existence of a government is a matter of fact, and not of legal fiction. Nothing but the *conquest and subjugation*, evidenced in some way as being intended and declared, by the United States, and submitted to by Texas, could annihilate the State. That can hardly be assumed to have been the case. If Texas may now be demolished as a State, the precedent is set, and the principle established, that the general government may, for such acts as a majority in Congress may deem sufficient to have forfeited its political existence, set aside a State government and reduce it to a Territory.

The danger of such a principle to republican freedom is above description; and words will fail to express the dismay, horror, and reckless despair of the people of Texas, if they should have the misfortune to live to see the power of the United States used in pulling down the venerated pillars and in digging up the deeply settled foundations of their State government, endeared to them by its own beauty and merits and enshrined in their hearts by a history and a name of which her sons, whether in freedom or in bondage, will ever be proud.

As to the disfranchisement and disqualification of 'rebels' in Texas in this scheme, it is only necessary to bring to mind the universal truth, that love begets love, kindness begets kindness, generosity begets gratitude: and it can not be pretended as yet that the people of Texas have advanced high enough in the sliding scale of Christian civilization as to be above the murky atmosphere of hate. Too many of us will fail to love those who may despitefully use us. It is the part of wisdom to recognize and act upon the fact that this was no mere insurrection, or petty rebellion of a district, that was contemplated in the Constitution to be punished by prosecutions as therein prescribed. That is found impracticable, because it was a great civil war of sections, embracing whole States, and the stamina, intellectual and physical, of the great body of the people in each of these States.

Why is it that the Irish will not adopt English civilization and pride of country? Because they hate England for its traditional oppression of Ireland. Surely that lesson ought to be known, without learning it by bitter experience in America. The way is

still open to keep us one people, rising out of the life and death struggle with common motives and aspirations for the prosperity and glory of the common country, and not bound together by the galling fetters of cold iron. Christian charity and liberal statesmanship point the way.

We most earnestly desire their exercise towards our people. They are in a tone of mind now to appreciate the necessity of progress, so as to keep pace with the safe advances of the age, in intellectual, social, material, and political development. Their faces are already turned in that direction, with the hope that a powerful and magnanimous government will neither thrust them back with its frowns and blows, nor drive them along with a blinding rapidity.

Texas has now done what she has deemed necessary for the full restoration of the government. She feels that she has vast interests which ought to be represented in the Congress of the United States; and she is still willing to do whatever may appear to her to be her duty. But situated as we are—denied any voice in matters which most vitally affect our constituents—to indicate upon what other terms (if these are deemed insufficient), upon which, in our opinion, the government might be permanently restored, would render us obnoxious to the charge of presumption or dictation, when it is said we ought to exhibit only the spirit of submission. Texas may submit to whatever measures may be adopted, but it does not follow that with this submission there will be good feeling and harmony. If this be desirable, it can not be attained whilst a sense of injustice and oppression rankles in the hearts of her people. If it be that it is required that the right of suffrage shall be conferred upon the emancipated colored population of the State, this can be more safely and effectually accomplished by kind treatment and magnanimity towards her white population than in any other way. To force it now, by Congressional action, against the almost universal sentiment of the whole State, under the penalty of exclusion or the destruction of the existing State government, will cause the hearts of men to rankle with the sense of injustice, and a feeling of bitterness which will pass from generation to generation. And the negro, from being the subject of kindness, as he is now, may be loathed and hated as the cause—the unconscious victim—of a feeling he has had nothing to do with producing.

The restoration of the government upon an enduring basis—and this is what we most heartily desire—ought, as we think, to be upon such terms as the good people of each section can heartily support. Malice and revenge should not find any place in them, otherwise strife and bitterness will be perpetual, sectional hate will be crystallized and become chronic. Can any man of either section wish to see this?

If the restoration were now complete, the test oath repealed, or stored away with the relics of the war, universal amnesty proclaimed, what joy would there be in this land! It would be like the sun bursting suddenly from the clouds after many days of gloom and darkness. Then, indeed, a day of national thanksgiving might well be proclaimed. Then would the whole people, in every part of this broad land, and those now in exile and in foreign climes, who are Americans in heart, go into the temple of the living God, and offer up heartfelt thanks for the restoration of kindly feeling and brotherly love to a united nation of freemen—united not merely in name, but in fact—who have been divided and at war with each other, but are so no longer. Then would a people, united truly and in fact, pour out upon bended knees the overflowing gratitude of pure hearts, unsullied by the remembrance of past bitterness, to the God of their fathers, for the blessed happiness afforded by mutual forgiveness, good feeling, and esteem.

O. M. ROBERTS,

D. G. BURNET,

Senators-elect from Texas.

B. H. EPPERSON,

Representative of the Second Congressional District.

A. M. BRANCH,

Representative Third Congressional District.

GEO. W. CHILTON,

Representative First Congressional District.

Washington, January 1, 1867."

The conclusion written by Mr. Epperson commences with the sentence, "Texas has now done what she has deemed necessary for the full restoration of the government."

The conclusion as I had written it was as follows, after the expression "nor drive them along with a blinding rapidity," towit:

As to negro suffrage, it may, we think, be safely said, that nine-tenths of the white people in Texas are opposed to it,—and that nine-tenths of those who would vote for it have a purpose in it,—either to get power themselves, or favor with those who have power, or to thwart those who could otherwise retain or get power. The people of Texas have some right to claim to know the capacities, disposition, and habits of the negro race; and with that knowledge they do not now believe that they are fit to be made voters, and to be entrusted with the government of the State. Should their future improvement show them to be capable, which is very improbable, or should their relative strength make it expedient, it will be time enough then to allow them suffrage in such way as may be deemed best.

The storm has passed over, but the waves of public opinion are still dashing high, and giving taken of settling in a deep, overwhelming current of dreadful portent. A new principle is being evolved, which is pressing negro suffrage in its broad, sweeping train. Under the clause of the Constitution which says that, 'the United States shall guarantee to every State a republican form of government,' an effort is being made to emperialize the whole country under one head,—one department,—the Congress of the United States,—who shall dictate the basis, now for the Southern States, and ultimately for all of the States, upon which citizenship, suffrage, and qualification for office, State and Federal, shall rest, and who, when other questions of State policy may in future arise prominently, will draw them into the arena of national politics, and by the decree of the central power, at discretion, assimilate all the leading interests and institutions of all the States; and who, to insure this grand ultimate result, will, at any time, when necessary, reform, reorganize, or 'reconstruct' the other departments of the government, the executive and judiciary of the Federal government, as well as the States. It is appalling to contemplate the machinery and process for its accomplishment. It is now simply to fasten the charge of being allied to the treason of the South on all who stand in the way, fight the battles of the country over again on paper, and the ostracism of the doomed from the public confidence and favor is expected to follow.

Should Congress suffer itself to be foisted on this magnificent car of state, it will be necessary to go into perpetual session, or at least to devise agencies in the interim of the same power and effect. The annals of the past are not wanting in examples to illustrate the dangers of the experiment. This, it is submitted, will not be the Union of the Constitution: that establishes a general government with three co-ordinate departments, acting in harmony, and leaving each State forming it to preserve its own individuality, its own favorite organism and peculiar policy, so long as it is in 'republican form.' And what was meant by the expression, 'a republican form of government' is easily arrived at by examining the general structure of the Constitutions of those States that formed the Union.

This centralization of power based upon a reckless extension of suffrage to the negro, were it adopted for its own sake, earnestly, as the best government for the country, must be predicated on the theory that republicanism is the normal condition of mankind, adapted to all races and countries. In that point of view it is an invitation of all the inferior races of the world to this country. It may be very much doubted whether all history, reason and philosophy do not teach that constitutional republicanism can only exist under the most favorable circumstances,—of independent

habits, intelligence and integrity of a people, as well as of relative space and population.

Texas, as a State, has large and diversified interests, both local and general, that should be represented in the Congress of the United States. She would be pleased to have representatives of her own choice to speak for her there. Texas having done what she deems to have been her duty, and still being willing to do it, leaves the responsibility of the future upon those who have the power to shape the destinies of the country."

The following remarks appeared in the *National Intelligencer* of Washington for January 17, 1867:

CONSOLIDATION—THE PROCESS OF ITS ACCOMPLISHMENT, AND ITS
PROBABLE CONSEQUENCES.

It is now evident, from the measures presented to the present Congress, and the debates thereon, together with the response of the press in the various parts of the country, that consolidation is receiving a new impetus that threatens a total change of the government as it has heretofore existed under the Constitution of the United States. The storm of war has passed over, but the waves of public opinion are still dashing high, and are even now giving token of continuing in a deep, overwhelming current of dreadful portent. A new principle is being evolved and acted upon, which, though it may not be formally announced, is really that which is exciting to the destruction of State governments, the introduction of universal suffrage of all races in all the States, and finally, the complete identity and similarity of institutions and interests in all of them. Under the clause of the Constitution which says that 'the United States shall guarantee to every State in this Union a republican form of government,' an effort is being made to imperialize the whole country under one head, one department—the Congress of the United States—who shall dictate the basis for the Southern States, and ultimately for all of the States, upon which citizenship, suffrage, and qualification for office—State and Federal—shall rest; and who, when other questions of State policy may arise, shall draw them into the arena of national politics, and by the decree of this central power, seek to assimilate all interests and institutions throughout all the States; and who, to insure this grand ultimate object, may reform, reorganize, or reconstruct the other departments of the government—the executive and the judiciary—as well as that of the States.

Should Congress perch itself on this magnificent car of state, it will be necessary to go into perpetual session, or at least devise agencies to effect the same object. The history of the past in other

countries is not wanting in examples to illustrate the dangers of this experiment. The process for its accomplishment is already stereotyped. It is simply to fasten the charge of being allied to the treason of the South on all who stand in the way, fight the battles of the country over again on paper, and the ostracism of the doomed from public confidence and favor is expected to follow. This scheme has a long lease in efficiency in prospect, and when frequent repetition shall have destroyed its effect, other means will be resorted to.

This process is objectionable, because it decoys the public mind from the real questions at issue, and keeps alive an infuriated sentiment against a prostrate people. It deters the Christian, the philanthropist, and the statesman from extending to them a helping hand. Who, now, in all this broad land, dares to say that all imaginable degradation and punishment may not be inflicted on the Southern people? He is branded as a traitor by the new army of politicians, enlisted since the war, though he had been one of the heroes who conquered the South—though he had been one of the patriots whose intellects had directed public events, resulting in Union victory, in the great struggle.

The scheme, if consummated, will establish a new Union, and not the Union of the Constitution, which creates a general government, with three co-ordinate departments acting in harmony, leaving each State forming it to preserve its own individuality, its own local policy and peculiar organism, so long as it is in form republican. What was meant by a 'republican form of government' is easily arrived at by examining the general structure of the Constitutions of the States when they formed the general government. It can hardly be argued that they expected the general government to require more perfect models of republicanism than their own; or to compel them, or others, to adopt a more perfect form of republican government than that contained in their own Constitutions.

It will be found that such a government would absorb in its administration and under its care and protection an infinity of local matters, extended over a vast space of country, embracing a great variety of climate and production, and consequently different modes and habits of life, and different phases of thought; all which are incapable of uniformity without the imposition by force of flagrant injustice and oppression. This system of centralization has been often tried, and has always failed in the end.

It was that lesson in history that admonished our forefathers to preserve State lines and State governments, so that the peculiar wants, necessities, and interests of each different section might be best promoted.

The civil rights bill and freedman's bureau bill are parts of this scheme, which have already been inaugurated. The army of

officers employed, the expense incurred, the complexity involved, and the conflicts of authority, as well as the little good accomplished under them, all show the intrinsic difficulty, if not utter impracticability, of carrying it out.

This imperialism, seeking to master all conflicting internal elements, and moving on with a consciousness of concentrated power, will in the end become intolerably aggressive and domineering. Canada and Mexico will be absorbed, with all their mixed populations and varied institutions and interests. The nations of Europe will be dictated to by this gigantic power of the west. Continued war will be our occupation, and military glory will lead to its usual end—military despotism.

It is an experiment resting on the proposition that republicanism is the normal condition of mankind, adapted to all races and to all countries. Whereas, it never has, and, it is believed, never can exist, except under the most favorable circumstances of race, of population not overcrowded, habits of personal independence, intelligence and integrity of the people. It requires the incorporation into the body politic, as a portion of the governing class, of negroes, and necessarily contemplates that of the Indians, Chinese, and all other inferior races of men who may be found in the country. It offers them, out of the country, the extra premium of political privileges as an inducement to immigration. These races have never shown themselves capable of self-government, and it is only when they shall show themselves capable, by their elevation in this country, that it will be time to enfranchise them. Their incorporation into the body politic, instead of being kept in a present tribal condition, will inevitably, sooner or later, lead either to a continual strife, and perhaps war of races, or to the production of a mongrel race, by which the standard of the white race will be dragged down in the scale of civilization; or perhaps even both of these calamities may ensue, as has been the case in Mexico and South America. If that can be deferred until the surplus population of Europe can flow into and fill up this country, the inferior races will be almost lost sight of amidst the millions of our own people, and, ceasing to be an object of special attention, will find their proper level in society.

There are those who believe that negro suffrage is necessary as a matter of policy, for the reason that they constitute a strength too potent not to be allowed some share in the government. Others believe it necessary to enable them to protect themselves as a class in the community. Others believe it is necessary because it is right and just in and of itself, they being free inhabitants born in the country. A due consideration of what has already been said will suffice as to these propositions. But others believe it to be necessary now to place the 'Southern Loyalists' in power in the South, and give them a constituency to represent. This is the real ground,

whether avowed or not, of which all classes of negro suffrage advocates are at present availing themselves to fasten upon the country a measure which, if it stood upon its own abstract merits, would hardly command a respectful attention. Before that can be done it also becomes necessary to destroy the State governments themselves and re-erect them in more perfect purity, with this deluge of negro suffrage, and 'rebels' disfranchised. All this is necessary under this grand scheme of consolidation to enable the general government to protect and forward the interests of favored classes of individuals within the States.

What right have the States to expect anything better when the President is almost daily being shorn of his powers, and is even menaced with impeachment, because he stands in the way? And the Supreme Court is also arraigned before the bar of public opinion, its decisions subjected to a fiery ordeal in the heated political crucible, and its body menaced with 'reconstruction.'

Are the people of this country, of any party, prepared to desire this radical change in government? If they do not, it is high time that they were at work—manfully at work—to stop its bounding and accelerating progress in that direction. It may soon be too late.

The foregoing piece was taken from the views of my conclusion of the address,—written out by me, and published in the *National Intelligencer* as an editorial, a few days after the address was published.

At the time the address was published some of the editors [in an editorial of January 10, 1867] presented a synopsis of it as follows:

THE ADDRESS OF THE REPRESENTATIVES OF TEXAS.

We trust that our readers will give the appeal to the Congress and people of the United States, by the representatives-elect of Texas a careful and thoughtful perusal. The fact that it comes from gentlemen whom the people of that Empire State think worthy to represent them in the Senate and House of Representatives at this important juncture, should entitle it to consideration. But when, added to this, it is found to be a dispassionate, calmly statement of the late sad controversy, a strong, and, as we think, conclusive argument against the constitutionality and the policy of continued exclusion, and a manly, frank avowal of the abandonment of the teachings of secession, and of devotion to the Union under the Constitution, it should arrest the attention of every thoughtful patriot.

The address briefly sketches the formation of the Republic of Texas and its incorporation into this Union. The subsequent secession was due, in the main, to conflicting interpretations of the Constitution, one class affirming that the general government was the creation of the States, any one of which could withdraw its assent from a government no longer acceptable; the other declaring it was the act of the United States, from which no section or community could withdraw. It is claimed that the weaker party sought to withdraw from the Union, 'not to prevent the Northern States from retaining their government over themselves with their own construction, but to insure its preservation as to the Southern States as they understood it.' In the warlike struggle which ensued, the South was overcome, and the address gives the history of the President's efforts at reconstruction, and forcibly says, 'the laws of the United States are being executed within its limits without hindrance or resistance from the people or the State authorities; the Federal army is on our frontier for protection; the Federal judiciary are performing their functions; the United States mails are being carried all over the State; the navy is protecting our commerce; the officers of customs and internal revenue are doing their duty, and the people are paying duties and taxes as in other States. What more could be said of the people of New York and Ohio—except that they have their Senators and Representatives in Congress to speak for and represent the rights, interests, and necessities of their States," etc. The reasons for this exclusion are to be gathered from the debates and measures proposed in Congress, and the public discussions elsewhere, rather than *specific legislative action*. The injustice of this is apparent, for it leaves the people of Texas in the dark as to what is really asked of them. The adoption of the proposed constitutional amendment is pronounced by some as sufficient to insure readmission, though this is controverted by many in leading positions. And we are told that though Texas may submit to the constitutional amendment, she will never become party to her own humiliation. If exclusion is to be justified on the ground that it is authorized by the clause respecting each house judging of the qualifications of its members, a Congressional majority might override the will of the people of a State. To the intimation that Texas is disloyal, it is replied that that assumption establishes the precedent that a Congressional majority might charge a rebellious temper on the people of a State as a reason for perpetuating an injustice. As it is, the voice of Texas is not heard in her own defense, and again, no greater wrong can be done a community than to judge of its character by isolated expressions or acts. Such statements come, not from the President, the general-in-chief, or the authorized agents of the government, but from a small and discontented faction, and a searching

inquiry as to the true state of affairs is solicited. The people are claimed to be loyal to the government, and intensely anxious that sectional strife should cease. Surely this part of the address can not fail to make an impression. Exclusion can not be justified on the ground of ill-treatment of any class of the population. This is a matter of State legislation, and ordinarily would not be considered. But the imputation is fully denied. Allowance must be made for the greater readiness of the Southern people to engage in personal rencontres, and for the sparser settlements. The people of Texas, engaged as they are, in peaceful vocations, would be amazed at the stories told of them and their violent deeds, and a graphic picture is given of the self-control of a great commonwealth which, for months after the surrender and the breaking up of its camps, first quietly absorbed its soldiers, and then governed itself without laws, without judges and sheriffs, and the appliances of the civil power. Such a people, who have uniformly *gone to work*, are not likely to be given up to lawlessness and disorder now that the civil authority has resumed its sway.

Of the proposition to ignore the present State government and construct a new one that shall enfranchise the blacks and disfranchise the late secessionists, the address truly says it assumes that the question of peace or war is still open. The object of the war was announced, by the proclamation of the President, the resolutions of Congress, and the diplomatic correspondence with foreign powers, to be the preservation of the Union. To carry this out Congress authorized the President to make proclamation of amnesty. It was only on this ground that the right to prosecute the war was placed—on this that the recognition of the Confederate government was steadily refused. The manifest intention with which an act is done forms part of the act itself, and gives it character. And it is claimed 'that the surrender of the Southern armies, and the subsequent acts of the people and States of the South in response to the proclamations and orders of the President, constitute, in effect, a *pacification upon terms* as binding upon the government of the United States and upon the Southern people as though they had been stipulated in a treaty.' The parole of the Southern armies, the amnesty proclamation, the proclamations and orders respecting the provisional governments and the holding of State conventions, the acceptance by those conventions of the offered conditions, are binding alike upon all parties. The President did not overstep his authority—at least the South was in no condition to question that authority, for though he is not the government, yet he can bind the government. His duty is to preserve, to protect, and defend the Constitution; and he was doing that most effectually when solemnly binding to its observance those who had been resisting the authority of the government. He simply held the South by military authority till they restored the

civil, and gave every assurance of respecting the laws. And, in the absence of Congressional legislation, Congress is bound by his acts. And if the war was not waged 'for the purpose of conquest and subjugation' Texas may well expect to enjoy, unmolested, all 'the rights, the dignity, and equality' of a State.

After two years' cessation of hostilities, this new project substitutes for the surrender of the Southern people, on terms constantly put forth by the United States government, *a mere surrender at will*. But this is a new and enforced capitulation, which will absolve Texas from the obligations heretofore assumed. And this project assumes that Texas is dead, despite the fact that its reserved powers were never involved in the contest of war, and were not affected by its result; and that other fact, that the hostility of a State government to the Federal no more destroys it in case of failure than of success. Such an assumption concedes the right of a Congressional majority to declare that any State, for causes it may deem sufficient, has forfeited its political rights, and shall be reduced to a Territory.

The impolicy of imposing disabilities on the late 'rebels' is very forcibly argued, and the standing warning of Ireland quoted. The temper of the Texan people is claimed as extremely favorable to this government, and the development of the most intense patriotism. But denied any voice in legislation, it is bootless to propose terms. She may submit to any imposition, but not willingly. Negro suffrage, if indispensable, is more likely to be commended by kindness to the white population than its opposite; and the overthrow of the existing State government will only engender bitterness and animosity, while the policy of forgiveness and of reconciliation would only strengthen the bonds of fraternal affection and of patriotism with which the people would be bound to the nation and its institutions.

The address was republished in many of the Southern papers, and met with general approbation on the part of the friends of the Constitution, both in the North and South. I here subjoin a few other notices of it.

[From *The Texas Observer*, Rusk, Texas, January 26, 1867.]

We offer no apology to our readers for the amount of space occupied in *The Observer* this week, by the address of the Texas congressional delegation, but enjoin upon all to give it a careful perusal.

There are special reasons why this address should have been prepared,—the people of Texas had been foully slandered, all sorts of aspersions heaped upon the authorities of the State, and

at last her civil government sought to be subverted, and we remanded back to territorial inferiority—that, too, chiefly by her own sons, whom she had once delighted to honor. To refute such misrepresentations, and avoid, if possible, the destruction of our State government, to maintain the great principle, that the people should choose their own ruler, and regulate their own municipal affairs, free from the dictation or interference of Federal power, or Federal patronage, this truthful history of the sentiments entertained by our citizens, this able argument in vindication of our rights, has been given to the public; and from its calm and dispassionate tone, from its marked ability, justifies Texas and her people against all the falsehoods which have been told against them; and, although madness and fanaticism now rule the hour at Washington, they must soon give way before the truth and justice which this appeal contains.

The thanks of the whole State are due to our representatives now at the national capital, for their exertions in this behalf,—although excluded from seats in Congress, yet by their talent as statesmen and bearing as gentlemen, they are exerting a moral influence, with the thinking portions of Northern men, more potent than speeches delivered under the sanction of official position.

[From the *Daily Picayune*, New Orleans, January 15, 1867.]

Address of the Texas Delegation.—We this morning make room for the masterly address of the Texas delegation, awaiting admission to Congress, to the members of the Senate and House of Representatives at Washington, and to the people of the United States generally. It is long, and we thought of cutting it down, but on reading it over we had not the heart to erase a line. We should almost as soon think of condensing the 13th chapter of the First Epistle to the Corinthians, where St. Paul is speaking of charity, or the Declaration of Independence. The document is calm, straightforward, well worded, dignified in tone, tolerant in spirit, charitable in intention, and tells the whole truth, and nothing but the truth, in as plain and as forcible English as we have lately read. We heartily commend a perusal of it to our readers in city and country. During the madness of the present hour it may have little or no effect at Washington, yet the most ultra among the enemies of the South can not get up and answer its calm, courteous, forcible and truthful arguments.

[From the *Weekly State Gazette*, Austin, Texas, January 26, 1867.]

Address of the Texas Delegation.—This address, which we lay before our readers today is a masterly production, whoever wrote

it. From some notice, by a contemporary, we were led to suppose that it was an ordinary affair, until we read it with surprise and gratification. It is calm and moderate in tone, but clear and strong and unanswerable in statement and argument. We think it calculated to do much good, if it could only be read by the Northern people. We are glad that our delegation went to Washington, and we do not believe that the time and money were thrown away. All have now left, unless, perhaps, Mr. Epperson, whose zeal, industry and patriotism are to be much commended. Mr. Epperson has some railroad interests to attend to, but that will not prevent his keeping a sharp lookout for the State.

One remarkable circumstance attended this address, which was that though it circulated and was commended in the highest terms all over the United States, no answer to it was attempted and not even a criticism against it was published anywhere.

It was generally suspected or known that I had written it, and I received the congratulations of many friends and acquaintances upon having produced it. Ex-Governor Marvin, Senator-elect from Florida, immediately called upon me at my room to express his gratification upon reading it. I was told that Mr. Seward commended its tone, style, and matter very highly.

But what was equally, if not far more gratifying to me, was that I was pleased with it myself, and felt that I had thereby endeavored to do my duty to Texas, that had so long and often done me honor by conferring on me its highest offices.

Immediately after making arrangements for the publication of the address, Col. B. H. Epperson and I called on the President and introduced Cols. George W. Chilton and Antony M. Branch, Representatives from Texas. We were received cordially and the President was more communicative, and less reserved than I had before seen him. His conversation upon public affairs was more hopeful of the future, though still of a very general character, without pointing out any details or points of future operations by which any amelioration of our condition or of that of the country would or could be accomplished. Mr. Johnson has habitually a countenance and manner indicating reserve, secretiveness, and shrewdness. He occasionally changes his manner, according to the advice of Chesterfield, and while he appears to be open and frank, bold and strong in his expressions and manner, he thereby the more effectually accomplishes his purpose of concealment of

what he does not wish to disclose. In which art, I must say, Mr. Seward is certainly the greatest adept that I have ever met. We told him that we had prepared an address for publication, which course he very strongly approved, and, indeed, seemed much gratified that we had done it. He advised us to remain at Washington without pointing any particular object for it. The increased cordiality of this reception, with the incipient hope aroused by it of finding something more behind the curtain, if any good was, indeed, there concealed for us, induced me to postpone indefinitely my previously intended departure so soon as the address was published and distributed to our friends in Texas.

I should not omit to mention that in company with some of the other members I called on Mr. Wells, Secretary of the Navy, and was kindly received by him at his residence. He is a large, portly, good-looking old man, of good sense, who, I think, has let the present age outrun him about twenty years, and he will never overtake it, but will soon be lost with the other relics of the past.

We also called once upon Mr. Stanton in the war office. He received us standing at his desk, received the papers which we presented to him in reference to depredations of Indians upon our frontier, said not a word outside of business, and but few in that, while his countenance and deportment were simply not offensive, while they gave no encouragement to the desire for another visit, either on business or otherwise.

The Legislature of Arkansas sent a delegation of about ten of their own members to Washington to represent the condition of their State. They arrived about the first days of the new year, 1867 (I do not recollect the exact date). Col. Epperson and I called to see them, and got acquainted with several of them. Their mission, however, as that of other Southern delegations of all sorts, except "the loyal," did not accomplish anything. From the time of my arrival at Washington I had every day or two met with Judge Evans, on the street, at my room or at his room, and he had taken great pains to be useful to my colleague and me in every way he could. I had also spoken to him fully and freely in relation to public affairs. I found him a devoted friend of Mr. Johnson and his plan of reconstruction, but with some regretful distrust of his ability to be equal to the present emergency in his position. I had sought to find out from him what were Mr. John-

son's future plans of resisting the encroachments of the radical Congress,—what was the point in his program, if there was any, at which the Congress was to be stopped and how it was to be done. I am quite sure that Judge Evans knew nothing of his plans if he had any. And I am fully convinced that the Judge's feelings of opposition to the radical measures and designs were so strong that he would have sanctioned any plan for its accomplishment, however extreme that gave promise of being practicable. He was evidently mortified, distressed and exasperated at the radical Congress. Like Mr. Johnson, he was a great friend to the Union,—a union of the States under the Constitution, and not a union of the whole people without a Constitution, and he looked with evident dread and horror upon the manifest design of Congress to revolutionize the government so as to create the latter species of union.

I called upon Gen. Humphrey Marshall, of Kentucky, who was living in Washington City, for the practice of law, etc. I found him to be a man of very bold, strong views, as one would suppose from his herculean person and active, vigorous mind. He was strongly impressed with the belief that nothing but violent measures of some sort could stop the radicals in their desperate revolutionary career. Though he had been about Washington some time he did not seem to know of any plan on foot for its accomplishment. Nor did any one that I met with.

I conversed frequently with one of the editors of the *National Intelligencer*, whose name, I think, was Allen. He thought with Judge Sharkey that Mr. Johnson had let the proper opportunity pass, without assuming firmly and fixedly the position that he would not recognize the Congress, with the Southern members excluded, as a constitutional body. He thought that he should have announced plainly and openly his intention to repudiate it immediately after the action of the Conservative Convention in Philadelphia in the summer of 1866. Having failed to do so then and rally the people upon that issue, the radicals, availing themselves of the intimation then made by the President that Congress was an unconstitutional body, had prepared themselves fully for the issue in advance of any efforts on his part, and that he was now powerless in their hands.

About this time I wrote a private letter to James W. Throck-

morton, Governor of Texas, in which I stated that I had been able to find but one body of men about Washington who had any positive affirmative ideas, and that they were the vanguard of the radical party. They knew exactly what they wanted to do, and were determined to do it,—the body of their own party were drifting along in their rear, and the President and everybody else were simply holding back.

I sought to impress those with whom I conversed that these positive affirmative ideas gave the radical great advantage over mere negative ideas with which they were being opposed, and that if they were ever arrested it must be by some diverting counter-vailing idea or set of ideas of greater strength than theirs, and which could be impressed upon the people so as to move them into action of some sort or other in opposition to the radical. Almost every one agreed with me, but the question was, "who will singe the cat,"—who will or can present any such idea, and risk their all upon them.

Among the opponents of a radicalism, there seemed to be a general impression, with some vague and doubtful, with others strong and hopeful, that President Johnson had matured and laid up, away down in the deep recesses of his scheming brain, covered all over with the impenetrable veil of his unrelenting secretiveness, some grand *coup d'état* which he would adroitly bring to light at the proper time, to overthrow the radical Congress and defeat them in their designs; but at what point in the magnificent comico-tragedy being enacted in the national theater at the capitol no one could divine.

On the night of the 8th of January, 1867, A. M. Branch, B. H. Epperson, Geo. W. Chilton, all Representatives-elect from Texas, and I, accompanied by Judge L. D. Evans, attended a dinner at the National Hotel in Washington (given generally by those who attended it, each paying five dollars in United States currency) in honor of Genl. Andrew Jackson, and in commemoration of the battle of New Orleans of that date in 1815. It was intended, in political phraseology, as a grand rally of the notable Democrats in the city, really for political effect. The meeting around the table, about two hundred in number, was presided over by F. P. Blair, as chairman, who was a very aged gentleman. He had been one of the editors of the organ of Gen. Jackson's administration (The

"Globe" I believe). His person was small and slender, which may be well understood by saying that he looked as if he were dried up. Still he seemed to have retained an active mind, and his whole soul seemed to be wrapped up in the principles and party of the democracy.

There were fifteen regular toasts read and responded to by speeches from gentlemen, selected by the committee of arrangements. They were made mostly by Senators and Representatives in Congress. The President came in after the house was pretty well filled, was received with great applause, and was conducted to a seat on the left of the chairman, near the center of the table. Perhaps no better mode could be adopted of delineating the political sentiment and spirit of this meeting than by presenting the toasts. This display derives its importance from the fact that the gentlemen then at that table represented the democracy of the North.

First Toast.—"The day we celebrate, and the great event which has made it a cherished national anniversary."

F. P. Blair, the chairman, in answer to this, read from his manuscript a short address, the purport of which was to show that in the War of 1812 Gen. Jackson had by his success in the South defeated the designs of England to dismember the Union by detaching the New England States, and the country west of them on a line to the Pacific, and that Gen. Grant had defeated the designs of Napoleon the third to detach the South in that of 1861.

Second Toast.—"The memory of Andrew Jackson. 'The Federal Union, it must and shall be preserved.'"

In order to give President Johnson an opportunity to respond to this, Montgomery Blair from Maryland, son of the chairman, arose and proposed the health of the "President of the United States." Mr. Johnson arose and responded by "proposing a sentiment," which he read as follows:

"No State of its own will has the right, under the Constitution, to renounce its place in, or to withdraw from, the Union. Nor has the Congress of the United States, under the Constitution, the power to degrade the people of any State by reducing them to the condition of a mere territorial dependency upon the Federal head. The one is a disruption and dissolution of the government; the other is consolidation and the exercise of despotic power. The

advocates of either are alike the enemies of the Union and of our Federal form of government."

Third Toast.—"The Federal Union, it must be preserved."

Senator Hendricks, of Indiana, responded by showing that Gen. Jackson opposed disunion on the one hand and consolidation on the other.

Fourth Toast.—"Andrew Johnson, the President of the United States. He is receiving the full measure of vituperation which was once meted out quite as lavishly to Jefferson and Jackson."

Senator Doolittle responded, illustrating the two tendencies to consolidation and to separation by the centripetal and centrifugal forces in the solar system.

Fifth Toast.—"The Supreme Court of the United States. The great conservative power of the government, never more needed or better appreciated than now."

Judge Black, of Pennsylvania, responded to this in an energetic effort.

Sixth Toast.—"The conservative members of each branch of Congress. Knowing themselves to be in the right, let them never be weary in well doing."

Responded to by Mr. Winfield, of New York.

Seventh Toast.—"The Army and Navy. Without having contributed to the causes of the late Civil War, they have ever been ready to incur the most extreme hazards at the call of duty. They will not now hesitate to protect that Union of all the States which they have done so much to preserve."

Mr. A. J. Rogers, of New Jersey, a young man of boldness, responded with a fiery, intrepid speech, pointing to the remedy of armed resistance in the last resort to stay the progress of radical centralism. It was short and to the point, receiving great applause. Its example, however, was not followed by older heads.

Eighth Toast.—"The flag of the Union, with its thirty-six stars intact; palsied be the traitor hand that would strike one of that number from its consecrated place."

R. T. Merrick, a lawyer of the District of Columbia, responded in a sort of "rabble rousing" declamation, the stirring parts of which consisted in enthusiasm of voice and well turned sentences of speech.

Ninth Toast.—"The Federal Constitution. Amendable only in

the way prescribed by itself, it can not be changed by mere Congressional majorities."

Montgomery Blair responded by a "breach of confidence," as he called it, by reading a letter of Andrew Johnson in 1863 to himself as Postmaster General,—expressing a hope that President Lincoln "will not be committed to the proposition of States relapsing into territories, and hold them as such," that Lincoln adopted this advice, and was carrying out this policy and that President Johnson is following in his wake.

Tenth Toast.—"The right of representation in both branches of Congress. One of the most valuable and most unquestionable of all those which are secured in our Federal compact."

Senator Corwin, of Pennsylvania, responded in a very pointed speech, presenting therein also very liberal general views. While he was portraying the emblems of each State associated and bound together constituting one united whole (having reference in his figure of speech to the emblematic representation of each State in the squares of the skylight over the Senate chamber), Col. Geo. W. Chilton, of Texas, arose and asked him if he found the State of Texas represented in that galaxy. To which he replied that it was, that Texas was still in the Union, and should be represented, etc.

Eleventh Toast.—"The States of the American Union. Their rights under the Constitution are indestructible."

Responded to by Mr. Niblack, of Indiana.

Twelfth Toast.—"The right of coercion. Where it exists, it involves the correlative duty of fraternity and protection. The State which can not voluntarily secede can not, against its will, be prevented from occupying its normal place in the Union, with all its guaranteed rights and privileges fully preserved."

Responded to by Mr. Fink, of Ohio.

Thirteenth Toast.—"The veto power. A constitutional safeguard against unwise and improvident legislation."

Responded to by John Hogan, of Missouri.

Fourteenth Toast.—"The press. The most efficient guardian and defender of public liberty. Let it be cherished and sustained as an institution indispensable to the successful administration of a free government."

Responded to by Thos. B. Florence by a mere eulogy upon the press.

Fifteenth Toast.—"The women of America."

Mr. Strouse responded to this by a funny speech, abounding in puns and *double entendres*, which was doubtless much aided by the vinous *exhilarations* of the repast, as well in the hearers, who relished it, as in himself.

There were, as usual, some letters read from men of distinction, at a distance, who could not attend. The whole matter was a rehearsal and redevelopment of President Johnson's plan of reconstruction. It was a very body and noisy avowal and declamation upon the past, with a most cautious secretiveness as to the future,—which, indeed, was the matter then resting heavily upon the minds of all present. Senator Corwin, in his speech, approached the point very pointedly so as to rivet the expectation of all present by supposing that the radicals should do certain things and repeatedly after each supposition asking the question, "What then?" After having driven the matter to the last extremity he answered his question "What then?" by saying we must all work by day and by night and enlighten and arouse the people to the danger hanging over them. What then? I for one felt like I was let down quite briskly into a cold, dark well about three hundred feet deep. After all was lost what use then to enlighten our destroyers? But then that as well as the rest was an old political song that could be sung out boldly, and still nobody be in any way committed as to the future.

There was one marked exception to all this noisy concealment. A. J. Rogers, of New Jersey, in a few words unbosomed himself fully and declared that the radicals should be prevented from revolutionizing the government at all hazards, and that if necessary to that end they should take up arms in defense of the Constitution and the liberties of the people. He was a bold young man, however, and evidently not well trained in political management according to the popular precedents of the day. He will probably not remain a member of Congress long unless he learns more caution. There was another subject upon which there was a peculiarly careful reticence, and which, too, was necessarily connected with and part of the main matter of public concern with the party there assembled, and that was any reference to the Southern States,

their condition or rights, except in the most general manner possible. This was remarkable from the fact that the main matter of pending controversy was relating to the Southern States. And it was rendered still more noticeable, at least to one from the South, from the circumstance of there being there upon the occasion a considerable number of Southern men of some distinction, as well as the whole Texas delegation (except Judge Burnet and Claiborne Herbert), not one of whom, whether members-elect or other gentlemen from the South, was referred to in the slightest, but on the contrary, their presence seemed to be ignored most studiously, notwithstanding Col. Chilton's inquiry, and notwithstanding before entering the dining room we had spent an hour in other rooms of the house where many introductions were made to such as we were previously unacquainted with. At a very late hour, after the President and more than half of the gentlemen of the meeting had retired, there was a manifestation on the part of the managers, as if they felt the neglect shown to the Southerners, and it was said that some one of them was going to be called out, or something was going to be done which would call out a reply. Some of our friends seemed inclined to favor it. Others, however, and I among them, regarded that the time had passed, and that any attention towards us at that late period would only make our neglect more conspicuous, and preferred to leave immediately to avoid its occurrence, which we did.

Upon getting out into Pennsylvania Avenue, that is, the Texas delegation and Judge L. D. Evans, we wended our way towards our respective rooms. Before parting, however, I could not well refrain from stopping them, which I did, to unburden a heart made sad by the scene which had just passed before us. I told them that "I was not satisfied thoroughly that Northern Democrats were afraid of a contact with us, and that we had better go home. I had suspected it before, but that now it was too plain not to be recognized with a certainty."

Not only from what I saw then, but it was the result of my observation during my whole trip that, in the public opinion of the North, the very name of rebel was infamous, and that all persons, that is, politicians, feared to have any sort of connection with us or to give public countenance to us in any shape whatever, unless it could be under the indirection of supporting or preserv-

ing the Constitution. Apart from that or some such motive operating upon themselves and for their own interest, rebels and rebellious States ought to be destroyed generally. Who in the North has ever been manly enough to say that the "rebels" believed they were right, or that they have suffered enough, or that they are any better than perjured traitors?

While I was in the city of New York during the Christmas holidays, at the National Hotel, where I boarded, I accidentally got into conversation, during one evening, with a young gentleman from Rhode Island, who was evidently spending a little time in the city to see what was to be seen. He conversed very freely about the prisons and other places he had been visiting, and I purposely drew him on, having for the time nothing else to do. We had been conversing some two hours when he asked me if I was from the West. I replied, "Yes, sir, I am from the Southwest,—from Texas." About that time a gentleman came to me and said he was ready to go out with me, according to a previous appointment. I got up and waited on him one or two minutes, during all of which time the Rhode Islander had been surveying me from head to foot with amazement and awe, with which he was seized from my first announcing to him that I was from Texas. We were together at the hotel for several days afterwards, but he did not regale me with any further accounts of his explorations into prisons or other places of curiosity, nor did he lose that same curious look of awe that kept him at a respectful distance whenever we happened to be near each other.

I was repeatedly asked with the most earnest concern if I thought that a Northern man could travel in Texas, on business, without being killed. And almost every Southerner that I saw there assured me that he had been repeatedly asked the same question.

One, indeed, could often witness the surprise manifested upon their being introduced to a Texan who had on decent apparel and presented a civil, quiet appearance.

The truth is that for the purpose of carrying on the war, the politicians found it necessary or convenient to make an impression upon the Northern mind that the Southern people were little better than barbarians, and that Texans [were] particularly outside barbarians; that we were the worst of mankind in almost

everything that constitutes a people bad, mean, and wicked as men and as citizens; that we were ingrates for seeking to destroy a government that had done nothing but shower benefits upon us (whereas, we were simply trying to withdraw ourselves, and let them have and enjoy all the benefits and blessings of the best government in the world, all to themselves); that we were perjurers, murderers, and traitors, all of the deepest dye. Now, how can they say anything in our favor, or give any excuse for us, or even deny that we all ought to be hanged and quartered, without falsifying their previous assertions and representations?

A day or two after the repast of the 8th of January, we received information from Governor Throekmorton that the military commander in Texas had abrogated the law of Texas lately passed by the Legislature regulating the subject of labor. Col. Geo. W. Chilton and I called on President Johnson the same day in the evening after supper, to represent this fact and lay the matter before him.

It has been previously stated that Judge Burnet and I had concluded [in December] that it was useless for us to remain any longer in Washington, and, as a consequence of that, he went to New Jersey to visit his relatives, and I commenced to prepare to leave for home, and was delayed by having concluded to write the address and get it signed and published.

One of the main reasons for determining to leave was that whenever I, in company with Judge Burnet, visited the President on business, sent to me by Governor Throekmorton, the visit was very formal and his manner was coldly reserved and distant, and it was not otherwise when I ventured to solicit a free interview, so as to enable me to represent to him the condition of public affairs in Texas, and really with a view also of getting some insight, if possible, of his future policy in regard to coming events. He on that occasion intimated that we could call at any time, about as well one time as another, that he was engaged in business all the time. This description can not give the full idea of discouragement. To appreciate it approximately it must be imagined that we see a man of rather dark complexion, with rounded features and form, of medium size, sitting in his chair of state, by his desk or table, with immovable features, and eyes half closed, and talking to the person addressed in almost monosyllabic speech, monotonously uttered,

directly in point upon the matter at hand. To me, who was seeking the least ray of encouragement for the future, and had not been able to get it from others, it was mortifying repulsion, though it was perhaps only the mode of business pursued by an excessively secretive man, as he certainly was both in manner and speech, when he chose to be. Hence, I thought I would not go to the White House again to see the President, and began my preparations to leave. My trunk was packed, and I had changed my residence to a hotel so as to make it convenient to be carried to the cars.¹ Still I could not leave. I was spellbound by a feeling that there was something else for me to do. The feeling was so strong that it kept me undetermined about when to start. At last it occurred to me what was the matter. I could not bear the idea of coming all the way from Texas, as her representative to Washington, Senator-elect, snubbed by the Senate, given no satisfaction by any one in authority, as to what Texas might expect in the future, with everything drifting against the South, and then of creeping back to Texas without having been heard to say a word of vindication in favor of my State. I determined, though I was there then alone from Texas, to publish an address to the Congress and people of the United States. My getting other representatives from Texas to sign it with me was thought of only after I had written it. I told my intention of writing it to Mr. Waskom, of Harrison County, Texas, who happened to be there on his way to New York about his railroad business, and also to Judge Evans, and they encouraged me to do it. After writing it I went to New York to submit it to Mr. Epperson, who approved it. There I remodelled and rewrote it, and while at that work he left, and went back to Washington. After completing it, that night I went to Neblo's theater and witnessed the performance of the play called the "Black Crook," on its 126th night in the city. It consisted mainly of magnificent scenery. The next day being Sunday, a day by accident there then of sunshine, I spent in the Grand Central Park. Going back by Newark to see Judge Burnet, as previously stated, I arrived at Washington and resumed my former lodgings in the same house with Mr. Epperson, from whom I then learned that Tony Branch and George W. Chilton, members-elect

¹As to the further details of the preparation and reception of the address of the Texas delegation cf pp. 105-6, 124-129.

of the House of Representatives in Congress from Texas, had arrived. The next day the address was read to them, and being signed, it was published in the *National Intelligencer*, the leading paper in favor of the President in Washington. We all bought copies and sent to Texas. Chilton and Branch had a suite of rooms at Willard's Hotel, where we called to see them. They were enjoying themselves splendidly. Chilton was attracting a great deal of attention from his tall, fine person, manners, and conversation. So things passed on until after the banquet, heretofore described, on the 8th of January, 1867. Shortly after that something required us all four to call upon the President (I suppose it was some matter of business from Texas). It seems to me it was at night, or late in the evening, when the reception room was lighted up. After the business was presented, much to my surprise, President Johnson opened his eyes and mouth, and talked vigorously and encouragingly for some time in a running conversation between us about public affairs. Upon all getting up to leave I lagged behind to tell him good-bye, as I was going to leave Washington. Upon telling him that, he said earnestly, "Don't leave, I want you to come here any time at or after eight o'clock at night, and I will have leisure to see you. I thanked him for the invitation, and told him I would not leave then, as I had intended. I learned afterwards that Judge Evans and George White, a close Tennessee friend and favorite of his, who had formerly lived in Austin, Texas, a member of the firm of Oldham & White, had been to see the President, and had told him who we all were, who had written and published the address, with which, I was told, he was very much pleased. Of course, Judge Evans told him I wrote it, I supposed, as he knew I did. That occurrence altered the whole face of things with me, and gave me the hope that I should find out something about his policy, as to his future conduct, if he had any, to defeat the extreme members of Congress in their efforts to abolish our State governments.

I felt it to be my duty also to remain so that if I could be of any service in any way I would be at hand, and I really felt better than I had during my entire stay at Washington. We very little know what may turn up to disappoint our expected movements in the future, as I very soon found out on that occasion. To explain the cause of my suddenly leaving there I must anticipate a little.

A man, whose name I have forgotten, who lived in Texas, south of Austin, and with whom I had a casual acquaintance at Austin, had called to see me at my room. His business was to get pay for saving cotton for the government at the close of the war, and he told me that Governor Hamilton had his claim prosecuting it, but as I seemed to have favorable reception in all of the departments he would like for me to help him in it, if it was not got through shortly. While in my room, after Col. Chilton's arrival, he said to me that he did not know him (Chilton) by sight, but that he did not want to be introduced to him, and that if Col. Chilton should come to my room at any time when he was in it, he wanted me to call Col. Chilton's name in speaking to him, and he would go out of the room. He explained his reason to be that he was a particular friend of Montgomery, who was brought from beyond the Rio Grande and killed by a crowd of Confederates which was said to be headed by Col. Chilton. (This was the company from which Chilton managed to get Governor Davis with a guard of three men—before Montgomery was killed—and went and reported Davis' capture to Gen. Bee at Brownsville, which saved Davis' life.) An indictment had been found against Chilton and others at the county in which Brownsville is situated, and several attempts had been made to arrest Chilton and carry him to Brownsville to be tried for his life, which had failed of carrying him there by the aid of friends of both political parties in the State (not including Governor Davis). All this must be understood, as an introduction to what follows.

After being lifted by the President's invitation and thinking the next night was too soon to visit him, I went to the theater and heard Davenport perform in tragedy. He strutted, split the air, writhed, bawled and "*extravagantized*" generally as all other actors do in tragedy, contrary to Shakespeare's advice. Upon getting to my room about 11 o'clock I went up above mine to Epperson's room and found him on the bed, reading a book entitled "How to Make Money." He was then engaged in negotiating the sale of the Texas Continental Railroad (I think it was) to Fremont, which is what took him to New York to see Fremont. This is the same road about the sale of which Fremont got indicted, or into some trouble in France. After a little conversation about the book, Epperson said to me, "Judge, I have something to tell you."

His manner excited my curiosity. He said there was a man here tonight who came to see you, and not finding you he came up to my room, and upon finding who I was, asked me to tell you about his coming to see you to tell you something. And since he thought it important that you should know immediately, he told it to me to tell you of it, when you came to your room. He then described the man, so that I knew that he was the man who had been to see me several times about his cotton matter. It was about this: that he was a Texan, and although he belonged to the Union party in Texas, he was pleased at the good impression that the Texas members-elect of Congress had made in Washington. His association had enabled him to find out that there was a movement on foot by the Southern Loyalists in the city to have Chilton arrested and carried in irons to Brownsville on a charge of murder (referring to the Montgomery affair); that public opinion was being prepared for it, and that he could not tell at what moment it might occur; that knowing me he was willing to rely on my confidence in telling it to me without my betraying him to his injury. That as a Texas citizen he could not bear to quietly see such a discredit cast upon his State, without trying to avert it, though that I well knew he had no love for Chilton, who was indicted for killing his particular friend, Montgomery.

It can well be imagined that I was astounded, and with a moment's reflection I determined my course and said, I will leave here tomorrow and will carry Chilton with me if I can. I put on my overcoat, walked one-half a mile (the ears having stopped running), and entered Branch's and Chilton's rooms, to find them in a fine flow of spirits (in two senses), with an elegant company, amongst them the bold young Democratic member of Congress from New Jersey, Mr. Rogers. After introductions I took my seat and seriously contemplated the unwelcome transformation in the scene before me which a disagreeable disclosure of my mission that night would necessarily produce. It was painful to me to think of it. Still duty was in command, and I must obey. I asked Chilton to let me see him in his private room, and we went to it. He gave me the universal one chair in the bedroom and sat down on the bed. I disclosed the matter, and how I got it, and my confidence in the man's veracity as briefly as I could. He became enraged, and declared that he had been hounded from post to

pillar until he was tired of it, and they might arrest him if they wanted to do it. He was greatly excited, and seemed resolved on his course. I kept my composure coldly, and asked him, "What will be the result?" His answer was, "President Johnson will have me released forthwith." I replied, "President Johnson dare not do it. He is in duress, with armed men all around him, with liberty only to write respectful messages to Congress, and he knows it, and I know it from men who are opposed to him." "Well," he said, "if I am carried there, I am innocent and will be acquitted." "Where is your proof to come from?" I asked. "You can't rely on any favor from Davis, that has been ascertained on another occasion." He answered, "Dr. Perkins at Monclova (Mexico) knows that I was not in the company when Montgomery was killed, and had no hand in it, and never sanctioned it." He was still greatly excited and confident. The matter was becoming painfully serious, and I felt it so. I sat back in my chair and looked him squarely in the eyes. I said, with serious deliberation and coolness: "Col. Chilton, you must know that I am an old lawyer, and have often both prosecuted and defended men for high offenses, and I tell you that if you are carried to Brownsville now you are a doomed man. All of the Federal influence there will be brought to bear to convict you, and you will be made a victim of revenge for what was done during the war; witnesses will be produced to prove whatever is necessary to implicate you in the murder. Think you that Dr. Perkins will leave his safe refuge in Mexico to put his head in the halter to save you? Certainly he will not. Just reflect a moment and you will see that this is the practical view of the matter." My serious, firm talk had brought him to reflection, and he said, "What shall I do?" Seeing I had gained my point, I spoke with animation and said: "Leave here. We can do no more good here. I will go tomorrow, and wish you to go with me. If you will stay, I will not stay to see it because I would be powerless to help you. Nobody could help you that would dare to try in this city." He yielded and gave his consent. I asked his leave to speak to Tony Branch about it, and he sent him into the room where I was and I told him about the matter, and he agreed with me about leaving. Arrangements were made for us to meet at the depot, when the cars went south the

next day, and we came home together, Branch, Chilton and I, leaving Epperson there.¹

That is why I did not stay to visit the President again to try to find out something about his plans and hopes for the future of Texas and the South.

Many of President Johnson's friends blamed him for not adhering to and acting upon the views that he had announced to the committee of the Philadelphia Conservative Convention, to the effect that Congress would not be organized as a constitutional body with the Senators and Representatives of the eleven Southern States excluded. They said he had let his opportunity pass by not taking a firm position upon it and arousing a party in his support upon it. But I suspect that Johnson understood his position better than others, who were his friends. He had doubtless sounded Grant on the subject and could not rely on him to support his views, and he must have been aware that as soon as his announcement was made the Republicans set about organizing "The Army of the Republic" to sustain Congress against any attempt of the President to denounce the Congress as an unconstitutional legislative body. In fact I was told by some of his enemies that the city was full of the soldiers and officers of that army at the opening of Congress and during its session, many of whom, though armed, were persons then living in the city and following their usual avocations, but who could be mustered into active service upon very short notice of any necessity for it that would require them to be called out. From the spirit I saw manifested at the reception of Congress by the congregated citizens, I think it likely that any effort of Johnson as President to ignore Congress would have resulted in his forcible expulsion from the White House, and his immediate expulsion from the Presidency by Congress, even if the excited partisans could have been prevented from assassinating him forthwith. The friends of Congress were confident and unconcerned, while his friends were mad, dissatisfied, and disappointed. President Johnson, during that session, was evidently under duress, and he could not help knowing it. I should not omit a historic incident that I witnessed. One day while in Washington I went up to the gallery of the House of Representatives

¹It should be noted that the indictment against Mr. Chilton was subsequently dismissed without the formality of a trial.—ED. QUARTERLY.

with no object but to see and hear that body while in session. While I was sitting there a member arose, addressing the Speaker, and in coarse, sonorous voice, commenced reading a paper held before him. With the first words I discovered that it was the resolution impeaching President Johnson. In his manner and style of delivery he was evidently imitating his conception of Edmund Burke impeaching Warren Hastings in the British Parliament. I inquired who he was, and was told that he was an obscure member [Ashley] from Ohio. A number of members drew up close to him to hear it distinctly. I got the impression that it was generally in the House an unexpected event. But once such a thing was proposed, even without concert, it had to be followed up by the party. That illustrates a phenomenon that attended the Abolition, Free Soil, and Republican party from its origin, and throughout its whole history in this country; which is that its leaders were those who would keep ahead in the lines of its purposes. The rest behind had to follow, or be tramped down, or left out. It was that which made Thad Stevens a leader of the party in the military reconstruction. He was pointed out to me on that occasion while I was in the gallery. There was nothing in his appearance that indicated capacity beyond mediocrity of a low grade, except an iron-fixed face and features. Still he dared to go ahead as a forerunner of his party to the extreme, with bold hardihood, and much superior men did not dare to refuse to follow him. The constant pressure was from behind, in the propulsive power of the masses of that party. Johnson and Seward stopped, they were run over, and were no longer of any use or missed. Greeley stopped; he fared the same fate. Beecher tried it a few weeks, and found it would not do, and took the trail again. And so with every one who refused to follow the fastest.

The only intellectual leadership was by Seward, Lincoln, and others in the fusion of the Free Soil party with the defunct Federal Whig party in the North, by which the Republican party was formed. That was a coalescence of two principles which had long been deeply rooted in the minds of the mass of the Northern people, which had been sternly repressed before that time by both political parties. The conjunction of the two aided and intensified both of them, standing in harmony with each other, that made the masses of the newly named party active, vigorous, aggressive,

and progressive in the rapid consummation of their objects, removed all previous scruples, and pressed forward all those who sought to lead, to follow any and every one, who was most extreme in proposing measures leading in the line of their ultimate purposes,—freedom of the negro and the centralism of the government.

NOTES ON CLARK'S "THE BEGINNINGS OF TEXAS."

HERBERT E. BOLTON.

The Beginnings of Texas, 1684-1718, by Robert Carlton Clark (Bulletin of the University of Texas, No. 98, Austin, 1908, pp. 94, with map), is a thesis submitted in fulfillment of the requirements for the degree of Doctor of Philosophy in the University of Wisconsin. The greater part of it was prepared while the author was a graduate student in the University of Texas, and was printed as two separate articles in this journal several years ago.¹ To these articles there are now added a chapter on "The Founding of San Antonio." The bringing together of the separate papers and the addition of the chapter designated gives us by far the fullest account of Texas history for the period covered (1684-1718) that has yet been written, and one that, measured even by absolute standards, is highly meritorious. It deals with a field in which the paths had scarcely been broken before Dr. Clark wrote, and it was written in the light of most of the sources, Spanish and French, available at the time, which was a vastly greater quantity than had formerly been used. These sources Dr. Clark studied diligently and interpreted with penetration, presenting, as a result, with fullness of detail and careful analysis of motives the events of the period covered. And it may be added that no other single portion of equal length of the Spanish period of Texas history has ever yet been covered with the same thoroughness.

It is not the purpose of these notes, however, to comment on the excellencies of the monograph, which will be apparent to all its qualified readers, but, rather, to take this occasion to indicate some places where advance has been made since Dr. Clark wrote, by reason of the discovery of materials then unknown, and, incidentally, to point out some minor shortcomings of the monograph, due now to one cause and now to another.

To begin with the map which faces the title page, it may be said that while it conveys a general idea of the geography of Spanish Texas for the period covered, which, of course, is all that it aims

¹Vols. V and VI.

to do, it can not be taken as a safe guide in all matters of detail. It is only fair to Dr. Clark to state that the map was prepared upon request after the article was already in type, and under the unfavorable circumstance of necessary haste. On what authority Dr. Clark (and others) places Fort St. Louis east of the La Vaca River does not appear, but it is to be noted that it is shown as on the west side by the "Carte Nouvelle de la Louisiane, et de la Riviere de Mississippi," etc., made by Joutel and published in the original edition of his *Journal Historique*.¹ Not only was Joutel in a position to know the location of the fort, since he built it, but the map and the text of his journal of the expedition are in agreement as to this point.² Moreover, this evidence is borne out by the testimony of contemporary Spanish sources. In 1689 De León discovered the French fort, and in the same year Sigüenza, a Mexican official of the highest scholarship, made a map of the route of the expedition, certainly in the light of De León's diary, and in all probability of his map. The Sigüenza map, now resting in the archives of Seville, shows the French settlement in the same position as that which it occupies on the Joutel map.³

Of course it is only the result of a slip that the date of the founding of the missions of San Francisco de los Tejas (first site) and Santísimo Nombre de María appears as 1689 instead of 1690.⁴ Again, such evidence as Dr. Clark presents in his text⁵ indicates that these two missions were only a league and a half apart, and that the direction from the latter to the former was southwest. Other items of information agree in a general way with this statement, indicating that the mission of Santísimo Nombre de María was on the west side of the Neches River, in the same tribe of Indians as the San Francisco mission, and not

¹Paris, 1713.

²The map is reproduced in Stile's edition of the *Journal of Joutel*, Albany, 1906.

³The Sigüenza map is reproduced by Miss Elizabeth West in this magazine, Vol. VIII, facing p. 199. It is entitled "Camino que el año de 1689 hizo el Governador Alonso de Leon desde Cuahuila hasta hallar cerca del Lago de Sn. Bernardo el lugar donde havian poblado los Franceeses," and is signed "Sigüenza, 1689," with a rubric. The annotation on the margin of the map, giving distances and directions, is based on De León's diary.

⁴Compare with the text, pp. 23-26.

⁵See p. 3, note 2.

more than three or four leagues from it;¹ and yet the map puts it at a point nearly straight north of the San Francisco mission, some thirty miles distant from it, and on the other side of the Neches River. The map locates the missions of San Francisco de los Neches (San Francisco de los Tejas, second site), Nuestra Señora de la Purísima Concepción, and San Josef de los Nazones all somewhat too far north, relative to the first mission and that of Nacogdoches, and puts the mission of Los Adaes as far from Natchitoches as from the mission of Los Ais, whereas the distance was not more than two-fifths as great, as Dr. Clark's text correctly shows. The best evidence attainable seems to indicate that while the name "Tejas," in its broader sense, included many more tribes than those of eastern Texas, in its narrower usage it was confined to the tribes of the Angelina and upper Neches country, and did not include, as the map indicates, the Cadodachos to the north or the Bidai, Orcoquiza and other tribes of the coast region.² This, however, is a point on which further light would be welcome.

Turning to the text of the monograph, we are given the impression that Isleta, near El Paso, was from the beginning a purely Indian settlement, which is the usual view of the matter. It is undoubtedly true that the importance of the place in the making of Texas is no more than that assigned to it by Dr. Clark and others, but a question of fact remains, notwithstanding. It so happens that Father Nicolás López, the founder of an Isleta which was presumably identical with the one in question, tells us in terms that it was at the beginning not an Indian settlement, but one of Spaniards. In a "representation" made to the viceroy in 1685 he says that, on coming from Mexico to Paso del Norte in 1683, he saw that it would be impossible for all of the refugees gathered there to subsist in one settlement without great expense to the government, and that he therefore distributed the population in smaller settlements in the vicinity, founding, in addition to that at Paso del Norte, the "settlement (*poblazon*) of the Pueblo of Socorro, of Piro Indians; that of San Francisco, of Sumas Indians; that of the Pueblo of Sacramento, of Tiguas Indians;

¹See the references cited in THE QUARTERLY, Vol. X. pp. 263 and 266, notes.

²See *ibid.*, pp. 249-252.

that of the Pueblo of San Antonio de Senecí,¹ of Piro and Tompiros Indians; the New Conversion of Santa Gertrudis, of Sumas Indians; the Conversion of la Soledad, of Janos Indians, and the settlement of San Lorenzo, of Spaniards; that of San Pedro de Alcantara; that of the Señor San José; and that of the Old Pueblo of la Ysleta—these [last] four of Spanish citizens (*vecinos*).² A *padron*, or inventory of settlers, made on September 11, 1684, showed in the Real of San Lorenzo, that of Nuestra Señora de Guadalupe, or El Paso, and the "Pueblo de Corpus Christi de la Ysleta," 109 families, which, from their descriptions, seem to have been all Spaniards.³ Therefore, before declaring that the present Isleta was from the beginning an Indian settlement it would seem necessary, in the face of this evidence, to show that it is distinct from the Isleta founded by Father López, since its founding is referred to the same time, circumstances, and locality as that mentioned by Father López, and since two places by the same name are not known in that vicinity.

In the summary of the Spanish expeditions into Texas in the seventeenth century prior to the De León *entradas*, that of Fernando del Bosque (1674) deserves a place, not for anything that was accomplished by it, aside from the geographical and tribal information gained, but as one of the activities foreshadowing the gradual extension of missionary activities from the settlement of Coahuila and Nuevo Leon across the Rio Grande into Texas.⁴

Coming to the expedition of Domingo de Mendoza, it is interesting to note that since Dr. Clark wrote, Mendoza's diary and the "representations" of Father López relative to the enterprise, all hitherto unknown to modern students, have been found, and that the episode is being rewritten in the light of these documents, which not only correct some errors and make plain much that has been hazy with regard to the expedition of Mendoza, but also throw

¹My MS. so spells it, evidently an error of the copyist.

²*Viage que a Solicitud de los Naturales de la Prov. de Tejas . . . Hizo el Maestro de Campo Juan Domingo de Mendoza, etc.*, 1636-1686. MSS. in the Archivo General Público de México.

³MS. in the Archivo General y Público. Provincias Internas, Vol. 37.

⁴The diary of del Bosque is printed in the *National Geographical Magazine*, XIV, 341-348. This version appears to be somewhat abridged. I have seen the original in the government archives at Saltillo, Coahuila.

valuable light on the geography of some of the prior expeditions into Texas.¹

Incidentally, it may be stated that, as will appear below,² the royal order said by Dr. Clark (p. 11) to have been issued to Father Alonzo Posadas, hitherto one of the chief authorities used for the Mendoza expedition, was not issued to him, but to the viceroy. Indeed, Father Posadas states this in his memorial, which evidently was not available to Dr. Clark.

Of more interest is the revelation of the fact that the Spanish government was paying special attention to the Bay of Espíritu Santo and was considering plans to occupy it—as a result of interest in the famed but elusive kingdoms of Quivira and Tagago and of Peñalosa's activities—on the very eve of the La Salle scare, but independently of it. The chief of the sources on this point are two royal *cédulas* issued to the viceroy on December 10, 1678, and August 2, 1685.

Before taking up the contents of the *cédulas* it will be well to call to mind the fact that half a century earlier Father Benavides, in his famous *memoria* of 1630, had reported that the rich and much-talked-of kingdoms of the Quiviras and Aixaos, among whom, be it noted, the Flemings and the English were said to be trading for gold dust, lay somewhere about one hundred and fifty leagues east of Santa Fé, and even less than one hundred leagues inland from the Bay of Espíritu Santo, a landmark which, since the expedition of Pineda in 1519, had been prominent on the maps of the Gulf coast. He went on to suggest that by occupying the Bay of Espíritu Santo as the base of a land route from Havana to New Mexico, more than eight hundred leagues could be saved from the usual route by way of Vera Cruz and the City of Mexico, while the Kingdom of Quivira would be within easy reach of the

¹These documents are in *Viage que á Sollicitud*, etc., cited above. They consist, primarily, of (a) the *Derrotero* of Mendoza, (b) four certificates concerning the expedition by Mendoza, June 12, 13, 14 and 23, 1684, (c) letters of Governor Cruzate, of New Mexico, to the Viceroy, 1683-1684, (d) a representation by the religious resident about Paso del Norte, formulated in a meeting at the convent of Senecú, September 19, 1684, (e) report of a *junta general* held in Mexico, May 4, 1685, (f) two representations by Father López to the Viceroy, the earlier undated, the later dated March 26, 1686, (g) decrees of the Viceroy and *dietamenes* of the fiscal, 1683-1686.

²See p. 154, second paragraph.

coast, being, by implication, on the highway that would be opened up to New Mexico.¹

Now, in the first of the royal *cédulas* cited, the king informs the viceroy that it has been learned in his Royal Council of the Indies that Peñalosa, the disgruntled ex-governor of New Mexico, is attempting and likely to secure from the French government a patent for the exploration, on the account of that government, of the provinces of Quivira and Tagago, and that in the efforts made at the Spanish court to learn about these provinces, or kingdoms, the report and the suggestions of Father Benavides (which the king reviews) have been called to mind. He thereupon orders the viceroy to give his opinion as to whether it would be well to open up communication to the interior by way of the Bay of Espíritu Santo, according to Father Benavides's suggestion; what advantages would come from Christianizing the kingdoms of Quivira and Tagago; what means would be needed to effect it; whether it could be done better by way of the way of Florida than through the Bay of Espíritu Santo; and whether any danger was to be feared from the proposal of Peñalosa.²

But as late as the 2d of August, 1685, the required report had not yet been made, when the king issued another *cédula* in which he quoted the former one *verbatim* and repeated the request for a report on the advisability of converting the kingdoms of Quivira and Tagoga and of opening communication by way of the Bay of Espíritu Santo. From this *cédula* we learn, further, that Captain Martin de Echagaray, "pilot major and captain of the sea and war of the ships and frigates of the Presidio of Florida" had reported that since, as he had heard through Indians, the coast from Apalache to the Bay of Espíritu Santo was uninhabited, the French might settle there without the Spaniards' learning of it; that if they should settle there they could readily enter the province of New Spain, by way of a large river that flowed from New Mexico into the bay; that the bay would be a good place for the Spaniards to fortify, as the location was excellent for a settlement, while a port there would furnish a safer route from Havana than that of

¹See the translation of the memorial by Mrs. E. E. Ayer in the *Land of Sunshine*, Vol. XX, pp. 139-141.

²MS. in *Reales Cédulas y Ordenes*, Archivo General y Público de Mexico, Vol. XVI, folios 189-190.

Vera Cruz; and that upon certain conditions he would undertake to explore the whole coast from Tampico to Apalache and to prepare a map of the Bay of Espíritu Santo and the rest of the coast. A *junta de guerra* accepted the proposal, and on the 2d of August the king ordered the governor of Florida to cöoperate with Echagaray. At the same time he repeated the request for a report from the viceroy, "in order that from all directions may be had the desired notices with respect to all the foregoing, for the greater security and certainty of the achievement of the discovery of the said Bay of Espíritu Santo and the kingdoms of Quivira and Tagago, and of their settlement and conservation, in order by this means to make the said provinces of Florida secure from the menaces in which they stand from the corsairs and pirates who commonly infest those coasts."¹

The interesting thing about this document is the fact that the only specific motives given for desiring the report by the viceroy are those set forth in the former *cédula*. Whatever connection there may have been, if any, between the proposal of Echagaray and news of the La Salle expedition does not appear. So far as we learn, Echagaray was not ordered to look for any party of Frenchmen, but to map out the coast, and, particularly, the Bay of Espíritu Santo, while the viceroy was, as before, ordered to report upon the advisability of occupying that bay and converting the Quiviras and Tagagos. No mention is made of the La Salle expedition, of which the authorities in Mexico had known for some time. Indeed, the repetition of the *cedula* of 1678 would seem to indicate that it was the activities of Peñalosa and not a later expedition that the king still had especially in mind as the cause for anxiety. How this may be, other documents not yet discovered may make clear. At any rate, in the light of these *cédulas*, the Spanish activities in Texas following the La Salle expedition appear as a less sudden development than they have hitherto seemed. In their light, moreover, some statements about the preliminary search by land for the Bay of Espíritu Santo, which has been interpreted to mean specifically or even solely a search for the La Salle party, take on a new meaning.²

¹*Reales Cédulas*, Vol. XX, folios 272-276.

²See letter of Massanet, in THE QUARTERLY, II, and Dr. Clark's paper, p. 15.

It may be noted now that it was the 1685 *cédula* that set Father Posadas at writing his memorial, as he tells us himself,¹ and which encouraged Father López to ask for fifty-one missionaries to work among the tribes of the Rio Grande region and central Texas.²

For the story of the search by land for the La Salle party, Dr. Clark missed one interesting original source that was already printed, though rare, when he wrote. His chief authority was the Massanet letter to Sigüenza,³ from which we get the impression that Massanet was the prime mover in the De León expedition of 1688 across the Rio Grande to secure the Frenchman, "Juan Enrique." But from the *autos*, or sworn statements of all the official acts attending the expedition, which include the diary of the journey, we get an entirely different idea as to the source of De León's information that the Frenchman was across the Rio Grande, no mention being made in them of Massanet. While the two accounts may not be incompatible, they convey very different impressions. Besides, the *autos* give much additional information about the doings of Juan Enrique among the Indians where he was found.⁴

Our notion of the personality of Father Massanet has hitherto been gathered chiefly from his own writings and those of Terán, who was unfriendly to Massanet. A document has recently come to light in the Mexican archives that tells us something additional of his career before he became connected with the Texas enterprises. This, too, is written by someone evidently not an admirer of Massanet, and pictures him as a vain and headstrong character, who had been sent to the northern frontier under discipline.⁵

Regarding La Salle's career in Texas it may be of interest to note—though the point did not fall within the scope of Dr. Clark's

¹See his *Ynforme* in the *Archivo General de México*, Historia, Vol. III.

²See his *Representación* dated March 26, 1686, in the *Viage que a Solieitud*, etc., cited above, p. above.

³See reference given above.

⁴These *autos* are printed in Portillo's *Apuntes para la Historia Antigua de Coahuila y Texas*, Saltillo, 1888, pp. 224-237. The original manuscripts are still in existence in the archives of the State of Coahuila.

⁵The manuscript referred to is a report of February 10, 1762, to the Commissary General, Fr. Manuel de Najera, by the religious of the convent of San Francisco, Guadalajara. It is preserved in the Public Library at Guadalajara, MSS., Vol. 19.

paper—that the fixing by recent study of the location of the Cenís and other villages visited by La Salle's party enables us to correct all previous views as to the place where La Salle died, pushing it westward to a point only a short distance from the Brazos.¹

Dr. Clark states that the letter of Massanet is the only contemporaneous account of the De León expedition of 1690. This is incorrect. De León's diary, lacking the part covering the journey from Monclova to the Rio Grande, the first folio, perhaps, is extant, and is the first document cited by Dr. Clark in note 2, p. 17, for the expedition of 1689, of which he mistook it to be the diary. This rare source gives us many new details of the expedition which founded the first Franciscan mission in Texas, and corrects some of the general statements of the Massanet letter.

A comparison of the monograph with the first version of the expedition of 1690, as it appeared in *THE QUARTERLY*, will show that the revision gives a more exact idea than the first version of the location of the mission of San Francisco, and also exhibits more knowledge as to the identity of "the Governor of the Tejas," who was in reality, as it now appears, the chief of the Nabedache tribe. Likewise, for the revised version of the Terán expedition Dr. Clark availed himself of the considerable accession to the manuscript materials that has been made since he first wrote.²

Not a few items of additional information for the relatively blank period between 1693 and 1713 have come to light in the archives of Mexico since Dr. Clark wrote. We now know something more definite about the career of Urrutia among the Indians; we learn of frequent rumors at the Rio Grande settlements of French intrusion among the Hasinai and the Cadodachos, and of investigations as to their foundation; considerable is our information now about the mission activity during this period between the Rio Grande and the San Antonio rivers, a movement logically connected with the founding of San Antonio; the rich diary of an expedition of Fathers Espinosa and Olivares to central Texas in 1709 to meet the Texas Indians, an event that no

¹See *THE QUARTERLY*, Vol. X, pp. 261-266, which discusses the location of the Nabedache and Neche villages, unmistakably the Cenís villages described in the *Journal of Joutel*; then read the *Journal* from the point where La Salle's party crossed the River of Canoes, Margry, III, 317-335.

²See notes, pp. 34, 37, 38 (note 1).

one has hitherto mentioned, so far as I know, is now at our command; and there is hope that the hazy affair of Hidalgo, whose doings in Texas are thus far altogether too much a matter of speculation and inference, will some day be made clear, for a clue has recently been found to two documents that should straighten the matter out.¹

For the expedition of 1716 the most considerable additional sources made available since Dr. Clark wrote are the diary of Espinosa and a letter by Father Hidalgo to Father Mesquia, dated at the Neche mission on October 6, 1716, both of which have been found in the original in the Mexican archives. With these are filed several new documents of lesser importance for the story of the founding of San Antonio, which is the subject of Dr. Clark's last chapter.

For the whole period covered by the monograph an important advance has been made by the finding of the originals of many of the documents that have been known hitherto only in the form of copies, the latter being contained chiefly in the *Memorias de Nueva España*. A comparison of these copies with the originals has revealed the fact that the *Memorias* are in general rather untrustworthy, some of the transcripts which are therein represented as faithful copies of the originals proving to be only paraphrases, or at best very careless copies. One result of their use, for example, has been confusion with regard to the tribes where the missions were founded in 1716. On the basis of the *Memorias* copies of the documents, the Neche tribe became the "Nacoches," the Ainal became the "Asinai," and the Nasones became the "Noaches," tribes that can not be accounted for in the Hasinai Indian organ-

¹See *Autos sre diferentes providencias aplicadas por su exa pa la Conversion de Infieles en la Prova. de Coaguila*, MS., in the Archivo General y Público, Mexico, Historia, Vol. 28, originals; Espinosa, *Relación compendiosa del estado y progresos de las misiones del Rio Grande del Norte*, December 11, 1708. MS., in the Archivo of the Colegio de la Santa Cruz de Querétaro, Mexico; *Decreto del Exmo Señor Duque de Alburquerque, su fha 29 de Octubre de 1703 en que se habla de Franeeses en Texas y Cadodachos*, MS., in the Archivo General y Público, Historia, 394; Diary of Diego Ramón, of an expedition into Texas, 1707, MS., *loc. cit.* Provincias Internas, Vol. 28; Diary of Father Olivares, of an expedition into Texas, 1709, MS., in the archive of the Col. de Santa Cruz.

ization, but which, upon reference to the original documents, disappear and cease to trouble the puzzled student.¹

It is thus seen from this cursory review that in spite of the thoroughness of Dr. Clark's most excellent monograph, subsequent addition to the manuscript literature of the period which he covers has brought to light a number of interesting minor facts regarding the beginnings of Texas and has to a greater or less extent changed the meaning of a number of others.

¹In Vol. 181 of the Provincias Internas section of the Archivo General y Público, Mexico, are contained the originals of twenty-three manuscripts that are copied in the *Memorias*, Vol. 27, besides twenty-one that are omitted from the *Memorias*. The originals of many of the documents of the thirty-two volumes of the *Memorias* are scattered through various sections of the archive.

BOOK REVIEWS AND NOTICES.

The article "Lone Star Pine" in the *American Lumberman* for September 26, 1908, pp. 67-150, is a most interesting narrative of the personal history of the Texas house of Thompson and its share in the development of the lumber industry of the State. The family record shows an extraordinary proportion of men of high character and unusual business endowments, and well explains the growth of the Thompson milling interests to their present enormous magnitude.

In whatever aspect the history of Texas is considered, political, social, ecclesiastical, or economic, there is none more fascinating and instructive. Of these various aspects, that which has been least adequately treated is undoubtedly the economic. When it is properly written, a large part of it will be given to describing the growth of the production of lumber in the State, and in this the Thompsons will be found to have had a highly important share. And when the investigator who is to write it shall begin his work he will find valuable material in this article.

Plantæ Lindheimerianæ. Part III. By J. W. Blankinship. (From the Eighteenth Annual Report of the Missouri Botanical Garden. 1907. Pp. 100.)

One of the earliest and most widely known botanical collectors in Texas was Ferdinand Jacob Lindheimer. He settled at Houston, Texas, in 1840, and engaged in truck farming. As a farmer, he was not successful and on the advice of his friend, Dr. George Engelmann, of St. Louis, he gave up farming and turned his entire attention to collecting the unknown flora of Texas and selling his specimens as a means of livelihood. In 1844, Lindheimer moved to New Braunfels, where he lived until his death. By the aid of Dr. Engelmann and Dr. Asa Gray, who identified his specimens, Lindheimer was able to devote his entire time to collecting. As a result of his work, four sets or fascicles of plants, bearing numbers from 1 to 754, were collected and Parts I and II, *Plantæ*

Lindheimerianæ, describing a part of these plants, were published by Drs. Engelmann and Gray. The first fascicle, collected in 1844, contained 214 numbers; the second comprised 215 to 318 and was collected in 1844; the third contained numbers 319 to 574 and was the 1845 and 1846 collection; the fourth consisted of numbers 575 to 754 and was made in 1847. A collection made in 1849-1851 was probably intended for a fifth fascicle. It contained about 650 numbers and was about as large as the other fascicles combined. This collection is quite valuable in that it contains a number of cotypes of species, described from the other exsiccateæ. There were about fifty sets of plants, thirty of which were fairly complete, prepared from this collection for distribution. About a year ago one of these sets was presented by the Missouri Botanical Garden to the University of Texas.

The herbarium of Dr. George Engelmann, after his death, was presented to the Missouri Botanical Garden by his son, Dr. George J. Engelmann. It contained a large number of duplicates, a great many of which were Lindheimer's Texas plants and were at first supposed to be the undistributed portion of the exsiccateæ described in *Plantæ Lindheimerianæ*, Parts I and II. Later it was found that they were the undistributed collection which was made in 1849-1851. This collection was carefully studied by Mr. J. W. Blankinship. In the eighteenth annual report of the Missouri Botanical Garden, issued November 25, 1907, he gives a report of his work which is here under review.

The publication, *Plantæ Lindheimerianæ*, as begun by Engelmann and Gray, was left incomplete at the end of the Compositæ (Bentham and Hooker sequence), so that no data for numbers 449-574, Fascicle III, and 652-754, Fascicle IV, have been given. This, with a list of the species in the last Lindheimer collection and the missing numbers of Parts I and II of *Plantæ Lindheimerianæ* are supplied in Blankinship's report. The author also gives a brief but interesting account of the life of Lindheimer and a general bibliography of Texas Botany.

Plantæ Lindheimerianæ is not only valuable from an historical standpoint, but will be of great importance to botanists interested in the flora of Texas.

HARLAN H. YORK.

American Diplomacy Under Tyler and Polk. By Jesse S. Reeves, Ph. D. [The Albert Shaw Lectures on Diplomatic History, 1906.] (Baltimore: The Johns Hopkins Press. 1907. Pp. ii, 335.)

Besides the lectures indicated by the title of this volume, it has two chapters which contain matter not included in the lectures. One of the two deals mainly with Commander Mackenzie's report on his visit to Santa Anna at Havana in July, 1846; and the other is a reprint of an article by the author of the book on the Treaty of Guadalupe Hidalgo from the *American Historical Review* for January, 1905.

Dr. Reeves has given a clear and rational survey of his subject in pleasing contrast with the mass of controversial literature passing for history which has been written in relation to it. It is plain that he has striven to maintain the judicial attitude throughout; but there is some question as to whether he has not been too confident of his conclusions as to Polk's motives, and whether he has not in fact occasionally misinterpreted the evidence or forced his inferences. He does not accept the partisan contemporary view—too common still—that Polk made himself the wicked agent of the slave-holding interest to extend the area of slavery. To him, Polk is simply the intriguing and unscrupulous expansionist, who deliberately planned and accomplished the seizure of California at the cost of an unnecessary and bloody war against a power that was too weak to make effectual resistance.

In the preparation of the book, the larger part of the sources available in the United State has been used, including the manuscript materials in the archives of the Department of State at Washington, the Library of Congress, the Lenox Library, and that of the Chicago Historical Society, and especially the indispensable diary of Polk, but only that small fraction of the correspondence of the Republic of Texas with its own *chargés* at Washington which has already found its way into print. Nothing has been drawn from the documents in the English and French archives.

More than half the book is taken up with the annexation of Texas and the Mexican war. The author describes it as dealing "principally with the questions of boundary," and remarks that

the southwestern boundary question was settled "by conquest." This is misleading. It puts forward the boundary question as the most important subject of the diplomatic correspondence of the period concerning the southwestern relations of the United States, and as the cause of the Mexican war. Dr. Reeves must know himself how relatively little this question figures in the correspondence. He admits (pp. 287, 288, 297, 298) that it was not the Mexican attack on Thornton's dragoons after Taylor had advanced to the Rio Grande that brought Polk to his determination in favor of war; for the message recommending the declaration was written and ready to send to Congress before the report of the attack reached Washington, and the news simply permitted the revision of the argument of the message. Of course the question remains as to whether Congress would have made the declaration if the attack had not occurred, but there seems good reason to believe that it would have done so. Dr. Reeves, however, thinks that Polk entered upon the presidency with the determination so to use the unsettled question of the boundary of Texas as to tak California; and that, although this was not mentioned in the message, it was the real reason for recommending a declaration of war. With this the reviewer can not agree. Polk's declaration to Bancroft made public by Schouler is by no means to be construed as a statement of intention to acquire California without regard to Mexican rights. How groundless is the assumption of such a purpose on Polk's part is clearly to be seen from the letters of Slidell to Buchanan, November 30, 1845, and Buchanan to Slidell of December 17, 1845. These contain sufficiency that Polk was willing to accept an adjustment which should leave California out altogether.

Neither will all readers be convinced that the condemnation of Polk for his negotiations with Santa Anna immediately before the outbreak of the war and during its earlier stages is just. Considering the state of the relations of the United States with Mexico—the withdrawal of the Mexican minister from Washington; the warlike declarations of the Mexican government; the failure of the Slidell mission; and the fact that the claims against Mexico, of which a considerable part had been sanctioned by arbitration, must be enforced by war if at all—Polk can scarcely

be blamed for meeting the unreasonable bluster of the Mexicans with a plan to settle all differences peaceably by restoring Santa Anna. The question, however, is one that concerns the ethical standard rather than the historical facts, and it can not be further discussed here.

The treatment of the northeastern and northwestern boundary questions, which are the essential questions of the diplomacy relative to those quarters, is careful and scholarly; but something might have been gained by extending the *résumé* of the northeastern boundary controversy back to the Proclamation of 1763 and bringing out the historical continuity of the description.

One or two errors of fact are to be noted: the names of the Magaguadavic and Schoodiac are exchanged in the statement of the respective claims of Great Britain and the United States (p. 4, note 4), and A. J. Donelson was not the son-in-law but the nephew of Andrew Jackson (p. 178). The style of the narrative is nervous and rather impressive; but there are occasional evidences of too cursory proof reading and hasty composition, such as the superfluous "to" in the last line but one on p. 220, putting "1848" for 1846 (p. 188), and the incomplete description of the division line for Oregon proposed by Pakenham in 1844 (p. 247). "Elliott" (p. 147 and elsewhere) should be Elliot.

In spite of Dr. Reeves's assumption on altogether insufficient evidence that the key of Polk's southwestern diplomacy lies in his determination to take California from Mexico by foul means if fair should prove inadequate, this work marks a distinct step in advance in its abandonment of the effort to explain the negotiations of Polk with Mexico—and indeed the whole southwestward expansion movement—as inspired by the interests of the slaveholders. Its author having gone thus far will surely, if he continues at his subject, go still further by and by and will accord Polk the justice that most of the historians have heretofore denied him.

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THE NAVY OF THE REPUBLIC OF TEXAS.

ALEX. DIENST.

I.

THE FIRST NAVY OF TEXAS.

I. The Correo Mexicano and the San Felipe.

Throughout the first half of 1835 serious misunderstandings and difficulties had occurred between the merchants and the collector of the maritime customhouse of Galveston, Texas, in relation to the collection of duties.¹ In the hope of averting trouble and of bringing about a peaceable adjustment, the *ayuntamiento* of Liberty, in the department of Nacogdoches, issued a manifesto² to the effect "that the revenue laws, like all other political laws,

¹The author must refer the general reader who is desirous of becoming acquainted with the details leading up to the revolution in Texas, to the histories of the State, and to such monographic accounts as relate to this period. Only such matter of a general nature will be inserted as is necessary to introduce and present a connected account of the movements of the naval vessels of Texas and Mexico.

²*Texas Republican*, May 30, 1835. The manifesto is dated April 7, 1835; Edward (*History of Texas*, 235-38) erroneously prints it under the date of June 1. See Eugene C. Barker, *Difficulties of a Mexican Revenue Officer*, in *THE QUARTERLY*, IV, 194, note 3.

"The *alcalde* in his separate capacity combined the larger powers of our mayors and justices of the peace. The duties of the *regidores* assimilated

are to be respected by all those who come within the legitimate sphere of their actions; and although these laws may be unwise, to resist them by force is more unwise and ill timed than the laws themselves." The manifesto goes on to say that the duties are oppressive, disproportionate, and in need of modification; but that this change must be a legal one, and not brought about by force. And the dissatisfied citizens are urged to abstain from any violent measures towards the collector of the maritime customs of Galveston. Notwithstanding this conservative counsel, Captain Tenorio and his small garrison stationed at Anahuac to guard the port against smuggling and afford protection to the collector of customs, were attacked by William B. Travis and fifty armed Texans and forced to leave. This act of the Texans and Americans at Anahuac was condemned by the municipality of Liberty and the Central Committee.¹ A sensational account of the attack on the revenue officer was carried to General Cos, who, being not yet aware that it did not carry with it the endorsement of the majority of the Texans, in July ordered the sloop of war *Correo Mexicano*, commanded by Captain T. M. Thorapson, to the scene of action to protect Mexican commerce.² In violation of orders,³

to those of our alderman, and the *sindicos* corresponded with recorders. These sitting together composed the *Ayuntamiento*, which had jurisdiction over the entire community."—Lynch, *The Bench and Bar of Texas*, 20.

¹Edward, *History of Texas*, 235; Kennedy, *Texas*, II, 92-94; Yoakum, *History of Texas*, I, 339; Bancroft, *North Mexican States and Texas*, II, 156. (These works will be henceforth cited in this narrative respectively as Edward, Kennedy, Yoakum, and Bancroft.) But Edward errs in citing here as proof of censure for an act which occurred June 30 a proclamation which he dates June 1, and which was actually issued April 17 and published May 30. See above, p. 165, note 2.

²Captain Thompson was an Englishman by birth, and was at this time an adopted citizen of Mexico. He had been in the Mexican service some years. His appearance was unprepossessing, and he was reported to be striving to make a fortune by fair means or foul. He was misunderstood at this time, or his character changed materially; for later on he was very kind to Texas prisoners, and ultimately took the side of the Texans. Edward, 248; Yoakum, I, 356; Bancroft, II, 161. Edward (248) and Kennedy (II, 94) claim that his instructions were to make observations, and find out whether the collector and his men had been massacred by the Americans, as had been reported, and return to Matamoras as soon as possible with his information.

³Colonel Ugartechea himself admitted this much in a letter to Stephen F. Austin, dated October 4, 1835, saying, "I know you are right to complain of Thompson's proceedings, which I still less approve, as they were

Thompson bullied the citizens and traders at Anahuac, threatened to burn the town,¹ and proved himself utterly unfit for the delicate task of upholding Mexican authority and calming the excitement of the people.

Thompson's most serious mistake was the capture of the American brig *Tremont*. This vessel was in the Texan trade,² and though I have searched diligently I can find nowhere any reason given for his attack.³ No historian gives even a hint as to his reason. The nearest explanation I can find in his favor is derived from an article in the New Orleans newspapers, signed "Seventy-six." It is a reply to a defence of Thompson which I am unfortunately unable to locate, but from the communication of "Seventy-six" it can be gathered that Thompson's defender asserted that he was sent to the Texas coast to interrupt the importation of negroes from Cuba. I will give the comment in part, as it will also furnish some details of the capture which I can find nowhere else:

Mr. Editor: My attention was last evening called to an article in an evening journal, headed "Texas and the United States District Attorney at New Orleans, vs. Louisiana, Mississippi, Alabama and Arkansas," which contains a most violent and abusive attack against the individuals in this country whose feelings have been aroused in favor of an oppressed and deceived people, struggling to maintain their rights of civil liberty: an attempt to assert the innocence of Captain Thompson now waiting a trial for piracy. They are also charged with bringing negroes into Texas, in violation of the constitution of 1824, while in fact there is no provision in the constitution prohibiting the introduction of negroes from Cuba or elsewhere. The writer adds that Captain Thompson was sent out to prevent this traffic, and we venture to

arbitrary; he having no authority to act in such manner." Yoakum, I, 356. Captain Thompson issued a "Proclamation to the citizens of Anahuac," July 26, 1835. It is printed in full in Brown, *Life of Henry Smith*, 63, *et seq.*

¹Travis to Bowie, July 30, 1835, MS.

²Pennybacker, *History of Texas*, 117, calls the *Tremont* a United States naval vessel. This is a mistake; it was a trading vessel.

³The explanation apparently is that Thompson had arbitrarily declared a blockade of the Brazos, and that he attacked the *Tremont* for violating the blockade. See sworn statement of A. J. Yates, I. N. Moreland, and A. C. Allen in *Texas Republican*, September 19, 1835.—Editors of QUARTERLY.

assert that not one syllable is said on the subject in his instructions, and if he had those instructions, we would ask if he acted in pursuance of them when he took the American brig *Tremont* as a prize, loaded with lumber, and how much of the treaty between the United States and Mexico he fulfilled, when he required the Captain of the *Tremont* to come on board the *Correo* with his papers, while that treaty expressly provided that a Mexican armed vessel shall board an American Merchantman by sending one of her officers on board, with not more than three men, and shall in no case require the Captain of the Merchantman to leave the vessel with his papers.

That negroes were imported into Texas from Cuba, and even from Africa direct, at this time, is generally conceded; Fannin, the Texas martyr, was himself accused of importation of African slaves by no less a man than S. Rhoads Fisher, later Secretary of the Texan Navy.¹ This version of the matter might also account for the great anger of the Americans at Anahuac, who may have been awaiting the arrival of a slaver, in order to purchase their wares and cross over the Sabine with cheaper negroes than could be purchased in the United States. In favor of this theory is the note which Bancroft² inserts without comment that "Washington Stiles, one of the crew of the *Tremont*, in the trial of Thompson at New Orleans for piracy, swore that Thompson said that if he could capture two American vessels, the *Tremont* and the *San Felipe*, his fortune would be made and he would stop." Just how his fortune would be made by capturing a vessel loaded with lumber, as the *Tremont* was, is not clear, but if it was loaded with two or three hundred negroes selling at one dollar a pound, his statement looks reasonable, as there was an active demand for negroes at this price. The *Tremont* was captured September 1, but Thompson's previous acts had so exasperated the Texans that they had already determined to seize the *Correo* and accomplish his downfall.

It was in pursuance of this design that the Texan trading

¹Broadside (December 17, 1835), "To the People of Texas," in Dienst, Collection of Documents (cited henceforth as Dienst, Col. Doc.), II, 23; see below p. 188; Eugene C. Barker, in QUARTERLY, VI, 152.

²Bancroft, II, 161, note 23. Bancroft is here quoting from Winthrop, *Report of the Trial of Thomas M. Thompson*, 3, 16, which I have not seen.

schooner *San Felipe* arrived off the mouth of the Brazos, September 1, just as a prize crew from the *Correo* was weighing anchor on the *Tremont*. The *San Felipe* was purchased in New Orleans for Texas by Thomas F. McKinney, a prosperous merchant of Quintana, and associated at that time in business with Samuel M. Williams. The price paid for the vessel was \$8,965 "including freight on board when taken,"¹ which would lead one to believe that the purchasers were in a great hurry indeed, not to have time to unload the freight,—unless said freight consisted of holloware (cannon) as Edward states, and was such goods as they wanted. Captain William A. Hurd was put in command.² Captain Thompson of the *Correo* was aware of the intentions of the *San Felipe* and was keeping a sharp lookout for her, and seemed in no way disposed to evade her attack.³ At 8 o'clock in the evening the *Correo* came up, and without warning fired into the *San Felipe*.⁴ Bancroft says the fight lasted only three quarters of an hour. The *Texas Republican*,⁵ which gives the best of the meager accounts, says:

On the arrival of the Schr. *San Felipe*, Capt. Hurd, at the bar of the Brazos, she was attacked by the piratical schooner *Correo*, Capt. Thompson, and after an engagement of two hours the *Correo* made off, but was pursued, overtaken and captured by the *San Felipe* and brought back. The officers and crew consisted of Captain T., 1st and 2d Lieutenants and 14 seamen. During the engagement one of the crew of the *Correo*, a native of Baltimore named Blackburn, received a mortal wound, of which he died two days after. Capt. Hurd took command of the *Correo* and departed for New Orleans, with the pirates in chains, leaving Capt. Grayson in command of the *San Felipe* to follow.⁶

¹Dienst, Col. Doc., II, 16.

²Edward, 249.

³Letter from J. W. Fannin, Jr., in Dienst, Col. Doc., II, 23.

⁴Yoakum, II, 162. Edward, 249, claims that the *San Felipe* was hailed, and that she replied with shot, and thus fired first. This is merely an assertion.

⁵Issue of September 19, 1835, in Austin Papers: cf. Bancroft, II, 162.

⁶In the *Telegraph and Texas Register*, October 15, 1837, Captain Thompson states that the steamboat *Laura* assisted in this capture. Bancroft (II, 162) says: "An engagement followed, which lasted for three-quarters of an hour, when Thompson drew off. In the morning the *San Felipe*, taken in tow by a small steamboat, the *Laura*, went in pursuit of the *Correo*, which was almost becalmed about six miles off. The Mexican captain surrendered without further fighting."

The *San Felipe* had a very short career after this engagement. I can find no further mention of her in any history; but Edward Hall says in a letter to Stephen F. Austin that the *San Felipe* went in pursuit of a Mexican armed vessel and was lost in Matagorda Bay, that the heavy cannon had been saved and was on Bird Island, and that he had heard from Matagorda that the schooner *William Robbins* sailed from there on the 13th with the intention of picking up the gun and taking it to the Brazos.¹ It seems, however, that the *San Felipe* was only aground, and not wrecked. In a letter addressed to the General Council by Thomas F. McKinney, dated November 11, he stated that they succeeded in getting the schooner off, and that, in company with the *William Robbins* she would go at once to New Orleans. He said that on last Thursday, while the *San Felipe* lay on the beach, she exchanged several shots with a Mexican vessel, and he thought that some shot hit the Mexican, which put to sea.² Nothing further can be found relative to her, except a resolution of the General Council of January 17, 1836, by which R. R. Royall was appointed agent to take charge of and secure the wreck of the schooner and whatever belonged to her, then lying on the beach in or near Paso Cavallo and report to the Government.³

Meanwhile, Captain Thompson and his Lieutenant O'Campo were carried to New Orleans and in January, 1836, they were tried on a charge of piracy in the Federal District Court, the suit being termed, "The United States vs. Thompson."⁴ New Orleans sympathy was largely with Texas, and the excitement seems to have reached the attorneys on both sides. P. Soulé, one of Thompson's attorneys, and H. Carleton, United States District Attorney, passed the lie between them, and threw at each other inkstands, books, etc., for which Judge Harper of the United States District Court sentenced them each to six hours imprisonment. The jury sat on the case one whole night, and brought in a verdict to acquit O'Campo. It was not able to agree in Thompson's case, and the

¹Hall to Austin, November 23, 1835. Austin Papers.

²*Proceedings of the General Council*, 10.

³*Proceedings of the General Council*, 346.

⁴*The Courier*, January 14 and 16, 1836; *New Orleans News* or various dates—all in Dienst, Col. Doc., I, 5.

court ordered a new trial. Mr. Carleton thereupon, with leave of the court, entered a *nolle prosequi*, and the prisoners were discharged.¹

*The New Orleans Courier*² said concerning the trial. "The issue of the suit . . . is indeed a very remarkable one—such, it may be said, as never happened before—the pirates set at liberty and the Attorneys committed to jail." *The Commercial Bulletin*³ gave the following account of it:

On Saturday last, the Judge of the United States District Court of this city, having ordered the commitment of the District Attorney and of Mr. Soule, in consequence of an altercation which took place between those gentlemen during the trial of Thomson, a large number of the friends of the District Attorney visited him during his short confinement.

While they were assembled in the room where the District Attorney was confined, Dr. Archer, one of the Commissioners from Texas, addressed Randell Hunt, Esq., the assistant Counsel of the District Attorney in the trial of Thomson, in a very eloquent manner, expressing his own satisfaction and that of his fellow-citizens of Texas, for the able and powerful address of Mr. Hunt delivered to the Jury in that cause, and for his bold and righteous vindication of the cause of Texas in her present struggle for Civil Liberty, and concluded by saying that his fellow-citizens could give no adequate compensation to his efforts, and his expression of those sentiments, but they desired his acceptance of some testimonials of their approbation and esteem. He then presented Mr. Hunt in the name of the Citizens of Texas, with a very splendid Gold Lever, the most valuable that could be found in this city, engraved inside the case, with the following inscription: "Presented by the Citizens of Texas to Randell Hunt, Esq., in testimony of their esteem of his exalted talents, and eloquent vindication of the cause of *Truth, Justice and Civil Liberty*." This, with a very superb cane and some other valuable jewels, were received by Mr. Hunt, and on receiving them with a letter, which we have inserted below, he made a very appropriate and eloquent reply.

¹Yoakum (I, 356) says Thompson was acquitted. This is not so; an acquittal would imply that the *San Felipe* had erred in capturing him, which a withdrawal of the charge does not necessarily imply. Thompson had a bad case to defend, as he could not produce his commission at the trial; but it is to Mexico's credit that she nevertheless sustained him.

²In its issue for January 16, 1836.

³For January 18, 1836.

New Orleans, Jan. 16, 1836.

Randell Hunt, Esq.

Dear Sir—The undersigned respectfully request your acceptance of the enclosed, as a slight testimonial of their personal esteem, and an expression of their admiration of the able and eloquent address delivered to the Jury by yourself last evening—of your powerful effort in the cause of truth and Justice, and last, not least, the warm and heartfelt expression of your sympathies for their oppressed and struggling country and your righteous vindication of their conduct in the present crisis. That the most brilliant success may attend your career, and the talents and learning which you possess ever be engaged in as just and holy a cause as the one you have so eloquently sustained, whether it be to shield the innocent, or punish the guilty—and that you may reap a rich reward in your own heart, and the approbation of your fellow citizens, is the sincere prayer of

Your obedient servants,

Adolphus Storm [Sterne],	B. T. Archer,
W. H. Bynum,	S. F. Austin,
John A. Wharton,	W. H. Wharton,
A. Hotchkiss,	W. G. Logan,
Wm. Bryan,	J. Scott,
A. C. Allen,	A. J. Yates.

New Orleans, Jan. 17, 1836.

Gentlemen—I acknowledge with the deepest sensibility, and the most unfeigned thanks, the receipt of your letter, and of the testimonials which accompany it.

When I consented to act with the District Attorney in the prosecution of Thompson, I did so with a single regard to the principles of truth, and justice, and liberty, and in the expectation of receiving no other reward than the consciousness of an honorable effort to serve my country on that occasion, to the best of my abilities. Judge then of my surprise, pleasure and pride I have experienced at the thanks, commendation and kindness heaped upon me by you all of whom are gentlemen of the highest respectability for private worth, and many of whom are destined to fill some of the brightest pages of the history of these times; it is an honor of which the most distinguished man of this age might well feel proud.

If the defence of the principles of liberty be, as I feel assured, one of the highest duties of the profession to which I belong, I shall never cease to rejoice that that defence, in connection with the cause of Texas, became a part of my duty on the occasion to

which you have adverted. A native American, I cannot but feel the deepest interest in the success of a people, connected with us by the ties of a common origin, and a common regard for equal rights, and bravely struggling for constitutional liberty. God speed the noble work!

Accept, gentlemen, once more my acknowledgements for the testimonials of esteem with which you have honored me, and receive in return my best wishes for your individual happiness, and the welfare of your country.

I am, gentlemen, very respectfully,

Your obedient servant,

RANDALL HUNT.

To Messrs. B. T. Archer, etc.

Thus happily and amidst rejoicing, was closed the incident of the *Correo* and the *San Felipe*.¹

II. ORGANIZATION OF THE NAVY.

At a mass meeting held at Columbia, August 15, 1835, a committee of fifteen persons was appointed to prepare an address to the municipalities of Texas, asking them for co-operation in a call for a consultation of all Texas. The address requested that each municipality should elect five delegates to meet at Washington, on the 15th of October. On this date only thirty-two members were present; these not being sufficient for a quorum, the meeting was adjourned to November 1. By the 3rd of November fifty-five members had assembled at San Felipe instead of Washington. This consultation was authorized to organize a government, and to provide ways and means for carrying on the war. A provisional government was formed, in which Henry Smith was appointed governor and James W. Robinson lieutenant governor.²

One of the very first matters receiving the attention of the Consultation was the proper protection of the sea coast. As it was impossible to create a navy in a day, it was determined to issue letters of marque and reprisal; and it was hoped that by having numerous privateers cruising upon the Texas coast, not only would

¹About two years afterward, August 17, 1837, Capt. J. D. Boylan, commanding the Texan man of war *Brutus*, captured the *Correo* again. She was then passing by the name of *Rafaelita*. (See *Texas Navy Papers*, State Library.)

²Bancroft, II, 162, 169, 171; *Journals of the Consultation*, 50.

Texas be protected, but the Mexicans would be seriously harassed. It will be sufficient for the purposes of this narrative merely to outline the plans proposed and those finally adopted. On the 31st of October, 1835, the General Council, which was looking after the interests of Texas until the opening of the Consultation, issued letters of marque to several "gentlemen of the lower country."¹ I am of the opinion that these commissions were not used, or were surrendered later, and those authorized by the Consultation accepted in exchange. The first application for "letters" to the Consultation was made on November 8th, 1835, by A. C. Allen,² Mr. Allen proposed to "arm, man and fit out a vessel mounting nine guns, and fifty stand of small arms, with fifty volunteers on board and four months provisions, to cruise off our coast as a privateer." The committee to whom this proposal was referred reported: "That they view the protection and defence of our seaboard of the greatest importance in the present crisis;" and recommended that Allen's proposal be accepted; that all authority vested in the Consultation be granted to him to cruise with such vessel as he might think proper to arm and man as a privateer; that a suitable commission be issued to him for that purpose by the executive; and that "the thanks of the convention be tendered to Mr. Allen, for his patriotism and devotion in our struggle for constitutional liberty." Further on it will appear that Mr. Allen made good use of the commission. Some one about this time must have raised the question as to the right of the Consultation to issue letters of marque; for on November 13th we find the following report on the subject from a select committee, of which D. C. Barrett was chairman:³ "This convention, in adopting the declaration of the seventh of November, have organized this power, and by the provisions of the resolution constituting a provisional government, have vested this authority in the governor and general council; consequently these⁴ requires no further action upon the subject by this house during its present session." Article four of

¹Report of General Council to Consultation in *Journals of the Consultation*, 11. For form of commission see *THE QUARTERLY*, VII, 278.

²*Journals of the Consultation*, 25-26.

³*Ibid.*, 40.

⁴There.

the plan of the Provisional Government as finally adopted, authorized the governor "by himself, by and with the consent of the council," to employ the army and navy in "all proper ways" for the defense of the country.¹

The Council which was to assist the governor in the management of the navy was elected by the Consultation from its own membership, one from each municipality.² The Consultation adjourned on November 14, and the Governor and Council were now in power. On November 15, D. C. Barrett and A. Houston reported to the Council among other things that, "The Mexican Schooner Montezuma, with another vessel, is cruising in the Gulf. The Vera Cruzana is off Matagorda—more commissions for vessels in the Texas service are requested."³ This information was derived from a letter from McKinney and Williams to the Consultation, dated the 9th. It has been affirmed that the letter was written to hurry the Council into issuing letters of marque, and that no Mexican vessels were then endangering the Texan coast. If this was the object, it served the purpose. The *Vera Cruzana* was the vessel that was said to have exchanged shots with the *San Felipe* as she lay on the beach in Matagorda Bay, as was mentioned in the last chapter.

On the next day, November 16, Governor Smith sent a message to the Council, one paragraph of which is as follows:

I recommend the granting of Letters of Marque and Reprisal; by doing which we cannot only prevent invasion by sea, but we can blockade all the ports of Mexico, and destroy her commerce, and annoy and harrass the enemy more in a few months, than by many years' war, carried on within our own limits. My own mind is satisfied that the whole of our maritime operations can be carried on by foreign capital and foreign enterprise. Already applications for commissions have been made; they are willing to take the hazard, as such afford them every encouragement.⁴

The governor here seems optimistic, but much that he anticipated from privateers came to pass. Not all who applied for commissions actually fitted out privateers; perhaps they did not like

¹*Journals of the Consultation*, 44.

²*Proceedings of the General Council*, 3.

³*Ibid.*, 8.

⁴*Ibid.*, 13.

the restrictions which the commissions imposed. At this time the governor did not seem to think it necessary to form a national fleet; later, as privateers did not materialize according to his hopes, he viewed favorably the creation of a navy to be owned and controlled by Texas.

This message of the governor was referred to the committee on naval affairs, composed of Messrs. Perry, Harris, and West. On November 18 the committee reported themselves in favor of granting letters of marque under the following restrictions: (1) Applicants should be men of character and skill as naval tacticians, and no license should be granted to vessels under eighty tons burden, or carrying less than four twelve pound carronades, "or their equivalent in metal." (2) Cruising should be restricted to the Gulf of Mexico, and prizes made only of vessels sailing under the flag and commission of the central government of Mexico. (3) All prizes should be brought into ports of Texas and adjudicated by competent tribunals; and twenty-five per cent of the prize money should be paid into the public treasury, and the balance to the captors. (4) All persons cruising under license must give good security for the correct performance of the conditions mentioned in their commissions. (5) Commissions were not to be issued for more than six nor for less than three months, and were in any case to cease at the conclusion of war between Texas and Mexico. The report concludes as follows:

Your committee would further most earnestly represent that the establishment of a small Naval force for the security of our extended coast and the protection of our own commerce would seem to them highly necessary and indispensable, and under that conviction would recommend the purchase, arming, and equipping two schooners of twelve, and two schooners of six guns each, to cruise in, and about the bays and harbors of our coast. This arm of the service should be confided and entrusted only to men whose nautical skill and experience are well known and established, and whose activity and efficiency would with greater certainty secure the objects of its creation and organization.¹

Here we have the first official recommendation for a navy to be entirely controlled by the government, and to consist of government vessels.

¹*Proceedings of the General Council, 25-27.*

On the next day, November 19th, the Council took up the report of this committee. The first section was adopted; the second was amended to allow privateers to cruise on the high seas as well as in the Gulf; the third was amended to give the government only five, instead of twenty-five, per cent of the money derived from prizes; the fourth was stricken out; the fifth was agreed to without change; and then the entire report as amended was adopted.¹

On the 19th, the committee on Naval affairs introduced an ordinance "for granting letters of Marque and Reprisal, and for the establishment of a Navy," which with a slight amendment was passed to its second reading.² The next day Governor Smith, who was not yet informed of this action, sent in a message in which he said, "Commissions granting letters of Marque and Reprisal, have been earnestly solicited, both by our own citizens and foreigners, and as yet have not been acted on." This subject, with others mentioned in the message, the governor deemed "of the most urgent and vital importance," and he thought that it should receive prompt attention.³ Three days later, November 22, the Council met on special call of the president, and the ordinance for granting letters of marque and reprisal and for establishing a navy was taken up and read a second time. It was amended by inserting between the words "Texas" and "that" the following, "that the Governor, by and with the advice and consent of the Council, shall have power to grant letters of Marque and Reprisal," which was agreed to. On motion the rule in this case was suspended and the ordinance was read the third time and passed finally.⁴ It was sent to the governor for his approval, and on the 24th he returned it with the following remarks:

To this bill I am bound to object as it now stands. The privileges granted to privateers seems to me rather unbounded—that this Government takes all the responsibilities without any interest in the captures which may be made.

If prizes are brought into our ports, the Government will be at the expense of adjudication and sale, without remuneration, pro-

¹*Proceedings of the General Council*, 31.

²*Ibid.*, 32.

³*Ibid.*, 37-38.

⁴*Ibid.*, 44-45.

vided they should be found lawful prizes; if not lawful prizes they will be bound to make remuneration for the act of their commissioned agents, who have brought into our ports prizes which cannot be condemned and sold as such. Besides, I consider, agreeably to the provisions of the ordinance, that privateers would have an unbridled license to roam at large, without being particularly under the control of the Government, and kept within limits calculated to protect our own commerce, and might, in the end, be productive of more injury than good. . . . If they are not commissioned in a manner calculated to promote the public good by annoying our enemies and protecting our own commerce, they might prove injurious to the Government rather than an advantage. . . .

As it respects that part of the bill making provisions for the creation of a Navy. If it should be made out in a separate bill for that purpose, it would appear much better, and would entirely meet my views, as I deem it entirely necessary for the protection of our commerce. . . . I would therefore suggest the propriety of separating the substantive matter of the bill, and introduce one solely for the purposes of creating a Navy on proper principles, and leaving out the provision for granting letters of marque and reprisal, unless your honorable body may think proper to introduce it in a different shape. I am well aware that no good could result from granting commissions as contemplated by that portion of the bill and as such object to it.¹

On the same day the ordinance was reconsidered. When the question was put, "shall this ordinance now pass? the veto of the Governor to the contrary notwithstanding," the vote stood three for passing and eight for rejection, so the ordinance was lost. It was recommitted, on motion, to the standing committee on naval affairs, and Mr. Westover was added to the committee.²

The next day, November 25, the committee presented an ordinance for granting letters of marque, which was read the first time; and, on motion, the rules were suspended, and it was read a second time. Mr. Hanks moved that the words "twenty per cent" be stricken out, and the words "ten per cent" be inserted, which was agreed to. The rule was further suspended, and the ordinance read a third time and passed. At the same time an ordinance for establishing a navy was introduced and by suspension of the rules

¹*Proceedings of the General Council*, 51-52.

²*Ibid.*, 53.

hastened through its third reading and passed.¹ On the 26th, these two ordinances were reported enrolled.² The governor affixed his signature to the ordinance granting letters of marque and reprisal on the 27th of November, 1835.³

The ordinance granting letters of marque agreed in substance with the report of the committee on naval affairs as amended by the Council,⁴ except that the government's share of prize money was increased in accordance with the governor's suggestion. Hanks's amendment to change that share from twenty per cent to ten per cent must have been overlooked when the ordinance was enrolled; for I have one of the original commissions,⁵ and also one of the original copies of the supplementary letter issued a few days later, and the commission places the government's share of prize money at "twenty per cent." A few days afterwards, the ordinance was modified by further action of the governor and Council. Major Samuel Whiting called on the governor and stated that he was on his way to New Orleans, and wished there to fit out some privateers; and, as he did not know whom he would get to command them, or just what vessels he would secure, he wanted some blank commissions. So, on the 29th of November, Governor Smith in a message to the Council recommended the passage of an ordinance authorizing the executive to vest Whiting with authority to fill out the blanks, under special instructions from the executive in conformity therewith. A committee was appointed to draft such an ordinance and reported "an ordinance and decree supplemental to an ordinance and decree for granting letters of marque and reprisal, passed 25th November, 1835," which was laid on the table. On taking the matter up later the Council so amended the ordinance as to grant three blank

¹*Proceedings of the General Council*, 55.

²*Ibid.*, 56.

³*Ordinances and Decrees of the Consultation*, etc., 23-24; a copy with autographs in Dienst, Col. Doc., II, 1.

⁴See pp. 176-177, above.

⁵This commission is printed on heavy paper by Baker and Borden, the date of the imprint being San Felipe, November 27, 1835. It bears the autographs of James W. Robinson, lieutenant-governor and *ex-officio* president of the Council; E. M. Pease, secretary of the Council; Henry Smith, governor; and C. B. Stewart, executive secretary.

commissions to Thomas F. McKinney and Silas Dinsmore to be filled for the same purpose; and, on motion of Mr. Hanks, it was further amended so as to provide that ten per cent of the prize money should be paid to the provisional government, anything to the contrary in the previous ordinance notwithstanding. The ordinance was then passed finally.¹ Whiting was allowed six blank commissions; McKinney and Dinsmore three.

Section 2 of this supplemental ordinance is interesting as making the first reference to a flag for the service:

Be it further ordained and decreed, etc., That all vessels sailing under Licenses, as Letters of Marque and Reprisal, which have been, or may hereafter be granted by the Governor and Council, or by the Governor, as provided in this supplementary Ordinance, or under any register or license of this Government, shall carry the flag of the Republic of the United States of Mexico, and shall have the figures 1, 8, 2, 4, cyphered in large Arabics on the white ground thereof.²

Under the ordinances whose history has been given, privateering commissions were granted as follows: To S. Dinsmore, Jr., and to Robert Potter, who later became secretary of the navy, on December 1; to Ira R. Lewis and other owners of the schooner *William Robbins*, on December 5; and to Benjamin F. Smith, on December 6. The minutes of the Council for December 6 show that there was also issued, on that day, a blank commission to the committee of safety for Matagorda, to be filled in for the captain of the *William Robbins*,³ but this seems to have been a repetition either of the action or of the record concerning the same subject on the previous day. This was the last commission of the kind granted by the Council and Governor Smith. A month later, January 7, 1836, they seem to be sorry they ever granted privateering commissions at all, as the following request would indicate: "On motion of Mr. Barrett it was ordered that the committee on Naval affairs, be requested to examine into the expediency of retracting all letters of marque and reprisal heretofore granted by this

¹*Proceedings of the General Council*, 73, 74, 75, 76. I have one or the original commissions given to McKinney and Dinsmore.

²*Ordinances and Decrees of the Consultation, etc.*, 38; original commission, Dienst, Col. Doc., II, 1.

³*Proceedings of the General Council*, *passim*.

Council," and Mr. Barrett was added to the committee for this special case.¹ On January 9 the committee reported progress and asked leave to sit again, which was granted;² but nothing further is heard from it. Two days later, January 11, Governor Smith made his severe charges against the Council, and in the excitement caused by his impeachment the subject seems to have been neglected till the Convention met.

The first constitution of the Republic conferred on Congress the power to grant letters of marque and reprisal.³ A proclamation by President Houston, dated September 15, 1837, declares that all letters of marque and reprisal granted under authority of the Texan government had been recalled, but that the practice of granting them is renewed from the time when the proclamation is made public. This was because John A. Wharton, who had landed at Matamoras under a white flag in order to effect the exchange of his brother, William H. Wharton, then a prisoner in Mexico, had been arrested and detained.⁴ On November 2, 1837, a joint resolution was passed by Congress endorsing the action of the president, and requesting him to grant commissions immediately to all applicants who would comply with certain stated conditions. No one availed himself of this opportunity; although the government, by the resolution, reduced its share of the value of prizes to two and one-half per cent. Congress ordered the letters of marque to be advertised in the *Telegraph*, which was done.⁵

I have purposely followed the granting of letters of marque through 1837, in order finally to dispose of the subject. As no action followed the various pronunciamientos, they savor a little of the Mexican style of conducting war. This remark does not apply of course to the first half dozen commissions issued, and which were actually used.

I have written at length on the subject of letters of marque, because such privateers as were fitted out proved of assistance to Texas in the beginning of her struggle, in giving the government

¹*Proceedings of the General Council*, 275.

²*Ibid.*, 286.

³See Art. II, Sec. 4.

⁴*Telegraph and Texas Register*, September 16, 1837.

⁵*Ibid.*, September 23, 1837.

and the people a feeling of security from invasion by sea by means of transports convoyed by one of the two or three Mexican vessels then plying in the Gulf. Moreover, the captures made were very helpful at this critical time, and the privateers deserve no little credit for the help they afforded the Republic of Texas in her infancy. Just how great that help was we shall see at the proper time. Another reason for treating this subject at such length, is that it has been almost totally ignored by historians; and in my judgment, having so much to do with the beginnings of the Texas of to-day, it is deserving of a prominent place in the history of the State. But one writer that deals with Texas has any comment to make on the granting of letters of marque and reprisal, by the struggling colonies. This comment is so inconsistent and odd that I give it. It is characteristic of the man who penned it. His book is valuable for the facts it contains; but when he goes beyond facts his prejudices are so strong against the Texans that his judgment is warped. He says:

The second way in which the Provisional Government tried its hand at robbing was in granting letters of marque and reprisal. It passed two acts with this object, by the first of which (Nov. 27), it was provided that twenty per cent of the proceeds of the prizes should be paid into the treasury; by the second (Nov. 30), the amount was reduced to ten per cent. In thus authorizing individuals to fit out privateers, it could plead the precedents of the best-established and most righteous governments.¹

He might have added that no nation ever had a more righteous cause, or was more in need of the assistance to be had only by the issuance of letters of marque.

As will be recalled, simultaneously with the issuance of an ordinance for granting letters of marque and reprisal, there was also passed on November 25, 1835, an ordinance establishing a navy. It is as follows:

¹Gouge, *Fiscal History of Texas*, 27. Since the above was written another writer has mentioned letters of marque and reprisal in connection with the Texas Revolution. Eugene C. Barker, referring to them in *Political Science Quarterly*, XIX, 623, says: "At any rate, the matter is of little importance, for if any privateers were actually put in commission, nothing was ever heard of them." That this statement is erroneous will be demonstrated in the following chapter.

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas,* That there shall be, and there is hereby established a Navy, to consist of two schooners of twelve guns each, and two schooners of six guns each, with the requisite number of officers, seamen and marines for each schooner; and that the said schooners shall, as soon as practicable, be purchased, armed and equipped for warlike operations, offensive and defensive; and that they be put in commission and fitted out, and ordered into actual service; and the commander and officers of said Navy shall be under the orders and directions of the Governor and Council.

SEC. 2. *And be it further ordained and decreed, etc.,* That the Governor, by and with the advice and consent of the Council, shall nominate and appoint to the command of said vessels, officers of good character, courage and ability as naval tacticians. And the said vessels, when so fitted out, manned and equipped for naval operations, shall rendezvous in Galveston Bay, and the commanders thereof report to the Governor for further orders.¹

I shall now relate the history of the various privateers sailing under letters of marque, or authorized by the needs of the hour to act as vessels of war in the defense of Texas. In doing this strict chronological order will be sacrificed to unity, and the history of each vessel will be followed separately to the end. This should avoid confusion, and make a more interesting and readable narrative. This course will be adhered to throughout the work wherever it seems to me best so to do. After the study of the privateers, the purchasing of the national vessels of war, their armament and officers and their various cruises will be considered, each receiving such space as its services entitle it to, and as material for its history has been found. The work of collection has been difficult, but I have found much that throws a new and clearer light on the services rendered by the navy, and its officers and men; and if I can add to their fame and that of their vessels by an impartial relation of the facts, the work I have undertaken will have served its purpose.

¹Gammel, *Laws of Texas*, I, 931.

III. THE TEXAS PRIVATEERS.

The *William Robbins* seems to me, after careful search, to have been the second vessel fitted out by Texas, the *San Felipe* being the first. As noted in chapter I, the *William Robbins* was expected to accompany the *San Felipe* to New Orleans about the 10th of November, 1835. On the 13th of November we find her rendering her first service to Texas by transporting a heavy cannon, taken from the wreck of the *San Felipe*, from Bird Island to the Brazos.¹ Early in November, the Mexican vessels *Montezuma* and *Bravo* were reported to be blockading the Texas coast, and the committee of safety of the jurisdiction of Matagorda considered it important that a vessel should immediately be armed and equipped to attack and drive them off. The schooner *William Robbins* was at that time in the Bay of Matagorda, and by a resolution of the committee Ira R. Lewis and S. Rhoads Fisher were appointed to negotiate the purchase of this vessel for the Texas service. They concluded a bargain for her at thirty-five hundred dollars, but the money was paid by Thomas F. McKinney individually, in order that the government might have the option of buying and using her as a naval vessel.² She was placed under the command of William A. Hurd. On Thursday, November 19, 1835, it was reported in Matagorda that a schooner, which was afterwards found to be the *Hannah Elizabeth* from New Orleans, had been driven ashore at Paso Cavallo, pursued by a Mexican armed vessel. Early the next morning the *William Robbins*, in command of Captain Hurd, and with some citizens of Matagorda aboard, went to the assistance of the stranded schooner. On the evening of the 21st they anchored at the pilot house at the pass, and thus ascertained that the Mexican vessel had been driven by a norther to sea, and that the *Hannah Elizabeth* was in possession of a Mexican prize crew. Twenty volunteers from the *William Robbins*, together with Captain Hurd and three of his crew, were landed, all under the command of Captain S. Rhoads Fisher. When they presented themselves, the commander of the prize, Lieutenant Mateo, of the *Bravo*, delivered his sword, and surrendered himself

¹Hall to Austin, November 23, 1835, Austin Papers.

²*Proceedings of the General Council*, 251.

and his eleven men as prisoners of war. Don Mateo stated¹ that the *Hannah Elizabeth* had on board fifteen Americans, and five Mexicans, besides a woman; that it had carried three cannon upon deck mounted, two sixes and a four; that its cargo included eighteen kegs of powder, and muskets and rifles. He said that, when he boarded her in the breakers at 7 p. m. with one boat and eleven men, not a gun was fired, nor the least resistance made; indeed, the cannon and small arms had been thrown overboard.² A number of the Americans and two Mexicans who claimed an interest in the cargo, Messrs. Carbajal and Fernando de León, were put on board the *Bravo*; from which Captain Fisher argues that they were great cowards. For Messrs. Kerr and the two Mexicans who were owners of the cargo, it could be said that their object in throwing over the cannon and muskets was to evade confiscation of the entire cargo for carrying contraband of war. Captain Hurd proposed that the cargo landed from the vessels be taken to Matagorda and sold. Peter Kerr, a passenger on board, who claimed a large amount of the goods, objected and wished to have them sold on the spot that he might purchase. Not knowing how soon the *Bravo* might return, this was agreed to, and Captain Hurd ordered the sale. As the men were not then prepared with money, their notes were taken, payable when they reached town. Kerr did not want his property sold, and proposed to pay as salvage fifty per cent on invoice cost. This was agreed to, and his part set aside, notwithstanding that he had no evidence of ownership. His part amounted to \$2541. The balance of the goods was sold to various members of the expedition, and brought at auction \$2843.83. Captain Fisher was publicly appointed agent by Captain Hurd, bills were made out, and notes drawn. On the 6th of

¹A large printed hand-bill addressed "To the People of Texas," Matagorda, December 17, 1835. By S. Rhoads Fisher. Dienst, Col. Doc., II, 23. This version of this story of the *Hannah Elizabeth* I have accepted as the most reliable. While it is a personal vindication of S. Rhoads Fisher, and assails Governor Smith and particularly J. W. Fannin, Jr., it is attested on oath by leading citizens of Texas, and eyewitnesses of the entire transaction.

²V. M. Rose, *History of Victoria County*, 14, 111, 154, contains much information about the *Hannah Elizabeth*—"Her cargo of 500 muskets, two pieces of artillery, with a full equipment of ammunition valued at \$35,000."

December Captain Fisher wrote an account, in accordance with the facts as narrated above, to R. R. Royall, a member of the Council. In this letter Captain Fisher asked the Council to adjudicate the matter; he said that the re-capture of the *Hannah Elizabeth* made it either a legal prize or the property of the salvors, and that he was the agent to represent either captors or salvors. It seems, however, that before Captain Fisher's letter reached the Council the governor had received another, severely condemning the whole proceeding. It was written by Col. J. W. Fannin, Jr.

To follow the history further, it will be necessary to return to the proceedings of the General Council. As already noted, a letter of marque was granted to the owners of the *William Robbins* on December 5, 1835.¹ On December 11, J. W. Fannin, Jr., addressed a letter from Matagorda to his excellency, Governor Henry Smith, and the General Council,² which agrees with Rhoads Fisher's statement, and gives further details. He says that one of the *Bravo's* parties in passing from the schooner in its small boat was capsized in the breakers, and with difficulty got on board again; while their boat drifted ashore and was discovered by a man named Somers and two companions. "They immediately got possession of the boat and with their firearms kept it, and prevented the Mexicans from retaking it, and by this means prevented an escape to the Bravo of the whole party, who had been ordered to rob, and afterwards burn and desert the schooner. In the meantime, a party from this town was got up, and proceeded below with the schooner *William Robbins*, recently purchased and armed for the public use. S. Rhoads Fisher commanded the marines, and Captain Hurd, recently of the schooner *San Felipe*, the crew of the *William Robbins*. . . . When said party landed and marched across, they found Somers and party walking their regular rounds, having kept up a guard for about *two days*, the lieutenant and crew having previously agreed to surrender, when an *officer* should appear to receive his sword, and thus save Mexican honor." Fannin then makes insinuating charges against

¹Or December 6; see *Proceedings of the General Council*, 109, 114. Cf. p. 180 above.

²This letter I find only in Fisher's hand-bill, "To the People of Texas." See p. 185 above, note 1. The minutes of the Council and the Governor's message merely refer to it.

Captains Fisher and Hurd, and claims that the sale was a very dishonest one. After reading this letter, Governor Smith, without hearing anything from the other side, sent a scathing message to the Council,¹ asking it to look into and sift the matter. He referred to those who took part in the transaction as "bone pickers, who are eagle-eyed, ever hovering around to pounce upon their unfortunate prey," and said that he was "well aware of the intrigue, management and downright roguery, which has been universally practiced by the unprincipled speculators."

The letter was referred to a committee, which on December 17 made a report, accompanied by an ordinance to sequester and secure the cargo of the schooner *Hannah Elizabeth*, and advising that commissioners be appointed with power to seize and sequester the schooner, arrest persons, and suspend the commission of the commander of the *William Robbins*, if the facts in the case justified such a course, and report to the Council.² The report was adopted, and three commissioners were appointed. On December 22, R. R. Royall presented letters on the subject from J. G. Robertson and S. Rhoads Fisher to the Council,³ which were placed on file. On January 3, 1836, Governor Smith transmitted to the Council the report of Thomas Barnett, one of the commissioners, which was referred to the Committee on State and Judiciary.⁴ The next day the committee reported a request that two new commissioners be appointed to act with Barnett in place of the two originally appointed, but their report was tabled.⁵ On January 7 it was brought up again and the addition of another commissioner to the three already appointed was recommended.⁶ The explanation of this is that some of the commissioners who had been appointed either were not in Texas or would not act.⁷

This is the last we hear of the *Hannah Elizabeth* in the General Council or from the governor. The quarrel between the Council

¹*Proceedings of the General Council*, 167-168.

²*Ibid.*, 168, 172-173.

³*Ibid.*, 193.

⁴*Ibid.*, 249.

⁵*Ibid.*, 254.

⁶*Ibid.*, 271, 272.

⁷Papers of the "Provisional Congress," Department of State, File 3,

and governor occurred soon after, and the report of the *Hannah Elizabeth* committee was left on the table. S. Rhoads Fisher, however, did not let the matter drop. He was very angry and wrote Colonel J. W. Fannin, who made the charges against him, a fiercely vituperative letter, charging him with being "incapable of adhering to the first principles of either . . . discretion or truth," and with bringing from Africa slaves whose "native lingo yet betrays their recent importation." The letter contained an implied invitation to Fannin to reply with a challenge. He was, however, too busy with his share in the campaign that was just then opening to turn aside for a private quarrel, and a few weeks later came his death at Goliad.¹

Both Fisher and Fannin were in error; the latter in making his charges without sufficient examination or foundation, the former in taking Fannin to task too severely for the charges. At the worst, they implied nothing but a sharp business speculation, possibly not according to law. While they were disproved by Fisher, he was not justified in going to the length he did in his letter.

I have purposely dwelt at length on the *Hannah Elizabeth*, the *William Robbins*, and Captains Hurd and Fisher, because Yoakum, Thrall, the *Proceedings of the General Council*,² and other authorities or sources, mention the charges and even comment in a derogatory way, without mentioning the defense. As a further and final proof that the transaction was not a swindling affair, Captain Hurd was soon after this made an officer by the General Convention of Texas, and placed in command of the government vessel *Brutus*.³ S. Rhoads Fisher was made chairman of the naval committee at the same time by the General Convention, and later on was secretary of the navy. No vindication could better testify to their character and proper conduct in the case in question than this elevation at the hands of their fellow-citizens.

Nearly twenty years later Peter Kerr was reimbursed by the

¹Fisher to Fannin, January 12, 1836, in Fisher's Broadside "To the People of Texas." Dienst, Col. Doc., II, 23.

²Yoakum, II, 38; Thrall, 219; *Proceedings of the General Council*, *passim*.

³Gammel, *Laws of Texas*, I, 891.

"mixed commission" of the United States, for his loss in the *Hannah Elizabeth*. As the prisoners taken by the *Bravo* and *William Robbins* were about equal in number, on December 27, 1835, the Council requested the governor to correspond with the commanding officer at Matamoras, with a view of exchanging.¹ Nothing further is to be found regarding an exchange, but that the United States government claimed the credit of releasing all the prisoners except the captain of the *Hannah Elizabeth*, through the agency of their consul stationed at Matamoras.² The *Bravo* we do not hear of again until about April, 1836, when she was one of three Mexican vessels which engaged the Texan man of war *Independence* in a drawn battle. The New Orleans newspapers of July, 1836, mention that she was lost while on her way from Matamoras to Vera Cruz, and all on board perished with the exception of Captain Thompson and two marines.

As to the *William Robbins*, negotiations were at this time being carried on by the Council for her purchase, with the object of making a national war vessel of her. These negotiations were satisfactorily concluded, and she became the Texan war vessel *Liberty*. It seems worth while briefly to recount them here. The commissioners to the United States appear to have bought, or to have believed they had bought, the *William Robbins* (the name of which they changed to the *Liberty*) while on their way to New Orleans.³ But there must have been some misunderstanding about the matter; for, on January 3, 1836, a communication was laid before the Council from Thomas F. McKinney, offering the *William Robbins* for sale to the government,⁴ and the Committee on Naval Affairs recommended that an agent be appointed to examine the vessel with a view to purchasing. The report of the committee was adopted by the Council,⁵ and on January 5th a decree was passed appointing Edmund Andrews and Wm. P. Harris agents to examine the *William Robbins* and the *Invincible*, and providing

¹*Proceedings of the General Council*, 215.

²See *National Intelligencer*, February 14, 1837.

³See *Proceedings of the General Council*, 277; Austin, Archer, and Wharton to Smith, January 10, 1836, in the Diplomatic Correspondence of the Republic of Texas, State Library.

⁴*Cf.* p. 184 above.

⁵*Proceedings of the General Council*, 251-252.

for their purchase if the report was favorable.¹ Governor Smith approved of the ordinance with the exception of the provision for sending agents to purchase the *William Robbins*. As she had already been purchased by the commissioners to the United States, acting under the governor's instructions, in pursuance of a decree of the Council,² he did not want to create confusion by refusing their purchase of the vessel for the government.³ Notwithstanding the governor's protest, the ordinance passed without amendment by a constitutional majority on the 8th of January; but Governor Smith never signed or returned it, as is noted in the ordinance itself.⁴ This is the last we hear of the purchase of the *William Robbins* in the Council; for on the 11th of January the Governor made his famous charge against the Council, and everything was sidetracked for his impeachment and trial. However, as the *William Robbins* became the *Liberty*, it is fair to presume that the purchase by the commissioners was accepted as legal and binding; and when we later take up the study of the *Liberty* as a national war vessel, we shall be but completing the history of the *William Robbins*, privateer.

The third Texan privateer was the *Terrible*, commanded at different times by Captain John M. Allen, later mayor of the City of Galveston, and by Lieutenant Randolph. The *Terrible* sailed under a letter of marque procured on the 8th of November, 1835, by A. C. Allen, as already related.⁵ Little of her history is known, save that she patrolled the Gulf, and by her watchfulness, if not numerous prizes, made herself helpful to Texas. From the New Orleans papers⁶ I find that while cruising she was taken in charge by the United States war vessel *Boston*, and carried to Pensacola; but the offense with which she was charged having been committed on waters beyond the jurisdiction of the court, she was turned over to John H. Holland, Esq., marshal of this district of Louisiana. These charges were: 1st, that the *Terrible* was fitted out at New

¹*Proceedings of the General Council*, 263; Gammel, *Laws of Texas*, I, 1031.

²*See Ordinances and Decrees of the Consultation*, etc., 52-54.

³*Proceedings of the General Council*, 277-278.

⁴Gammel, *Laws of Texas*, I, 1033.

⁵See p. 174 above.

⁶Clipping in Dienst, Col. Doc., 1, 25. The clipping is probably from the *New Orleans Bee* of date not earlier than October 1, nor later than October 5.

Orleans to wage war against a government with whom the United States was at peace; 2d, that the commander, Lieutenant Randolph, had manifested the intention of committing an act of piracy upon a Sardinian vessel, the *Pelicana Mexicana*; 3d, that he had sailed from this port without the authorization of the collector. She was discharged and soon afterward proceeded to sea. No particulars are given. From the *Telegraph and Texas Register*¹ and the brief comment of Lieutenant Tennison,² it is noted that under the command of Captain John M. Allen, the *Terrible* cruised up and down the coast of Mexico. During the cruise the *Terrible* captured between Sisal and Campeachy, the Mexican sloop *Matilda*, loaded with dry goods and provisions, and sent it into Galveston to be adjudicated. The last mention of her that I can find is by Tennison, who reports her off the Northeast pass of the Mississippi on the 12th of August, 1836³. It is probable that when her commission expired she went into the regular coasting trade.

The fourth vessel to sail as a privateer in the Texas service was the *Thomas Toby*, previously the *De Kalb*, in the trade service between New Orleans and Texas. Her commander was Captain Hoyt. As in the case of the *Terrible*, little can be found concerning this vessel. Tennison calls attention to a cruise she made in October, 1836, in the following words:

¹For August 16, 1836.

²Tennison's Journal, entry for August 11, 1836; in Dienst, Col. Doc., VI, 326. The Tennison Papers, which are the most valuable materials for the history of the first Texas navy that I know of, came into my possession by purchase. My attention was first called to them years ago by the late Judge C. W. Raines of the State Library at Austin. By copies of official documents sent me from the Naval Library of Washington, D. C., through the kindness of Secretary Long and Librarian Rawson, I was enabled positively to prove the papers to be Tennison's. Wm. A. Tennison entered the Texas naval service in the beginning of the navy, 1836, and remained with it to the last, having the honor to deliver the remnant of the Texas navy to the United States authorities after annexation. His papers and journal are all in manuscript, and have never been used. The fact that he makes many references to other vessels and naval events than those with which he had to do directly, leads me to believe that he selected some of these outside materials from articles in the current papers of that period. Where Tennison later describes his own experience on board Texan vessels, his journal is no doubt in part a copy of the log books of the vessels; for officers were in the habit of keeping journals and copying log books. This, of course, can not be proved, since the log books of the first navy are all lost, and only parts of one or two of the second navy exist; but it seems certain.

³*Ibid.*, entry for September 3, 1836.

The Texan privateer Thomas Toby (late De Kalb) Hoyt commander has been cruising off the ports of Vera Cruz, Sisal, Campeachy, Matamoras, and Tampico, since the first week in October, and had captured, about the 12th inst a Mexiean schooner, and sent her into Texas. She soon after run in towards the fort at the mouth of the river, and playing her "long tom" upon it for some time, without, however, doing much damage, except frightening the good people of the town nearly out of their wits, who supposing her to be the vanguard of the Texian navy turned out *en masse*, repaired to the fort and along the river banks determined to repel any hostile movement of the imaginary Texian fleet. The commander of the privateer soon after transmitted a chaleng to the commandant of Tampico requesting a meeting with any armed Mexiean vessel which might be in port; but receiving no answer within a reasonable time, she stood off and spoke the Louisiana determined to capture all Mexiean property she fell in with.¹

The same writer in another entry says:

The *Thomas Toby* has just sent into Galveston harbor a very valuable prize, being a large fine brig, strongly built, and capable of being fitted out as a man of war, bearing guns heavier than any now in the Mexiean Navy. She was captured on the coast of Campeachy and has on board 200 tons of salt. The Tom Toby when last seen was in hot pursuit of two Mexiean schooners; this pursuit will undoubtedly prove successful, as "Fortune ever favors the brave." It is gratifying to reflect that our flag flaunts over one brave band, whose dauntless spirits delight to career with the "stormy petrel," over the tossing billows where danger lights the "Path to glory and to fame."²

In the early part of February, 1837, a mutiny was reported to have taken place on the *Thomas Toby* in which the doctor and purser were said to have been murdered. The mutiny was quelled, and the murderers lodged in prison in New Orleans.³ The secretary of the navy in his report of September 30, 1837,⁴ recommended the purchase of the vessel by the government; but before this recommendation could be acted upon, she was lost in the great storm off Galveston, in October, 1837.⁵

¹Tennison's Journal, November 10, 1836.

²Tennison's Journal, Thursday, June 8, 1837. This capture of the brig loaded with salt is briefly noted by the *National Intelligencer*, August 2, 1837.

³*National Intelligencer*, February 25, 1837.

⁴Archives of the Department of State, Texas.

⁵Tennison Papers, 332.

Many years afterwards two cannon were found near Virginia Point, and identified as those belonging to the *Thomas Toby*; they were purchased by the Galveston Artillery Company. These particular cannon had been presented to Texas by the ladies of Havana, as the following letter indicates:

War Department, Columbia,
Dec. 3rd, 1836.

To Messrs. Thomas Toby and Bros.:

Gents. I am instructed by the house of Representatives of the Republic of Texas, to take necessary measures to procure two pieces of cannon (brass) which were presented by the ladies of Havana to the Republic. By a letter received by Messrs. Shriver and Grayson, it appears that they received from you on board the schooner *Thomas Toby* two brass cannons, and they are under the impression they are the pieces alluded to. You will please inform me as soon as possible if such is the case.

WILLIAM G. COOK,
Acting Sec'ty.

The *Thomas Toby* was named for the government agent of Texas in New Orleans.¹ It was said in a New Orleans paper that the vessel was commanded by Captain Suares.² I can find his name mentioned but once, and in no other place, and presume that he must have been the first lieutenant who temporarily had command; it is possible also that this was a typographical error for (Jas.) Sever, who later was lieutenant on the *Invincible*.

The *Flash*, Captains Luke A. Falvel, and Marstella, seems to have been the next privateer fitted out for Texas—under just what circumstances, and by whom I am unable to discover. On March 12, 1836, Falvel received his commission as captain in the navy from Robert Potter, and the crew was sworn in.³ The *Flash* was ordered to proceed to the south of the Brazos, take on board all the women and children in that section of the country who were fleeing before the Mexican advance, in the "Runaway Scrape," carry them to Morgan's Point, at the head of Galveston Bay, and defend that place in the event of an attack. Upon this occasion

¹Shipman, *Frontier Life*, 386.

²Clipping in Dienst, Col. Doc., I, 25. The clipping is probably from the *Commercial Bulletin*, but its date is uncertain.

³Ben C. Stuart in *Galveston News*, October 8, 1899. *The Proceedings of the General Council* do not mention Falvel.

the *Flash* had on board the two famous pieces of artillery known as the "Twin Sisters," which did such execution in the battle of San Jacinto a short time after; and upon arriving at Morgan's Point they were sent up to Harrisburg on the sloop *Opie*, Lieutenant Aaron Burns, and delivered to the proper officers. A short time after the arrival of the *Flash* at Morgan's Point the express rider for the Texas Cabinet, Michael McCormick, came in and reported that he was unable to find the Texan army, which was supposed to be on the retreat. Upon receipt of this intelligence, Captain Falvel was ordered to take on board all the families about the bay, and proceed towards Galveston Island. Accordingly there were embarked on board the *Flash* all the members of the Texan Cabinet who were at the Point, together with their wives and children. Among the number were Bailey Hardeman, secretary of state, his wife and two sons; Colonel Thomas, secretary of the treasury; Colonel Robert Potter, secretary of the navy; Mrs. Burnet, wife of President Burnet, and her son William; Lorenzo de Zavala and his three children. President Burnet declined to leave; and upon Captain Falvel's asking for instructions, he was directed to proceed at once to Galveston Island with the women and children, and defend the place if an attack were made. The next morning the vessel had proceeded down the bay to a point midway between Clopper's Point and Red Fish Bars, when President Burnet came on board in a small boat. On arriving at Galveston Island, the *Flash* came to anchor off the old Mexican customhouse, which stood near the corner of Avenue A. and Eleventh Street. The next day, April 20, the women and children were landed and the *Flash* proceeded to Fort Point, in order to defend the place if attacked by sea. During the trip there were about 150 persons on the little vessel. One historian¹ says that on April 26th "Most of the families of refugees were already on the schooner *Flash*, Captain Falvel, ready to sail for New Orleans, and had orders to sail that morning as Santa Anna was expected every day at the Island. The captain declined to attempt to cross the bar until there was a change of wind, and while waiting, the messenger, Col. Calder, arrived with the news of the battle of San Jacinto;

¹Thrall, 521.

this victory put a quietus on the terror stricken inhabitants of Texas who were fleeing the country." In May, 1837, the *Flash* was reported stranded on shore.¹ Whether she got off at this time and later suffered another accident, I cannot find out; but it is possibly to the same mishap that another writer² refers when he says that the *Flash*, under Captain Marstella, was lost at the west end of the island (Galveston), her captain having mistaken San Luis pass for the entrance to Galveston harbor. Among the special laws passed at the the extra session of the Tenth Legislature, number twenty-three, there is an appropriation of "\$5022.21 to Luke A. Falvel for services as sailing master in the navy of the late Republic of Texas, and authorizing the comptroller to pay the same in the new issue of Confederate Treasury notes."³ This is the last item that I have been able to obtain relative to the *Flash* and her commander.

The next armed vessel which assisted Texas, was the steamboat *Ocean*, Captain Grayson, the same who, as lieutenant, was left in charge of the *San Felipe*, as related in chapter I. This vessel was paid for mainly by the aid of subscriptions of citizens of Mobile, her equipment costing some five to eight thousand dollars.⁴ It was on board the *Ocean* that the notorious H. A. Hubbell and the volunteers from New Orleans arrived on June 3 at Velasco,⁵ and had Santa Anna taken to shore, as he was about to depart for Mexico, in conformity with the treaty entered into by him and the Texas government. In July, 1836, we find her again giving help to the Texas cause. The schooner *Brutus* was at Matagorda, blockaded by the Mexican brig of war *Vencedor del Alamo*, and she was expected to be relieved "by the sch's Invincible, Union, and other vessels that had gone there in tow of the steamboat *Ocean*, for the purpose of capturing the brig. The steamboat was laden with volunteers, and for her protection there was raised a breastwork of cotton bales.⁶ She was successful in rescuing the

¹*National Intelligencer*, May 30, 1837.

²Ben C. Stuart, in the *Galveston News*, October 8, 1899.

³Texas Almanac, 1865, p. 34.

⁴*A Vindication of the Conduct of the Agency of Texas*, a pamphlet by William Bryan, in Dienst, Col. Doc., II, 16.

⁵*El Correo Atlantico*, New Orleans, June 20, 1836. Thrall (547) calls her the "Ocean Queen."

⁶New Orleans *Commercial Bulletin*, July 18, 1836.

Brutus from her perilous position. As to what became of her later on, there are no data.

This finishes the last of those vessels that served as regularly commissioned privateers, and that can properly be termed Texan vessels, acting as a navy for Texas until her vessels of war were fully prepared to defend her coast. There were other vessels that aided Texas, notably the *Julius Caesar*, Captains Lightburn and Moore; the *Champion*; the *Flora*; the *Yellow Stone*, commanded by Captain Grayson; and other vessels that acted as transports for munitions of war and provisions, and in bringing volunteers to Texas. Since, however, their registers and papers emanated from the United States Government, and they were ostensibly in the trade between the United States and Texas, they can not be given a distinct place in a history of the Texas Navy. Nor did they win any great victory; but in the formative days of the new Republic the value of these small privateers to the government of Texas, in captures, and in protection of the coast was incalculable, and deserves honorable mention. Let not Texas in her present greatness despise the day of small things.

IV. NAVAL VESSELS BOUGHT AND EQUIPPED.

The navy of Texas became a reality in January and February, 1836, when four vessels of war were purchased. These were the *Liberty*, *Invincible*, *Independence*, and *Brutus*; and during 1836 and 1837 they comprised the total strength of the navy. The *Liberty* was the rechristened *William Robbins*, and we have already seen how the government acquired it.¹ At the same time that the purchase of the *William Robbins* was authorized (January 3) the naval committee of the General Council reported that "Messrs. McKinney and Williams, through Mr. Williams, have made a purchase of, and equipped a schooner of about one hundred and twenty-six tons burthen, adapted to the object of protecting our commerce against the enemy. This vessel, called the 'Invincible,' is now in the Bay of Galveston, and is generously offered to the Government of Texas, by the owners, at first cost and charges." The committee were of the opinion that the pro-

¹See above, pp. 189-190.

tection of our own commerce, the destruction of that of the enemy, and the transportation of our supplies by water were of the highest importance, and made the possession of an adequate naval force indispensable; they therefore advised that "a suitable agent be appointed to examine the schooner 'Invincible,' and her equipments, and if suited to the objects of cruising in the Gulf, or about our coasts that an immediate purchase be made of the vessel." The report was adopted, and an ordinance making it effective was passed on January 5, 1836.¹ The same ordinance also adopted the United States naval regulations for Texas.

As has already been stated, Governor Smith did not believe that the Council should create confusion by meddling with a power delegated to the commissioners to the United States, and on January 6, he asked for the particulars respecting the *Invincible*.² This was the beginning of the quarrel between the governor and the Council; and so far as it concerns the *Invincible* we must follow it. On the 8th a committee to which had been referred the governor's message asking for information, reported that the ordinance which was now in his hands would furnish all the information necessary. At a special evening session the same day Mr. Barret offered the following resolutions:

Whereas, the Mexican sloop of war, Montezuma, is now reported to be in the bay of Galveston, and Texas is not in full possession of any vessel of sufficient force to meet her in action, and whereas the schooner *Invincible* is offered to the government of Texas, by Messrs. McKinney and Williams, upon terms which Government accepts, therefore,

Be it resolved, that a register of said schooner *Invincible* be made as the property of the Government, under the directions of the Governor, who is hereby authorized to execute the same, and give a duplicate thereof into the hands of Thomas F. McKinney, as evidence of the ownership of said vessel, and to retain the other on the files of the executive office.

Be it further resolved, that the governor is advised and authorized to issue to Thomas F. McKinney, a letter of appointment as commander of the schooner *Invincible*, as a national vessel of war, removable at the pleasure of the Governor and Council, and in-

¹*Proceedings of the General Council*, 250-252; Gammel, *Laws of Texas*, I, 1031-1033.

²*Ibid.*, 266.

struct said McKinney to take command of said vessel of war, and man and provide her for a cruise against the enemy, within the Gulf of Mexico or any of its waters, until further ordered.¹ . . .

The resolution was adopted, and a committee of two instructed to wait on the governor with the purpose of immediately carrying it into effect. Just what took place between this committee and the governor has never transpired, but the governor was greatly angered against the Council, as his message will prove. He evidently gained the impression that the Council was trying by foul means to drive him to do its will regardless of his own opinions. It will be recalled that he was hurried into granting letters of marque by the report that the *Montezuma* was endangering the Texan coast.² It was either a strange coincidence, thought the governor, that just as another law relative to the navy was being passed the *Montezuma* should re-appear, or that the men who wished to pass the bill recalled their former success in shouting "the wolf! the wolf!" and again raised the cry with the expectation of "railroading" the measure through. This must have been Governor Smith's belief when he wrote the message quoted in part below:

. . . You urge me by resolutions to make appointments, fit out vessels, as government vessels, registering them as such, appointing landsmen to command a naval expedition by making representations urgent in their nature, and for what. I see no reason but to carry into effect by the hurried and improvident acts of my department, the views of your favorite object by getting my sanction to an act disorganizing in its nature, and ruinous in its effects. Instead of acting as becomes the counsellors and guardians of a free people; you resolve yourselves into low, intriguing, caucussing parties, pass resolutions without a quorum, predicated on false premises, and endeavor to ruin the country by countenancing, aiding and abetting marauding parties,³ and if you could only deceive me enough, you would join with it a piratical co-operation. You have acted in bad faith, and seem determined by

¹*Proceedings of the General Council*, 282-84.

²See above, p. 175.

³This expression evidently refers to the Matamoras expedition. See THE QUARTERLY, V, 312 *et seq.*

your acts to destroy the very institutions which you are pledged and sworn to support. . . . Mexican like, you are ready to sacrifice your country at the shrine of plunder. . . . Base corruption has crept into your councils, men who, if possible, would deceive their God. . . . The appointment and instructions founded on the resolutions predicated on false premises, shall now be tested. I will immediately countermand the order made out in such haste, and as you say, and as her register says, the armed vessel *Invincible* is a Government vessel, I will immediately order a suitable officer of the Government to go and take charge of her in the name of the Government, and hold her subject to my order. And if that be refused, I will immediately recall her register by proclamation to the world. I would further suggest to you that our foreign agents have been commissioned and specially instructed to fill out our navy, and procure the proper officers and crews; and unless they can be certainly informed of the absolute purchase in time, to prevent their purchase of a similar one, the purchase so made by you, shall never be ratified or become binding on this Government; because you would do the Government serious injury by meddling with matters which you have put out of your power by special appointment.¹

The governor closed his message by declaring the Council adjourned until March 1, and said that until then he would contrive to discharge his duties as commander-in-chief of the army and navy.

This message, naturally, created a sensation. The Council referred it to a committee which on the 11th reported resolutions deposing the governor and appointing Lieutenant-Governor James W. Robinson to take his place. The resolutions were adopted and an address to the people was issued by the Council presenting its side of the quarrel, but we will leave the matter here and resume the history of the *Invincible*.²

Lieutenant-Governor Robinson, in his message to the Council, January 14, 1836, said, "As a necessary and important measure that stands intimately connected with the defense of the country, and one to which I invite your attention, is the creation and due

¹*Proceedings of the General Council*, 290-292.

²*Ibid.*, 294-302.

organization of a corps of marines, and as you have purchased two vessels for the public service, and shortly expect two more, to be purchased by your agents abroad, it would be very desirable to have that corps organized, and ready for service, with as little delay as possible.”¹ On February 3, Governor Smith, who never acknowledged being deposed, issued to Thomas R. Jackson a warrant to demand certain papers from the Council, among them one showing “the terms on which the armed vessel *Invincible* has been tendered and accepted by the Government.”² This is the last utterance of Governor Smith or the General Council relative to the *Invincible* and the navy.

On March 1 the General Convention superseded the General Council and brought order out of chaos. After the declaration of Texan independence, on March 2, 1836, the Convention turned to the formation of a constitution, and on the 9th a draft was reported which touched the subject of the navy as follows: Congress was empowered to “grant letters of marque and reprisal, and make rules concerning captures on land and water,” to “provide and maintain a navy, to raise and support armies, and to make rules for the government and regulation of the land and naval forces;” the president was declared to be commander-in-chief of the army and navy; and judges of the supreme and inferior courts were given exclusive admiralty and maritime jurisdiction.³

Thursday, March 10, Mr. Carson stated “that he had received information of the arrival of the *Brutus* and *Invincible*, at the mouth of the river Brazos, destined for the service of the Republic of Texas; and that it was important to commission those vessels; he would, therefore, move that a select committee on naval affairs be raised, to inquire into and report in relation thereto. This was decided in the affirmative, and the president appointed Messrs. Potter, Everett, and Fisher of Matagorda.”⁴ On Sunday the 13th, the chairman appointed Messrs. Carson and Fisher, of Matagorda, a committee “to forward commissions, etc., to our naval

¹*Proceedings of the General Council*, 325.

²*Ibid.*, 351-52.

³Gammel, *Laws of Texas*, I, 862, 863, 865.

⁴*Ibid.*, I, 881.

commanders;" and the same day Mr. Carson introduced a resolution "That a standing committee of five on naval affairs be appointed to draw up and forward all necessary instructions and orders for the government of the officers of our navy." This was adopted; and the president appointed Messrs. S. Rhoads Fisher, Hamilton, Zavala, Gazley, and Carson. The next day Mr. Carson resigned from the committee and was replaced by Mr. Waller. At the same time the chairman, Fisher, reported that they had appointed and commissioned the following persons officers in the naval service of Texas, to-wit: "George Wheelright, Captain to schooner *Liberty*; Charles Hawkins, Captain to schooner *Independence*[;] Jerimiah Brown, captain to schooner *Invincible*; William A. Hurd, Captain to schooner *Brutus*; Arthur Robertson, Captain of marines." The report stated also that the committee had forwarded letters of instructions to said officers.¹ As this is our introduction to the two vessels *Brutus* and *Independence*, and as nothing further is to be found in the government proceedings concerning their purchase, we must seek elsewhere for the information, as well as for additional matter relative to the *Invincible*.

Besides the *Liberty*, *Independence*, and *Brutus*, the records of the period mention two other vessels in the government service. One of these, the *Cayuga*, was a small steamboat, commanded by Captain William P. Harris, and carrying two light guns. Apparently it did not belong to the government, but was impressed by President Burnet and ordered to the defence of Galveston Island, April 28, 1836.² After this emergency no more is heard of it. The other was the *Correo*. This was a Mexican vessel captured by the *Brutus*, August 12, 1837. She was apparently attached to the navy during 1837-1838, and in the State Library there is a list of her officers, but I have been unable to find that she performed any definite service for the country.

The *Invincible* was purchased in Baltimore by McKinney and

¹Gammel, *Laws of Texas*, I, 890, 891, 892.

²*Texas Almanac*, 1869, p. 58. Those interested in studying conditions in Galveston at this period will find much valuable material in the archives of the Texas Historical Society of Galveston. The collection contains several hundred original letters of James Morgan and President Burnet. Through the courtesy of the secretary, Mr. E. G. Littlejohn, I was permitted to examine them.

Williams for \$12,613.02, and they charged the government of Texas twelve and one-half per cent commission.¹ Besides this, General Thomas J. Green paid out of his private funds a considerable sum to fit her out, and William Bryan and Edward Hall, respectively general agent and purchasing agent for Texas in New Orleans, paid out \$5,626.68 for the same purpose; making the total cost of the *Invincible* nearly \$20,000.² At this time Thomas F. McKinney held a commission as her commander; but it was merely a nominal command, for he made no cruise. As already stated, the *Invincible* was of one hundred and twenty-five tons burthen, built in Baltimore, and originally intended for the African slave trade. She was a very fast sailer, slight in her construction, "clipper built," drawing about twelve feet of water, and originally calculated to sustain a battery. She carried two medium eighteens on pivots amidship, with two nines and four six-pounders in the waist, and was intended to have a crew of seventy. The *Liberty*, though smaller, being of some sixty tons burthen, was of stouter construction, carried four guns of small caliber, and was an ordinary sailer. The *Brutus*, of one hundred and twenty-five tons burthen, was a slow sailer, and carried eight guns. The *Independence* was of about the same description as the *Brutus*. It was fitted out by General Green in New Orleans, largely from his private funds, at the same time that he helped to equip the *Invincible*. The *Brutus* had been intended for the Texan service as early as December, but her departure was delayed by the petition of twenty-eight underwriters of New Orleans to United States District Attorney Carleton, claiming that she was being "armed with six cannon, and one large one on a pivot for the purpose of capturing Mexican vessels, which, with their cargoes are principally insured by the underwriters of this city." Carleton replied deploring the fact that they did not furnish him with affidavits and the names of witnesses in order that he might have something more substantial than rumors upon which to base legal proceedings, and promising to enforce the law

¹McKinney, *To All who may have Seen and Read*, etc. (pamphlet, Columbia, 1836), p. 10.

²*A Vindication of the Conduct of the Agency of Texas, in New Orleans* (pamphlet, 1836), pp. 12-18.

when provided with the necessary evidence that a breach of it was contemplated.¹ After the *Brutus* had been offered to the Texan Government she was detained in New Orleans a while; but some time between January 23 and February 15, 1836, she arrived at Matagorda. This appears from a report made by the advisory committee of the Council to Acting Governor J. W. Robinson, on February 15, 1836.² The *Independence* was fitted out by the New Orleans agents at the same time as the *Invincible*, *Brutus*, and *Liberty*. Her cost was \$5000 for the vessel, and some \$5000 for outfitting.²

Having given as complete a history of the purchase and equipment of these vessels as our material permits, we will now follow each vessel in her various cruises, and note such events as are worthy of a place in a history of the navy of Texas. To the *Liberty*, which was the first vessel bought for the government, and whose career was the shortest and in its inglorious ending the saddest of all the fleet, will be devoted the following chapter.

¹*House Exec. Docs.*, 25 Cong., 2 Sess., No. 74, pp. 12-13.

²Papers of the General Council, file No. 433.

³*A Vindication of the Conduct of the Agency of Texas, in New Orleans*, p. 5. Pamphlet, p. 5, Dienst, *Col. Doc.*, Vol. II, 16.

PRESIDENTIAL RECONSTRUCTION IN TEXAS.

CHARLES W. RAMSDELL.

III. THE RESTORATION OF STATE GOVERNMENT.¹1. *The State Elections of 1866.*

The last day of the Constitutional Convention had been given over largely to preparations for the approaching elections. About two weeks before adjournment a caucus of the radicals had tendered to Hamilton the nomination for the governorship, which he declined. Thereupon a new ticket, headed by Ex-governor E. M. Pease and B. H. Epperson, was made out and published with a declaration of the principles for which this party had contended in the Convention. Their opponents, after some hesitation on the part of the ultra-secessionists, centered upon Throckmorton, president of the Convention, and Geo. W. Jones, delegate from Bastrop in the same body. In a public letter, April 2, announcing their candidates, the conservatives endorsed the president's policy for the restoration of the State governments, asserted their opposition to the negro-political-equality policy of the radicals in Congress, and declared that the Texas radicals were preparing "to aid and abet Stevens, Sumner, and Phillips . . . in the establishment of a consolidated, despotic government."² The tickets thus put out did not, however, remain intact. Epperson, although always a strong Union man, refused to align himself with the radicals and was finally replaced by Lindsay; while several of the conservative nominees either withdrew or declined to run. Changes continued to be made in both tickets up to the eve of the election.

From the outset the canvass was bitter. The radicals, their defeats in the Convention still rankling, charged that their opponents were unwilling to abide by the true results of the war; that they refused even to accept the president's policy which they professed to endorse and support—in proof of which it was pointed

¹Parts I and II of this article were printed in the April QUARTERLY, 1908.²See *Southern Intelligencer*, April 19, 1866.

out that the Convention had fallen short of the president's recommendations; in fact, that they were as rebellious as in 1861; and that their real object was to get possession of the State offices and once more work into control of the national government in order to establish there the principles overthrown in the "rebellion," or failing in that, to reopen the "rebellion" at a convenient opportunity, and meanwhile to drive all Union men out of the State and nullify the emancipation of the negroes.¹ On the other hand, it was charged upon the radicals that, being disappointed—first, in the hope of prolonging the provisional government indefinitely; next, in securing control of the Convention—and having little chance of securing a new lease of power at the coming election, they were preparing to desert President Johnson whom they still professed to admire and endorse, and to align themselves with the ultra-radical element in Congress in its evident intention of re-establishing military rule over the South and enforcing political equality between whites and negroes. While the conservatives were stigmatized as "disloyal" and "rebellious" because of their hostility to the Civil Rights and Freedmen's Bureau Acts, they accused their antagonists of being the real disunionists because they supported the "destructive, unconstitutional legislation" of Congress and favored delay in the restoration of the State to its normal place in the Union.

Probably there was as much truth in these charges as in those of the average heated political campaign. It is certainly true that the conservatives were unwilling to concede more changes in the characters and relations of the State and Federal governments than they would be obliged to, and it seems true that their admiration of the president at this time was closely related to and in direct proportion to their fear of the congressional radicals; but to confuse their hatred of the latter with their attitude toward the government, or to assert that desire for political power and influence was tantamount to rebellion, or that they were preparing a crusade against Union men and a renewal of rebellion was the sheerest nonsense, and beyond the threats of a few braggarts and ruffians there seems to be no foundation for

¹See files of *Flake's Bulletin*, *San Antonio Express*, and *Southern Intelligencer* (radical papers) for April, May, and June, 1866.

the charge. Surely nothing disloyal could be found in the utterances of their candidate, Throckmorton. In the course of one of his speeches, while discussing the relations of the people to the government, he said, "The president may be defeated in his policy; other laws equally as objectionable as the civil rights statute may be enacted; the Northern people may refuse to believe in our sincerity and loyalty; we may be kept out of the halls of legislation and yet be required to meet our portion of the public burdens, . . . we may continue to be misrepresented and traduced; troops may be quartered among us where there is profound peace and the frontier remain unprotected. . . . But if these things happen it is our duty to bear them patiently. Whatever law is passed, however odious it may be, it should be obeyed by us as long as it is the law of the land. Let us by our conduct and example sustain the majesty and supremacy of the law."¹ Nor is it entirely true that the radicals had as yet embraced all of the doctrines of Thaddeus Stevens or of Wendell Phillips. Pease declared that he was opposed to complete negro suffrage because the blacks were not intelligent enough to vote; but, if the United States Government should require it, he would be willing to concede the suffrage to such negroes as could read and write understandingly rather than have Texas remain under provisional government, and he claimed that this was the view of the majority of his party.² Nevertheless, it soon became apparent that that party was really in alliance with the enemies of the president. As the conservatives had found a natural ally in Mr. Johnson, their opponents had been brought more and more into dependence upon the Congressional radicals; and, as every day it became more evident that the conservatives would carry the State, while in the North the ultimate decision in the great problem before the nation was to be with Congress rather than the president, an alliance with the former offered advantages and promises of an exceedingly seductive character. Long before the date of the election the alliance was made known. Governor Hamilton's attorney general, Alexander, had written to the leaders in Washington beseeching them to delay restoration as long as possible, and the

¹Clipping from *Houston Telegraph*, found in *Johnson Papers*.

²See *San Antonio Express*, May 24, 1866.

correspondence found its way into the papers.¹ Hamilton, himself, after a brief but stormy campaign tour, turned over the duties of his office to Bell, the secretary of state, and hurried north to enlist in the campaign against the president, where his violent denunciations both of Johnson and the people of Texas won him fame in the North and increased hatred in his own State. Pease himself had been personally popular and conducted his campaign with characteristic moderation; but the anti-radical feeling was too strong, and the conservatives were overwhelmingly victorious in the elections. The Throckmorton ticket was elected by an immense majority, 49,277 to 12,168 votes. At the same time the amendments to the constitution were ratified by 28,119 to 23,400 votes. This comparatively small majority may have been due to the fact that the salaries of the State officials generally had been raised.

2. Inauguration of the New Government.

As soon as it was positively known that the conservative ticket was elected, the secretary of state, Judge Bell, telegraphed President Johnson for instructions, expressing the opinion that the provisional officers should retain control until the president should consent to the installation of those newly elected. His course received the approval of Mr. Johnson, who, however, gave no immediate indication of the action he expected to take. In the meantime it was rumored that the conservatives would not be allowed to take possession of the State offices, and that the provisional government would be continued. A number of the radicals had gone North and it was feared that their representations as to the disloyalty of the victorious party might have a disquieting effect upon the government at Washington. Pease denied that there was any truth in the rumor, but a number of anxious dispatches were sent by Throckmorton and his friends to assure Mr. Johnson that the newly-elected officials were "alike the friends of the president's policy and lovers of the Union of the States."¹

The Eleventh Legislature assembled at Austin on August 6.

¹Throckmorton, John Hancock, Burford, Buckley to Johnson, MSS. in *Johnson Papers*. See also *Tri-Weekly Telegraph*, July 12, 1866; *Southern Intelligencer*, July 19, 1866.

The votes for governor were counted and Throckmorton was declared duly elected; and, although no word had come from Washington, arrangements were made for the inauguration. On the morning of August 9, the governor and lieutenant governor-elect were inaugurated in the presence of the two houses of the Legislature, the officers of the provisional government, several officers of the United States army, and a large concourse of citizens. Four days later a telegram was received from the president by the provisional secretary of state, ordering that the care and conduct of affairs in Texas be turned over to the constituted authorities chosen by the people. Governor Throckmorton and his subordinates were at once yielded possession and entered upon the discharge of their duties. The military authorities in the State received orders to render the same support to the newly-organized authorities as had been afforded to the provisional government. On August 20 President Johnson issued a proclamation declaring that the insurrection in Texas was at an end, and that peace, order, tranquillity, and civil authority existed throughout the whole of the United States.¹

Nevertheless, the outlook for the new state government was not auspicious. In his inaugural address the Governor had described the situation in graphic language:

“At a time like the present when we have just emerged from the most terrible conflict known to modern times, with homes made dreary and desolate by the heavy hand of war; the people impoverished, and groaning under public and private debts; the great industrial energies of our country sadly depressed; occupying in some respects the position of a State of the Federal Union, and in others, the condition of a conquered province exercising only such privileges as the conqueror in his wisdom and mercy may allow; the loyalty of the people to the general government doubted; their integrity questioned; their holiest aspirations for peace and restoration disbelieved, maligned and traduced, with a constant misapprehension of their most innocent actions and intentions; with a frontier many hundreds of miles in extent being desolated by a murderous and powerful enemy, our devoted frontiersmen filling bloody graves, their property given to the flames

¹*Messages and Papers of the Presidents*, VI, 434-438.

or carried off as booty, their little ones murdered, their wives and daughters carried into a captivity more terrible than death, and reserved for tortures such as savage cruelty and lust alone can inflict; unprotected by the government we support, with troops quartered in the interior where there is peace and quiet; unwilling to send armed citizens to defend the suffering border, for fear of arousing unjust suspicions as to the motive; with a heavy debt created before the late war, and an empty treasury; with an absolute necessity for a change in the laws to adapt ourselves to the new order of things, and embarrassments in every part of our internal affairs, . . . the surroundings are uninviting, the future appears inauspicious."¹

3. *The Eleventh Legislature.*

Comparatively few members of the Convention returned to the Legislature. Many of the conservatives from the earlier body had been elected to various State offices, while the radicals had been retired to private life. Only a few of the latter, chiefly from the German counties in the southwest were successful in the elections, and the membership of the Legislature, therefore, was overwhelmingly conservative. But now that the power of the radicals was removed, the discord in the conservative ranks at once became apparent. The recent alliance between the "conservative Unionists," headed by the governor, and the secessionists had never been more than a *mariage de convenance*, and neither party was willing to yield to the other the control of the State. In the organization of the House the secessionists were defeated in the selection of the Speaker, Nat M. Burford of Dallas county being elected over Ashbel Smith of Harris county by 39 to 30 votes.

Of the many tasks which confronted the Legislature, the one which demanded the most careful handling was the selection of two United States senators, and it was precisely in this that the conservative party laid itself open to the attack of its enemies. Of the eight or ten candidates whose names were submitted, four were clearly in the lead. These were O. M. Roberts, David G. Burnet, B. H. Epperson, and John Hancock. According to agree-

¹*House Journal, Eleventh Legislature, 19.*

ment one was to be chosen from Eastern Texas, the other from the western part of the State. Hancock and Epperson had both been union men throughout the war,¹ but since the adjournment of the convention they had acted with the conservatives. Roberts had been one of the most prominent secession leaders in the State and was universally regarded as the candidate of that element. Judge Burnet, formerly president of the Republic, had also been a secessionist, but because of his advanced age had for many years taken no active part in political affairs. The two houses met in joint session on August 21 for the election of Senators. There had been some rumors of an alliance between the forces of John Hancock and Roberts, but if such an arrangement was ever made it had broken down.² The candidates from the western district were Judge Burnet, John Hancock, and Ex-governor Pease, lately defeated for the governorship. Burnet was elected on the first ballot, the vote standing 65 for Burnet, 43 for Hancock, and 7 for Pease.³

Angered at the attitude of the secessionists, Hancock's followers went in a body to the support of Epperson against Roberts. The next ballot stood, Roberts 30, Epperson 43, with 41 more votes scattered among five other candidates. It was not until the thirteenth ballot two days later that Roberts received a majority, 61 to 49, and was declared elected.⁴ The contest was not fought out entirely upon factional lines, but sufficiently so to emphasize the strained relations between the "Union conservatives" and the original secessionists.⁵ Thanks, however, to their common fear of the Northern radicals, they never came to the breaking point.

As might have been expected, the election of two uncompromising secessionists, neither of whom was able to take the test oath,⁶

¹Epperson, however, had served in the Confederate Congress, while Hancock had remained in retirement.

²D. M. Short to O. M. Roberts, August 24, 1866, MS. in Roberts Papers.

³*House Journal, Eleventh Legislature*, 119.

⁴*Ibid.*, 119-139.

⁵Short to Roberts, *Roberts Papers*.

⁶The "test oath" or "iron-clad oath" was required of all officials of the United States according to Act of Congress, July 2, 1862. It was as follows:

"I, (A. B.); do solemnly swear (or affirm) that I have never voluntarily born arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or en-

only confirmed the Northern mind in its suspicions of Texas "loyalty." *Flake's Bulletin* expressed the opinion that Hancock's defeat was due to "his *ability* to take the test oath," and added, "It is clear that the Legislature does not want its Senators admitted. . . . It has closed the doors of Congress against the representatives of Texas." The *Houston Telegraph* confessed that "this election will be a tremendous weapon in the hands of A. J. Hamilton and the Radicals in the coming fall elections. It is an awkward response to the utterances and actions of the Philadelphia convention."¹ However, the *Houston Journal* boldly declared that it was "a simple indication that for the restoration of the Union the test oath must be repealed. The South loves its soldiers and will not forget them or admit that the "lost cause" had in its any element of treason."

The Senators-elect proceeded to Washington, where they were joined later by three of the four representatives elected in the fall, Geo. W. Chilton, B. H. Epperson, and A. M. Branch.² They were not only refused their seats, but their credentials were ignored and they were not welcome in the lobbies; and thus were the "accredited representatives of a sovereign State" reduced to watch the doings of Congress from the galleries.³ They found Hamilton, Pease, and other Texas radicals who had preceded them in close alliance with the opponents of the president and

couragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God." *U. S. Statutes at Large*, XII, p. 502.

¹The National Union Convention composed of supporters of President Johnson's reconstruction policy had demanded the admission of the southern representatives to Congress and had indignantly denied that the South was still disloyal.

²C. C. Herbert, from the Fourth Congressional District, remained in Texas.

³Roberts to Throckmorton, MS. in *Executive Correspondence*, Texas archives. See also *The Experiences of an Unrecognized Senator* in THE QUARTERLY, XII, 145.

doing all in their power to defeat the recognition of the new State government and to substitute some form of Congressional control.¹ After attending to such business for their State as was possible in the executive departments, and after futile efforts to come to a definite understanding with the President and his supporters upon a program to be pursued, the Texas delegation issued an address "to the Congress and People of the United States," setting forth their view of the rights of Texas in the Union and the condition of affairs in the State,² and then, with the exception of Epperson, returned home.

In his first message to the Legislature the governor submitted the joint resolutions of Congress proposing a thirteenth and a fourteenth amendment to the constitution of the United States. In regard to the first he offered no recommendation, on the ground that it had already been adopted by the requisite number of States and had been embodied in the constitution of Texas by the Convention. With respect to the second, he expressed "unqualified disapproval" of it as "impolitic, unwise, and unjust," and recommended its rejection. The two resolutions were referred to the committees on Federal Relations, but no action was taken until two months later. The House committee in reporting on the Thirteenth Amendment stated that, inasmuch as the people of Texas through their convention had already acknowledged the supremacy of the constitution of the United States of which the said amendment was an integral part, the Legislature had no authority in the matter and any action on its part "would be surplusage if not intrusive." The committee asked and was allowed to be relieved of any further consideration of the measure.³ The Senate committee seems to have made no report on this subject. The report made on Article XIV by the House committee through its chairman, Ashbel Smith, is an able and interesting document. It expresses very clearly the fears aroused by the program of the radicals, and states succinctly the practical and constitutional grounds of Southern opposition. In the first place, so the committee declared, the submission of the article

¹*The Experiences of an Unrecognized Senator*. THE QUARTERLY, XII, 100, 102-103.

²For this address, see THE QUARTERLY, XII, 106-119.

³See *House Journal, Eleventh Legislature*, 219, 493.

was in itself a nullity, because, contrary to the plain intent of the constitution, the representatives of the States most concerned were denied participation in the Congress proposing it. Moreover, the article as submitted was clearly intended to deprive the States of certain rights and powers over their citizens that they had held without question since 1776, and to transfer to the Federal government a preponderance of power dangerous alike to the constitutional autonomy of the States and to the liberties of the people. Furthermore, it would degrade the governments and social institutions of the Southern States by enforcing wholesale negro suffrage along with a practical disfranchisement of the whites. It was dictated not by statesmanship, but by "passion and malignancy," and it required that the members of the Legislature be the instruments of their own and of their people's degradation. The committee admitted that it was thoroughly aware of the dangers involved in rejecting the amendment, for threats and warnings had been given by the radical leaders of the complete prostration of the State through the abrogation of its government, the establishment of martial law with a military governor, the confiscation of property and the granting of negro freehold homesteads therefrom, the abrogation of presidential pardons to be followed by trials before a military commission, the impeachment of the president and the establishment of a negro government for bringing Texas back into the Union. Yet refusing to yield to mere expediency when it meant the abandonment of principle, the committee would recommend the rejection of the article proposed. The recommendation was sustained by a vote of 70 to 5.¹ The Senate committee made a similarly adverse report and was also sustained.²

The most interesting and important of the purely legislative work of the session was that dealing with the freedmen and labor. Reagan, from his home near Palestine again issued a public letter, to the governor this time,³ calling attention to the prospective

¹For full report of the committee and the vote, see *House Journal, Eleventh Legislature*, 577-583.

²See *Senate Journal, Eleventh Legislature*, 417.

³Reagan's *Memoirs*, 301. The original is in *Executive Correspondence*.

fulfillment of his prophecies in the Fort Warren letter,¹ and again urging a qualified suffrage and wider privileges in the courts for the freedmen in order to ward off the attacks and forestall the plans of the Northern radicals. For the present, however, he had no following in his own party, and this letter only increased the irritation produced by the former one. Laws were passed on the subjects of apprenticeship, vagrancy, labor contracts, and the enticing away of laborers; and although no apparent distinction was made in their application as to whites and blacks, it is clear enough that they were intended solely for the regulation of negroes and negro labor.

The labor situation had not cleared entirely, despite the energetic work of the Freedmen's Bureau during the winter and spring and the efforts of its officials to keep the freedmen at work during the crop-growing season. When paid a monthly cash wage, he usually preferred to spend it before going back to work; and, when offered better wages elsewhere, he had no hesitation in breaking a contract in order to accept. On May 15, General Kiddoo, who had just succeeded General Gregory as Assistant Commissioner for Texas, found it necessary to issue a circular order forbidding the enticing of contract laborers from one employer to another. The person thus inducing a freedman to leave his contract was to be fined from \$100 to \$500 and the laborer from \$5 to \$25. A fine of \$50 could also be assessed against a freedman for voluntarily leaving his employer without just cause before the expiration of the contract.² General Kiddoo seems to have appreciated the needs of the planters better than did his predecessor, and he enjoyed a corresponding share of their confidence. In June, when the crops had got into a "precarious condition by reason of excessive rains and grass," all Bureau agents were instructed to advise the negroes to work early and late and to stand by their contracts in order to save the crops, because they had therein a common interest with the planters.³

The *Texas Republican*, August 11, published an order from the Bureau agent at Marshall containing a list of twelve freedmen

¹See THE QUARTERLY, XI, 301,302.

²Circular Order No. 14, from file in *Executive Correspondence*.

³Circular Order No. 17, in *Executive Correspondence*.

who had left their employers, also named, and notifying other employers not to hire them. Notice was given that a weekly list of delinquent laborers would be published. These lists appeared in the paper from time to time. Evidently the Bureau officials were being driven to the adoption of measures they had formerly condemned. Again, it was found necessary, when the cotton picking season came on, to instruct agents everywhere to see to it that the negroes employed the utmost diligence in gathering the crop, which was short on account of excessive rains, grass, and the ravages of the army worm.¹

When it was possible for an arm of the government itself, organized and operated in the interest of the freedman and enjoying his full confidence, to keep him at work and out of mischief only by constant watchfulness and semi-coercion, it must have seemed urgently necessary that the State adopt a system of regulation more permanent than that of the Bureau professed to be. The Legislature had before it as a warning evidences of the deep resentment of the North at the "black codes" of the States organized the previous year, and was able therefore so to frame its laws as to offend in a less degree the watchful prejudices of Northern voters.

The general apprenticeship law did not differ materially from those in force elsewhere. It provided that any minor with the consent of parent or guardian could be bound out by the county judge until twenty-one years of age unless sooner married. The master, or mistress, was to enter into bond to treat him humanely, teach him a trade, furnish medical attendance and schooling, and was allowed to inflict moderate corporal punishment. A runaway could be recovered and brought before a justice and punished, or freed if he could prove he had good cause to run away. The apprentice could not be removed from the county without an order from the county judge. Any one enticing away an apprentice was subject to fine and suit for damages.² The vagrancy law defined a vagrant as "any idle person living without any means of support and making no exertion to earn a livelihood by any honest employment," and comprehended the usual assorted list of unde-

¹Circular Order No. 21, in *Executive Correspondence*.

²Gammel, *Laws of Texas*, V, 979.

sirables.¹ Neither of these acts made any mention of race or color and neither seems to have given enough offense to call for annulment by the Bureau.

It was otherwise, however, with the labor law. The original Senate bill provided that all laborers should enter into a written contract for the whole year on or before the 10th day of January. Its authors undoubtedly had in mind negro labor only and intended to provide against a repetition of the troubles of the previous winter. Nevertheless, a severer blow to the best interests of the State could hardly be imagined, especially since no distinction was made between white and black laborers and efforts were being made at the time to induce white immigration. The presumption was that any laborer who failed to make a contract by January 10, no matter what wages were offered, was liable to punishment under the vagrancy law. The *Southern Intelligencer* furiously attacked the bill, denominating it "a legislative monster," and declaring "its practical effect would be to make labor synonymous with crime and to degrade the free laborer to the condition of a slave." The House, however, so amended the bill as to allow contracts to be made at any time for any length of time. The Senate rejected the amendments and a joint conference committee was appointed. The committee extended the time limit to January 20, "or as soon as practicable thereafter," and made the law applicable only to "common laborers."² In this form the bill passed both House and Senate, but was later reconsidered in the House and a more liberal form was given it. As finally passed and approved, the act provided that all contracts for labor for periods longer than one month should be made in writing before a magistrate or two disinterested witnesses, signed in triplicate, and recorded. Laborers had full liberty to choose employers, but could not leave them afterwards, except from just cause or by permission, on pain or forfeiture of all wages earned. Employers had the right to make deductions from wages for time lost, bad work, or for any injury done to tools or stock, but the laborer had a right of appeal

¹Gammel, *Laws of Texas*, V, 1020.

²*House Journal, Eleventh Legislature*, 442, 446, 456, 515, 562, 718. Also *Southern Intelligencer*, October 4 and 11, 1866.

to a magistrate. Laborers were not allowed to leave home without permission or to have visitors during working hours, and were required to be obedient and respectful. They were given a lien on one-half the crop as security for their wages; the employer was subject to a fine for cruelty or non-fulfillment of contract, and the fine was to be paid to the laborer.¹ The supporters of the measure held that something of the kind was necessary for the proper regulation of the labor of an ignorant, improvident, and irresponsible people still under the influence and traditions of recent slavery. Their opponents very sensibly urged that the act was ruinous to white labor and would keep it out of the State. But the law was not long in force, for at the beginning of the next year General Kiddoo issued an order to the effect that it would be disregarded, and that contracts made in accordance with its provisions would not be approved.²

Minor measures were passed, one to punish persons enticing away contracted laborers, another explicitly granting to freedmen all rights not prohibited by the constitution, except intermarriage with whites, voting, holding public office, serving on juries, and testifying in case in which negroes were not concerned. The governor was directed to examine into the affairs of the late Military Board and to take measures to recover for the State the United States bonds alleged to have been fraudulently paid out during the war; State troops were provided for the protection of the frontier, and President Johnson was petitioned to have the interior garrisons also removed thither. In the last days of the session the governor informed the president of the chief results accomplished and asked for suggestions. Mr. Johnson's only reply was to urge that the Legislature "make all laws involving civil rights as complete as possible, so as to extend equal and exact justice to all persons without regard to color," if it had not already been done; and to express a firm confidence in the ultimate complete restoration of the Union.³

The Legislature adjourned November 13. All in all, its members had taken the course they might most reasonably have been expected to take. If their selection of United States Senators

¹Gammel, *Laws of Texas*, V, 994.

²General Orders No. 2, January 3, 1867, in *Executive Correspondence*.

³*Annual Cyclopaedia*, 1866, p. 743.

was an unnecessary act of defiance, the rejection of the Fourteenth Amendment may be ascribed to a higher motive, the desire to maintain at any cost the fundamentals of their political philosophy, the cherished institutions which alone in their eyes made for free government. Even the labor law, harsh and stringent as it seems, was almost universally regarded as necessary both to the good order and the protection of the negroes for whom alone it was intended. Keenly conscious only of local needs, they had neglected to take sufficiently into account the forces preparing for their destruction in the North.

4. *The Problems and Policies of Throckmorton's Administration.*

Governor Throckmorton regarded Mr. Johnson's peace proclamation of August 20¹ as legally and definitely terminating the war and clearly establishing the supremacy of the civil over the military authority.² To secure the recognition of this supremacy as an accomplished fact became the chief aim of his administration. It was a course which, because of the hostility of a powerful party to the restoration policy of the president and because of the jealous suspicion of the local radicals and many of the military officials with whom he had to deal, was beset with many obstacles. But a definite and clear-cut plan is discernable throughout his term of office and one who follows its history closely must be impressed with the unfailing honesty and the strong common sense of the governor.

His purpose was, first, by the vigilance of peace officers and the regular and unhampered operation of the courts to secure the restoration of order and a just and more complete enforcement of the laws; second, in this way to eliminate the necessity of military courts, particularly those of the Freedmen's Bureau, and to induce them to yield to the State courts full jurisdiction of cases properly belonging to the latter; and, third, to secure the removal of the military garrisons from the interior to the unprotected frontier now devastated by the Indians.

During the spring and summer of 1866 the violence and law-

¹*Ante*, p. 208.

²Throckmorton to Shropshire, *Executive Correspondence*.

lessness which had characterized the previous year had been steadily decreasing; yet conditions were still unsettled and only relatively quiet. To travelers from the older States there doubtless seemed to be very little of personal security still, for bloody encounters were common, and in some localities the offenders went unpunished. It should be remembered, however, that not only in Texas but in the Southwest generally sharp disagreements between man and man were customarily settled as often by personal conflict as by legal adjustment, and where it had been "a fair fight" peace officers were likely to be negligent and juries lenient. It was the rough way of the frontier, and Texas was pre-eminently a frontier State. But as long as frontier methods should prevail to the neglect of the duly organized judiciary, it would be useless to expect that the military officials would report Texas as peaceful or the freedmen and "loyalists" as safe; and, therefore, the governor exerted his influence to the utmost to secure energetic action from the sheriffs and promptness and impartial justice on the part of the courts. To this end he was in constant correspondence with influential citizens in all parts of the State and systematically urged upon the military confidence in the civil authorities.

Had the governor and the army been in complete accord in regard to their respective jurisdictions, clashes between citizens and soldiers would nevertheless have been unavoidable, for there was no way of foreseeing and preventing private quarrels. Far more serious than these, however, were several outbreaks which assumed a dangerous character because of reckless official participation in them. Of these the most notorious was the burning of Brenham, where a battalion of the 17th Infantry was stationed under the command of Major G. W. Smith. On the night of September 7, 1866, a crowd of drunken soldiers forced their way into and broke up a negro ball. Then, pursuing some negroes who fled for protection to a social gathering of some of the white people, they made their way thither and attempted to break up that. They were resisted, a fight ensued, and two soldiers were shot, but not seriously hurt. They went back to their camp and the whole troop turned out and went to town, their commander with them. He arrested two citizens and threatened the town if others did not surrender themselves. Then, under his orders, two stores were

broken into under pretense of searching for the citizens wanted, and were rifled of their contents. Shortly afterwards soldiers were discovered setting one of these stores on fire. An entire block of buildings was destroyed with a loss of over \$130,000. The citizens appealed to the governor, and at his request an investigation of the affair was made by the regimental commander, Colonel Mason, then on duty at Galveston. Mason's report disclosed practically nothing and was a palpable "white-wash."¹ A special committee of the Legislature, after an extensive investigation, made a report² identifying certain soldiers as guilty and implicating Major Smith, who had allowed the soldiers accused to desert and had refused to assist the committee.³ A grand jury indicted Smith on a charge of burglary and arson, but although Throckmorton appealed to the President on behalf of the civil courts,³ it proved impossible to bring the officer to trial in defiance of his military superiors.⁴ A judgment for damages was rendered against him in favor of a firm whose store had been burned; but in July, 1867, when martial law was again supreme, General Griffin issued a special order reversing this judgment and dismissing all proceedings against the officer because "the acts [of Smith] were committed in discharge of his duty as an officer, and the action of the court was dictated by a spirit of malicious persecution, fostered by vindictive and disloyal sentiments."⁵

In Bosque county occurred an incident that does much to explain the bitter hostility frequently shown to the Freedmen's Bureau agents. A negro, charged with the rape of a young white woman, had been arrested, jailed, and duly indicted, when a Bureau agent, living twenty miles away, came in and demanded the negro of the sheriff, threatening that officer with arrest and

¹It is given in *The Southern Intelligencer*, September 27, 1866.

²The report of the committee, with the testimony of all witnesses examined by it, is given in the appendix to *House Journal, Eleventh Legislature*.

³Throckmorton to Stanbery, October 12, 1866; MS. copy in *Executive Records, Register Book* No. 84, p. 120.

⁴Sheridan accepted unquestioningly the statements made by Mason and Smith, and in his report to Washington, said: "At Brenham two unarmed soldiers were shot. The grand jury found no bill against the would-be assassins, but indicted Major Smith for burglary because he broke into the house of some citizen in order to arrest these men." *Official Records, War of Rebellion*, Series I, Vol. XLVIII, Part I, 301.

⁵Special Order No. 133, July 10, 1867. *Executive Correspondence*.

trial before a military commission at Houston if he refused to surrender the prisoner, and showing an order from his superior officer in justification of his action. The negro was turned over to him only to be released shortly afterward.¹ A negro cook on a vessel entering Galveston was, at the request of the captain, arrested by the civil authorities on a charge of mutinous and disobedient conduct, but was released by order of General Kiddoo.²

In Matagorda county a freedman indicted for assault to murder was forcibly taken from the custody of the sheriff by the local Bureau agent. The Governor, seeing that his belief in the supremacy of the civil authority was not shared by the Bureau officials, endeavored to come to some understanding with them. He wrote to General Kiddoo concerning the affair at Matagorda: "I desire to know if the action of the agent of the Bureau in thus interfering with the enforcement of the law is by your order and if he is sustained by you in so doing. I would respectfully desire of you, at your earliest convenience, information of the extent of your power and authority, and how far you expect to exercise it to interfere with the civil authorities in the exercise of their duty in bringing freedmen to trail for offenses committed against the laws of the State. . . . I would also inquire if you recognize the President's Peace Proclamation as making the military subordinate to the civil authority."³ On the same date Throckmorton wrote Judge Shropshire at Matagorda that he had received information from General Heintzleman, commanding the forces in Western Texas, that General Grant had issued an order declaring the President's Peace Proclamation had superseded military orders previously issued requiring the military to interfere with the civil authority in certain cases. "In other words," adds the Governor with evident satisfaction, "the Proclamation restores the supremacy of civil over military authority."⁴

A serious situation existed at Victoria. The negro troops stationed there under the lax command of a Captain Spaulding had

¹J. K. Helton to Throckmorton, August 21, 1866, in *Executive Correspondence*.

²Alvan Reed to Throckmorton, *Executive Correspondence*.

³Throckmorton to Kiddoo, November 7, 1866; copy in *Executive Records, Register Book No. 84*, p. 125.

⁴Copy in *Executive Records, Register Book No. 84*, p. 152.

taken control of the county jail and rendered it impossible for the civil authorities to keep a negro or Northern man confined there, no matter what his offense had been. It was alleged by the county judge that these soldiers had forcibly released two negroes convicted of horse-theft and an ex-federal soldier convicted of robbery. On the other hand, they had taken out and hanged a white man who was awaiting trial for the murder of a negro, and had arbitrarily imprisoned various citizens until the latter were willing to bribe their tormentors for their release.¹ The town was terrorized. No writ could be executed against any negro or friend of the soldiers. Throckmorton protested vigorously to General Heintzleman and insisted that Spaulding be court-martialed and that the troops be removed from Victoria altogether. When the case finally came before General Sheridan, three months later, he ordered that one of the soldiers be turned over to the civil authorities for trial, a concession that the governor found "very gratifying," in that "the military were disposed to recognize the civil authority of the State."²

A peculiar and yet in some ways a characteristic case came to notice in Bell county. In Collin county before the war a man named Lindley, who was a violent secessionist, was found to be connected with a gang of horse-thieves and was driven out. After the close of the war he turned up in Lampasas county engaged in the same business.³ Threatened with arrest and fearing the testimony of two citizens of Bell county named Daws and Dunnean, he procured their arrest by the military authorities on the plea that he was a "Union" man and that his son had been hanged during the war by the said Daws and Dunnean because of his Union sentiments. While these men were in charge of a military escort they were shot down by Lindley in cold blood with no effort at interference by the officer in charge, who even attempted to protect Lindley from punishment. Both Lindley and the officer were in-

¹C. Carson and others to Throckmorton, MSS. in *Executive Correspondence*. Also Throckmorton to Heintzleman, September 25, 1866; copy in *Executive Correspondence*.

²Throckmorton to Shropshire, copy in *Executive Correspondence*.

³Throckmorton to Sheridan, *Executive Records, Register Book* 84, p. 246; also Throckmorton to Sauberry, *ibid.*, p. 122

dicted by the grand jury of Bell county, but the military authorities insisted that they be tried before a military commission and refused to allow any attorney to represent the State or even to submit written questions to the witnesses.¹ Whatever the reason for so doing, the military court acquitted both the accused; but later Lindley was arrested by the civil authorities and jailed at Belton. He loudly demanded a guard of troops; but, backed by the promises of the citizens, the governor assured the military that the prisoner was safe. Nevertheless, a mob broke into the jail and hanged him. Heralded to the world as the martyrdom of a "Union man," his death furnished political capital to the radicals, while the failure of the citizens of Bell county to merit the confidence and to sustain the promises of the governor seriously weakened his efforts to get rid of the military and caused him both anxiety and chagrin.

Numbers of instances could be recited wherein military officials over-rode the civil authority in true cavalier fashion. At Lockhart and at Seguin court records and papers were seized and destroyed or mutilated. In Houston a negro indicted and confined for an assault to murder escaped, and the Bureau agent resisted his rearrest by the sheriff. The county judge of Grimes county was placed under military arrest. At Brenham the Bureau agent seized and made use of the jail and imprisoned the editor of a local paper for publicly criticising the conduct of certain teachers of freedmen. The editor was released after three weeks through the intervention of the governor, who sent a protest to General Kiddoo. In Grayson county a government agent who had been arrested for offenses committed before entering upon his office was forcibly released by the military. To lay all the blame for these troubles upon the military would manifestly be unjust; in many cases they were provoked by the dilatoriness of the civil courts or by the prejudices occasionally manifested against those new rights claimed for the negro but not clearly granted him by the State code. Moreover, as the peace proclamation of the president could not abolish a jurisdiction established by Congress, the officers of the Freedmen's Bureau were still in duty bound to interfere in

¹Throckmorton to Heintzleman, September 24, 1886, MS. copy in *Executive Correspondence*.

behalf of the negro whenever they believed he was being unjustly treated.

It was in obedience to this obligation that General Griffin, the new assistant commissioner for Texas, in a circular order issued January 26, 1867, directed his subordinates to "enforce the rights of freedmen according to the laws of Congress whenever injustice is done them or whenever the civil authorities neglect to render them justice."¹ A week later, however, relations with the civil authority were more carefully defined and the force of the above order somewhat modified by instructions that all criminal cases in which freedmen were concerned should be left to the civil authorities; but that unpunished or unnoticed outrages upon freedmen and all cases arising under the Civil Rights Act should be reported to military headquarters; that in civil suits the agents were merely to act as the advisers of the freedmen before the courts and to report the action of the courts to headquarters; and that the enforcement of the State vagrancy and apprenticeship laws should not be interfered with if fairly administered.² Though inclined at times to allow the civil authorities opportunity to prove their desire to administer real justice, it is, nevertheless, pretty clear that the man of arms was too often skeptical of their justice, too frequently disposed to bully, to resort to force when his jurisdiction was questioned, and to protect one of his own faith and party against the law of the "rebel" without inquiring very carefully into the merits of the case or into the right of the civil authority to be respected.

More harmful, however, to the new State government than the troubles indicated above were the statements sent to Washington by high federal officials. In his final report of inspection of Bureau affairs in Texas, made in June, 1866, General Gregory had stated that Union men and freedmen were "trembling for their lives and preparing to leave the State," that murders and outrages upon freedmen had been on the increase since March (i. e., since the adjournment of the Convention) and that the criminals were always acquitted in the civil courts.³ In his zeal

¹See *Flake's Weekly Bulletin*, February 6, 1867.

²See *Southern Intelligencer*, February 2, 1867.

³Gregory to Howard, printed in *Flake's Weekly Bulletin*, August 1, 1866.

to aid his radical friends the commissioner had forgotten that the civil officials of whom he complained were those appointed by Hamilton, since the recently elected conservatives were not installed until August. Sheridan, in his official report, declared that conditions in Texas were such that the trial of a white man for killing a negro would be a farce,¹ and in a letter to Throckmorton, January 16, 1867, asserted that "there are more casualties occurring from outrages perpetrated upon Union men and freedmen in the interior of the State than occur from Indian depredations on the frontier. The former greatly exceed the latter and are induced by the old rebellious sentiment."² To this Throckmorton entered a prompt and vigorous denial. He told Sheridan that the latter and his officers had for the most part been imposed upon by men who proclaimed themselves "outraged Union men," but who had really never been Union men at all; more often they were rogues and horse-thieves who set up that cry in order to get protection of the military. He himself had been a Union man before the war, had had extensive correspondence with Union men all over the State, and he knew that some of these men who were now being outraged "for their Union sentiment" had formerly been "brawling, blatant secessionists" and notorious for their bad character.³ Not content with this, the governor, on February 9, sent out circular inquiries to the civil officers throughout the State, chiefly to the justices of the county courts, regarding the treatment of Union men and freedmen in the courts and at the hands of the people in general, and making specific inquiries concerning such cases as had been brought to his attention. In the answers to this circular it was claimed without exception that the law was impartially enforced upon all classes without distinction of color or politics. Some writers complained of the Bureau officials, some of the soldiers, while some were on the best of terms with the military, to whom they referred for endorsement of their statements. Although one is tempted to suspect that many of the civil officials endeavored to make out as cheerful a picture of conditions

¹See *Official Records, War of Rebellion*, Series I, Vol. XLVIII, Part 1, p. 301.

²MS. in *Executive Correspondence*.

³Throckmorton to Sheridan, *Executive Records, Register Book 84*, p. 246.

as possible, a careful examination of the records of the executive office goes far to bear out their statements as far as the courts were concerned. In trials for homicide of freedmen the defendants were often acquitted, but numerous cases are found in which white men were convicted on this charge. On the other hand, numbers of negroes convicted of petty crimes, as of theft, were pardoned by the governor upon petition of judge and jurors. The longest and most interesting of the reports above mentioned is from Robert Wilson, county judge of Grayson county, who confessed that many foul murders had been committed in his county, but insisted that they were the work of a band of outlaws from across Red River in the Indian Territory. The freedmen, he said, suffered from no injustice in the courts, and the instances of their mistreatment by the people were rare. Union men were not persecuted: he himself had always been a Union man and had been elected over a secessionist of unimpeachable character. A "refugee" had recently gained a law suit though several times beaten before the war. The cry of persecution had always come from some person who, having transgressed the law, wished to enlist for his defense the sympathies of the military and of the general government.¹

On the whole, Throckmorton's confidence in the ability of the State and local officials to maintain justice and order seems to have justified itself, though a few localities still retained an undesirable reputation for violence and outrage.² The governor, however, had not been content to wait for conditions in the interior to become thoroughly settled before trying to relieve the situation on the frontier. It will be remembered that Hamilton had spent some effort in that direction but had finally acquiesced in Sheridan's claim that the troops were needed more in the interior.³ Perhaps Throckmorton's previous experience on the frontier and as commissioner to the Indians under the Confederacy made him peculiarly alive to the situation in that region. Certain it is that the harrowing tales of cruelty and suffering and the con-

¹For this and other reports see *Executive Correspondence*.

²For alleged outrages upon freedmen at Prairie Lea, see W. C. Philips to Throckmorton, MS. in *Executive Correspondence*.

³See THE QUARTERLY, XI, 299.

stant appeals for protection that came to him weighed heavily upon his mind. Hardly was he seated in the governor's chair when he urgently requested General Wright to send troops to the desolated border,¹ and he gave the subject of frontier relief a prominent place in his message to the Legislature.² Wright, keeping in line with Sheridan's former attitude, replied that he had no authority to establish new posts; that it was wholly within the power of General Sheridan; and that, besides, there was not sufficient force in Texas for the work without breaking up the interior posts. Seeing that it was useless to wait upon the military commander, the governor wrote, on August 25, to President Johnson, as commander-in-chief, describing the conditions on the frontier and urgently repeating his request that troops from the interior go to its protection since they were not needed for the enforcement of the law.³ Mr. Johnson referred the matter to Stanton, secretary of war, who referred it to Grant and told Throckmorton to confer with Sheridan.⁴ Thrown back upon the mercies of Sheridan, he next appealed to General Heintzleman in command of the western division of Texas and succeeded in persuading him to send two regiments of cavalry to the lower frontier.⁵ The Legislature authorized the raising of one thousand State troops,⁶ which were tendered Sheridan, but were refused by him on the ground that the United States could furnish all the soldiers necessary.⁷ In his annual report to the War Department, Sheridan declared that justice was not done freedmen, Union men, and soldiers in the interior, and that troops were still needed there; and expressed the belief that the reports of Indian depredations on the frontier were "probably exaggerated" and that conditions were "not alarming." However, he stated that frontier posts

¹See *Executive Records, Register Book No. 84*, p. 37.

²*House Journal, Eleventh Legislature*, 80.

³Copy in *Executive Records Register Book No. 84*, p. 60; also MS. in *Johnson Papers*.

⁴MS. in *Johnson Papers*.

⁵Throckmorton to Heintzleman, and Heintzleman to Throckmorton, MS. in *Executive Correspondence*.

⁶Gammel, *Laws of Texas*, V, 928, 942, 1035.

⁷See MS. in *Executive Correspondence*.

would be established in the spring.¹ When a measure of protection was finally afforded, Texas had passed again into a "provisional organization."

5. *The Work of the Freedmen's Bureau.*

The chief activities of the Bureau from the spring of 1866 to March, 1867, may be indicated in brief space. The measure of relief work carried on in Texas had never been very great.² Such indigent negroes as were not cared for by their former masters were transferred to the charge of the counties on the ground that they were citizens and entitled to poor relief, as clearly as were indigent whites.³ During the fifteen months ending September 1, 1866, the average number of rations issued daily in the whole State was only twenty-nine.⁴ The number of pupils enrolled in the schools for freedmen was over four thousand five hundred, with forty-three teachers.⁵

The most constant watchfulness had not been sufficient to hold the negro to his contract, and, in his own interest as well as that of the planter, appropriate measures had been taken from time to time to keep him in the fields until the crop was gathered.⁶ On this account Kiddoo became convinced that contracts for labor should be made for the entire year instead of by months, especially in the cotton-growing districts.⁷ In order to protect those who were employed by the month he ordered that all unpaid wages were to be held as a first lien on the crop, regardless of sales, rents, or other claims whatsoever; and that, where so specified in the contract, payments should be made in specie or its equivalent in currency at the time the contract was made.⁸ Later, in the cotton

¹*Official Records, War of Rebellion*, Series 1, Vol. XLVIII, Part I, 301. Sheridan seemed to believe that the whole affair was a mere ruse to get the military out of the way in order that the freedmen and unionists might be left defenceless against "rebel" hostility. See above, p. 225.

²See THE QUARTERLY, XI, 293, and note 1.

³Kiddoo, *Circular Order No. 16*, June 18, 1866.

⁴Howard, *Annual Report, House Exec. Docs.*, 39 Cong., 2 Sess., I, 745.

⁵*Ibid.*

⁶See above, p. 214; also Kiddoo to Howard, printed in *Flake's Weekly Bulletin*, August 22, 1866.

⁷Kiddoo to Howard, in *Flake's Weekly Bulletin*, August 22, 1866.

⁸*Circular Order No. 19*, August 20, 1866, in *Executive Correspondence*. Paper money was at a discount at this time.

picking season, the officials of the Bureau were instructed to see that the freedmen who had worked on shares got their just portion of the crop and the market price for it. Where necessary the agents were to arbitrate differences arising out of claims for supplies furnished the freedmen during the summer; but, except in extreme cases, this was to be avoided, and the agents were to confine themselves to the arbitration of differences arising out of written contracts for labor.¹ By a later order, he insisted that no contract for labor to which a freedman was a party could be regarded as finally settled until arbitrated and fulfillment certified to by an officer of the Bureau.² In order to avoid misunderstanding growing out of indefinite terms in the contracts, all agents were instructed to take care that in the contracts for the next year every detail of the agreement should be specified and that nothing be left to be "understood"; and they were also required to urge the freedmen to take a portion of the crop rather than monthly wages.³ The labor law devised by the Legislature was repudiated by Kiddoo and contracts made in accordance therewith were disapproved; but General Griffin, who succeeded Kiddoo on January 24, 1867, uniting the military command of the State with the control of the Bureau, adopted some of its provisions. Contracts for labor could be drawn up before and ratified by a civil magistrate or any two disinterested witnesses, provided that a copy was sent to Bureau headquarters; a copy was also to be filed with the county clerk.⁴ Within a few weeks Texas was again under military rule, when there was no question of the relative status of the civil and the military authority; but the Bureau had never been in doubt of its own authority and the protests of the State officials had made little impression upon its policies.

Hampered as he was on all sides by the open hostility of the radicals, the suspicion of the military officials, and the thinly

¹*Circular Order No. 21*, October 1, 1866, in *Executive Correspondence*.

²*Circular Order No. 23*, November 1, 1866, in *Executive Correspondence*; also in *Southern Intelligencer*, November 15, 1866.

³*Circular Order No. 21*, December 25, 1866, in *Southern Intelligencer*, January 3, 1867.

⁴See *Flake's Weekly Bulletin*, February 6, 1867; also *Southern Intelligencer*, February 14, 1867.

veiled antagonism of the old secession wing of his own party, Throckmorton had maintained his difficult position with dignity and a large measure of success. Although prevented from affording relief to the suffering frontier, and unable to eliminate entirely the jurisdiction of the Bureau, he was, nevertheless, making steady progress in restoring the State to order and in inculcating a respect for legal processes. Much still remained to be done; but as lawlessness and violence gradually became less prevalent, the military had shown a tendency to acquiesce more and more in the extension of civil jurisdiction, and one can not escape the conclusion that, had Congress kept hands off, Texas would have been fully restored in a short while to that condition of real peace which it was the professed aim of the Reconstruction Acts to bring about.

PLAN OF STEPHEN F. AUSTIN FOR AN INSTITUTE
OF MODERN LANGUAGES AT SAN
FELIPE DE AUSTIN.¹

MATTIE AUSTIN HATCHER.

One of the public questions that appealed most strongly to Stephen F. Austin, who was deeply interested in every subject relating to the welfare of the colonists under his care, was that of public education. As soon as he had been relieved of the heaviest burdens connected with the organization and direction of the government of his colony by the formation of an *ayuntamiento*, he began to work out a plan for the establishment of an academy or college at San Felipe de Austin, and he did not abandon the project until the more pressing matter of discord between the colonists and the Mexican government demanded his attention. First, he had to try to bring harmony into the ranks of the colonists who, until this time, had allowed sectional differences to prevent them from establishing a school of any kind. Then it was necessary to interest the Mexican government in order that the school might be placed upon a legal basis and be endowed with lands from the public domain. In the hope of accomplishing this aim, he drew up during his term of service as deputy for Texas in the Congress of Coahuila and Texas, the preliminary draft of a decree, providing for the establishment of an Institute of Modern Languages at San Felipe, to be presented to that body for its adoption.² Although the plan fell through, the subject is of considerable interest as showing the troubles of a pioneer in the cause of public education in Texas.

¹A paper read at the Annual Meeting of the Texas State Historical Association, March 2, 1908. All materials made use of in the preparation of it are to be found in the Austin Papers in the archives of the University of Texas.

²There are two rough drafts of this decree with no essential differences. I have followed the more complete copy. The document is undated, but was probably written while Austin was serving as deputy (1831-1832). It was certainly prepared after his election to office; for in the first draft of the preliminary remarks accompanying the decree he refers to himself as deputy.

If we consider the condition of affairs in the colony, where the greater part of the energies of the settlers was expended in trying to win their homes from the wilderness, we shall see that the ground was but poorly prepared for the seed, and we shall not be surprised to find that Austin met with the discouragements usually encountered by one in advance of his times. Again, to arouse in the Mexican government an interest which would result in any effective action was no light task; for, in spite of the fact that this government had made after its own fashion several attempts to promote education in Texas, they had all been unenergetic and abortive, and no material advance had been made before Austin began to work on the plan with which this paper deals.¹

Austin himself had done some preliminary work on behalf of education in the colony, which calls for attention in connection with the subject of this paper. According to his contract with the government for the colonization of four hundred families in Texas, dated April 27, 1825² he was required to promote the establishment of schools in the Spanish language in such towns as he might found. The constitution of Coahuila and Texas, ratified March 11, 1827, provided also that there should be a uniform method of instruction throughout the state, and required Congress to form a general plan for public instruction. In conformity with the spirit of these requirements, Austin had been endeavoring for several years before his plan took definite shape³ to arouse an interest along educational lines among the colonists, by urging upon them the necessity for a permanent public school to be located at San Felipe. There are among his papers the first drafts of several letters written to his friends with the double purpose of securing their co-operation and of ascertaining, as far as possible, the sentiments of the colonists in regard to the question. Many of the replies also are preserved. Although this evidence is but fragmentary, it serves to forecast failure; for it shows two clearly defined objections made by the settlers. In the first place, they

¹Cf. Cox, "Educational Efforts in San Fernando," Part II, in *THE QUARTERLY*, VI, 35-63.

²Gammel, *Laws of Texas*, I, 47-48.

³The earliest evidence of the definite plan that I have found is in the letter of Austin to J. H. Bell, February 24, 1829, which is quoted a little further on.

were unwilling to allow the *ayuntamiento* to have a voice in the management of schools; and, in the second place, they were unwilling to have the school located at San Felipe.

The first person Austin sought to interest in his plan was his close friend, J. H. Bell.¹ On February 24, 1829, he wrote Mr. Bell, saying:

* * * Mr. Pilgrim proposes to teach a school. I am pleased with him so far as I have been able to judge. My opinion on this subject is that we should all unite with a view of establishing a permanent academy at this place. If we now commence on this basis, I have no doubt of succeeding, and if the subject is pushed and properly laid before the Govt., I have no doubt of obtaining a liberal endowment of funds. I fear that a division in the minds of the people as to where the academy ought to be located would totally defeat the object, and for this reason I am in favor of engaging Mr. Pilgrim to establish a school here permanently and that measures be adopted without delay to raise funds by subscription for a suitable house, large enough to accommodate about 100 scholars. I have drawn a plan which I send you.

This subject is a very important one; it has always been a favorite one with me, and I think an effort should now be made to get this school under way; it can be added to afterwards. In fact it will naturally increase as its reputation becomes known and I fear that if the present opportunity passes of getting a permanent teacher another may not occur soon. I will, however, unite in support of any general plan to establish schools which will do the most public good. * * *

Your friend,

Feb. 24, 1829.

S. F. Austin.

On March 13, 1829, Bell answered Austin's letter as follows:

* * * I received your letter on the subject of establishing a school, and have spoken to the people. Generally they are all willing to give it liberal support, but object intirely to sending their children to San Felipe. In fact they are so disgusted with the preceedings at that place that there is nothing that centers there that they will have anything to do with. As to my own part I would do any way that a majority might think best. * * *

J. H. Bell.

Austin immediately replied:

¹See p. 232 above, note 3.

²Obliterated.

* * * It is the interest of each man who lives in this colony or in this section of the country to encourage the improvement and advancement of this town. The day will come when a selection must be made for the seat of Govt. of Texas. The people of this jurisdiction should keep that object in view and by pushing forward this place pave the way to its location here. If we can get decent public buildings and an academy under way and have the place otherwise improved so thus to afford comfortable accommodations, this place stands a better chance to be the seat of government than any other point in Texas. * * * Everyone who does or says anything to retard the advance of this place is actually doing an injury to himself. * * * I calculated the chances for this place to be the future seat of government many years ago and I was then of the opinion that the people of this colony could make it the seat of government if they took the right course and I am of the same opinion still.

The academy is a very important matter and I hope you will aid us some from that quarter of the country. If we can get it under way I have no doubt the Govt. will aid us. I will devote a great deal to this object if it goes on, for independent of the good that will result to the children of the colony, it will give a favorable character to it abroad.

Your friend,

March 17, 1829.

Stephen F. Austin.

On March 25, 1829, Austin received an answer to a letter he had written a Mr. Martin for the purpose of ascertaining the feelings of the people of this gentleman's neighborhood in regard to the matter. The illiteracy of this reply shows quite clearly the need for some kind of a school in the colony; although, to judge from it alone, one might doubt the advisability of trying to establish any other than a primary school. The writer's favor, however, for education is in sharp and encouraging contrast with his own evident want of it. He states that he has interviewed certain persons in regard to the plans for the academy, but finds them bitterly opposed to placing such funds as may be subscribed for the erection of a school building in the hands of the *ayuntamiento*, although the people declare themselves perfectly willing to subscribe liberally if the school can be placed on a satisfactory basis. This, the writer believes, is the sentiment prevailing throughout his neighborhood. After giving his own opinion of the *ayuntamiento*, in no measured terms, he suggests a plan which, in his

belief, will be satisfactory to all, with the possible exception of the *ayuntamiento*. He proposes that Austin himself shall name seven or eight men from the various parts of the settlement to act as a committee with power to decide upon the advisability of establishing the proposed school, and to elect the trustees and other necessary officers provided the decision be favorable.

In spite of the opposition thus encountered, the plan was not given up. In fact, in San Felipe itself, the prospects for success seemed flattering; for on April 16, 1829, in another letter to J. H. Bell, Austin gives the following account of the progress of the work:

* * * Our academy subscription goes on very well there is over thirteen hundred dollars subscribed and I think we shall be able to get a brick building. I am anxious to see the matter succeed for I think it will be attended with much public good.

Only one letter showing any attempt of Austin's to interest the Mexican authorities at this time has been found among his papers. This was written to him on June 4, 1829, by Juan Antonio Padilla in answer to one written him by Austin on the question of schools. Padilla expressed his willingness to help secure a capable teacher, and reported that the government was very much interested in schools at that time.

The final development of Austin's plan appears in the form of the preliminary draft of a decree already mentioned, together with the explanatory remarks to be made on presenting it. This draft was written in Spanish, and a translation¹ follows:

H.[onorable] C.[ongress:]

The colonies which have been planted in the unsettled portions of Texas by a number of *empresarios*—under the protection and auspices of the government—having happily flourished, begin to find themselves in that advanced state which demands the establishment of certain institutions fitted for settled countries. Among these, public schools for the teaching of modern languages, and especially that of Spanish, are of prime importance. These colonies are composed of both foreigners and Mexicans; and the necessity for disseminating the national language among the former is evident. They themselves are fully convinced of this necessity and have made various efforts to found a school by

¹By the writer of this paper.

means of voluntary contributions. Up to this time, however, these efforts have had no successful outcome—not because of a lack of willingness to contribute, but for the want of a legal and permanent arrangement which would give a legal existence to the institution and assure the protection of the government and of the laws and the faithful use of the funds contributed for the charitable objects and public uses intended by the donors. For the purpose of overcoming this obstacle, and seeking the general good of the state, which will be greatly advanced by the establishment of a literary institution—and particularly one whose principal object is the extension of the national language among a portion of the inhabitants of the state who do not know it. The undersigned deputies from Texas have the honor to present for the consideration of Your Honorable Body, the preamble and outline of the following decree:

Realizing the importance of encouraging, by every possible means, the teaching of the Spanish language in the new colonies of Texas; complying with the desires, expressed by the inhabitants of the principal one of these, for the founding of a school of Modern Languages by means of voluntary contributions; and wishing to give a legal existence to the said institution by placing it under the protection of the government and of the laws—thus assuring the careful application of the funds to the beneficent purposes intended by the donors—the Congress of the State of Coahuila and Texas has thought well to decree the following:

Art. 1. There is authorized the establishment of a literary institution in the town of Austin,¹ Texas, under the protection and direction of the government, to have the name Institute of Modern Languages.

Art. 2. It shall be endowed with unappropriated lands belonging to the Department of Bexar, and with such funds as may be voluntarily contributed by private individuals.

Art. 3. It shall have one rector, three professors, a treasurer, and a board of directors, which shall be composed of the curate of the said town, of the rector of the three professors, and of six directors whom the chief of the department shall name from the twelve proposed by the *ayuntamiento*.

Art. 4. The six directors named in the list of the *ayuntamiento* and not selected by the chief, shall be alternates and shall fill such vacancies as may occur in the order in which their names come in the list as arranged by the chief. All shall be chosen anew in the month of March of each year. Members shall be eligible for reelection and free to accept or refuse a new nomination only in the second year as the office is held like a municipal office.

¹That is, San Felipe de Austin.

Art. 5. The rector shall be the president of the board of directors and shall have general supervision over the professors, the employees, the pupils, and the business of the institution in all its branches and departments. He must be master of the Spanish and English languages.

Art. 6. Of the professors, the first shall be teacher of Spanish, the second, of English, and the third, of French; and they shall teach the pupils to speak, read, and write the elements of these languages.

Art. 7. In addition to the three languages mentioned, arithmetic, geography, mathematics, history, rhetoric, constitutional law, philosophy, astronomy and chemistry shall be taught in the institution. These studies shall be distributed among the rector and the professors in the order prescribed by the internal rules of the institution.

Art. 8. The board of directors shall have a secretary selected from its own body by a plurality of votes. The duties of the board shall be as follows:

1st. To manage all the lands and funds of the institution.

2nd. To name the rector, the professors, the treasurer, and all the inferior employees of the institution.

3d. To draw up the rules for the organization and government—both internal and external—of the institution in all its branches and departments; to fix the duties and responsibilities of the rector, the professors, and the other employees; and to designate their salaries, provided that neither the rector nor the professors shall have a vote in fixing or changing the salaries of any of the four positions they may occupy.

4th. To receive with the knowledge of, and from the hands of, the *ayuntamiento* the gifts or voluntary contributions to the general funds of the institution, or to any particular branch—be it lands, money or goods.

5th. To decide about the building of houses and chapels or the making of other improvements, and about the buying of books and instruments as far as the funds will permit and as circumstances require.

6th. To establish a department separate from the main building for the education of girls, and to form rules for its control.

7th. To adopt a seal for the institution.

Art. 9. The institution can sue and be sued through the president of the board of directors.

Art. 10. On the first Monday of the month of February of each year, the secretary—after due approval by the board—shall present to the *ayuntamiento* an exact account of the management

of all the funds which may be under the charge of the said board. This account shall be placed in the archives, one copy shall be published, and another shall be sent to the chief of the department. The rector, likewise, shall present a memorial of the branches under his charge. This also shall be placed in the archives, a copy published, and one sent to the chief of the department.

Art. 11. Each director and employee of the institution shall be responsible with his own private property—and that too in preference to any other liability or debt—for any misappropriation or fraud in the administration of the funds of the institution which may either be committed or knowingly permitted; and they may be called to account for the same, in favor of the institution, by the *ayuntamiento*, or by any of the directors or employees for that year.

Art. 12. The governor of the State, the chief of the department, the chief of the district, and the *ayuntamiento* may visit the institution whenever they may consider it proper; and the *ayuntamiento* must visit it each year during the months of February and October; and shall give an account to the government, through the proper official, of the result of this visit.

Art. 13. There shall be ceded in full possession to the said institution eleven *sitios* of territory from the unappropriated lands in the Department of Bexar lying along the San Jacinto, the Brazos, the Colorado, and La Vaca Rivers or in their vicinity. They shall be outside the limits of the ten littoral leagues along the coast. The directors shall choose the said *sitos* all together or separately, as may seem best to them. The title to the same shall be issued by the chief of the said department upon the request of the president of the board of directors.

Art. 14. The lands conceded by the previous article can not be leased for a continuous period of more than five years, and they can not be sold, either in part or as a whole, without the previous approval of Congress upon the request of the board of directors accompanied by a report from the *ayuntamiento* and the chief of the department. The said lands and all the property and funds of the institution shall be free from all taxes or duties whatsoever.

Art. 15. The *ayuntamiento* of the town of Austin shall be authorized to make a gift to the institution of such *solares* belonging to the town as may be necessary for the buildings.

Art. 16. Within three months from the publication of this decree, the *ayuntamiento* of this town shall propose twelve persons to the chief of the department, and he shall name the six directors as provided for by Articles 3 and 4.

Art. 17. In the absence of the rector, the curate of Austin shall serve as president of the board of directors; and in the absence of

the curate, the board shall name a president *ad interim* from its own body.

Art. 18. When the organization of the school shall be finished, and the rules for its government formed, a copy of all shall be sent to the Congress of the state for its approval. In the meantime, the board may make temporary rules, completing them and filling the positions in the institution as the funds permit and circumstances require.

Here the evidence afforded by the Austin papers abruptly ends, and we are left to wonder whether the bill was ever presented; or whether, the times proving inauspicious, the question was dropped altogether to take up the more important one of resisting the tyranny of the government. At any rate the years of earnest and faithful work for the success of this commendable object were fruitless of tangible results.

BOOK REVIEWS AND NOTICES.

With the Border Ruffians, or Memories of the Far West, 1852-1868. By R. H. Williams, edited by E. W. Williams. New York: E. P. Dutton & Co., 1907. Pp. xviii, 472.

The author of the volume which bears this title, when a roving young Englishman of twenty, settled in western Virginia in 1852; removed thence to Kansas in 1854, where he took part in the "Border War" on the pro-slavery side; and in 1860 made his way to western Texas, where as rancher in the Frio country, a partisan ranger in the Confederate service, and Indian fighter, he remained until after the close of the war. The remainder of his life he spent in England. These reminiscences were based largely upon notes and diaries; but they afford numerous examples of the historical inaccuracy concerning particular men and events that we have to look for even in the most interesting books when written largely from the memories of old men. These inaccuracies are especially noticeable in the accounts of his experiences in the Confederate service in which a number of names are so curiously transformed as wholly to mislead the reader. For instance, the author was in Duff's Partisan Rangers, but after the first mention of him that officer always appears as "Dunn." Col. Jno. S. Ford, "Old Rip," goes by the name of "Franks," and the old frontiersman is further disguised by the character attributed to him. The most ludicrous misappellation is that of General "Wasp" for General H. P. Bee! Nor is the author fair to this officer in other respects. Certainly there was much questionable dealing in government cotton exportations at Brownsville, but Bee's part in it is by no means conclusively proved. The assertion that he burned and fled from Brownsville in November, 1863, when no Federals were near, solely to cover up cotton frauds is easily disproved by the official dispatches of General Banks.¹ Captain Taylor appears under the name of "Turner," McCrea as "McCree," and Montgomery, captured with E. J. Davis and hanged, as "Monson." There are

¹See *Official Records, War of Rebellion*, Series I, Vol. XVI, Part 1, pp. 399, 434.

other errors of like character, but it would require too much space to point them out. However, these slips and the too evident personal antipathies of the author seem to be the chief faults of the book. It is entertaining reading all the way through, and there are especially interesting accounts of the work of the vigilance committee in San Antonio, of the battle and massacre of the German refugees on the Nueces River on August 10, 1862, of the cotton speculations on the Rio Grande, and of the capture while on Mexican soil of E. J. Davis, whose life Williams thinks he was able to save. The author, by the way, seemed wholly unaware of the part that Davis later played in the history of Texas. Perhaps the most generally satisfactory portion of the book is that describing the wild life and society on the frontier ranches in the Indian country. There is no blurring of the clear outlines of the picture by after memories of the country's development.

This book is handsomely gotten up, with clear print on excellent paper, has a few good illustrations, and is well bound.

C. W. R.

The Justice of the Mexican War: a Review of the Causes and Results of the War, with a View to Distinguishing Evidence from Opinion and Inference. By Charles W. Owen, M. A. (Yale), LL. B. (Harvard), formerly of Staff Fourth Division, Second Corps, Army of Potomac. (New York and London: G. P. Putnam's Sons, 1908. Pp. viii, 291.)

The appearance of this volume is one of many indications that thoughtful students of American history are beginning to see the other side, even in such a heat-provoking controversy as that relative to the causes of the Mexican War. The time seems to have come, indeed, for reconsideration of the subject and for a searching examination of the conclusions relative thereto which have been given general currency by such historians as Schouler and von Holst and by the text-book makers who have followed them. Old views should not be discarded simply because they are old, nor the new accepted because of their newness; but all should be brought to the test of a searching and dispassionate review, and valid evidence should be critically distinguished from that which is not valid.. Mr. Owen protests against the methods that have

been used by most historians in dealing with the Mexican war, and challenges their conclusion as to its injustice. The method which he condemns consists in using unsupported opinion and assertion as determinative evidence; and his allegations against many prominent writers that have somehow been led to use it are convincingly sustained. Another feature of the method in question which might well have been criticized more severely is that of using uncertain interpretations of such statements as Polk's remark to Bancroft forecasting the work of his administration, or such documents as the instructions to Larkin concerning the policy to be pursued in California, as if they were not open to doubt. The conclusion that the war was unjustifiable Mr. Owen refuses to accept because it has been reached only by the use of the method against which he inveighs.

In order to make it possible to judge how far the personal equation appears in his work, Mr. Owen tells something of his antecedents. The son of a Free-Soiler, and himself an employe of the "underground railroad," a Federal soldier during the Civil War, a supporter of Frémont, and of Lincoln, Grant, and several other Republican presidents, he sees nothing in his personal experiences to give him "an undue liking for the ways of the slaveholders," or any prejudice for or against any National administration "Unless it be a strong impression made by General Hawley's repeated expression, 'Uncle Sam is a gentleman.'" And he adds concerning Uncle Sam: "Only when anything said against him is proved can it be received in silence—and with sadness." From such utterances can be judged the spirit in which the book is written.

One chapter is given to the opinion of Senator John M. Niles. A brief discussion of Niles's personality and antecedents, showing his anti-slavery tendencies, as well as his courage and strength of character, is summed up in the statement, "It is difficult to imagine a man more fit in 1848 to form a deliberate and intelligent judgment upon this subject [the causes of the war with Mexico], or more absolutely to be relied on for an honest and fearless one, than Senator Niles." Then is quoted from a speech delivered by Niles in the Senate, February 9, 1848, an expression of his judgment concerning the justice of the war, the essence of which is in the following words: "We stand well in relation to this war before the world, and have nothing to fear from the impartial judgment of posterity."

After a brief argument for the principle that "character is evidence," and that it "goes far, and ought to go very far, toward making people incredulous of charges of baseness made against men of honorable repute," Mr. Owen proceeds to consider the character of the American people, of the Anglo-American colonists of Texas, and of the Mexicans. He then gives a summary review of the causes of the war, with a brief glance at the conflict itself and its consequences; the tendency of his argument being to show that the war was just, and that the charge of improper motives which has been so freely and persistently made against those who are responsible for it can not be sustained.

A few inaccuracies are to be noted. "William G. Wooten," p. 94, note, should be Dudley G. Wooten; "Colonel Ugart[e]chea," p. 105, should be Lieutenant Castañeda; "Castrillo," p. 115, should be Castrillon; "and May 1, 1846," p. 252, is not the proper date of the passage of the joint resolution of annexation.

Concerning the question as to Austin's map which Schouler describes as having been published in 1837, it should be noted that the first draft of the map was made in 1829, and that it was first published in 1833 by H. S. Tanner of Philadelphia. The reviewer has seen copies of the first edition and of another published in 1840 and a photograph of a copy of an edition published in 1836. How many other editions there may have been, he is unable to say; neither can he tell how far the additions and variations that appear in that of 1836 were authorized by Austin himself. Certainly no map appearing in 1837 could be claimed to represent Austin's views at the time of its publication; for he died on December 27, 1836.

On the whole, while Mr. Owen has taken, on one or two points, e. g., that of the Texan claim to the Rio Grande boundary previous to annexation, rather extreme ground, his work is a valuable addition to the literature of its subject; and it could be read with profit by many of the best known historians of our time.

G. P. G.

Civil Government in the United States and in the State of Texas: a Text-Book on Civics. By John C. Townes, LL. D., Dean of the Law Department, the University of Texas. (Austin, Texas: Austin Printing Company, 1908. Pp. 378.)

During the past summer, the State Text-Book Commission, created by act of the Thirtieth Legislature, met in Austin and adopted a set of text-books for use in the public schools of Texas during the next five years. The Civil Government adopted by the Board was in the strictest sense a local product. It was written by Judge John C. Townes, Dean of the Department of Law in the University of Texas, and was published by the Austin Printing Company, of Austin, Texas. The work was largely prepared for publication while its author was absent from the University on leave during the Fall Term of 1907, but came from the press in the spring of 1908.

Since the book was written for use in the public schools of Texas, as the author tells us in the preface, it deals with Civil Government in the dual form in which it exists in this country. The general plan adopted seems simple and logical. The subject is presented in five parts. Part One presents the general principles underlying all governments. Part Two is historical and gives a brief account of our early colonial governments, and the Confederacy, and narrates briefly the events leading up to the adoption of the constitution of the United States. Part Three analyses the constitution of the United States and describes the governmental machinery that has grown up under it. Part Four gives an account of the State governments, with particular reference to Texas, while Part Five deals with "Municipal Law" and is, in substance, a brief statement of the general principles of elementary law.

In setting forth the general principles of government, the author takes as his point of departure the necessity of government in any civilized society, and points out that the act of governing implies the existence of two persons, one the governor, or sovereign, who exercises control, and the other the subject, or citizen, over whom the control is exercised. This calls for a brief examination of the nature of sovereignty. The author rejects the contention of the theorists to the effect that sovereign power is absolute and indivisible. In our dual arrangement in this country, says he, "We have two peoples and two governments operating in the territory

and over the inhabitants of each State; yet each people and each government is limited as to the matters over which its powers extend. Each within the sphere of its political activity is the highest and uncontrolled power, subject to no other authority and accountable to no other for its conduct. * * * This is the practical condition in which the citizens of the United States are placed, and from which there is no escape except by revolution."

Passing from the consideration of this abstract question, the writer classifies governments according to form into the usual classes, as monarchies, aristocracies, and so forth, and points out the necessity for the separation of the three departments of government as a means of preventing the tyrannical use of political power. A chapter is devoted to the most important powers and duties of governments, another to the relation of the citizen, or subject, to the sovereign, and a third to political parties and the part they play in all representative government.

In the chapter on the relation of the Federal government to the States, the question of the rights of the States receives a brief notice. On the subject of secession we find it stated that "so long as the argument was confined to the historical development leading up to the government and its establishment, and to the language of the instrument and its contemporaneous construction, the advocates of the rights of the States had decided advantage. But later there came a time in our history when this question was left to the 'arbitrament of the sword,' and the result of battle was against the States' right of secession and in favor of a centralized government. It is too late to reopen the question, and all are alike agreed that since the surrender of General Lee at Appomatox no State has a right to secede from the Union." The writer recognizes that there are many questions still unsettled which involve the relative rights of the State on the one hand and the Federal government on the other, but they are not sectional questions and will probably never become sectional and need give little real cause for alarm.

The fifth part of the book, which deals with the elementary principles of law, is a departure from the beaten path in presenting the subject of Civil Government. This departure is certainly justified by the importance of the subject and the great value to the citizen of even a meager knowledge of the most common

precepts of the law. Besides classifications and definitions of law and legal rights, the following important subjects receive brief but excellent presentation: the family, master and servant, principal and agent, partnerships, corporations, common carriers, property, contracts, and torts.

There are two topics omitted from the book that, in the view of the present writer, might very well find a place in a text-book on Civil Government. One is some account of the committee system which plays such an important part in our legislative bodies in this country. No intelligent grasp of our legislative process is possible without an understanding of the work of our numerous committees. The other topic omitted is an account of the English governmental arrangement. Such an account would necessarily be very brief, but it would present the relative positions occupied by the King, the Lords, and the Commons, and, what is probably more important, would give the student some general notion of the working of cabinet, or ministerial government. There is no better way to discover our own faults than by instituting a comparison between our own system and the systems worked out by other free peoples.

As may be inferred from what has already been said, the subject is presented from the view point of the lawyer, rather than that of the publicist. It is an excellent analysis of our American governmental machinery, and in the hands of a competent teacher will undoubtedly prove a most excellent text-book. But, as many of the discussions are somewhat abstract, there is some danger that, in the hands of a weak or inexperienced teacher, the class work may degenerate into memory work on the part of the student, and to a process of "hearing recitations" on the part of the teacher. But up to this time no unfavorable reports have been received.

C. S. POTTS.

NOTES AND FRAGMENTS.

THE CONVENTION OF 1836.—[The following letter well depicts the stress and excitement under which the first constitution of Texas was wrought out. Martin Parmer (or Palmer, as the copyist incorrectly spells it) was a member of the Convention which met at Washington, March 1, 1836, and declared Texas independent on the 2d. The work of the convention thereafter was the framing of the constitution, which was finished on the 17th. Johnson's command, to which the writer refers, was attacked by General Urrea at San Patricio on February 27, and only five escaped; Grant's small force was massacred on March 2, the day of the declaration of independence; and Travis fell in the Alamo the day the letter was written. The letter is from a copy published in the *Arkansas Gazette* (Little Rock), April 5, 1836. There is a file for that year in the Library of Congress.—EUGENE C. BARKER.]

Committee Room, Washington,
March 6, 1836.

Dear Wife—I am well, and we are getting along very well. We have three or four committees who are preparing a constitution and we will soon have it ready. I shall be at home in ten or fifteen days. We have alarming news continually from the west; Frank Johnson's division is all killed but five, it is supposed. We saw [*sic*] two shot begging for quarters. Dr. Grant with a company of men is supposed to be all slain. Travis' last express states San Antonio was strongly besieged; it is much feared that Travis and company is all massacred, as despatches from that place have been due three days and none have arrived yet. The frontiers are breaking up, Gonzales must be sacked, and its inhabitants murdered and defiled without they get immediate aid. The last accounts the Mexicans were to a considerable number between Gonzales and San Antonio. Fanning is at La Bahia with about 500 men, and is in daily expectation of a visit from Santa Anna. Texas has been declared free and independent, but unless we have a general turn out, and every man lay his helping hand too, we are lost. Santa Anna and his vassals are now on the borders, and the declaration of our freedom, unless it is sealed with blood, is of no force. I say again that nothing will save Texas but a general turn out. You all know my views with regard to our condition, I have

given you facts, judge for yourselves. I wish a copy of this letter sent immediately to Capt. Baily Anderson and Col. A. S. Sublett, and publicly read in St. Augustine. Travis closes his last expresses with these words, "Help, O my country."

Martin Palmer [Parmer].

To the Committee of Vigilance and Safety,¹
San Augustine, Texas.

¹The letter originally written to Mrs. Parmer was no doubt sent to St. Augustine to be publicly read, as he requested, hence this inscription.

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THE NAVY OF THE REPUBLIC OF TEXAS.

ALEX. DIENST.

II.

THE FIRST NAVY OF TEXAS.

V. THE LIBERTY.

While, as noted in the last chapter, instructions were being carried to Captain George Wheelwright, the newly appointed commander of the *Liberty*, Captain William S. Brown, intent upon a capture, was cruising on the high seas with the *Liberty*, seeking Mexican vessels. On March 3, 1836, he fell in with the *Pelicano*, a trading schooner, commanded by Captain Pérez.¹ The *Pelicano* was cleared from the port of New Orleans on February 25, 1836, by James W. Zachari, with a cargo purporting to consist of 550 barrels of flour; but in each barrel after the capture it was found that there were concealed three kegs of gunpowder intended for the Mexican army. The *Pelicano* was a Baltimore built vessel of the first class, carrying three large brass pieces, and having on board, besides her crew, twenty soldiers, double armed with muskets.² As the *Liberty* carried but four small guns, she was really venturesome to attempt the capture, especially as the fight took place within point blank range of the guns of the port of Sísal.

¹*Commercial Advertiser*, New Orleans, April 25, 1836; undated clipping from the New Orleans *True American*, Austin Papers.

²*House Journal*, 3d Tex. Cong., 114.

Three of the *Liberty's* men, led by James O'Connor,¹ boarded the *Pelicano*. Before others could go to their assistance they killed seven marines, and caused several others to jump overboard, and the remainder to seek refuge beneath the hatches. The prize was manned with a crew and carried to Matagorda Bay, where she was wrecked in attempting to cross the bar.² The cargo, however, was saved. In landing, some of the barrels were stove in, and it was then that they were, upon examination, found to contain powder.³

It seems that Zachari and Company denied that the powder was on board the *Pelicano*. When this denial came to the knowledge of Captain Brown, he addressed the following letter to John Gibson, editor of the *True American*, a paper friendly to Texas:

GALVESTON BAY, May 8, 1836.

To the Editor of the True American.

SIR—By Capt. Appleton, I am informed that J. W. Zacharie denied that there was any Powder on board schooner *Pelicano*. I do assure you that there was 280 kegs—whether he knew it or not, I am not able to say. In addition to the above quantity, there were a number stowed in barrels of apples, potatoes, etc. I have found a number of letters on the Prize which proved the above fact. I feel it to be my duty to state these facts in regard to the Powder. There was no mention made of it on the manifest.

My situation requires that I should keep a constant lookout, and when I see the Mexican flag flying, I shall either take it or be taken. I can not fly from a Mexican, and will not.

Respectfully yours,

W. S. BROWN.

Commander Schooner *Liberty*. (Texian.)

In a proclamation of March 31, 1836, General Houston refers to the capture of the *Pelicano* as follows: "Captain Brown, with one of our vessels, has taken a Mexican vessel with 420 barrels of flour, 300 kegs of powder and other supplies for the army."⁴

From the date of Captain Brown's letter above, it is evident that he was in Galveston Bay May 8, 1836. Whether he relinquished the command of the *Liberty* at this time to George Wheel-

¹Archives of Texas, file 2424.

²*Telegraph and Texas Register*, August 18, 1838, Austin Papers.

³*New Orleans Commercial Advertiser*, April 25, 1836, Austin Papers.

⁴Proclamation to the people of the east of Brazos, March 31, 1836. Copy in an unidentified newspaper clipping.

wright, who had been commissioned on March 12, there is no evidence to show; but from a short sketch of Brown, which afterwards appeared in the *Telegraph and Texas Register*,¹ he seems at about this time to have committed some act which caused Commodore Hawkins to order his confinement in irons, and for this he resigned. In the summer of 1836 President Burnet gave him another commission, with the express understanding that he was not again to be subject to the order of Commodore Hawkins. He went to New Orleans to get a boat and there died.²

It is very probable that in May or June, 1836, Captain Wheelright took command of the *Liberty*, but her next cruise to New Orleans was her last. She accompanied as a convoy the schooner *Flora* with the wounded General Sam Houston on board, and arrived at New Orleans May 22, 1836.³ She was here detained on account of repairs, and in July was sold to pay the cost of them.⁴ In the legislative halls of Texas we hear an echo of the *Liberty* in after years in the form of a petition from the captors of the schooner *Pelícano* for their share of the prize. The petition was favorably reported by the Judiciary Committee, whose report recites, among other things, that the district court of Brazoria county, which by law was invested with admiralty jurisdiction, had duly condemned the *Pelícano* and her cargo as lawful prize; that the value of the cargo of flour was \$7584.05; and that half of that amount was due the captors.⁵ The committee, therefore, recommended a joint resolution for the payment of their just share to the officers, crew, and marines of the *Liberty*. James O'Connor, the first man to board the *Pelícano*, was to receive an extra share.⁶

This closes the history of the *Liberty*, whose career, while brief, was not unworthy of her name, save in her ending, which, if a reflection at all, is rather on her government than on herself.

¹August 18, 1838.

²Captain William Brown was a younger brother of Jeremiah Brown, who was appointed captain of the *Invincible*.

³New Orleans *Commercial Bulletin*, May 23, 1836.

⁴Henry W. Morfit, Report, Velaseo, Texas, August 13, 1836; in *Senate Docs.*, 24th Cong., 2nd Sess. (Serial No. 297), Doc. 20, p. 5.

⁵*House Journal*, 3d Tex. Cong., 114.

⁶Archives of Texas, file No. 2424.

VI. THE INVINCIBLE.

In Chapter IV the *Invincible* was left at the point where, on March 12, 1836, Captain Jeremiah Brown was appointed by the General Consultation to her command.¹ With his commission he also received orders to cruise along the coast and engage or drive off the Mexican war vessel, *Montezuma*. This vessel had so far done no great harm to the Texan interests, but since she was first reported off the Texan coast in November, 1835, shippers had lived in constant dread of her. After patrolling the coast for some time, Captain Brown received a hint to search for the *Montezuma* near the mouth of the Rio Grande. He arrived there opportunely. An embargo had been laid by the Mexican government on all vessels in the port of Matamoras in order to prevent information reaching the Texans of an expedition which was being prepared to land two thousand men at C6pano Bay. The *Montezuma*, now rechristened the *Bravo*,² had just crossed the bar at the mouth of the Rio Grande, which is some thirty-five miles from Matamoras, and had lost her rudder. On the third of April, at ten o'clock a. m., while she was waiting to refit inside, the *Invincible* came in sight from the north. At 12 o'clock she came opposite, and Lieutenant William H. Leving, in a small boat, went on board the *Bravo*. The *Bravo*, becoming suspicious, slipped her cable and endeavored to retreat with Lieutenant Leving on board. A sharp engagement then took place. The *Bravo* could not be steered, and ran aground near the north beach, where she was almost completely wrecked by a broadside from the *Invincible*. The crew reached the shore

¹In the course of her career the following officers served for varying terms on the *Invincible*: Captains Jeremiah Brown and Henry L. Thompson; Lieutenants F. Johnson, William H. Leving, P. W. Humphreys, ——— Newcomb, James Perry, Harrie Hornsby, Randolph Lee, ——— Logan, James Mellus, and James Sever; Surgeons O. P. Kelton and Dunn; Purser F. T. Wells; Sailing Masters Daniel Lloyd and Abbott; Midshipmen Alf. A. Wate and Robert Foster; Boatswain ——— Smith; Gunner Fred Franson; Captain of Marines F. M. Gibson; Lieutenants of Marines F. Ward and ——— Brooks. This list, which is compiled from Tennyson's Journal, the New Orleans newspapers, and *The Texas Almanac*, 1860-65, is as complete as I can make it.

Yoakum, II, 124, says that L. Brown commanded the *Invincible*; there was no Captain L. Brown, and Captain W. S. Brown commanded the *Liberty*. The *Texas Almanac*, 1860, p. 58, says that Captain I. B. Brown commanded the *Invincible*; this also is an error.

²The Matamoras correspondents of the New Orleans papers call the vessel the *Bravo*, but explain that it was formerly the *Montezuma*.

in safety, carrying with them Lieutenant Leving. The *Invincible* sustained no damage, but Lieutenant Leving was shot as a pirate on April 14, 1836.

While the action was going on between the *Invincible* and the *Bravo*, at two p. m. the *Pocket* came in sight. This vessel was from Boston, commanded by Elijah Howes, who sailed from New Orleans on the 28th day of March, laden with a cargo, shipped by Lizardi and Company of that city, generally understood to be Mexican agents. Captain Brown captured the *Pocket* and sailed into Galveston, where it was detained. Captain Howes and some of his crew proceeded to New Orleans, where he filed with the United States district attorney a protest against the capture. This reads as follows:¹

. . . at half past two o'clock P. M. saw two sails off the Brassos, St. Jago, which fired several guns each; . . . in a short time the schooner which carried the Mexican flag bore away and stood for the shore, and the other vessel tacked ship and stood for his brig, she being about three or four miles distant; . . . they kept this course and said vessel run a short distance to the windward and spoke them. . . . The captain answered he was from New Orleans, and bound for Matamoras. The schooner that made these inquiries, proved to be the Texian armed vessel *Invincible*, Brown, commander, who ran a short distance past them, and then tacked ship and ran close to the windward of them. That said schooner then sent her boat on board the brig, with orders to Captain Howes, to proceed on board the *Invincible* with his papers, which was accordingly obeyed; . . . Abbott, sailing master of said vessel.—with one officer and several armed men took charge of the brig. . . . [and] the Texian flag of 1834 was hoisted in its place at the main peak of the *Invincible*. . . .

The protest then recites that, after remaining at this point for two days, the two vessels sailed together, reaching the mouth of the Brazos after a voyage of forty-eight hours. On arriving at Galveston the next day, they were detained there until April 24, 1836, when Captain Howes and his crew received permission to sail for New Orleans. They were informed by the Texan authorities that the *Pocket* would be retained as a guard ship. Upon this Captain Howes told them that he would abandon her. This he

¹An unidentified newspaper clipping.

did, losing cargo, freight, and passage money. He arrived at New Orleans on the tenth day of May, and noted this protest:

And thereupon these said officers, and especially the said master, did protest, and with them 'I, notary, at their request, do most solemnly and publicly protest:

First, against the winds and the waves and the danger of the sea generally.

Second, against the illegal capture and detention of the afore-said vessel and cargo.

The *Invincible* was denounced as a pirate to Commodore Dallas, who was commanding a United States squadron at Pensacola, and he ordered the sloop *Warren* to capture her, which was done on May 1.¹ The *Invincible* was carried into New Orleans, and forty-six of the crew were imprisoned. Captain Brown was not on the vessel when it was captured. On May 4, the prisoners were called for trial; but witnesses for the prosecution did not appear, and the case was postponed until the 6th,² when it was taken up before Judge Rawle of the United States district court.³ The lawyers for the defense were Messrs. Seth Barton, Randall Hunt, and O. P. Jackson. But four witnesses were examined. Three officers of the *Warren* testified that they had taken the *Invincible* on charges preferred against her by an insurance company of New Orleans that she had detained an American vessel. The court here adjourned until the following day, when the case came up again. No affidavits appearing, and no evidence being introduced to warrant a commitment for trial, the prisoners were discharged. The *Commercial Bulletin*⁴ reviewed the case as follows:

. . . We have never seen a finer collection of robust, and honest faced tars, than the prisoners, and in a good cause, we should ever hope, that they might prove invincible. . . .

The defense of the Texans was that the vessel was captured in Mexican waters for contravening the laws of the Republic, i. e. Texas, by having on board contraband goods, powder, etc., and for contravening the laws of Nations by having on board material of war for the use and advantage of Santa Anna, who was impatiently awaiting the same. . . . They also said the vessel

¹*New Orleans Bee*, May 3, 1836.

²*New Orleans Commercial Bulletin*, May 5, 1836.

³*Ibid.*, May 7, 1836.

⁴*Ibid.*

was detained for examination, by reason of her having two of Santa Anna's spies on board, with plans and charts to aid in the downfall of Texas, which was proven. The captain not being able to read Spanish in which the invoices and correspondence were written carried her before the admiralty court of Texas, where the truth came out. The court finding the *Pocket* laden with contraband goods, purchased with Santa Anna's money by his agent Lizardi, condemned them as a lawful prize, paid the captain his freight, nine hundred dollars, and later dismissed the vessel as neutral.

Captain Brown now came forward and was arrested, but was immediately released and thus escaped the preliminary jail term which the crew suffered. The episode closed with a letter of thanks from the Texans in New Orleans to the attorneys for the defense for their efficient service, part of which is as follows:¹

NEW ORLEANS, May 7, 1836.

To Seth Barton, Randal Hunt and O. P. Jackson, Esqrs.

Gentlemen: We the undersigned citizens of Texas, embrace this opportunity of expressing to you our most heartfelt gratitude, in behalf of the officers and crew of the Texian man of war schooner *Invincible*, that of our country and ourselves, for the very able, lucid and eloquent manner, in which you defended the noble and grateful crew, from the false imputation of piracy, brought against them by the secret Mexican influence of this city. . . .

If in some future day you should visit our beautiful land, which is destined to be one of the most prosperous and happy on earth, your reflection must be pleasing indeed, to know you were among the number who voluntarily contributed to our righteous cause.

THOS. J. GREEN,

Brig'r Gen. of the Army of Texas.

A C ALLEN

SAMUEL M. WILLIAMS

S RHOADS FISHER

JAMES POWER

EDWARD CONRAD

HENRY AUSTIN

EDWARD HALL

SAMUEL ELLIS

Ro. WILSON

T. G. WESTREN

D. C. BARRITT

WM. BRYAN, Texas Agent.

¹New Orleans *Commercial Bulletin*, May 10, 1836.

All claims against Texas on account of the *Pocket* were finally settled by a convention between the Texan government and that of the United States, the ratifications of which were exchanged July 6, 1838. The amount agreed upon was \$11,750, which was paid, together with accrued interest, July 6, 1849. The whole amount was \$12,455.¹

After her release the *Invincible* was used for coast defense. In June, 1836, she figured in another exciting incident. In accordance with the treaty of Velasco, concluded May 14, 1836, the Texan government determined to transport President Santa Anna to Vera Cruz, and for that purpose he had already embarked on the *Invincible*, when, on the 5th of June, General Thomas Jefferson Green arrived with volunteers from New Orleans in the *Ocean*, and forbade the *Invincible* to sail.² Whether or not it was for the good of Texas that Santa Anna was detained and whether or not the government could have prevented the detention, will always remain debatable questions; but it is in any case a fact that Texas violated a treaty in permitting it.

The Mexican navy at this time was ascertained to be lying in port, wanting men, arms and other equipment;³ so the *Invincible* remained riding at anchor off the bar of Velasco, until July 4, when, as already related, she went to the relief of the schooner *Brutus*,⁴ which was blockaded at Matagorda by the *Vencedor del Alamo*. This vessel had been dispatched from Vera Cruz to protect the Mexican schooners, *Comanche*, *Fanny Butler*, and *Watchman*, which were laden with provisions for the Mexican troops.⁵ Finding that the Texans had already intercepted these vessels, and appropriated their cargoes, the *Vencedor del Alamo* very wisely returned to Vera Cruz.⁶ There the *Invincible* finally found and

¹For a more detailed account of the case of the *Pocket*, see the article by Mr. Neu in this number of THE QUARTERLY.—EDITOR QUARTERLY.

²See Williams, *Life of Sam Houston*, 218-221.

³New Orleans *Commercial Bulletin*, June 14 and July 13, 1836.

⁴See THE QUARTERLY, XII, 195. In the navy manuscripts of the Texas State Library are several letters dated Velasco, May 30, 1836, disclosing a serious misunderstanding between Commodore Hawkins and Captain J. Brown. Hawkins wished to remove Brown from the command of the *Invincible*, but he failed to accomplish his object.

⁵New Orleans *Commercial Bulletin*, July 18, 1836.

⁶The story of the capture of these vessels is extremely interesting. On the 29th of May, 1836, General Rusk ordered Major Isaac Burton, commanding a company of mounted rangers to scour the coast from the

challenged her to battle, which was declined on the pretext that the crew of the vessel challenged were, for want of pay, not in a condition to fight. Later the *Invincible* fell in with a French vessel, and Captain Brown had to explain that he was not a pirate, but was sailing under the flag of Texas. The captain of the Frenchman was greatly surprised; for he had never heard of such a country, and did not know where it was; and he could not realize the fact of the creation of a new republic, not known to him.¹

The *Invincible* now went to New Orleans; and after taking on board as passengers Branch T. Archer and William H. Wharton, she left, on July 13, 1836, for Galveston.² From here she cruised to Velasco, and about August 4³ was ordered by President D. G. Burnet to New York for much needed repairs. She reached there in September, 1836. Unable to leave for want of funds, she might have been sold to meet expenses, but Hon. Samuel Swartwout paid her liabilities and let her go. She escaped arrest for violation of the neutrality laws of the United States only by running away from the vessel sent in pursuit of her. On March 14, 1837, she reached Galveston once more.

In the preceding October General Sam Houston had succeeded to the Presidency of Texas under the permanent government; and, in making his nominations to the Senate for commissions in the navy, he raised the list of officers to a number commensurate with the size of the navy. In April, by orders from the Navy Depart-

Guadalupe to Refugio. The company, though well mounted and armed, consisted of but twenty men. On the 2nd of June they received news of a suspicious vessel in the Bay of Cópaco. By the break of day the next morning they were in ambush on the shore, and at eight o'clock, a signal was made for the vessel to send its boat ashore. Five men landed from the boat, and were promptly made prisoners. It was then manned by sixteen of Burton's rangers, who had no difficulty in seizing the *Watchman*. The vessel was ordered round to Velasco; but on the 17th, while it was still detained by contrary winds, the *Comanche* and *Fanny Butler*, also freighted with provisions for the Mexican army, anchored off the bar. The captain of the *Watchman* was made to decoy the commanders of these vessels on board his own, when they also were captured, and all three, with their valuable cargoes, were sent into the port of Velasco and condemned. From these bold achievements Major Burton and his rangers obtained the popular title of the "Horse Marines." The freight—worth \$25,000—was of great service to the army.—*Telegraph and Texas Register*, August 2, 1836, and Yoakum, II, 160.

¹*Telegraph and Texas Register*, August 16, 1836.

²*Louisiana Advertiser*, July 14, 1836.

³*Texas Almanac*, 1860, p. 163.

ment, Commander H. L. Thompson assumed the command of the *Invincible*. Accompanied by the *Brutus*, he first sailed in June to the mouth of the Mississippi; but, failing to find any of the enemy there, after a cruise of seven or eight days he turned to the coast of Mexico. On board with him was the Secretary of the Navy, S. Rhoads Fisher. The peculiar conduct of Fisher in abandoning his official duties at Houston to join in this cruise, he sought to justify in a letter to Dr. Bartlett, editor of the New York *Albion*, dated June 17, 1837, of which the essential part is in the following excerpt:¹

It is ten days since I left Houston and immediately joined our little squadron, then lying in Galveston Bay, and after convoying the schooner Texas, ladened with Government stores to Matagorda Bay, up helm and bare away for Galveston, to receive orders from the President; we shall be there tomorrow, and shall stretch to the southward with the hope of falling in with the enemy. I am a volunteer. I can not precisely say amateur, but I have thought for some time upon the expediency of personally taking a part with the Navy, and have decided it was right. I know, you gentlemen of systematized governments will smile at the idea of the "Secretary of the Navy" turning sailor, and may be inclined to consider it better adapted to the adventure seeking disposition of the knight of the rueful countenance; but my opinion is that it will inspire great confidence in the men, and stimulate our Congress to do something for us; for it appears that this branch of national defense has never been popular in its infancy in any country; it ever has been compelled to fight itself into notice and government patronage; such at least I am satisfied is our case, and I think that my present step is precisely such as will suit the meridian of the views of our Texas population. We must be governed and actuated by such course as may best suit us; we are acting and legislating for ourselves and not for the world, and however at variance our system of policy may be with the preconceived ideas of right or wrong amongst the world at large, I humbly conceive that as we have to lie in the bed, we have the right to make it. Therefore, it is that however quixotic my present step may appear, and indeed for the United States or Great Britain would be, I am satisfied it is right.

In the course of this cruise several pirogues were captured at Mujeres Island. From them sails and provisions were obtained. In one was found a cargo of log wood, which the cap-

¹See *Telegraph and Texas Register*, September 9, 1837.

tain of the pirogue redeemed for \$660 when they arrived at Sisal. This place was cannonaded by the Texans for three hours, but the attempt to take it was finally abandoned. The sailors and marines made repeated landings on this cruise and burned to the ground eight or nine towns. On one occasion Secretary of the Navy Fisher and Captain Boylan, then commanding the *Brutus*, landing with a few men and leaving their guns with their boat, strolled two or three hundred yards from the shore, when they were nearly captured by a small body of Mexican cavalry. Secretary Fisher used a pistol which he chanced to have with him and shot one of the Mexicans from his horse.¹ The Mexican fleet was meanwhile lying at Vera Cruz unmanned. Close to the Alacranes Island, the *Eliza Russell*, a British schooner in the Mexican trade, and the *Abispa*,² a Mexican vessel having on board a cargo transferred from the British schooner *Little Pen*³ that had been wrecked on the island, were added to the list of prizes; but the *Eliza Russell* was soon released. The British government put in claims against that of Texas for damages on behalf of the master of the *Eliza Russell* and the owners of the cargo of the *Little Pen* amounting in the aggregate to about thirteen thousand dollars. The *Eliza Russell* claim—about four thousand dollars—was finally paid, but that of the *Little Pen* was not.⁴

Concerning the capture of the *Eliza Russell*, President Houston, in his message of November 21, 1837, expressed himself as follows:⁵

A circumstance [that] occurred during the last cruise which was directed by the executive, demands of me in this communication to notice the same to the honorable congress. Orders were issued from the navy department by direction of the executive, to the commander of the navy *that all neutral flags should be respected, unless the vessel was bound to an enemy's port, and*

¹*Telegraph and Texas Register*, August 22, 1837, quoting the *Matagorda Bulletin*.

²Historians spell this name differently. Yoakum (II, 213) makes it "*Alispa*"; the *Texas Almanac*, 1860 (p. 164), "*Obispo*"; Brown (II, 127), "*Arispe*"; and Bancroft (II, 283), "*Avispa*." Bancroft explains at length that *Arispa* means wasp in Spanish; and that therefore, "*Avispa*" must be correct. I use the variant form "*Abispa*," because it is this which appears in the documents I am following.

³This is the spelling invariably used by the British *chargé*, Elliot.

⁴For further details relative to the cases of the *Eliza Russell* and the *Little Pen*, see THE QUARTERLY, IX, 5-7.

⁵*Telegraph and Texas Register*, November 25, 1837; Crane, *Life and Select Literary Remains of Sam Houston*, 291.

had on board articles contraband of war. In violation of these orders, the *Eliza Russell*, an English brig was seized and sent into port, with a valuable cargo of fine goods, but containing nothing *contraband of war!* Upon information of the circumstances, the executive directed her immediate release, and the payment of damages, so far as he deemed it within his competency. The subject will be presented to Congress by the owner of the vessel, with a minute statement of all the facts. The circumstances of the case were immediately communicated to our commissioner near the court of St. James, and the executive has been assured that the despatch would reach England by the time of his arrival. Other acts connected with the cruise of a character not calculated to elevate us in the scale of nations, were done either without orders, or in direct violation of those which had been issued by the department.

By "other acts," President Houston probably meant S. Rhoads Fisher's absence from the seat of government, and the fact that the *Invincible* overstayed the term of her sailing orders nearly two months. For this, and the illegal detention of the *Eliza Russell*, Fisher and Captain Thompson of the *Invincible* were suspended by the President from their duties until they could be tried. Fisher's trial took place before the Senate, and resulted in a resolution sustaining the president in his suspension of the secretary, and asking the latter, for the sake of harmony, to resign, while declaring at the same time that he was not found guilty of any crime or dishonorable conduct.¹ The department of the navy investigated the charges against Captain Thompson;² but it seems he was spared an earthly trial, for on November 1, 1837, he died. There was one solitary acknowledgment of his brave and splendid services for Texas, the record of which is as follows: "As a mark of respect to the memory of Captain H. L. Thompson, of the Texian Navy, who died this morning, on motion of Mr. Wharton, the Senate adjourned until 3 o'clock P. M."³ Captain Thompson's experiences could hardly have failed to convince him of the truth in the old adage that republics are ungrateful.

On August 26, 1837, the *Invincible* and the *Brutus*, with the *Abispa* in tow, entered Galveston harbor. The *Brutus* entered the

¹*Senate Journal*, 2d Tex. Cong., 1st and 2nd Sessions, 74-78, *passim*; Senate resolutions adopted November 28, 1837, Archives of Texas, 805.

²*House Journal*, 2nd Tex. Cong., 1st and 2nd Sessions, 170.

³*Senate Journal*, 2nd Tex. Cong., 42.

harbor with the *Abispa*; but, because of unfavorable conditions, the *Invincible* remained outside till morning, when she was attacked by two Mexican armed brigs, the *Vencedor del Alamo* and the *Libertador*. In coming to her assistance the *Brutus* ran aground and the *Invincible* continued the fight alone against both the Mexican vessels. Though both of these could outsail her, they would not risk an attempt to board, and were several times forced to draw away from close quarters. Finally, toward evening, the *Invincible* abandoned the struggle and undertook to enter the harbor; but in the attempt she also ran aground. The crew were saved, but during the night the vessel went to pieces.¹

On May 23, 1838, President Houston approved a joint resolution authorizing the secretary of the treasury to pay to the officers and crew of the *Invincible* one-half of the proceeds of the prizes made by said vessel in her last cruise, which had been legally condemned.² This is the last official notice relative to the *Invincible*. Some of the officers and crew we shall find aboard other Texan vessels as we pursue our history. The *Invincible* did a great service for Texas, and her name should never be forgotten by those who love to give honor where honor is due.

VII. THE BRUTUS.

In the chapter devoted to the purchase of naval vessels a sketch was given of the *Brutus*—her armament, cost, and the officers appointed on March 12, 1836, to command her.³ It was also there mentioned that she was intended for the Texan service as early as

¹*The Telegraph and Texas Register*, September 2, 1837.

²Gammel, *Laws of Texas*, I, 1495.

³See THE QUARTERLY, XII, 201-203. At various times the following officers served on the *Brutus*: Captains L. C. Harby, William A. Hurd, and James D. Boylan; Lieutenants L. M. Hitchcock, ——— Lacy, John Damon, ——— Hoyt, G. W. Estis, J. G. Hurd, Osky Davis, ——— Mossat, Libel Hastings, ——— Dearing and ——— Galligher; Surgeon A. M. Levy; Purser Norman Hurd; Boatswain ——— Brown. Henry Riley served as an officer in some capacity, but his rank is unknown. Officers of marines were: Captain Arthur Robertson and First Lieutenant William Francis.

This list is compiled from Tennyson's Journal, the New Orleans newspapers and the *Texas Almanac*, 1860, p. 165. In the list of the *Texas Almanac*, I. D. Bolan should be J. D. Boylan; I. G. Hurd should be J. G. Hurd; and it should be noted that Lieutenant Mellus did not serve on the *Brutus*. Brown, II, 127, writes "Boyland," and this is the spelling of the name in the Naval Papers of the State Library.

December, 1835. She was in the port of Galveston, when the *Invincible* arrived, on April 8, 1836, with her prize, the *Pocket*. She soon left Galveston, and after a short cruise stopped at New Orleans, during the trial of the crew of the *Invincible*. When the trial was over, Captains Brown and Hurd boasted that, from that time on, they would warn all United States vessels which they encountered beyond the jurisdiction of the United States against continuing their voyages; and that, if afterwards these vessels should be found doing so, they would be seized and condemned. As the Texas navy was unable to blockade the various Mexican ports and no distinction was made by Brown and Hurd between vessels with and without contraband of war, this was an idle and useless threat. A. J. Dallas, commanding the United States naval force in the Gulf of Mexico, was appealed to to convoy and protect American shipping,¹ and he assured the shippers that he would do so. This was eminently proper at the time, as no blockade of Mexican ports was then in force; but on the 21st of July, 1836, President Burnet issued a proclamation² from Velasco, declaring a blockade of the port of Matamoras, and ordering a sufficient number of war vessels to the mouth of the Rio Grande, and the Brazos Santiago to enforce the blockade strictly. Notwithstanding this effective blockade, which it was important for Texas to maintain in order to prevent transports laden with provisions reaching Matamoras from New Orleans, and transports loaded with troops at Matamoras from reaching Texas, Commodore Dallas, on August 9, 1836, wrote a letter from Pensacola,³ stating that he would despatch a war vessel to the mouth of the Mississippi to convoy any vessels bound to Matamoras, and that he would raise the blockade. This, however, was an actual and legal, not a paper, blockade; and hence, in this case at least, Commodore Dallas was in the wrong and merited to the fullest extent the criticism directed against him by the Texans and the New Orleans press for his arbitrary interference with the struggling Republic of Texas.

On May 20, 1836, the *Brutus* left New Orleans to convoy ves-

¹New Orleans *Commercial Bulletin*, May 11, 1836.

²*Telegraph and Texas Register*, August 16, 1836.

³The substance of this letter is quoted in the *Telegraph and Texas Register*, September 6, 1836, from the *New Orleans Bulletin*, August 13, 1836.

sels to Galveston. From Galveston she sailed for the Mexican coast and soon afterwards was, as has already been related, blockaded in the mouth of the Rio Grande by the Mexican brig of war, *Vencedor del Alamo*.¹ From this situation she was relieved in July, and soon thereafter was very effectually assisting, in her turn, in the blockade of Matamoras, as ordered by the proclamation of President Burnet.

The following item relative to the *Brutus* appears in a New Orleans paper the following month:²

Extract from the log-book of brig St John, arrived yesterday August 3d, in lat. 26 36, long. 87 25, was boarded by the first officer of the Texian armed schr. *Brutus*, Captain Hurd. The B. has been on a cruise for nearly three months, was in want of provisions—could not supply her with any article except sugar, being short. The officer told Captain Parmly, of the St. John, that the *Brutus* had a few days before taken a prize and sent her into Galveston—that she had on board \$40,000 in specie, and a valuable cargo [?]³

But a short time later, when the president wished to order a descent on Matamoras for the purpose of capturing military stores known to be there, he learned that Captain Hurd had, without orders, sailed for New York. Hurd's reason for this has never been ascertained.⁴ While in the port of New York, between September, 1836, and February, 1837, the *Brutus* was in danger of being sold to defray her expenses; but, through the agency of Samuel Swartwout, she was freed from debt at the same time that he liberated the *Invincible*.⁵ In March she sailed for Texas; and on the 15th of April, 1837, she again came to anchor in a Texas port, but without provisions and with the larger part of her crew missing.⁶

The *Independence* having been recently captured by the Mexicans, and the officers imprisoned, the Senate and House of Representatives, on April 29, 1837, passed a resolution instructing the

¹THE QUARTERLY, XII, 195.

²The *New Orleans Bee*, August 10, 1836.

³The interrogation mark and the brackets belong to the original.

⁴D. G. Burnet, in *Texas Almanac*, 1861, p. 45.

⁵See p. 257 above.

⁶Proclamation of President Houston, May 5, 1837, in *Telegraph and Texas Register*, May 9, 1837.

president to send the *Brutus* and the *Invincible* to Brazos Santiago to negotiate an exchange of prisoners. On May 31, President Houston vetoed the resolution and in a lengthy message pointed out that there was nothing to gain and much to lose by sending the only two remaining war vessels on such an errand; that the prisoners would, on the approach of such vessels, very likely be carried to the interior, and treated more harshly; that any kind of a neutral or unarmed vessel would be better employed to carry such commissioners; and that, finally, he would veto the resolution, if for no other reason, because he considered it an unwarranted interference on the part of the legislative department with his constitutional authority as commander-in-chief of the navy.¹

In June the *Brutus* cruised with the *Invincible* along the Mexican coast, with the secretary of the navy on board, as has been told already.²

In a letter describing this cruise to the secretary of the navy,³ Captain Boylan says that on July 22 the two vessels captured the Mexican schooner *Union*, and a few days later the *Adventure* and the *Telegraph*—the former of which was burned, though the latter was sent into port for adjudication. On August 12 they captured the *Correo*, on the 17th the *Rafaelita*, which, as the *Correo Mexicano*, had been commanded in 1835 by Lieutenant T. M. Thompson, and soon afterwards the *Abispa*.

In a letter reviewing the cruise of the *Brutus* and *Invincible*, the secretary of the navy declared that their brilliant exploits were attributable to the skill, courage, and determination of the officers and crews; and that, if Congress would only extend its fostering protection and support to the navy, the names of Geo. W. Wheelright, Henry L. Thompson, and Jas. D. Boylan would "stand brightly conspicuous in the pages of our national history."⁴

What followed this hopeful prediction is an illustration of the irony of history; Captain Boylan was ordered by the acting secretary of the navy to superintend the collection of evidence concerning the charges preferred against Captain Thompson and the

¹See *House Journal*, 1st Tex. Cong., 2nd Sess., pp. 84-87.

²See above, pp. 258-260.

³Boylan to Fisher, September 1, 1837, Navy Papers, Texas State Library.

⁴S. Rhoads Fisher to John Birdsall, T. J. Gazley and others, September 4, 1837, in *Telegraph and Texas Register*, September 9, 1837.

other officers of the *Invincible*,¹ while the president himself took in charge the head of the navy and secured his removal, as has been shown. In studying the records concerning the trial of these officers, one finds it difficult to believe that they were treated with justice. The one, without being found guilty, was dismissed from service; and what might have been the fortune of the other, but for the fact that death prevented his trial, must remain uncertain. The *Brutus* did much to help the Republic of Texas in its infancy, and they who served aboard her should ever be remembered by Texans with that degree of respect and admiration to which the heroic pioneers, be their services on sea or land, are entitled.

VIII. THE INDEPENDENCE.

In the study of the beginnings of the Texas navy the incidents connected with the purchase of the *Independence* have already been recounted.² On January 10, 1836, commanded by Captain Charles E. Hawkins,³ she began her first cruise. From New Orleans she went to Galveston, and then proceeded along the Mexican coast, capturing and destroying a considerable number of small craft, with all material on board that could be used to the injury of Texas. Captain Hawkins, however, always respected the private property of the Mexicans. The *Independence* returned to New Orleans to refit, and soon after, March 12, 1836, Hawkins received his commission from the General Convention as captain of the *Independence*. He was senior captain of the Texas navy, and President Burnet, with the consent of his cabinet, appointed him commodore.⁴ The *Independence* thus became the flagship of the fleet. Captain Hawkins was present at the seat of government

¹*House Journal*, 2d Tex. Cong., 1st and 2d Sessions, 170.

²See THE QUARTERLY, XII, 202-203.

³According to Tennison's Journal, other officers of the *Independence* were: First Lieutenant Galligher, Second Lieutenant James Mellus, Sailingmaster W. P. Bradburn, Chief Surgeon A. Levy, Purser — Leving, Midshipmen William A. Tennison, and E. B. Harrington, Boatswain Robert Gyles, and Gunner George Marion. There was a crew of forty men. The Texas Almanac, 1860, p. 165, erroneously makes Galligher a Lieutenant on the *Brutus*. The Purser, Leving, was probably the same man as Lieutenant William H. Leving of the *Invincible*, who was detained on board the *Bravo*, and who was shot by order of Santa Anna in April, 1836. See pp. 6-7, above.

⁴See Burnet's Message in *Telegraph and Texas Register*, October 11, 1836.

when he was commissioned, and at once started for Matagorda to join his vessel for a cruise. On the 21st of March, in company with Captain William A. Hurd, he passed through San Felipe, and the editor of the *Telegraph and Texas Register*¹ said of them:

. . . The chivalry and determined character of these gentlemen is so well known that we are impatient to have them meet the force of the tyrant. Liberty and laurels will then waive over tyranny and defeat.

Arrived at Matagorda, Commodore Hawkins reorganized his corps of officers,² and March 20th the *Independence* started on her second cruise.

After destroying a number of small Mexican vessels during the earlier part of April, the *Independence* became engaged with two brigs of war, the *Urrea* and the *Bravo*, and an unknown schooner, of which the two brigs carried together twenty guns, while the *Independence* carried only eight. Before beginning the engagement, Commodore Hawkins asked his men if he should do so and was answered with cheers. He then made the attack, but the Mexican vessels soon drew off. The *Independence* then waited, expecting them to renew the fight; but they did not, and she sailed to Galveston, hoping to return with the *Invincible* and the *Brutus* and to capture the Mexican vessels.³ The plan, however, was not carried out. The Texan government, believing that a descent upon

¹Issue of March 24, 1836.

²In Tennison's Journal the following changes are noted: George Wheelwright was made Captain, James Mellus was promoted to the first lieutenancy, Frank B. Wright became second lieutenant, and J. W. Taylor, third. Thomas Crosby was appointed lieutenant of marines; Joseph Hill, an additional midshipman; William T. Brennan, captain's clerk, and J. T. K. Lothrop, supernumerary. All the rest of the officers of the first cruise except Lieutenant Galligher were retained for the second. But before the vessel sailed Mellus was ordered to the *Invincible*; Wright, Taylor and Lothrop became respectively first, second and third lieutenant, and Brennan became purser in place of Leving, who resigned. Captain Wheelwright was originally assigned with the *Liberty*, but at this time Captain Brown had that vessel off on a cruise.

³Tennison's Journal, folios 314-316. Tennison writes two accounts of this engagement, and one of them says that Commodore Hawkins was disappointed to find that the *Brutus* and *Invincible* had, without his orders, gone to New York, which prevented his returning to the attack. This would fix the date of the encounter early in August. I have followed the account which is evidently the more accurate and which fixes it in April.

Galveston Island by the Mexicans was to be expected, detained the *Independence* to assist in the fortification of the island.¹

While the officers and crew of the *Independence* were anxiously on the lookout from day to day, to be ready for the reputed invasion by sea, the battle of San Jacinto was fought and won by Texas on the 21st day of April, 1836. The news was brought to Galveston by Robert J. Calder, who had commanded a company in the battle, and Benjamin C. Franklin, who was judge of the admiralty court of the district of Brazos, but had fought as a private at San Jacinto. They made the trip to Galveston in a row-boat, and arrived on the 28th. Captain William S. Brown, of the *Invincible*, was the first to hail them with the question, "What news?" The account of what followed is taken from the historian Thrall, who had it from Calder himself:²

"When I told him, his men," says Calder, "literally lifted us on board, and in the midst of the wildest excitement Brown took off his hat and gave us three cheers, and threw it as far as he could into the bay. He then shouted to his men, 'Turn loose Long Tom.' After three discharges, he suddenly stopped and said: 'Hold on, boys, or old Hawkins (the senior commodore) will put me in irons again.'" Declining to wait for anything to eat, they were treated to the best liquor on the ship. They entered the captain's gig, and with four stalwart seamen started for the harbor. The *Independence*, the flagship of Commodore Hawkins, was anchored between them and the landing. As they approached the ship, Commodore Hawkins, with his glass, recognized Franklin and Calder, and began eagerly hailing for the news. When they were sufficiently near to be understood, a scene of excitement ensued beggaring description; and now it spread from vessel to vessel, reached groups on the land, and the welkin rang with shout after shout, until the people were hoarse. Hawkins fired thirteen guns. We suppose this was for the old thirteen colonies, as Hawkins had been in the U. S. navy. When the Commodore learned that they had been fasting for twenty-four hours, he had a sumptuous dinner prepared, and the party did not need much urging to stay and partake of the hospitalities of the old salt. They were staying a little too long, and finally Hawkins hinted that they had better go ashore and report to the President.

President Burnet, who was a great stickler for official prerogative, was a little miffed that everybody on the island should have

¹Yoakum, II, 124.

²Thrall, 519, note.

heard the glorious news before he was notified of the battle and its result; and when the party reached the President's marquee they were received, as Calder says, "with stately courtesy—which at first we did not understand, thinking a little more cordiality and less formality would have suited the case and the messengers. This, however (continues our narrative) gradually subsided, and the president, before the interview closed, treated us with that grace and genial courtesy for which, throughout life, he was ever distinguished.

The president hastened to the battlefield; but having arrived there, he thought best to return to the coast. Accordingly, on the 5th of May he and his Cabinet and General Houston, with Santa Anna, Cos, and other Mexican prisoners, took passage on the *Yellowstone* back to Galveston Island. No accommodations being found there, Santa Anna was transferred to the *Independence*; and, when President Burnet and the Cabinet came on board, sail was made on the 8th for Velasco, at the mouth of the Brazos. Velasco was the great seaport of the Republic at that time. Arrived at Velasco, President Santa Anna entered into negotiations with his captors, which resulted in a treaty; and one of the stipulations was that he was to be sent to Vera Cruz to carry it into effect. We have already noted how he was taken from the *Invincible*,¹ which was to carry him and the commissioners to Vera Cruz.

Before this occurred, however, the *Independence* left Velasco for New Orleans. It reached that city in seven days, on June 13, and, below the Point, announced its arrival by Hawkins' favorite salute of thirteen guns.² Peter W. Grayson and James Collinsworth were on board as passengers. They were clothed with full power to negotiate with the United States Government for recognition of the independence of Texas, and left the next day for Washington for that purpose. The *Independence* cruised thence as far as the mouth of the Rio Grande, and for some reason, possibly for supplies, returned to New Orleans on August 3, 1836.³ It reported the blockade of Matamoras an effective one, three Texan vessels being on guard.

On the 12th of August, the *Independence* spoke the schooner

¹See above, p. 256.

²THE QUARTERLY, IV, 151, quoting from the New Orleans *Commercial Bulletin*, June 14, 1836.

³New Orleans *Commercial Bulletin*, August 4, 1836.

of war *Terrible* at the northeast pass of the Mississippi, and informed that vessel that she was on her way to Matamoras to assist the *Invincible* in the blockade; when she arrived, however, the latter had left for New York. With the *Invincible* and the *Brutus* in New York, and the *Liberty* detained in New Orleans, Texas now found herself in momentary expectation of an invasion with only the *Independence* and four small privateers available for the defense of her coast.¹

Toward the end of the year Commodore Hawkins again sailed for New Orleans to refit; and in January, 1837, he died of small-pox at Madam Hale's residence on Canal Street.² While he was only thirty-six years old at the time, he had had a varied experience, and had made a favorable impression upon every one with whom he came into contact. When a mere youth he entered the United States navy as a midshipman and was soon promoted to a lieutenancy; but, being of a restless disposition, on the outbreak of the Mexican Revolution he resigned his commission and entered the Mexican service with Commodore Porter with the rank of post-captain. Off Cuba he did excellent service and became a terror to the Spanish shipping. He resigned his position at the end of the revolution and in 1834 was a popular captain on the Chattahoochee River. In the fall of 1835 he joined Mexía's ill-fated expedition as *aide-de-camp* and after its failure came to Texas.³ He presented himself to Governor Smith, and received from him the following letter:⁴

Executive Department of Texas.

To Stephen F. Austin, B. T. Archer and Wm H Wharton, Esqrs—
Agents of the People of Texas to the United States of America.
Gentlemen

This will probably be handed you by Majr Charles E. Hawkins, a gentleman whose experience and ability in naval affairs would render his services acceptable in any govt—and more particularly in ours, which is just emerging from chaos. The zeal and patriotism with which Majr Hawkins has espoused our cause entitles him to the highest commendation. He has identified

¹*House Journal*, 1st Tex. Cong., 1st Sess., 97.

²*Tennison's Journal*, folio 314.

³*Telegraph and Texas Register*, September 8, 1838; Yoakum, II, 39.

⁴Smith to Archer, Wharton, and Austin, December 20, 1835, in Austin Papers.

himself with us by taking the oath and performing the necessary requisites to become a citizen. I confidently hope that you will properly appreciate the worth and abilities of Majr Hawkins and assign him such duties in fitting out our Navy as his experience and abilities will warrant and also, such a command in it as his zeal patriotism and your better judgments may direct. I am Gentlemen,

Your obt servant

HENRY SMITH

Governor.

San Filipe de Austin, Dec 20, 1835

The commission appointed him to the command of the *Independence*. Soon afterward he was appointed commodore by President Burnet; and, holding that distinguished title at the head of a small but successful navy, he died in the discharge of his duty and in favor with his countrymen.

Owing to Commodore Hawkins's death, there were some changes in the official staff of the *Independence*; and, when she left New Orleans on what was destined to be her last cruise, April 10, 1837, George Wheelwright was captain, and John W. Taylor, J. T. K. Lothrop, Robert Cassin, and W. P. Bradburn were lieutenants.¹ A number of passengers were on board, among whom were Col. Wm. H. Wharton, minister to the United States, then on his return to Texas; Captain Darocher, Dr. Richard Cochran, and George Estis, a lieutenant in the Texas navy. They had smooth sailing until the morning of April 17, when the *Independence* was attacked by two Mexican war vessels; and after a running fight of four hours she was forced to surrender.

Texans who saw only the close of the fight, and were not acquainted with the details, conceived at first that the *Independence* had struck without a blow; and it was not until an official report of it was sent from Brazos Santiago by the officer in command, and corroborated from other sources, that the Texans would speak of the affair. The following sentiments² expressed the voice of the people before and after the official account arrived:

¹Other officers were Surgeon Levy, Purser Brannon, Lieutenant of Marines Thomas Crosby, Midshipmen Wm. A. Tennison, E. B. Harrington, Joseph Hill, and — Whitmore, Boatswain Robert Gyles, Gunner George Marion.

²*Telegraph and Texas Register*, June 8, 1837.

We rejoice that we are at length enabled to furnish the official account of the capture of the *Independence*. We have hitherto forbore offering any comment upon the former vague accounts of this transaction, as we felt confident that many important facts had been overlooked which would completely exculpate our gallant tars from any disparaging imputation. We confess that when the first news of this combat arrived, containing the intelligence that the *Independence* had surrendered to two Mexican brigs without having received any injury, and her crew unhurt, a flash of shame and indignation mantled on our cheeks and the exclamation, "30 or 40 cowards and an old hulk are no loss," almost involuntarily fell from our lips; better we thought it would have been if this crew dauntlessly nailing this unsullied flag to the masthead, hurling their mortal defiance to the groveling foe—had fought on, and on, shouting the stern war cry of "victory or death," until the star of Texas, like the "star of day," went down in glory beneath the blood red billows, where foaming crests were singing to the last exulting cry of an unconquered band of freemen.

But the following statements have fully convinced us that we did injustice to these gallant tars, in harboring even for a moment a thought so unworthy of them and of the Texian name.

Far from blaming them for this surrender, we rejoice that they may yet be preserved to ride through the battle storm which shall rend the tyrant banner from the mast it disgraces. This desperate and protracted conflict will long hold a prominent place in the annals of Texas, and like the fall of the Alamo, it shall inspire our children with ennobling sentiments. No flush of shame shall redden their youthful cheeks as they read the page which declares that thirty-one Texians six only of these seamen, in a slow sailing armed schooner, mounting only six *sixes* and one long *nine* fought four hours and a half, two Mexican armed brigs, one mounting "16 medium eighteens" with a crew of 140 men; the other mounting "8 brass 12 pounders" and one long eighteen midship, with a crew of 120 men! One is astonished in reflecting that this little vessel was not annihilated by the first broadside from her powerful opponents, her dauntless little crew appear to have been preserved almost by a miracle, and it is cheering to reflect that their heroic conduct has furnished new proofs that our national escutcheon yet remains bright and untarnished. True, the flag of our country has once been struck on the stormy billows of the Gulf, but like the Roman eagle stooping before the sword of Epirus, it has wrung from the abashed conquerer the bitter confession, "Such men are invincible."

The official report¹ of the battle, written by Lieutenant J. W.

¹*Telegraph and Texas Register*, June 8, 1837.

Taylor, who succeeded Captain Wheelwright in command after the latter was wounded, is as follows:

Brazos de St Iago April 21st 1837

To the Honorable S Rhoads Fisher, Secretary of the Navy

Sir—I have the honor hereby to transmit you an account of the late engagement between our government vessel Independence and two of the enemy's brigs of war, one the Libertador of sixteen eighteen pounders, 140 men; the other, the Vincedor del Alamo, mounting six twelve-pounders, and a long eighteen amidships, with one hundred men. Captain Wheelwright having during the action received a very dangerous wound, the duty of sending this melancholy communication has devolved upon me, towit:

On the morning of the 17th, in latitude 29 deg. N., longitude 95 deg. 20 min. W., at 5 h. 30 m A. M. discovered two sail about 6 miles to windward; immediately beat to quarters; upon making us out they bore down for us with all sail set, signalized, and then spoke each other. At 9 h. 30 m., the Vincedor del Alamo bore away, getting in our wake to rake us, the Libertador keeping well on our weather quarter, we immediately hoisted our colors at the peak. The enemy in a few minutes hoisting theirs, the Libertador on our weather quarter edging down for us all the time, till within about one mile, gave us a broadside, without wounding any of our men or doing other damage; the fire was at the same time returned from our weather battery, consisting of three sixes and the pivot, a long nine, the wind blowing fresh, and from our extreme lowness our lee guns were continually under water, and even the weather ones occasionally dipped their muzzles quite under. The firing on both sides was thus briskly kept up for nearly two hours, the raking shots from the Vincedor in our wake nearly all passing over our heads, as yet sustaining but trifling injury; at 9 h. 30 m. the Libertador on our weather quarter, bore away and run down till within two cables length of us, luffed and gave us a broadside of round shot, grape and canister, while all this time the brig Vincedor in our wake continued her raking fire. Notwithstanding this we still continued on our course for Velasco, maintaining a hot action for full 15 minutes, with some effect upon her sails and rigging. The Libertador now hauled her wind, widening her distance, apparently wishing to be further from us, when she again opened her fire, which was on our part kept up without cessation. At 11 A. M. she again bore away, run down close to our quarter and gave us another broadside of round shot, grape and canister, which told plainly on our sails and rigging; as before she again hauled her wind to her former position, and played us briskly with round shot, one of which struck our hull, going through our copper and buried itself in her side. At 11 h. 30 m.

A. M. a round shot passed through our quarter gallery, against which Captain Wheelright was leaning, inflicted a severe wound on his right side, knocked the speaking trumpet out of his hand, terribly lacerating three of his fingers; he was conveyed below to the surgeon, leaving orders with me to continue the action. We still held on our course in our respective positions, keeping up an incessant fire, for full half hour, when the enemy signalized; then the Vineedor in our wake luffed up and gained well on our weather quarter; at that time the Libertador, on our weather beam bore away and ran down under our stern within pistol shot, our decks being completely exposed to her whole broadside, and at the same time open to the raking fire of the Vineedor on our weather quarter. In this situation, further resistance being utterly fruitless, and our attempts to beach the vessel ineffectual, I received orders, from Captain Wheelright to surrender, which was done.

The only damage done to our vessel, was that of parting some of our rigging, splitting the sails, a round shot in her hull, and the quarter gallery, which was shot away. Captain Wheelright was the only person wounded on board. We shot away the Libertador's main top-gallant mast, unshipped one of her gun carriages, took a chip off the after part of the foremast, killed two men, and cut her sails and rigging severely. We were immediately boarded by capt Davis of the Libertador, who pledged his honor, and that of Commodore Lopez, who was then on board, that we should receive honorable treatment as prisoners of war, as officers and gentlemen, and as soon as an exchange could be effected, we should be sent home. The kind attention and courtesy we have received from Commodore Lopez, Captain Davis and officers has been truly great for which we tender them our sincere thanks, likewise Captain Thompson of the schooner of war Bravo has extended every civility and kindness. We leave this place tomorrow for Matamoros: what disposition will be made of us I know not.

Besides the officers and crew of our vessel, we had on board as passengers, the honorable Wm. H. Wharton, Mr. Levy, Surgeon T. N., captain Darocher, T. A.,¹ Mr. Thayer, of Boston, Mr. Wooster, English subject, George Etess, acting lieutenant T. N. and Mr. Henry Childs.

I remain very respectfully, your obedient servant,

J. W. Taylor, Lieut.

[P. S.] Our crew consisted of 31 men and boys, besides the officers; out of this number there were six seamen, the balance not knowing one part of the ship from the other, and it was with great difficulty that we obtained this crew while in New Orleans.

¹Intended for N.

Tennison's Journal mentions one incident connected with the surrender, not referred to in the official account. He says that upon Davis's demand to surrender Taylor said to him: "Sir, I am your prisoner, but my sword you shall never receive," so he threw it overboard.¹

The surrender took place within plain view of Velasco, and the whole town, including the secretary of the navy, S. Rhoads Fisher, turned out to see the struggle. Their criticism of the government, for not keeping its vessels well manned and provisioned to guard the Texas coast, instead of leaving them in New Orleans for months trying to get outfitted, was the spur which impelled Fisher to give the matter his entire attention, and to take passage on the *Invincible* a few weeks after this, in order to give the Mexican battle. His efforts, and their results have been noticed in the history of these two vessels.

The *Independence* and the prisoners were carried to Brazos Santiago by the victorious vessels.² The Mexican papers state that the *Independence* was bravely defended before she was taken. Their notices of the capture include also the information that one of her guns was an eight pounder, lost by the Mexicans some time since at San Jacinto. It was considered by the Texans one of their chief trophies, and bore the initials of many of the principal ladies of Texas. The principal officers of the *Independence* received the kindest of treatment through the special orders of President Bustamante. For the first three months of their imprisonment the crew were treated rather harshly, but after that they had no complaints to make. For many favors the officers and crew felt especially grateful to the president, to Commodore López, and to Captains Martínez, Davis, and Thomas Thompson. Through the instrumentality of Captain Thompson, Captain Wheelwright and Dr. Levy, with the consent of all the officers of the *Independence*, made their escape early in July,³ Captain Thompson accompanying them, and leaving the Mexican service to join the Texas navy.⁴ After arriving in Texas, Thompson was

¹Tennison's Journal, folio 316, p. 3.

²*Gazeta de Tampico*, April 29, 1837; *Mercurio de Matamoros*, April 21, 1837.

³New Orleans Commercial Bulletin, July 12, 1837.

⁴See *Telegraph and Texas Register*, July 8, 1837.

appointed post-captain at Galveston, where Alex. Thompson, the chief hydrographer for Texas, had selected a suitable site for a navy yard¹ for the Republic. The interest that the Texan Congress took in the release of the prisoners, and President Houston's attitude toward the effort have already been noticed.² In his message of November 21, 1837,³ Houston recites the unsuccessful attempt of the government, through the agency of John A. Wharton, to secure an exchange; but consoles himself with the fact that some of the prisoners escaped and that President Bustamente set the others free in October. Before learning of their release, Congress, spurred on by Houston, passed a joint resolution authorizing reprisals upon Mexico; but this was withdrawn upon their arrival at Galveston, November 4.

On December 14, 1837, Congress appropriated \$250,000 for back pay of officers, soldiers, and sailors, and a joint resolution of December 18 authorized the auditor to settle with Thomas Brennan, purser of the *Independence*, the claims of the officers and crew of that vessel.⁴

There was one other vessel connected with the Texan naval establishment. Her mission seems to have been a peaceful one. This was the receiving vessel *Potomac*. She was purchased from Captain L. M. Hitchcock,⁵ formerly a lieutenant on the *Invincible*, for \$8000. Later, by recommendation of the secretary of the navy, she became a pilot boat at Galveston.

Here ends the history of the first navy of Texas. As early as 1836, however, the Republic of Texas was anxious to have a stronger navy, and Congress passed favorably on measures for procuring a new and stronger fleet, composed principally of steam vessels. The account of this movement, the acquisition of the vessels, and their history, is distinctly separate from that of the first navy of the Republic, and it will be given next.

¹Burnet issued a decree on April 21, 1836, establishing a naval depot at Galveston Island. See *Texas Almanac*, 1869, p. 57.

²See pp. 263-264, above.

³*Telegraph and Texas Register*, November 25, 1837.

⁴Gammel, *Laws of Texas*, I, 1398, 1399.

⁵See *House Journal*, 3d Tex. Cong., 18.

THE CASE OF THE BRIG POCKET.

C. T. NEU.

I. THE CAPTURE OF THE POCKET.

In March, 1836, when Texas was engaged in a life and death struggle with Mexico, and when the Texans were particularly anxious to gain the good will of the government and the people of the United States, an event occurred which might have resulted in alienating the sympathy of that nation had the Texan authorities not taken immediate steps to correct matters. This was the capture of the brig *Pocket*, a vessel sailing under American colors.

An account of the capture was given by Alcée La Branche, the United States *chargé d'affaires* to Texas, in a letter which he wrote to R. A. Irion, the Secretary of State of the Republic of Texas, on November 29, 1837. He says:

On March 20th. of 1836, the brig Pocket, sailing under american colors and belonging to citizens of the United States, left New Orleans for Matamoras. On the voyage she was captured by the Texan armed schooner *Invincible*, commanded by Jeremiah Brown, and carried to Galveston, and her cargo appropriated without trial or condemnation by persons acting under the authority of the Texan government. The captain and the crew, with the exception of the second mate, who was still more severely delt with, were detained nineteen days at that place, after which they were released and suffered to embark for New Orleans. Permission was given them to take such articles of private property as belonged to them, but after a general search they were unable to find anything. Their clothing, hats, books, quadrants, charts were all missing, having been already secured by the captors. Previous to this the passengers were transferred on board a Texan armed schooner called *Brutus*, where they were stripped and searched by a person named Damon. who acted as lieutenant, and four of them, viz., Hill, Hogan, Murje, and Campo were immediately put in double irons by him. One of the passengers, Taylor, had his trunk broken open by this Damon and four hundred and ninety-seven dollars (\$497) together with other property taken therefrom, amounting in value in all to eight hundred dollars (\$800). When he desired to obtain a simple receipt for the money alone he was put in double irons.

Hogan and Campo received one hundred lashes with a cat-o-nine tails, stretched on an eighteen-pound cannon and were threat-

ened by Hurd, acting as captain of the *Brutus*, and Damon, that they should be hanged; the foreyard was accordingly loosed and braced for that purpose, and the inoffending victims were actually brought on deck with ropes around their necks and tortured with their impending fate. Somers and Taylor were kept in irons, the former for the space of twenty-five days, and the latter for seven weeks. At the expiration of these periods, instead of being released, they were forcibly detained, without any legal pretext or excuse for upwards of four months and seven months separately, when they were permitted to depart for the United States. Somers during all this period was compelled to perform various work, such as unloading vessels, etc., and had all his clothing and instruments of navigation taken from him.¹

In the same letter, La Branche also gives an account of the seizure of another American vessel, the *Durango*, which at about the same time as the capture of the *Pocket*, was seized at Matagorda and pressed into the service of Texas by the orders of John A. Wharton, adjutant general of the Texas army, and William S. Brown, commander of the Texan armed schooner *Liberty*. The claims for both vessels were usually urged together, and when matters were finally settled, provision was made for the payment of an indemnity for both together.

La Branche's account gives only one side of the affair; it is also somewhat prejudiced. The treatment of the crew and passengers was not at all as brutal as he made it appear; in fact, Captain Howes of the *Pocket*, the first officer, and several of the crew made an affidavit in New Orleans to the effect that while they were under the control of Captain Brown they were treated with kindness and respect. Alexander Humphrey, a passenger on the *Pocket*, made a statement to the same effect to William Bryan, the Texan agent at New Orleans. He also stated that no part of the cargo went to the crew of the *Invincible*.²

The true facts in the case seem to have been somewhat as follows: Captain Brown, in the exercise of the belligerent rights of Texas, was cruising against her enemies and attempting to enforce the blockade of the Mexican ports. The *Pocket* was bound for Matamoras, a Mexican port, and when she fell in with the *Invincible* her captain refused to show his papers. Captain Brown

¹La Branche to Irion, November 29, 1837, in Diplomatic Correspondence of the United States and Texas.

²*The True American*, May 14, 1836.

then boarded the brig, compelled the officers to deliver up the papers¹ and examined the cargo. The examination disclosed the fact that the *Pocket* was sailing under false papers and that the cargo did not correspond with the manifest and papers showing her clearance from the custom house at New Orleans. There seems to be no doubt that the cargo consisted of contraband of war, this fact being clearly brought out on the trial of the crew of the *Invincible*. There is some conflict of statement as to the articles composing the cargo. It is certain that the *Pocket* was carrying provisions that were intended for the Mexican army,² and Captain Brown stated that powder, ammunition, and other military stores were found on the brig.³

But this was not all; a further examination of the papers revealed dispatches to Santa Anna, containing information that would aid him in his operations against Texas. He was informed of the force on each of the Texan vessels, and instructed as to the best mode of attacking the Texans on land.⁴ There was also included "a chart of the whole coast, minutely and beautifully laid down—all surroundings, etc."⁵ On board the *Pocket* were also several persons who were in the Mexican service, among them the notorious Thompson, who had only a short time before been imprisoned at New Orleans on the charge of piracy.⁶ This was the same Thompson who, while endeavoring to enforce the Mexican revenue laws, had been so insolent to the Texans at Anahuac. In

¹The 23d article of the treaty of 1831 between the United States and Mexico provided that in case either of these parties was at war, vessels belonging to the citizens of the other should be provided with sea letters showing that the vessel truly belonged to the citizens of that country. Certificates of the cargo were also to be furnished so as to show that the cargo was not contraband of war. Without such papers the vessel might be detained and adjudged by the proper tribunal a legal prize. (*U. S. Treaties and Conventions*, 670.) There is no evidence that at this early date Texas laid claim to the privileges of this treaty, but at a later date both the United States and Texas, the latter being a component part of Mexico at the time the treaty was made, regarded the treaty as mutually binding on them. If for no other reason, this should have been sufficient to show that no act of piracy had been committed.

²*The New Orleans Bee*, May 9, 1836.

³*U. S. District Court Records*, New Orleans, Case No. 3798.

⁴*The True American*, May 5, 1836.

⁵Triplett to Burnet, April 9, 1836, in Records Department of State, Texas, Book 34, 213.

⁶*Excc. Docs.*, 25th Cong., 2d Sess., XII, 720-30.

September, 1835, he attacked the schooner *San Felipe*, a vessel owned by citizens of the United States, but was himself captured by the *San Felipe* and carried to New Orleans to answer to the charge of piracy. With him at the time of the capture was a lieutenant of the Mexican army, Don Carlos Ocampo.¹ They were released on January 15, 1836, but Thompson was immediately re-arrested by his creditors.² But their affairs were apparently soon straightened out; and both were returning to Mexico on the *Pocket* when it was captured. With them were Hogan and Taylor, officers of the Mexican navy.³ This probably explains how the papers describing the coast of Texas came to be found on the *Pocket*—Thompson may have collected the information contained in them while he was stationed at Anahuac.

The conduct of the Texans after the capture was set forth by Samuel Ellis in a communication to the editor of the *New Orleans Bee*. He said:⁴

You assert that the cargo was American property and actually belonged to Lizardi & Co. until delivered.⁵ The evidence of one of the firm, given before the examining court,⁶ was that the cargo on shipment was by the order of and charged to Rubio & Co.; that the premium was charged to them and that they considered the cargo at their risk. That such was the understanding is evident from the clause of the charter which expressly stipulates that the brig shall carry a signal generally known as that of the acknowledged agents of Santa Anna, which signal was to be furnished by Lizardi & Co. As further proof of the character of the vessel and the purpose for which she was engaged we have the evidence of three witnesses on the trial that Captain Howes acknowledged to them that he was engaged after his arrival at Matamoras to transport Mexican troops to Texas. . . .

On the arrival of the *Pocket* at Galveston she was, by the evidence of the captain and crew, given over to the Texan authorities

¹Sometimes written O'Campo, or simply Campo.

²*Exec. Docs.*, 25th Cong., 2d Sess., XII, 730.

³*The True American*, May 5, 1836.

⁴His communications to the *Bee* are found in the numbers for May 20, 21, and 24, 1836. He latter printed all three in form of a circular under the title "Capture of the Brig Pocket," a copy of which is in the Austin Papers.

⁵He was referring to an editorial in the *Bee* for May 16, 1836. Lizardi & Co. was the firm that shipped the cargo of the *Pocket*.

⁶Referring to the trial of the crew of the *Invincible*.

and the allegations in the protest,¹ which carry upon their face the appearance of oppression, were made under the direction of, and by the order of the Texian government, and being out of the jurisdiction of the United States, and perpetrated by a government *de facto*, that government is alone responsible. Almost every allegation made in the protest is proved to be false . . . by the proof given on the trial. Several witnesses deposed as to the extreme delicacy used in the examination of the baggage of the passengers, and that American property was in every instance respected. So far as regards the treatment of the crew while on Galveston Island, being put into a tent on the beach, and being short of provisions, the president of Texas was at the same time living with his family under the same shelter and equally destitute. The refusal to admit him on board his own vessel was caused by his own conduct, of which ample evidence can be given.

In regard to the money handed by Mr. Taylor to the Secretary of the Navy, and by him handed to the purser, the Secretary was not the person to receipt for it. Mr Taylor being impertinent and troublesome, was ordered forward in charge of a marine, but was not put in irons, the money was held subject to his order, and has been, or will be, restored to him when demanded.

The second mate Somers, was one of the passengers put on board at New Orleans; he held a commission as Lieutenant in the Mexican navy, and was furnished with funds by the Mexican Consul, as was proved by evidence on the trial, his name was not on the roll of the crew, and he was well known as an enemy and a spy. The other passengers, excepting those well known to be Mexican officers, were treated with attention and respect, and the amount of their passage in the *Pocket*, and in the Congress to New Orleans, together with all damage sustained by them has been paid by the government.

The capture of the *Pocket*, whatever the results thereof, was a very fortunate event for the Texan army. The cargo, consisting mainly of provisions, was "a most timely assistance to the victors of the field of San Jacinto, who, short of provisions for themselves, were thereby enabled to retain the prisoners taken at that decisive victory."²

¹Captain Howes's protest printed in New Orleans after his arrival there. See p. 253 above.

²*Texas Almanac*, 1860, p. 163.

II. THE EFFECTS OF THE CAPTURE ON THE AMERICANS.

When the news of the capture reached the United States it caused much excitement, especially at New Orleans. Some looked upon the act as one of piracy. William H. Wharton, who was then in the United States as a member of the first commission sent out by Texas, was very much wrought up over the matter. On April 9, 1836, he wrote to the government of Texas, saying: "There is some talk of piracy having been committed by one of our vessels. In the name of God let the act be disclaimed and the offenders promptly punished if such be the fact. I called on the Secretary of State this morning. He had not heard it officially."¹ The charge of piracy, however, was soon discredited,² but the affair brought home to the Americans the insecurity of their commerce on the Gulf. The *New Orleans Bee* voiced the sentiments of those merchants who were not so much concerned over the struggle between Texas and Mexico as they were over the security of their commodities. A few quotations from the *Bee* will show how they viewed the matter:

It is high time that American commerce in the Gulf of Mexico should be protected from both Texas and Mexico, and unless the government interpose the evils will be very serious. . . . Our commerce should be protected from all.³ . . .

The lesson . . . should not be lost on our Texas friends. It is neither the duty nor the interest of Texas to interfere with Mexican commerce. . . . As much as we love Texas, we love America more, and can not connive at any violation of American rights and commerce by Texas.⁴ . . .

We have been shown a declaration signed by two captains of Texas vessels, Brown of the *Invincible* and Hurd of the *Brutus*, that they do not purpose hereafter to attack an American vessel or any ship belonging to American citizens. This was necessary to calm the apprehensions of the public, as the insurance companies and merchants of extensive trade with Mexico were at first firmly resolved to send to Europe for goods ordered from Mexico and have them shipped to Mexico in French and English bottoms as the American flag was no longer respected.

¹Wharton to Government of Texas, April 9, 1836, in Diplomatic Correspondence of United States and Texas.

²*New Orleans Bee*, May 4, 1836.

³*Ibid.*, May 6, 1836.

⁴*Ibid.*, May 7, 1836.

Whether the action of Texas is or is not piracy, they should forego it in order to secure the energies of their friends and prevent the efforts of their enemies.¹ . . .

We are in favor of Texas liberty but not in favor of Texas capturing American vessels.² . . .

Of what use is the Star Spangled Banner if it can not protect us from the depredations of a petty state creeping into existence?³

William Bryan, the general agent of Texas at New Orleans, in a letter which he wrote to the president of Texas on May 14, 1836, shows the gravity of the situation. He says: "The result of the whole trouble will satisfy you as to the policy of invading the American flag. It would require but a few such instances as that of the *Pocket* to turn the government of the United States against you and stop every expedition in favor of Texas."⁴

III. COURT PROCEEDINGS IN THE CASE.

1. *In Texas*.—The first question that arose in Texas related to the disposition that should be made of the prize. The exigency required the action of a tribunal of admiralty jurisdiction. As Texas had declared her independence only a month before, the government was still in some confusion, and the machinery of justice had not yet been put in working order. Robert Triplett, in his letter to Burnet of April 9, had recommended a decree establishing an admiralty court.⁵ But the government had ere then acted by establishing at Brazoria a district court with admiralty jurisdiction. On April 12 Burnet wrote to Collinsworth:

A prize has been brought to Galveston by Captain Brown. The government has passed a decree to establish the district court. . . . We want an able judge in the district where the trial must take place. Will you then accept the office of district judge for the district of Brazoria?⁶

But it seems that Collinsworth did not accept the position,

¹*New Orleans Bee*, May 10, 1836.

²*Ibid.*, May 16, 1836.

³*Ibid.*, May 23, 1836.

⁴Records Department of State, Texas, Book No. 34, p. 251.

⁵*Ibid.*, p. 213.

⁶*Ibid.*, p. 102.

for on June 15 we find Burnet writing to Judge Franklin as follows:

The ordinance establishing the district court for the district of Brazoria and your appointment under that ordinance were measures produced by the present exigency of the country which requires the action of a tribunal of admiralty jurisdiction. The capture of the *Pocket* produced that exigency, and the principal object of the early organization of your court was that the questions arising from the capture might be promptly and equitably determined, for it was known that the capture would produce great excitement in the United States. Several weeks have elapsed and no proceedings have as yet been had on that important subject. The character of Texas and her interests are daily suffering and the evils admit of no relief but by a just adjudication at your bar.¹

Thus there was much delay in having the trial, this letter being written almost three months after the capture of the *Pocket*; but Judge Franklin was not responsible for this, for on June 4, Wm. H. Jack wrote to J. K. West:

Owing to unavoidable accidents, it has been impossible to have a trial as to the prize *Pocket*. It is likely to be determined soon.²

Just when the adjudication took place is not known, but it was probably some time in the latter part of June or the early part of July. It is known, however, that, as a result of the trial, the *Pocket* was adjudged a lawful prize. On October 27, 1837, R. A. Irion, the secretary of state of Texas, wrote to William Bryan:

Shortly after my note to you relative to the prize brig *Pocket*, I saw Ex-president Burnet, who informed me that the adjudication took place before Judge Franklin, who had been appointed admiralty judge, and that the court condemned the brig as a lawful prize. . . . There is no doubt of the decree having been made.³

On what grounds it was condemned is not known, but from the character of the cargo and the papers found on the *Pocket*, the step was amply justifiable.

¹Records Department of State, Texas, Book No. 34, p. 119.

²*Ibid.*, 31. West was president of the company that had insured the cargo of the *Pocket*; he had written to Jack for the proceedings of the Texas court in the case as his company was then involved in a suit growing out of the capture.

³Records Department of State, Texas, Book 36, p. 17.

2. *In the United States.*—In the meantime the United States authorities had taken up the matter, for, as we have seen, the capture was considered an act of piracy. After the *Invincible* had brought her prize to Galveston, she proceeded to New Orleans, but owing to the excitement over the capture of the *Pocket* she could not remain there with safety. On April 18, 1836, Bryan wrote to Burnet:

We have been compelled to order the *Invincible* back to Galveston; the capture of the brig *Pocket* is considered by the authorities as an act of piracy. The friends of Texas are among those in authority, and information was given me of the intention of the marshal to take the vessel and arrest the crew. We acted instantly and sent down a supply of provisions and ordered the vessel back to Galveston. We presume she has escaped. Captain Brown is out of the city and will probably not be able to join his vessel. Should she be detained, the cause of Texas will have received the severest blow she has yet met and the agency will be involved in trouble it will be hard to evade. Our situation with all the wealth and power of New Orleans arrayed against us is one of peril and danger.¹

But the *Invincible* did not get away. Commodore Dallas of the United States Navy, at the request of the insurers of the cargo of the *Pocket*,² sent out the sloop of war *Warren* to seize her. This was done on May 1, and the crew of the *Invincible* was lodged in jail by the United States marshal, and held to answer to the charge of piracy.³ Bryan at once employed the ablest counsel he could secure⁴ and had the Texans brought to an examining trial as soon as possible.⁵ An examination was held on May 5, but for want of evidence the trial was postponed several days.⁶

In the meantime the seamen were confined in a prison which a

¹Records Department of State, Texas, Book No. 34, p. 249.

²*New Orleans Bee*, May 7, 1836.

³*The True American*, May 2, 1836; *New Orleans Bee*, May 3, 1836.

⁴The attorneys for the Texans were Seth Barton, Randall Hunt, and O. P. Jackson. After the trial was over, the citizens of Texas who were then in New Orleans, and among whom were T. J. Green, A. C. Allen, Samuel Williams, and S. Rhoads Fisher, drew up a letter of thanks to the attorneys for their valuable and gratuitous services in defending the crew. (*New Orleans Bee*, May 10, 1836. The letter is dated May 7.)

⁵Records Department of State, Texas, Book No. 34, p. 237.

⁶*The True American*, May 5, 1836.

Texan sympathizer characterized as "a dungeon, the exact model of the 'Black Hole.'"¹

The trial lasted three days,² and on the night of the third day the crew was liberated. Justice Rawle,³ who tried the case, did not think there was sufficient evidence to justify a trial by jury. It appeared that no criminal act had been committed by the prisoners, as it was shown that the *Pocket* contained contraband articles that were intended for the Mexican army in Texas under Santa Anna. No act of malignant hostility had been committed and, of course, no piracy.⁴ After their release, the crew was cheered at every step and had a supper given them and free admission into the theater.⁵ This kind treatment showed that the mass of the people in New Orleans was not turned against the Texans by reason of this unfortunate occurrence. There was an attempt on the part of the prosecutors to have the *Invincible* again seized and taken to Key West for a new trial, but nothing came of this.⁶

The Texan sympathizers alleged that the imprisonment of the crew was brought about through the influence of Santa Anna's friends in New Orleans. They said that Lizardi and Co., who shipped the cargo, were the known sub-agents of Santa Anna; they were strengthened in this belief by the fact that the cargo was consigned to one Rubio, who was said to be Santa Anna's general agent and banker.⁷ It was also alleged that the Louisiana State Marine and Fire Insurance Company, which had insured the cargo for Lizardi and Co., was attempting to aid the Mexican cause, for it was at their request that the crew of the *Invincible* was

¹*The True American*, May 6, 1836.

²Records Department of State, Texas, Book No. 34, p. 237.

³Justice of one of the state courts, who tried the case in the absence of Judge Harper of the U. S. District Court. There seems to have been a provisional law authorizing state judges to act in the absence of federal judges. (*True American*, May 6, 1836.)

⁴*New Orleans Bee*, May 9, 1836.

⁵Records Department of State, Texas, Book No. 34, p. 237.

⁶*Ibid.*, 237.

⁷*The True American*, May 6, 1836. This same firm of M. de Lizardi & Co., had offices in Mexico and England, and was later involved in a case similar to that of the *Pocket*; viz: the case of the *Little Pen* (THE QUARTERLY, IX, 6-7). In that case it was also alleged that they acted as Mexican agents in England.

seized. It was pointed out that the insurers would not need to pay a cent of insurance if they could prove that the cargo was contraband of war. But the company did not attempt to establish that fact; instead they sent to Pensacola to get a United States warship to seize the *Invincible*, and this, too, when they knew that a civil officer could just as easily have taken charge of the vessel. The inference, therefore, was that they did not wish to have the fact established that the cargo was contraband, and were attempting to aid the Mexican cause.¹

But such was not the view taken by all. The *New Orleans Bee* for May 16 has the following to say relative to the matter:

The Mobile Chronicle says the *Invincible* was captured at the instance of Santa Anna's agent in this city. Santa Anna has no agent in this city; nor has the Mexican government any commercial agent here. Lizardi & Co. are not agents; they deal with merchants only. In the case of the *Pocket*, they received an order from a Mexican merchant; they were not bound to ascertain the purpose to which the goods were to be put. If there were any articles on board which did not appear in the manifest of the cargo shipped by them, to the captain, not them, belongs the responsibility. The goods belonged to Lizardi & Co. until delivered to the consignees.² Hence it can not be said that they were Mexican goods captured in a neutral bottom, but goods belonging to American citizens was captured in an American vessel. Why should Commodore Dallas be assailed for taking a vessel that captured an American vessel with American goods? Why should the insurance company be assailed for requesting that action on the part of Dallas in order to indemnify themselves and prevent future occurrences of a like nature? Why should Lizardi & Co. be assailed for sending goods on their own account to a Mexican merchant?

A few days after the liberation of the crew of the *Invincible*, the officers and crew of the *Pocket* arrived in New Orleans. Feeling was again stirred up and the Texans would have been arrested a second time and brought to trial but for the action of the Texan agents, William Bryan, and Thomas Toby & Brother, who bought the *Pocket* and paid the damages sustained by the officers and crew. On May 14, Bryan wrote to the president of Texas:

¹*The True American*, May 5, 1836.

²See Ellis's answer to this, pp. 279-80, above.

With the assistance of our friends, Thomas Toby and Brother, we purchased the brig and paid her charter and demurrage. We have also been obliged to pay all the damage sustained by the officers and crew, amounting to eight thousand dollars (\$8000). This measure was absolutely necessary to save the vessel from the charge of piracy and maintain the public feeling toward the cause. . . . The *Pocket* now stands as the property of Thomas Toby and Brother.¹

The purchase of the *Pocket* took place on May 10; Elijah Howes, the master of the vessel, on that day, in consideration of the sum of thirty-five thousand dollars paid him by the Tobys, Bryan, and Hall, agents for Texas, executed a bill of sale of the *Pocket* to T. Toby and Brother.² He was also paid fifteen hundred dollars for damages on account of the detention of the *Pocket*, and gave a receipt for that amount on May 10. On the next day he also gave a receipt for one hundred dollars for various articles of personal property taken from him by the officers and men left in charge of the *Pocket* by the government of Texas. Alexander Humphrey, John W. Waterhouse, C. Anderson, and James Doherty were also paid for the damages sustained by them and the owners of the *Congress* were reimbursed for carrying the crew and passengers from Galveston to New Orleans.³ Thus it seemed that through the exertions of the Texan agents matters were being smoothed out.

But trouble arose in another quarter. On May 19, the Louisiana State Marine and Fire Insurance Company instituted suit in the United States district court against Captain Brown of the *Invincible*, seeking to recover the amount of the premium they had been forced to pay Lizardi & Co. In the libel which they filed with the court they set forth that they had insured the cargo of the *Pocket* for eight thousand dollars; that the vessel was bound for a port in Mexico with which republic the United States was at peace, and that in consequence of the unlawful capture of the *Pocket* they had been forced by virtue of a policy issued to Lizardi & Co. to pay that firm eight thousand dollars. They then al-

¹Records Department of State, Texas, Book No. 34, p. 251.

²Irion to La Branche, December 30, 1837, in Diplomatic Correspondence of the United States and Texas.

³Records Department of State, Texas, Book No. 49, p. 212.

leged that because of this payment all right of action against the persons who had unlawfully seized the cargo was transferred to them, wherefore they prayed that Captain Brown should be forced to pay them eight thousand dollars.¹ On the basis of this libel Judge Harper of the federal court ordered that Captain Brown be held to bail in the sum of nine thousand dollars. On May 20 the United States marshal took Brown into custody, from whence he was released on the same day, having given bail with Thomas Toby and William Bryan as sureties.² The case was to come up on the second Monday in December, 1836, but the record of the court does not show that anything was done on that day.

The issue in the trial depended mainly on the legal condemnation of the *Pocket* by the Texas court. As early as May 16, J. K. West, the president of the insurance company, had written President Burnet to forward him copies of the condemnation of the cargo of the *Pocket*.³

Bryan also bestirred himself to secure the needed evidence in the case. On May 21, the day after he bailed Brown, he wrote to the president:

It will now become the duty of the government to have the cargo condemned by a regular court, to have sufficient evidence forwarded of the character of the cargo, the documents and papers found on board proved as having been taken from the vessel, and all information you may judge necessary to forward to prove the legality of the capture.⁴

There was much delay in forwarding the needed evidence, and it is probable that for this reason the case was continued.

¹Records United States District Court, New Orleans, Case No. 3798; Records Department of State, Texas, Book No. 34, p. 261. It is hard to see the justness of the demand of the insurers against Capt. Brown. The policy which they had issued contemplated protecting the cargo from precisely the fate that befell it. The cargo was insured against "men of war, fires, enemies, pirates, rovers, assailing thieves, jettisons, letters of mart, and counter mart, surprisals, takings at sea, arrests, restraints and detainerments of all kings, princes, or people of what nation, condition or quality soever, barratry of the master and marines, and all other perils, losses, and misfortunes that should come to the hurt, detriment or damage of the goods."

²Records of the United States District Court, New Orleans, Case No. 3798.

³Records Department of State, Texas, Book No. 34, p. 257.

⁴*Ibid.*, p. 261.

However, some time before February 25, 1837, a judgment by default was rendered against Captain Brown, for on that date the court

On motion of Randal Hunt, ordered that the judgment by default be set aside, and that he [Hunt] be allowed to file an answer on behalf of the defendant in the case.¹

The attorneys for Brown then filed a plea to jurisdiction, averring that all questions relative to the adjudication of prizes brought into ports of Texas belonged to the tribunals and legal establishments of that country and none other; that officers of Texas war vessels ought not to be arrested in ports of the United States to answer for any capture or seizure made on the high seas; that vessels of belligerent powers may seize neutral vessels, take them into the ports of their [the captor's] country to answer for any breach of the law of neutrals, and the vessels of war are not amenable for such acts before any tribunal of the neutral powers; that the insurance company had arrested Captain Brown, but had in no manner alleged that the capture of the *Pocket* was made within the territory of the United States; that at the time of the capture Texas was a free and independent state, and Captain Brown was commander of one of her public vessels. For these reasons they held that the United States court was without jurisdiction in the suit and, therefore, prayed that Captain Brown be dismissed with his costs.² Anticipating an overruling of this plea, the attorneys also filed an answer to the libel of the insurance company. They showed that at the time of the capture Texas had declared her independence and maintained a government, and was, therefore, entitled to exercise all belligerent rights of a free and independent nation; that, under the authority of that government, Captain Brown had the right to cruise against the enemies of Texas; that in his capacity as captain he made a legal prize of the *Pocket*, whose cargo was enemy's property and intended as supplies for the Mexican army; that the *Pocket* was conveying hostile dispatches to the enemy; that she was sailing under false colors; and that her actual cargo did not correspond with the

¹Minutes of United States District Court, New Orleans, Book for the years 1834-37, p. 346.

²Records of the United States District Court, New Orleans, Case No. 3798.

papers showing her clearance from the New Orleans custom house—all of which was in violation of the belligerent rights of Texas. They, therefore, prayed that the libel of the insurance company be dismissed.¹

But evidently nothing was done at the spring session of the court; for on August 4, 1837, Bryan again wrote to the Secretary of State:

In my letters to the executive under date of February 22, April 12, and 21, I urged upon him the necessity of forwarding certain documents to save the loss of about nine thousand dollars for which I am bound in the United States court, being the value of the brig *Pocket*. Part of the documents were promptly forwarded by S. R. Fisher, Secretary of the Navy, those proving the condemnation of the brig as a lawful prize, the approval of the act by the government, and the record of the court condemning her under the great seal of state have never come to hand. The trial will come up early in December, and if such papers are not produced the amount is lost. . . . Will you do me the favor of forwarding such papers as are required or such as can be obtained in relation to this matter as early as possible, or advise me that they can not be obtained that I may have time to prepare to meet nine thousand dollars in cash by sacrifices made to meet claims incurred for Texas.²

Irion, the secretary of state, at once exerted himself to procure the documents. He wrote to William S. Scott, the clerk of the district court of Brazoria county, requesting him to forward, with the least possible delay, a certified copy of the proceedings of the court in the case. Scott immediately transmitted the proceedings of the court, but unfortunately the decree of condemnation was not among the documents which he sent.³ Irion at once forwarded to Bryan the documents he had received, but the attorneys in the case finding that they were not sufficient, obtained an adjournment of the case until the first Monday in January, 1838. The decree of condemnation of the *Pocket* could not be found among the records at Brazoria, so the only remedy was to enter the decree anew in open court at the next session of the district court. It

¹Records of the United States District Court, New Orleans, Case No. 3798.

²Bryan to the Secretary of State, August 4, 1837, in *Diplomatic Correspondence of United States and Texas*.

³Records Department of State, Texas, Book No. 36, p. 17.

seems that this matter was put into the hands of F. A. Sawyer, the attorney who had argued the case before Judge Franklin in 1836. On December 21, 1837, he wrote to the secretary of state from Brazoria:¹

As soon as I arrived here I made out a decree on the back of the original petition in the case of the brig *Pocket* and sent it by express together with a certified copy to Judge Robinson both of which he signed, as was required, and returned to me. The original decree I have filed in the office of the clerk of the district court; the certified copy, dated about the 10th of December and signed by Scott, who was at that time clerk of the district court, and certified to by Judge Robinson, I enclose to you and hope you have received it in time to go by the present trip of the *Columbia*.

Irion transmitted these documents to Bryan on January 3, 1838, saying:

With regard to the brig *Pocket* I have at last succeeded in procuring all documents required by the memorandum of Mr. Hunt² which are herein enclosed to you. It was impossible to obtain them earlier. The matter was brought up before Judge Robinson, having alike with all other judges admiralty jurisdiction and under the laws the privilege of sitting on admiralty cases whenever occasion requires.³

The evidence must have arrived too late, for the case seems to have been again postponed; at any rate it was still pending on February 28, 1839. On that date Bryan wrote to the Secretary of State:

On May 30, 1836 I advised the executive that I had bailed Captain Brown of the *Invincible* on the suit of the Louisiana State Marine and Fire Insurance Company for nine thousand dollars. The suit is now pending in the United States District Court. Has any diplomatic arrangement been made with the United States in regard to the settlement of the claims of the insurers of the cargo

¹Sawyer to Secretary of State, December 21, 1837, in Domestic Correspondence, Texas.

²Randal Hunt and Seth Barton were the attorneys for Capt. Brown, as they had been for the crew of the *Invincible*.

³Records Department of State, Book No. 36, p. 20.

of the *Pocket*, or has any claim been made upon the government of Texas for the value of her cargo?¹

Webb, the Secretary of State, replied on March 15, saying:

There is no evidence in this department that any arrangement was made by the governments of the United States and Texas to settle claims of insurers or pay for the cargo. In private conversation with Mr. La Branche I have found out that the claims of the insurers of the cargo (and for which suit has been instituted in New Orleans) was not included in the treaty.²

The case was evidently settled outside of the court, or simply died on the docket, for there is no record in the minutes of the court of a decision ever having been made. The last reference to it in the minutes is dated May 18, 1840, and states that the case having been called was continued.³

IV. SETTLEMENT BY TREATY WITH THE UNITED STATES.

While the insurers' claims were pending in the courts of the United States, some of the officers and passengers of the *Pocket* were also clamoring for redress. On September 1, 1836, T. Toby and Brother wrote to the president of Texas:

We have just been waited on by the United States district attorney relative to a Mr. Taylor, who was a passenger on the *Pocket* and had four hundred and ninety-six dollars (\$496) in money taken from him.⁴

By January, 1837, the matter had also come up before the United States government. Wharton, the Texan minister at Washington, on January 6, wrote to Austin that Forsyth had exhibited to him a complaint of the mate and other officers of the *Pocket* which should be attended to at once.⁵ Henderson, the secretary

¹Records Department of State, Texas, Book No. 36, p. 15. Bryan was led to make this inquiry from the fact that a convention of indemnity had been entered into by the United States and Texas relative to the capture of the *Pocket*.

²*Ibid.*, p. 78.

³Minutes of the United States District Court, New Orleans, Book for years 1839-1841, p. 245.

⁴Records Department of State, Texas, Book No. 34, p. 394.

⁵Wharton to Austin, January 6, 1837, Diplomatic Correspondence of the United States and Texas.

of state, in reply, informed him that he could assure the government at Washington that the government of Texas would at any time cheerfully hear all complaints and give all such as were entitled to it speedy justice as soon as their complaints could be properly laid before it.¹ On November 29, 1837, in the same letter in which he gave an account of the capture of the brigs *Pocket* and *Durango*, Mr. La Branche demanded payment, not only for the vessels, but also an indemnity for the property taken from individuals on board these vessels, and for other injuries they had sustained.² Irion, in answering this, informed La Branche that the president had been considering the cases, and that as regarded the *Durango* he (the president) would recommend to Congress the passage of an appropriation for the amount demanded for it; but as regarded the *Pocket*, the circumstances of her capture and subsequent purchase by Thomas Toby and Brother rendered it improper for him to recommend a second payment; he would, however, recommend that a payment be made to Taylor.³ It will be remembered that the Texas agents paid Captain Howes thirty-five thousand dollars for the *Pocket*, which was insured by a New York firm, Barclay and Livingston. When the brig was captured, its owners called upon that firm for payment. Now, it was a question whether the insurance company was obliged to pay the premium. Should they pay and then call upon the Texas government to reimburse them, the latter, should it comply, would have paid for the vessel twice. The attorney general of Texas maintained that the payment made to Captain Howes was conclusive of the rights of the owners.⁴ He argued that the acts of the master of a vessel were binding on the owners, and that third parties, arranging with him as the accredited agent of the owners, should not be held responsible for losses resulting through his bad faith or inattention. Whether or not the insurers paid the premium does not appear.

However, the president soon changed front completely, and before March 19, 1838, he had waived all objections to the payment

¹Henderson to Wharton and Hunt, February 19, 1837, in Diplomatic Correspondence of United States and Texas.

²La Branche to Irion, November 29, 1837, in Diplomatic Correspondence of United States and Texas.

³Records Department of State, Texas, Book No. 36, p. 40.

⁴*Ibid.*, Book No. 49, p. 111.

of the claims and had decided to recommend to Congress the payment of them all. It is probable that a desire to avoid any unpleasant relations with the United States induced him to give up his position. The United States *chargé*, La Branche, and the secretary of state of Texas, Irion, then met at Houston, and on April 11, 1838, concluded a convention whereby Texas agreed to pay to the United States government eleven thousand seven hundred and fifty dollars, which was to be distributed among the claimants. This sum, with interest accrued thereon at the rate of six per cent, was to be paid to the properly authorized person one year after the exchange of the ratifications of the convention.¹ On May 3, the Congress of Texas,² in secret session, consented to and advised the ratification of the convention;² and on June 14 the Senate of the United States did likewise.³ There was some slight difficulty in effecting the exchange of the ratifications as is shown by Catlett, who was in charge of the Texas legation at Washington, in his letter to Irion of June 22, 1838. He says:

I have received the convention of indemnity to American citizens for losses sustained by the capture of the brigs *Pocket* and *Durango*. The Secretary of State from the first showed a disposition to accept the treaty and have it ratified on the part of the United States. But he seemed much in doubt whether it could be received on account of its not having been ratified by the president under the great seal of Texas, which was indispensable to a formal exchange. Another difficulty was that I had no specific powers for such purposes. But owing to the smallness of the amount and the unimportance of the matter he yesterday waived these objections and accepted the treaty as it stood.⁴

Texas was young in diplomatic affairs, and Catlett was no doubt somewhat embarrassed by the difficulties with which he had to contend. The exchange took place on July 6, 1838. The following day Catlett wrote to Irion:

In exchange for the copy of the convention which he placed in my hands, being the same as was transmitted by you, Mr. Forsyth

¹Records Department of State, Texas, Book No. 36, p. 111; *United States Treaties and Conventions*, p. 1078.

²Records of 2d Congress of Texas, Department of State, File Box 11.

³Records Department of State, Texas, Book No. 41, p. 149.

⁴*Ibid.*, 147.

gave me a formally ratified copy on the part of the United States.⁴ It was handsomely bound and had the United States seal attached. A similar ceremonial was expected to have been observed on the part of Texas, but that being impracticable, under the circumstances, he had agreed to waive any difficulties on this score as I mentioned in my last dispatch.¹

In this connection it is interesting to note that this was one of the only two conventions that Texas ever concluded with the United States.

On May 10, 1839, President Van Buren authorized La Branche to receive the indemnity and to give the necessary acquittal.² On July 6, 1839, one year after the exchange of the ratifications, James Webb, the Secretary of State of Texas, turned over to La Branche a draft on the Merchants Bank of New Orleans for twelve thousand four hundred and fifty-five dollars, that being the amount stipulated in the convention with the accrued interest. La Branche on the same day executed a receipt for that amount, giving

full acquittances to the government of Texas for all claims against said government of the United States for the capture, seizure and detention of the brigs Pocket and Durango and for injuries suffered by American citizens on board the Pocket.

The acquittances were to take effect as soon as the draft should be paid. On July 18, Robert Coupland of the Merchants Bank wrote to Webb acknowledging the receipt of the draft and stating that it had duly honored.³

¹Records Department of State, Texas, Book No. 41, p. 149.

²*Ibid.*, p. 200.

³*Ibid.*, Book No. 36, p. 111; Coupland to Webb, July 18, 1839, in Diplomatic Correspondence of United States and Texas.

REMINISCENCES OF JNO. DUFF BROWN.

My father's name was John Brown. He was descended from old English stock, who settled in Baltimore, Maryland, in colonial days. Two of his ancestors, one on the paternal side and one on the maternal, were colonels in the celebrated Maryland line of the Continental army. One who was a captain fell at the River Raisin. My people have ever been among the defenders of our country.

My father was born in Madison County, Kentucky, September 9, 1796. About 1820, while he was living in Missouri, he married Nancy Ann Howell. Two or three years later he returned to Kentucky, but in 1824 he went again to Missouri. It was perhaps in December of that year that in order to obtain relief from a bronchial trouble that he had he started to Cuba. In New Orleans, however, he met his older brother, Captain Henry Stevenson Brown, who induced him to try the wilds of Texas. About the last of December they reached that country, which was then a part of Mexico and was inhabited chiefly by various tribes of Indians and abounded in wild animals of almost every kind.

Captain Henry S. Brown was a noted Indian fighter, and he also traded with the Mexicans. He furnished my father with such goods as suited the Indians and advised him to go towards the upper waters of the Brazos and barter his goods for horses, mules, and peltries. With the expedition went James Musick, Thomas Jamison, and Andrew Scott. They secured eleven hundred horses and mules and many peltries and started for the settlements. On the third night of their homeward journey, their camp was attacked by the Indians with yelling and shooting. The main purpose of the attack was probably not murder but robbery. No one was killed, but all were cleverly stampeded, and so was the *caval-lada*—which, of course, was the prime object of the Indians. My father was lame, but he escaped alone through a thicket beside which they were encamped. Not knowing the fate of his companions—they escaped together and reached home safely—he wandered three days without food. Finally he discovered a camp of Wacoos; and, knowing that otherwise he must face death from starvation, he entered it, though with many fears. They forced

him to run the gauntlet, beating and slashing him as he ran. Providentially he was not felled, but made the goal; when God moved a woman whose son had fallen in battle to claim and adopt my father in his place. This under their laws she had the right to do. From this time he was kindly treated, but watched. In some eighteen months he won their confidence and was permitted, in the autumn of 1826, to accompany a raiding party to the confines of the settlements. On the way he escaped, and shortly after he succeeded in reaching San Felipe. It so happened that Captain Henry S. Brown had the same day arrived from Mexico with a number of well tried and trained Mexicans. With these and a party of the citizens he made a rapid night march, and at daylight surprised and annihilated the marauders, only one escaping to tell the tale to his people.

Returning now to Howell's Prairie, Missouri, my father rejoined his family, who had long mourned him as one dead. His devoted wife, however, had never given up hope of his ultimate homecoming.

In 1827 or 1828 Father again reached Texas, this time with his family. I was then a four year old boy. On the way we encountered fearful tempests on Lake Pontchartrain and the gulf of Mexico. We landed at Cópago. Nearly eighty years have elapsed since then, but I yet retain in memory a most vivid picture of the Indians on the shore. One stood with his bow strung and arrow on the string, ready to shoot. I was familiar with the story of my father's thrilling experiences on the upper Brazos, and my little heart was filled with fear, not only for myself, but for my parents also. I begged them earnestly to go below, out of danger; but vainly, of course, for there was none. They bade me go down; but they themselves were too much interested in the shores of Texas to gratify a terrified little boy.

We were taken to Goliad in Mexican carts drawn by oxen, which were lashed to the pole by their horns and driven with a blunt pointed goad, often with loud cries on the part of the driver. This, in early times, was the Mexican method of transportation, the cart wheels being in most cases wholly of wood and sometimes solid.

From Goliad, then commonly called La Bahía—or by the Americans most frequently Labberdee—we went to Major James Kerr's

on the Lavaca. Major Kerr was the first settler on this stream by several years. This I know to be true. Captain Henry S. Brown married his sister, Miss Margaret Kerr, in Missouri. She was then a widow with a son and daughter, who were known in Lavaca County in later years as Judge Maryland Jones and Mrs. Jordan. Her children by Captain Brown were Major John Henry Brown, distinguished as a defender of Texas in various wars, as a legislator, and as a writer of history; and Rufus E. Brown, one of the sweetest natured men I ever knew, who was accidentally killed in Arizona by the fall of a tree—as I remember—which he was cutting down.

In 1832 I was going with Captain Brown from Gonzales to Major Kerr's, when we met a messenger in search of him, bringing intelligence of the intended attack on the Mexican garrison at Velasco. My uncle sent me on to Major Kerr's with a young inexperienced youth, giving him most careful direction as to courses, guiding points, and guarding against Indians. This proved the most trying experience of my long life. My pony was a short hard trotter, and my left arm was badly strained. The young man was afraid of Indians and was unwilling to dally. My back began to ache, ache, and I was forced at last to cry out—gently as possible, but nevertheless to cry audibly. The memory of that night's suffering makes my back ache still. But all things have an end, and at last we reached Uncle Jim's and were safe.

Captain Brown commanded a company in the assault on Velasco and gallantly aided in capturing the garrison. He lost several men, but killed a large number of Mexicans, and wounded many more.

Major Kerr's was a general rendezvous for persons examining, or settling in, his section. All were welcomed and entertained in true pioneer style. I have seen large numbers of men there on business that it was beyond my years to understand.

During our stay at Major Kerr's, my mother gave birth to the first white child born on the Lavaca River, Isham Kerr Brown, named for Uncle Jim's brother, to whom my father was warmly attached. I never knew Mr. Isham Kerr.

As soon as my mother was able to travel, the family moved to Carancahua Bayou. Here my father chose to locate his league of

land,¹ believing that in time, since the bayou was navigable from Matagorda Bay to his projected home, the land would become valuable. The Mexican law required a crop to be on the allotment before the title could be perfected. So we built a cabin and planted a small crop—very small, I suppose, since I helped to plant some of it myself. My father made holes in the black sandy soil with a pointed handspike, and I dropped the seed and covered it with my heel. Primitive farming this, but probably he and a Mr. Aldridge (if I recall the name correctly) did more work in our little patch at a later time.

After a while the land was surveyed, our small crop was made, and we were ready for new enterprises. During our sojourn on Carancahua, my father was always uneasy; for the Carancahua Indians, though they professed to be at peace with the settlers, were known to be a brave and treacherous tribe. One of their old camps was not far from our cabin door.² So, having met legal requirements, we moved to San Antonio, where we lived three years very close to Captain Philip Dimitt—indeed, I think, in one of his houses. Here were born to my mother Marie Nazia, the first American child born in this Mexican town, and—perhaps two years later—Carmelita, a real little angel in appearance. Captain Dimitt and John W. Smith had Mexican wives, good ladies, and children of mixed blood; but my sisters were pure Anglo-Saxon and of true pioneer stock.

Various tribes of Indians visited San Antonio to barter dressed buffalo skins and other peltries, as well as jerked buffalo meat, which they frequently offered in broad thin sheets, and which was very toothsome indeed. They came to the town in gala dress. I remember seeing a young squaw in a dress covered with hundreds of beads and little bells, which she would flirt about, causing them to jingle most merrily, to her own intense satisfaction and the great amusement of the onlookers. These Indian gatherings were

¹The league to which he was entitled as a colonist. The Land Office records seem to indicate that the title was issued to him as a member of Austin's Third Colony.

²About forty years after we left that place, the McDowell family settled nearly opposite our old home on the north side of the bayou. To a daughter of this house, an elegant lady, I sold for myself and my sisters about eleven hundred acres of the same league.

very novel and interesting to the American visitors who often filled our home.

Mexicans, though a dark race, delight much in white covers for couches and beds. An Indian visitor would sit down contentedly on the whitest and daintiest, leaving his "brand"—in cow boy parlance—unmistakably defined. Requests and orders to move were alike unheeded by him till it suited his pleasure. Once a chief, a dirty fellow, of course, took a seat on my mother's white bed. She asked him to get up; but he only gazed at her with his characteristic stolid Indian look. Mother feared no man; and, seizing a stick, she ordered him to rise. His answer was the same aggravating gleam of the eye. But when the stick came down on his scalp lock with its most inspiring emphasis he jumped up with a thoroughly Indian "wugh! wugh!" exclaiming "*White woman muy brava*"; and so it ended.

Once some of my father's Indian relatives¹ came to see him, and there was among them one young man whom he seemed much delighted to meet, and whom he loaded with presents.

On another occasion, while breakfasting, I ran out to a call and found before our door a boy with a rifle on a barebacked horse and a man also riding bareback, but without a rifle. Both were hatless. Their camp had been sacked in the night, the whole party it contained except themselves had been murdered, and they had barely escaped with life.

Three years we resided in San Antonio. During this time, my father had his children christened by the Catholic priest resident in the town. My mother's brother was also christened. We were therefore Catholics, and as a child I accepted the faith most cheerfully. Some years later dear Grandma Howell of Missouri took me in hand and taught me to love the scriptures and study them—a practise I have observed till the present. She was an Old School Presbyterian, and an accomplished Virginia lady. But we were then in San Antonio. As soon as I was old enough I was sent to a Spanish school; and every Sabbath I marched with the pupils in double file to the cathedral singing full-voiced some Catholic hymn. On entering we severally approached the font of holy water, dipped the tips of the fingers, and made the sign of the

¹That is, by adoption. See p. 297 above.

cross on the forehead and each shoulder and the breast; then in double file we knelt on the flag stones worshipping till the close of the service. One can well imagine how tired and painful my little knees used to grow.

We had a case of smallpox in our family. It was contracted by a negro girl of Major Kerr's, who was loaned or hired to my father. David Mills of the well known firm of R. & D. G. Mills & Co., leading financiers of Texas, was then a young man and boarding with us. I was vaccinated from his arm and rendered immune. Mother's brother, Geo. Washington Howell, died here, then my brother Isham Kerr, then my father, who was known to the Mexicans and old Texans as Waco Brown.¹ All were buried in the grounds of the Alamo. The graves were afterwards shown to my son, Dr. J. Duff Brown, Jr., in a little grass plot near the old ruin.

I was just recovering from a most terrible fever when my father died, and some one took me to view his corpse. His pale face and body lie dimly before me now.

Captain Henry S. Brown moved our family to Gonzales. The first night we camped on the Salado, and a guard was kept all night. My mother sat in the wagon surrounded by her little ones, with a babe in her lap and a loaded gun at hand, resolved to die if need be in our defense. Indians were around us throughout the night and caused our horses to show constant signs of uneasiness, and next morning their signs were plainly visible. It was a miserable night for grownups, but I and the other children slept through it in happy unconsciousness. Next day we passed the bloody camp of which I have before spoken.² We reached Gonzales without further incident, save passing a freshly killed deer. From its torn neck we judged it to have been killed by a panther, which was frightened away by our approach.

We remained in Gonzales for a time, and mother meanwhile kept boarders to support herself and family. During that time, there came a big rise in the Guadalupe, or Warloup,³ as it was

¹The reader will doubtless note that Dr. Brown's narrative suggests that all these deaths were due to the same visitation of smallpox, but does not leave it certain.—EDITOR QUARTERLY.

²See p. 300.

³This is a fairly close phonetic reproduction of the customary Mexican pronunciation.—EDITOR QUARTERLY.

then frequently called, threatening serious damage. Mother desired a gentleman to go to the river and move her pot above high water; but he said "No, madam, I would not risk my life this black night with a light for all the pots in Texas." Thereupon she took a torch and a servant and moved the pot to a place of safety herself. Pots, iron pots, were pots in those days.

After a time we moved to Brazoria on the Brazos, where mother conducted one of the hotels, known as the lower. Mrs. General Long¹ kept the upper hotel. David Mills again boarded with us. The strain on my mother was at times extremely trying. When a ship came up the river from New Orleans loaded with passengers, both hotels would often be filled to overflowing, and the labor of taking care of them most harassing. Now and then there was much sickness in the hotel, and sometimes it resulted in death. Once we had some cases of yellow fever. I remember the death of one man who turned as yellow as an orange. A Captain Brown died in our house from some disease. I can recall, too, that the cholera visited us once or twice.²

There were many ills, anxieties, labors, and dangers encountered by hotel keepers in those pioneer periods. This may be illustrated by an incident from my mother's experience. One spring, while she was rushing through the ever unpleasant "cleaning up" so common among good housekeepers, she ordered a burly peon who belonged to us to hurry along with some task which had been committed to him. He showed himself contrary and impudent; and she ran into the room where I was taking down mosquito bars and seized one of the side sticks and proceeded to belabor him with several whacks over the head and shoulders. Full of rage, he slipped into the dining room, snatched up a large carving knife and thrust it in his girdle, and came back to his work with swollen lips and furious looks. There is no doubt that, if she had shown fear or hesitation, he would have stabbed her. But the moment she saw his act she ran into her own room, took down a large holster pistol with a muzzle like a small cannon, pressed it against his breast, and pulled the trigger. Providentially it failed to fire,

¹The widow of General James Long, leader of the expedition of 1819.

²Probably but once, i. e., in 1833. This may mean, however, that the hotel had one or two cases among its guests at different times that year.—
EDITOR QUARTERLY.

but it turned a black Mexiean nearly white. She ordered him to put up the knife, and he obeyed instantly.

When Unele Henry came home, he picked a little powder into the touch hole of the pistol and discharged it at a post. Though it had lain undisturbed on top of Mother's bed for six months, it fired as clearly as if just loaded. This was before the invention of percussion caps. Then Uncle Henry tied the man securely and gave him a good flogging; but, taking the advice of friends conversant with the treacherous and vindictive nature of such Mexicans, he soon sold him.

During our stay in Brazoria, our dear little Marie died and was buried in the forest. I can yet hear the hollow sound of the clods falling on her coffin. Mother was too ill to attend the funeral, so I was chief mourner. I think Uncle Henry was absent also. Carmelita, the idol of the family, died and was buried in Gonzales cemetery. The graves of our family are scattered from San Antonio to Memphis; but, without doubt, when the roll is called at judgment we'll be there. Our God cares for our dust, praised be his name forever!

Mother finally closed her business in Brazoria and went to Missouri to see her father, Mr. John Howell. He lived at Howell's Prairie, a few miles from Mechanicsville, now Howell. She entered me at a seminary of which Lewis Howell was principal. He was a classical scholar, and the best instructor I ever knew. He laid the foundation for what education I am possessed of.

After a few terms at Collier College, I was sent by my step-father to Richmond, Kentucky, and placed in the house of Fields & Holloway, dealers in general merchandise, who kept everything that the people of the country consumed. This firm had been long in business and ranked high. The Irvines, Fieldses, Holloways, and McLanahans were leading families in the rich little city of Richmond.

I spent one year with this firm, then fifteen months as a pedagogue, and then some years under the tuition of Drs. Walker and Scott as a student of medicine. In process of time I entered the field of practise at Jackson, Breathitt County, in the mountains, and since that time the center of murderous feuds. Then, however, peace reigned supreme throughout this mining district. The

Cockrells and Hargises were good friends. My practise, though limited, was eminently successful for a young physician.

But my heart was in Texas, and I had for years resolved to make my home amid its wilds. So in 1846, when General Taylor was concentrating his army near Corpus Christi to move upon the Rio Grande in defense of Texas at last annexed to the United States, I landed at that place. The day I left Corpus for the interior, his first division marched for Fort Brown, opposite Matamoras.

Reaching Gonzales, I was admitted to partnership with Dr. C. S. Brown, an uncle of mine, who had more patients than he could attend. Among them were a number of Germans who had been sent to Texas by certain noblemen.¹ It was a year of phenomenal humidity, and like all such in Texas very sickly. The flux, commonly so-called both then and now, proved epidemic among the emigrants. They fell before the disease like cattle with the murrain. Great demoralization existed among them, and there was much suffering. There were deaths beside the highways and deaths in the wagons. Death, death, death was everywhere, without nursing or any of the attentions that, as a rule, are shown the sick. Whole families perished. They could not speak English, and we could not speak German. Moreover, the native Americans were down with congestive and other fevers, as well as flux, all over the thinly settled country. I had myself a sharp turn of malarious fever, but prompt treatment relieved me.

About this time—in April, I think²—Captain Ben McCulloch came in great haste from General Taylor with a requisition on the governor of Texas for two regiments³ of mounted volunteers, and with authority also to raise a company of scouts to serve under his personal orders. I joined this company, which was ranked A in Colonel Jack Hays's Western regiment, and served six months, when I was honorably discharged at Camargo.

Our service was sometimes arduous. We always went light,

¹The Adelsverein, represented in Texas by Prince Carl of Solms-Braunfels, the founder of New Braunfels.—EDITOR QUARTERLY.

²Taylor's requisition was despatched from near Matamoras, April 26. See *House Exec. Docs.*, 30th Cong., 1st sess., Doc. 60, p. 288.—EDITOR QUARTERLY.

³The requisition called for two mounted regiments and two to serve on foot. *Ibid.*—EDITOR QUARTERLY.

with no baggage, and not a tent, save once when a man joined us sick and died. The flies were so intolerably bad that it required a detail of two men, one at his head and the other at his feet, to protect him. Even then, his blankets were flyblown. This was at "Camp Maggot," opposite Matamoros. We used the river water, and some days were forced to wade out fifty or sixty yards to get it clear of maggots. We were below the slaughter pens, where the beeves were prepared for the army. The refuse was thrown into the river, and often much of it, not clearing the banks, was blown by the immense swarms of flies. During the two or three weeks we remained at this camp, it rained twice or thrice every twenty-four hours. The rains were fortunately but brief, and the sun was so hot that it dried us between them. After a time, we were ordered to occupy some deserted houses above Fort Brown. Here we fared sumptuously on roasting ears, which, added to our rations, made our meals most enjoyable. At this encampment we were free from the dreadful annoyances incident to life at "Camp Maggot."

Our company was composed of quite a variety of characters and professions. There were two generals, Ham P. Bee, and another whose name I have forgotten; three to five doctors; and one newspaper man, W. Kendall of the *New Orleans Picayune*. He wrote up our scouting expeditions, etc. I do not recall any ministers of the gospel in our party. We had six or seven Mier prisoners. One of them was our first lieutenant, John McMullen. He was a boy when the expedition occurred, as was young Hill, who had been adopted by Santa Anna and educated at the College of Mines. James W. Allen, a Kentuckian, was our second lieutenant and commissary. He carried a bag of silver on all our scouts to pay for supplies, for we paid for all requisitions. One of our men who was from the eastern shore of Maryland was wounded and died at Monterey.

Captain McCulloch was ordered not to fight, but to survey various sections of the country and to report. He was well known as a reckless fighter; but he knew how to obey orders, and he certainly did so. We begged him to give us a brush with the enemy, but he simply answered "orders."

I returned to Texas with Jim Lytle, a lawyer named Cunningham from Victoria, Breckinridge of Kentucky, Mason Foley, the

Pryor brothers, and others. We had much difficulty with Breckinridge and Lytle, who quarreled and passed blows, but were separated by Cunningham and myself. Three times they wished to fight, but eventually were induced to become friends.

Once more I tried Gonzales; but, again becoming sick, I yielded to the advice and urgent solicitation of Colonel Andrew Neill of Seguin and made my home at his house. He had married my cousin, Miss Agnes Brown, the daughter of Dr. Hugh Brown of Kentucky. There I stayed for six delightful months, probably the happiest of my long life. It was during this time that I became acquainted with Miss Mary Annah Mayes, a native of Alabama, and fell in love with her at sight. After a twelve months' wooing we were wed, and in a few weeks I again entered the United States service as acting¹ assistant surgeon for Captain H. E. McCulloch's company.

The company was camped at Hamilton's Valley, fifty-five miles above Austin, in what was then Travis County, but is now Burnet. It was Captain McCulloch's second year at this station. During the first, he had needed a surgeon greatly, and in the ten months I spent with the company there was much sickness among the men. The families were generally exempt; but one private died, and another was by accident desperately wounded by a comrade. I was at the time absent in Seguin, and the captain sent to Austin for a surgeon, who charged one hundred dollars for his services. I regret to chronicle the truth, but his treatment was of no value, and the patient was fast going to that bourne whence no traveler returns. The doctor remained one day, and I imagine his departure saved the man. Getting back at this juncture, I changed the treatment. The names of doctor and wounded man alike have been forgotten by me. I paid the bill, except twenty dollars which, in great kindness to me, was advanced by Captain McCulloch and Lieutenants Riggins and Magill.

Captain McCulloch's company was one of a number on the frontier under the command of Colonel P. H. Bell, later governor of the State. Our duties were simple and easy, but necessitated constant scouting and watchfulness. We had a detachment of thirty men on the Cowhouse, about twenty-five or thirty miles to

¹This word is uncertain.—EDITOR QUARTERLY.

the northeast of us. We had only one skirmish with the Indians. Lieutenant Riggins and Orderly Sergeant John R. King, together with another officer and an unarmed man, were out some ten or fifteen miles buffalo hunting. While at their dinner, they saw what they imagined to be buffaloes on the crest of the hill at whose base they were eating. Hastily rising, they looked again, when one of them exclaimed "My God! They are Indians, and they are charging down on us." It was frightfully true. Mounting instantly—for their horses were saddled—they made for a thicket two or three hundred yards distant. Some one cried "Stick together," and they fled at full speed. Riggins was mounted on a fiery, high-headed horse, on which he was compelled to use martingales. The ring on one side caught the bridle, causing his horse to run obliquely from the party. Detaching this ring detained him only a moment, when the race was resumed at the utmost speed. Riggins was going so fast, in fact, that his horse nearly buried himself in the thicket before it was possible to stop; and, when he did, it was so suddenly that the officer was tumbled over the horse's head. Grasping his rifle and righting himself like a flash, Riggins looked up just in time to see an Indian with a lance leaning to plunge it into him. As the gun went up, the Indian retreated in haste. The little party managed to reach the center of the thicket with their horses, and there they hitched and left them in charge of the unarmed man, while they stood ready at the two opposite sides of the thicket to defend it. Meanwhile the Indians were rushing round and round, whooping, yelling, and shooting, and protecting themselves with their shields, which they kept constantly in motion, making it very difficult to aim accurate shots at them. There were from twelve to twenty Indians—I do not recall exactly how many. They set the grass on fire on the windward side, hoping to drive out the men, or their horses at least. The man in charge of the horses, however, was courageous and of fine intelligence. He coolly raked away the leaves and combustibles from near the horses, thus protecting them from the fire, which crackled furiously and made a great smoke. Under cover of this the Indians approached the thicket closer, when a well directed shot dropped one of them from his saddle. In a little while, another, evidently a chief, slightly uncovered his person and was also shot and fell to the ground. In

falling he gave a peculiar shout. His comrades rushed to him; and, carrying him out of reach of the rangers' rifles, mounted their horses and left in a gallop, having seen enough. After waiting a short time, Lieutenant Riggins and his party returned to the station. Next morning Captain McCulloch ordered a scout to follow the trail of the Indians far enough to learn if they meditated further mischief. For many miles, the scout found, they had traveled in a gallop. Once they halted briefly; and there he found little wisps of bloody grass, which had been forced into the wounds of the chief to control the hemorrhage. Rough surgery this; but such was the report of the scout.

McCulloch was relieved about December 10 by United States dragoons, and his company was honorably discharged. With my young wife I left for Colorado County, to which Mr. C. Joiner, her stepfather, and her uncle, Colonel Tom Henderson, had moved. Here in Oakland and on Middle Creek, Fayette County, we lived most of the time till the Confederate War.

In this war, I left a sick bed to enlist. I was elected first lieutenant of Captain Ben Shropshire's company, in E. B. Nichols's regiment, Galveston, term six months. My service was voluntary; for under the law, at the time I enlisted, I was over age. I studied military tactics and drilled pretty hard most of the term. Captain Shropshire was an able lawyer, and passed the larger part of the time, or at least much of it, in Houston on courts martial, leaving me in command of the company. Unused to the ways of military discipline, so entirely different from the freedom of home, the men were impatient, at times a little irritable, and always extremely curious about everything. They made life a burden with innumerable questions, often puerile beyond belief. We had one or two intelligent, mischief-loving men who diverted themselves by slyly starting the most unreasonable rumors as to the doings and designs at headquarters, merely to watch the foolish excitement aroused, to hear the absurd discussions, and to enjoy the general uneasiness awakened. The annoyance from this source was for a time extreme. It was tiresome and troublesome to meet and quiet those disturbances. Finally I discovered the most active instigator of them. He was a good soldier, but as frolicsome and mischievous as a monkey. I gave him a quiet lecture, which in a measure stopped the trouble.

The men had many little attacks of colic and minor ailments, and they seemed to think that no one could relieve them so quickly as their own lieutenant. For a long time they worked me hard indeed, taking into consideration my other duties, which were imperious and could not be slighted. At last I had to object. We had a good medical officer, but he was somewhat stern and indisposed to be unnecessarily overworked. He had a private, a physician, but a man who loved his ease, detailed to attend to all minor ailments. I had unpleasant words with both of them about the men, who were dear to me; but we had no fight, for we had not entered the service to kill each other.

Just before the close of the six months for which I had enlisted, I was commissioned by General T. N. Waul to raise a company for his Texas legion, composed of infantry, cavalry, and artillery. Through a mistake of Colonel Waul regarding military regulations, my company ranked D in the cavalry battalion, which was six hundred and forty strong. Company D mustered one hundred and twenty-seven—mostly picked men. Thirteen promotions were made from it. At Camp Waul, seven miles from Brenham, we organized and drilled for some time. Meanwhile there occurred an epidemic of measles, with six hundred cases reported, and a few deaths. Young Lockett, a member of my company, had contracted the disease and recovered; but he begged so earnestly to be allowed to visit his mother—a widow—that with much reluctance and many misgivings I gave him leave, receiving from him solemn promises to obey instructions for safeguarding his health. Unfortunately he disobeyed the instructions, and, much to my sorrow, relapsed and died.

After a time the command was ordered to march for north Mississippi. Obtaining leave, I visited my family, not feeling sure but that it might be the last time. Drs. King and White, two of the best surgeons in the legion, were my messmates; and, daily observing my state of health, they assured me that I would not be able to endure the rigors of campaigning in northern Mississippi during the winter. Though in very delicate health, I had no thought of resigning until compelled by an absolute breakdown. At Vicksburg, where we stopped to perfect our rolls and pay off the men, Dr. White came to me saying he was authorized by others, and that it was his wish as well, to solicit me to become a candi-

date for the lieutenant colonelcy of our battalion, as we should be ordered to fill that office. He insisted that there was not the slightest doubt of my election. I thought him correct, but declined from a purely patriotic sense of duty, thinking it best for my country. The battle between desire for the position and duty to my country was a strong one, and I have ever since regretted that I did not accept; because, for reasons that I do not think it wise to write, I believe it would really have inured to my country's good.

In a few days we resumed our march *en route* for Holly Springs; and soon the news of our defeat at Shiloh, which had been fought while we lay at Vicksburg, and the death of our loved Sidney Johnston came to us. For about two weeks we lay camped on an unsheltered hill some ten miles south of Holly Springs. General Price, with his Missouri troops, lay just south of us. Here we encountered real wintry weather. We were next ordered seven miles north of Holly Springs, where General Tighlman was quartered at a farm house. Here my health broke down completely, and I felt obliged to resign. It filled me with grief to do so; but I was assured by the best medical talent in the army—and subsequently by many other medical men—that I had tuberculosis in its initial stage. I had twice had hemorrhages from the lungs; so resolution gave way, and I tendered my resignation. It was accepted unconditionally. Colonel Maul assured me that, because of my feeble health, he had been expecting it for three months.

A few days after this, we were ordered to make a change of front, throwing us around Holly Springs, where we lay three days. During this time, I had resumed command of Company D by order of the colonel commanding. After three days more, General Tighlman ordered a retreat of twenty or thirty miles south. He had been captured at Fort Donelson and subsequently exchanged, and I suppose he was unwilling again to take the chances. I must have kept better posted than he, for I knew there was no danger of an advance of the enemy. They had about twenty skeleton regiments fifteen or twenty miles north of us, but this body of troops had been depleted till it was too weak to advance. But Tighlman's retreat invited the enemy to advance, which they did after a time, though not immediately. Well I had naught to detain me where I had felt constant dissatisfaction with the weak,

vacillating management of our commanders. It may sound like boasting, but I do not so view it when I say that I saw clearly the trend of events, and it was most disheartening. The subsequent history of affairs proved fully that my views were correct.

I bought a light buggy and returned to my wife and children in Texas, only to find her in an advanced stage of consumption, which unfortunately we did not then know how to treat as well as we know now. She lingered on till two weeks after the war, when she passed to her reward.

The war left the country in apparent ruins. The negroes were freed, the fences rotted, our houses were leaking, our stock of all kinds scattered, and society was disorganized. I was owing nearly five thousand dollars of debts contracted before the war. I sold all my stock and one tract of land and was thus enabled to pay all but six hundred dollars of my indebtedness. Finally, by hard work and rigid economy, I paid every dollar, thus saving my good name, and adding greatly to my own happiness.

Looking back over my life, I feel that I have much to thank God for. Now in my eighty-fourth year (1907) I await almost impatiently at times the summons of the Master.

BOOK REVIEWS AND NOTICES.

Sixty Years in Texas. By George Jackson. Dallas: Wilkinson Printing Co., 1908. 12mo, 384 pp., 34 ports., 7 ills.

Mr. Jackson frankly states in his preface that he had very little education. It would be gratuitous to parade the numerous minor faults that his book contains. Want of organization marks the entire book. The author has incorporated almost the whole of the "History of Dallas county, Texas: from 1837 to 1887, by John Henry Brown," but without any apparent reason for doing so he has broken up Brown's history and has scattered about the parts in such a manner that the reprinted portions will be difficult of identification by subsequent writers. He has brought the lists of county and city officials down to 1908. The author has also drawn upon the "Memorial and biographical history of Dallas county, Texas. . . . Chicago, 1892," without giving any credit to the same. The contents of the book that are original may be classified under verse, biographical sketches of pioneers of Dallas county and reminiscences of the author and his family, accompanied in many instances with photographs of the subjects. The biographical sketches in most instances are short—one or two pages. The reminiscences constitute the *raison d'être* of the book and include "The experiences of John and Mary Jackson, that emigrated from Devonshire, England, in . . . 1848, to Texas" (pp. 2-60), "When I took the gold fever" (1860), (pp. 177-204), and a "Diary of a trip to England" (1894), (pp. 287-322). About the first mentioned of these reminiscences centers the chief interest of the book; it narrates not only the incidents of the journey to Texas, but recounts the hardships and privations experienced after settling in Dallas county. This part of the book will find sympathetic readers in most of the old settlers of this State.

E. W. WINKLER.

Sketch of History. The First Texas Regiment, Hood's Brigade, A. N. Va. By Geo. T. Todd, Captain Company A, First Texas, 1861-1865.

This sketch has the merit of a terse, free, and familiar style, spiced with well chosen anecdotes, full of humor and illustrative

of the every day life of the Confederate soldier. It has much good historical matter. Its great fault is its brevity, and a failure to deal more with the personalities of the men who composed this famous command. The memory of the war between the States,—a few of its great generals, its campaigns and its battles, will live forever, but the names of tens of thousands of the brave spirits that went down in that awful conflict have long since faded into utter oblivion. It seems to the writer that the main function of a sketch of this sort is to rescue such names and inscribe them upon a roll of fame that will be accessible to all the generations that are to follow. It would interest the average reader, who is familiar with the political record of Colonel Wigfall, to know the details of his military record during the brief period he commanded this regiment, and to know more of Lieutenant Colonel Black, its actual commander, who was killed at Ethan's landing. A complete roster of this regiment would be a valuable historical document of itself. As instances of how little is known, even of our most prominent Confederate officers, the writer had to consult an Alabama book to find a sketch of General John Gregg,—the official records at West Point for one of General Horace Randall, and personal inquiry among a large number of the survivors of the Terry Rangers failed to elicit any information about Colonel B. F. Terry's life previous to his brief military career. Such matter embraced in sketches on the order of Captain Todd's will greatly enhance their permanent historical value.

Z. T. FULMORE.

The Missions and Missionaries of California. By Fr. Zephyrin Engelhardt. (San Francisco, Cal.: The J. H. Barry Company, 1908. Vol. 1, pp. xxii, 654.)

Father Engelhardt is the author of "Franciscans in California," 1897, but the present work is to be much more extended. The first volume contains an account of the origin of missions, and an account of Franciscan labors in North and South America. It deals briefly with the early voyages to the California coast, and at length (on the annalistic plan) with the Jesuit, Franciscan, and Dominican periods in Lower California.

The claim of the book is that it has been "compiled from origi-

nal sources, for the purpose of furnishing full and accurate information in plain language and as concisely as clearness would permit." To substantiate this claim, an earnest and honest effort has been made by the author. His resources, however, though respectable, have not been ample. In the whole volume there is hardly an authority cited which has not long been known to the student of California history. There are no citations from manuscripts or books in the Bancroft collection (for two years accessible at Berkeley), nor from national or private collections in the East, nor from the Mexican or Spanish archives. The author has relied chiefly upon such classic standards in his field as Venegas (*Noticia de la California*), Baegert (*Nachrichten von der Californischen Halbinsel*), and Palou (*Noticias de la Nueva California*.)

But the volume is not without its justification. From its pages it is evident that Father Engelhardt has made some use of the archives of California, kept in the Surveyor General's office in San Francisco, and destroyed by the earthquake fire of 1906. He, moreover, by reason of his connection with Santa Barbara, has been able to avail himself of the valuable Santa Barbara Mission archives, repository, among other things, of the originals of letters by José de Gálvez and Fermin Francisco Lasuen. Use has been made of the material (not known to Bancroft) relating to the voyage of Sebastian Vizcaino to the port of Monterey (A. D. 1602-1603) which was copied for the late Mr. Adolph Sutro from the archives at Seville,—material which, both in Spanish and English, may now be consulted in the Sutro volume of the publications of the Historical Society of Southern California. Use likewise has been made of the translations of important Spanish documents published by Mr. Charles F. Lummis in the "Land of Sunshine" and in "Out West," from 1897 to 1903.

Apropos of Venegas, Baegert, and Palou, Father Engelhardt's book derives value from the care with which the works of these historians have been re-explored. Details of mission life in the peninsula are elaborately set forth. Indeed, upon the subject of missionary toil among the Indians, the author has been able to shed light from his own personal experience. Naïf rather than critical though the book must be called, it contains, besides the narrative, matters of interest such as definitions of ecclesiastical

and conventual terms; Consag's map of the California peninsula; a map of the Indian tribes of Mexico and Lower California; a map of Sonora and the peninsula (Venegas), dated 1757, and facsimiles of the signatures of Viceroy Bucarely, of Caballero de Croix, of Governors Barry, Fages, Borica and Arrillaga, of Guardian Verger, and of Francisco Palou. There is a series of appendices treating of The First Vicar Apostolic in the New World, The First Bishop of Florida, The Right of Missionaries to be supported, Apostolic Colleges, Indian Veracity, Power of Spanish Kings over the Church in America, etc. And last, but not least, there is a full index.

IRVING B. RICHMAN.

Jefferson Davis. (American Crisis Biographies.) By William E. Dodd, Ph. D. (Philadelphia: George W. Jacobs and Company, Publishers. Pp. 396.)

This is an interestingly told story of a life that has been of transcendent value to the student of human affairs in the importance and instructiveness of its experiences;—a life that the man of the North finds it easier to understand as the feelings engendered by the Civil War die away, and the man of the South more difficult as the national point of view becomes increasingly prevalent in his section. With the passage, however, of the present generation, and the disappearance of all personal memory of Davis and of the events culminating in the war, it is probable that his character and career will be as impossible of full appreciation, either in the North or South, as the dialect of "Uncle Remus" to the child that has never heard it spoken. It is well, therefore, that Mr. Dodd has undertaken this evaluation; and it will be well if the others to whom he refers in his preface as working on the same subject should also publish their conclusions.

Though Mr. Dodd's theme invited free rhetorical coloring, he has used it sparingly, which in this case at least is much to be commended. He writes of Mr. Davis sympathetically in the main, and with evident insight. This is especially marked in his dealing with the Civil War period of Davis's life. It may well be questioned whether Southerners in general have ever fully understood the difficulties which the President of the Confederacy had to face in carry-

ing on the desperate struggle against the superior strength of the North, and particularly those due to the attitude of his powerful opposers in the South. These difficulties are forcibly described in the four chapters beginning with the "Rising Tide of Confederate Opposition," which are doubtless the most illuminating of the entire book.

Mr. Dodd evidently intends that what he says shall not be influenced by any prejudice due to his Southern antecedents. Indeed, he rather impairs the effect of his narrative by leaving the impression of a severe determination to avoid any such tendency by a safe margin; and even the judicial reader will probably be led to question whether, in his resolute impartiality, he does not sometimes, like the famous tree described by the Indian, stand so straight as to lean a little the other way. This, however, is better than partisan heat and unfounded assertion. Again, while it may be inadvisable to burden a popular biography with numerous footnotes, the student will wish for completer references at some points than are given. For example, the story that when Davis was taken he was dressed in his wife's clothing in order to avoid capture is related (p. 363) with a few words of explanation, but without any reference to show the evidence on which the author relies, or whether he has read all the varying testimony on the point of those who were present at the time. If he will examine Mr. Rhodes' cool and judicial analysis of it (*History of the United States from 1850 to 1877*, pp. 182-183), he will doubtless be led to revise his conclusions. In at least one case, he has apparently left himself open to misunderstanding. The reader must interpret what is said of R. J. Walker (pp. 55-56) as meaning that he was one of those who believed that slavery was "a necessity, . . . right and a blessing"; but this can hardly be what Mr. Dodd really meant, for he must know Walker's record too well to attribute any such opinions to him.

No life could be more fitly included in the "American Crisis Biographies" than that of Davis; and it is a matter of congratulation that one so capable and well equipped as Mr. Dodd has been found to prepare it.

G. P. G.

NOTES AND FRAGMENTS.

ARREST OF R. L. ROBERTSON IN 1865.—The Editor of THE QUARTERLY has received the following communication:

PARIS, TEXAS, July 23, 1909.

To the Editor of THE QUARTERLY.

My attention has been called to an article entitled "Presidential Reconstruction in Texas," which appeared in THE QUARTERLY for April, 1908. The account, on page 297, of the indictment and arrest of R. L. Robertson for theft does not give all the facts, and is in some respects slightly incorrect. As Judge Gray, who was holding the district court at the time and place of the occurrence (Jefferson, December, 1865), has long since passed from earthly life, and I am the only living man who figured in that stormy episode, I feel it my duty to report the exact facts of the case.

I had been appointed attorney for the Eighth Judicial District at the same time when Mr. Gray was appointed judge of the district. We opened court at Paris; and, going from county to county, had reached Jefferson and were holding court there. The man Robertson, calling himself a treasury agent, was then at Jefferson looking up contraband cotton, i. e., cotton raised during the war and claimed by the United States government. He began to seize cotton raised by the farmers in 1865, after the close of the war. The facts were reported to me, and I had the witnesses brought before the grand jury; and the three indictments mentioned in the article above referred to were duly presented.

I had a *capias* issued on the indictment for theft, and told the sheriff to arrest Robertson. But Captain Jones, the commandant of the post, wrote across the face of the *capias*, "I forbid this arrest." The sheriff reported to me, and I at once called the attention of the court to the fact that some gentleman signing himself "Commandant of the Post" had defaced one of the State's writs of *capias* and had prevented the sheriff from arresting a man charged with theft. The judge turned white with rage and ordered the sheriff to summon the whole *posse comitatus* of Marion county, arrest Robertson, and bring him before the court. The

sheriff called out about three hundred citizens of Jefferson, who, with double-barreled shotguns, overawed Captain Jones and the one hundred United States regulars under his command. Robertson was arrested, brought before the court, and taken in charge by the sheriff to wait the conclusion of the pending trial so that his recognizance could be taken.

But Captain Jones had wired to Marshall for reinforcements, and in less than two hours a regiment of cavalry thundered through the streets of Jefferson at full gallop and formed around the courthouse. Then Captain Jones, with his company of infantry, entered the court room and took the prisoner away from the court at the point of the bayonet. Whereupon the judge said that if he could not try the big criminals he would not try the little ones; and he adjourned court and went home, leaving the field to the military despots.

The claim that we were trying to exercise jurisdiction over the United States Treasury Department was a pitiful pretense. We only tried to punish a criminal who was robbing Texas farmers of their cotton.

Mr. Ramsdell seems to have made, in the main, a faithful report of President Johnson's efforts at reconstruction in Texas. Of all the public men, north or south, who figured in the events leading up to the Civil War and in the war itself, Andrew Johnson was the most consistent. He denied the right of secession, and proved his faith by remaining in his seat in the Senate, though Tennessee attached herself to the Confederate States. Again, as president he denied that the Southern States were out of the Union; and he maintained that they only had to reorganize their State governments and send Senators and Representatives to the United States Congress.

Meanwhile the Radical wing of the Republican party changed sides. Before the war, they denied the right of secession; but after the war they recognized it by treating with the Confederate States as conquered provinces, and by establishing over them a military despotism. In the case of Texas, this despotism lasted from the passage of the Reconstruction Act of March 2, 1867, to the meeting of the Twelfth Texas Legislature, April 30, 1870.

Had President Lincoln lived no doubt the policy which John-

son tried to carry out would have been inaugurated in spite of the efforts of the Radicals, and the South would have been saved from the horrors of congressional reconstruction. The assassination of Lincoln was the heaviest blow the South ever received.

E. L. DOHONEY.

AFFAIRS OF THE ASSOCIATION.

The thirteenth annual meeting of the Association took place in the hall of the House of Representatives in the Capitol, at 8 p. m., March 2, 1909. Arrangements had been made for the meeting according to custom in the evening at the University, and the program had been printed and mailed to the members. This program announced the following papers to be read: "Stephen F. Austin and the Independence of Texas," by Eugene C. Barker; "The Case of the Brig Pocket," by C. T. Neu; and "The Services of Athanacio de Mezières in Texas, 1770-1779," by Herbert E. Bolton. On the morning of March 2, however, the House of Representatives sent a committee to invite the Association to take part in the exercises to be held in the evening by the two houses of the Legislature jointly, asking that Judge Terrell, president of the Association, deliver an address. The invitation was accepted; and, in order to prevent the exercises from being unduly lengthy, the papers of Mr. Neu and Dr. Bolton were omitted, leaving only that of Dr. Barker, as especially appropriate to the occasion. The motive of this joint celebration of Independence Day was most commendable, and, though it was hastily organized, the results were highly gratifying. The audience was large; the address of Judge Terrell was in his usual happy vein; and Mr. Barker's paper, though read under difficulties, was well received. It is hoped, however, that if another meeting of the kind should be provided for, there will be earlier announcement of the arrangements and more deliberate preparations for it.

The public exercises were followed by the regular annual business meeting of the Association, at which the following officers were elected:

Judge A. W. Terrell, president.

Hon. Beauregard Bryan, first vice-president. ..

Hon. R. L. Batts, second vice-president.

Dr. M. J. Bliem, third vice-president.

Mr. Luther W. Clark, fourth vice-president.

Mr. C. W. Ramsdell, corresponding secretary and treasurer.

Judge Z. T. Fulmore, member of the Council from the fellows for the term ending 1912.

Prof. S. H. Moore, member of the Council from the members for the term ending 1914.

On the recommendation of the Council, thirty-three new members were elected; and, at a meeting of the Fellows held subsequent to the adjournment of the Association, Mr. J. L. Worley was added to the list of Fellows.

Gifts and Exchanges for the Year Ending March 2, 1909.

- AMERICAN ANTIQUARIAN SOCIETY, Worcester, Mass.—Proceedings of the Society as issued.
- AMERICAN CATHOLIC HISTORICAL RESEARCHES, Philadelphia, Pa., April, 1908.
- AMERICAN CATHOLIC HISTORICAL SOCIETY, Philadelphia, Pa.—Records of the Society, as issued.
- AMERICAN ECONOMIC ASSOCIATION, Princeton, N. J.—Quarterly of the Association, as issued.
- AMERICAN LUMBERMAN, Chicago, Ill.—Sept. 26, 1908.
- AMERICAN HISTORICAL ASSOCIATION, Washington, D. C.—Annual Report for 1906, and the Review of the Association, as issued.
- AMERICAN JOURNAL OF ARCHAEOLOGY, Norwood, Mass.—Vol. XIII, No. 1.
- AMERICANA SOCIETY, New York, N. Y.—Historical Magazine, as issued.
- ANTI-KVARIISK TIDSKRIFT FOR SVERIGE EMIL EKHOF.
- ANUARIO ESTADISTICO DE LA REPUBLICA ORIENTAL DEL URUGUAY.—Vol. I.
- ARKANSAS HISTORICAL ASSOCIATION, Fayetteville, Ark.—Publications, Vol. I.
- BOARD OF PUBLICATION OF THE CHURCH OF CHRIST OF LATTER DAY SAINTS, Lamoni, Iowa.—Journal of History, as issued.
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TREASURER'S REPORT, MARCH 1, 1908, TO MARCH 1, 1909.

Receipts.

Balance on hand at last report.....	\$2,272 82
By membership dues.....	47 75
By current dues.....	997 25
By back dues.....	749 70
By life memberships.....	480 00
By sale of QUARTERLY.....	168 65
By interest on notes.....	144 42
By sale of reprints.....	4 40
By advertising	28 00
By sundries	5 93
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Total	\$4,898 92

Expenditures.

Printing QUARTERLIES	\$1,082 68
Printing stationery	70 75
Clerical work	241 60
Postage	174 89
Special expenses	65 52
Binding	204 00
Stationery	59 95
Engravings	22 10
Exchange	30
Balance on hand.....	2,977 13
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Total	\$4,898 92

C. W. RAMSDELL,
Treasurer.

This is to certify that I have examined the above and find same correct.

H. Y. BENEDICT,
Auditor.

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